

**TOWN OF STERLING
SPECIAL TOWN MEETING
November 17, 2008**

At a legal meeting of voters of the Town of Sterling qualified to vote in town affairs held on Monday the Seventeenth day of November at seven (7:00) o'clock in the evening at the Chocksett School on Boutelle Road, the registrars checked in 164 of the 5672 registered voters of the town, there is no quorum requirement. Meeting called to order at 7:05pm. Moderator reviewed procedures of Town Meeting and the pledge of allegiance was recited.

ARTICLE 1. Reduce WRSD Assessment

Voted to reduce the amount voted in Article 4 of the May 2008 Annual Town Meeting by \$ 54,039 as requested by the Wachusett Regional School District;

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

PASSED CARRIED

ARTICLE 2a. Transfer from Ambulance Receipts

Voted to transfer \$4,500 from the Ambulance Receipts Reserved for Appropriation Account to prior year bills, to cover the shortfall associated with the cost for mutual aid ambulance bills received after June 30, 2008,.

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

PASSED UNANIMOUS

ARTICLE 2b. Budget Transfer

Voted to **raise and appropriate** the sum of \$750.00 to fund a Cost of Community Services study conducted by the American Farm Trust.

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

Jim French spoke on the article. Brian Cline also spoke on behalf of the OSIC and stated that the OSIC donated \$250 from their budget to reduce this amount to \$750.00.

Motion made and seconded to reduce amount from \$1,000.00 to \$750. Motion passed - unanimous

Vote take on article as amended

PASSED UNANIMOUS

ARTICLE 3. Keep Voters Informed

To see if the Town will vote to amend the SELECTMEN Article, Section 1 as follows (additions are underlined):

Section 1. The Selectmen shall exercise a general supervision over all matters affecting the interest or welfare of the town, not otherwise provided for, and shall (a) remain well-informed about all such matters; and (b) keep the citizens and officials of the Town of Sterling timely and well-informed as well. However, insofar as any such matters will have, or could reasonably be expected to have, a fairly major or significant impact on the Town of Sterling from any perspective-be it financial, environmental, or otherwise- the

Selectmen shall (c) advise the citizens of Sterling promptly on learning of the matter; (d) keep the citizens of Sterling timely and well-informed of such matters, as and when information becomes available; and (e) refrain from entering into any agreements and/or commitments without the citizens of Sterling as a whole having first rendered an informed vote with respect to any such agreements and commitments. With respect to all matters of such importance and significance to the Town of Sterling, the Selectmen's obligations pursuant to subparagraph (d) above shall, at a minimum, require regular, up-to-date and informative postings on the Town of Sterling website, and Open Sessions where the Selectmen present the latest information and respond to all inquiries made by Sterling's citizens. However, this is not intended to require the Selectmen to disclose information that they are not entitled to disclose as a matter of law, nor limit their right to withhold specific information to the extent, but only to the extent that such information qualifies, under the particular circumstances, for a legal exemption from disclosure under Massachusetts law and if it is in the best interests of the people of Sterling that the Selectmen exercise that exemption.

Motion made and seconded to table article 3

ARTICLE TABLED

ARTICLE 4. Require Town Meeting Approval for Inter-Municipal Contracts

To see if the Town will vote to add a new General By-Law which will require that: "All contracts entered into by or on behalf of the Town of Sterling pursuant to MGL Chapter 40, Section 4A, as amended effective July 18, 2008, will continue to require prior Town Meeting approval before any such contract will become effective."

The July 18, 2008 amendment removed the requirement for town meeting approval of such contracts, and replaced it with the requirement for Board of Selectmen approval instead. The intent of the new By-Law is to maintain the law's requirement for Board of Selectmen approval, but require that final approval by town meeting be obtained before the contract can become effective.

Motion made and seconded to table this article

ARTICLE TABLED

ARTICLE 5. Increase from 3 to 5 Selectmen

To see if the Town of Sterling will vote to petition the General Court for a special act increasing the membership of the Board of Selectmen from three to five members, such increase to be effective starting with the 2009 Annual Town Election, and providing for election of two additional members at that election, with the candidate receiving the highest number of votes to serve a term of two years and the candidate receiving the next highest number of votes to serve a term of one year; thereafter all members of the Board of Selectmen to serve terms of three years such special act to include language that it shall not be effective unless and until it is accepted by voters of the Town of Sterling at an election; or take any action thereon.

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

Deanna Batstone spoke in support of this article.

Richard Sheppard spoke on behalf of the Selectmen and they do not support this article.

Lance Harris, Robert Dumont, Nancy Perry, Maryanne McLeod, Jim Gettens. Ken Williams all spoke on this article.

Motion made and seconded to table the article. Vote taken

ARTICLE TABLED.

ARTICLE 6. Transfer \$10,000 to create Water Enterprise Reserve Fund

Voted to transfer from Water Enterprise Fund Retained Earnings the sum of \$10,000 to fund a Reserve Fund for the Water Enterprise for fiscal year 2009.

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

No discussion

PASSED CARRIED

ARTICLE 7. Re-allocate \$84,201 to fund repairs on Muddy Pond Road

Voted to transfer \$84,210.06 from the Water Line Taft Road Capital Project fund, as voted in Article 40 of the May 17, 2004 Annual Town meeting, and as further voted in Article 1 of the September 20, 2004 Special Town Meeting, to fund engineering and repairs to the water main on the Muddy Pond Road bridge, said funds to be expended by the Department of Public Works.

Motion made and seconded to move on the words of the article. Bill Tuttle of the DPW explained this article.

Tim Dalton 34 Taft Rd. questioned what the Taft road capital project fund was. Mr. Tuttle explained.

PASSED CARRIED

ARTICLE 8. Transfer \$35,000 for Hillside Cemetery Upgrades and Expansion

Voted to transfer \$35,000 from the Perpetual Care Account Available Funds to Hillside Cemetery Upgrades and Expansion, said funds to be expended by the Department of Public Works.

Motion made and seconded to move on the words of the article. No discussion

PASSED UNANIMOUS

ARTICLE 9. Purchase Used Pickup Truck

Voted to **raise and appropriate** the sum of \$5,000 to purchase a used pickup truck, said funds to be expended by the Department of Public Works.

Bill Tuttle made motion to move on the words of the article with funding as raise and appropriate. Motion seconded.

PASSED CARRIED

ARTICLE 10. Transfer Funds for Re-valuation

Voted to transfer \$59,913.01 from Full List and Measure (originally appropriated as Article 29 of the May 2000 Annual Town Meeting, Article 38 of the May 2001 Annual Town Meeting, and Article 29 of the May 2002 Annual Town Meeting) to Article 11 of May 12 2008 Annual Town Meeting, Re-valuation, to pay contractual services for both projects in the Assessor's office,

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

PASSED CARRIED

ARTICLE 11. Salary compensation for Board of Health commitment

Voted to **raise and appropriate**, the sum of \$7,629.00 to fully fund the salaried position of the Health Agent.

Motion made and seconded with the funding source as raise and appropriate.

Steve Damiano, Chairman of the BOH spoke on this article.

No further discussion

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 12. Create and Fund Library Positions

Voted to amend the Personnel Classification Plan by creating new positions for two current Library Associates: "Library Associate – Technical Services" at Grade 5 and "Library Associate – Fiscal Assistant" at Grade 5, as approved and graded by the personnel committee, and further, to **raise and appropriate** the sum of \$1,700 to fund pay increases retroactive to July 1, 2008 for the two library employees who have been performing the additional duties of said new library associate positions, such funds to be expended by the library.

John Dwyer made motion to move in the words of the article with raise and appropriate as funding source and a few wording changes, motion seconded.

The Finance Committee supports this article.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 13. Accept Runaway Brook Road- DEFEATED

To see if the Town will vote to accept Runaway Brook Road together with all easements, as laid out and shown on a plan on file with the Town Clerk's Office. Such acceptance will not be final until the Title for the road has been cleared of all outstanding Orders of Conditions as may have been issued by the Sterling Conservation Commission or the DEP and the As-Built Plan, Roadway Layout Plan and the Deed(s), to the aforesaid have been recorded in the Worcester South District Registry of Deeds at the expense of the Applicant/Developer and duly delivered along with clear title to the Board of Selectmen, or take any action in relation thereto.

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

Motion made and seconded to move the question- motion passed

The following were sworn in as counters: Jim French, Barbara Dumont, Scott Michalak and Michael Cove.

Yes - 65 No - 73

ARTICLE DEFEATED

ARTICLE 14. Accept Fern Lane -DEFEATED

To see if the Town will vote to accept Fern Lane together with all easements, as laid out and shown on a plan on file with the Town Clerk's Office. Such acceptance will not be final until the Title for the road has been cleared of all outstanding Orders of Conditions as may have been issued by the Sterling Conservation Commission or the DEP and the As-Built Plan, Roadway Layout Plan and the Deed(s), to the aforesaid have been recorded in the Worcester South District Registry of Deeds at the expense of the Applicant/Developer and duly delivered along with clear title to the Board of Selectmen.

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

The Finance Committee does not support this article. Motion made and seconded to move the question- motion passed

Moderator declared it passed. Voters stood and asked for a count.

Counters were called.

Yes - 65 No – 75

ARTICLE DEFEATED

ARTICLE 15. Accept Fitch Farm Road

Voted to accept Fitch Farm Road together with all easements, as laid out and shown on a plan on file with the Town Clerk's Office. Such acceptance will not be final until the Title for the road has been cleared of all outstanding Orders of Conditions as may have been issued by the Sterling Conservation Commission or the DEP and the As-Built Plan, Roadway Layout Plan and the Deed(s), to the aforesaid have been recorded in the Worcester South District Registry of Deeds at the expense of the Applicant/Developer and duly delivered along with clear title to the Board of Selectmen.

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

Bill Tuttle Sr. spoke in support of this article he stated that there are 12 homes currently on this road with children.

Motion made and second to move the question – motion passed and vote taken on article.

PASSED

CARRIED

ARTICLE 16. Accept Trebor Lane

Voted to accept Trebor Lane together with all easements, as laid out and shown on a plan on file with the Town Clerk's Office. Such acceptance will not be final until the Title for the road has been cleared of all outstanding Liens and Orders of Conditions as may have been issued by the Sterling Conservation Commission and the DCR and the As-Built Plan, Roadway Layout Plan and the Deed(s), to the aforesaid have been recorded in the Worcester South District Registry of Deeds at the expense of the Applicant/Developer and duly delivered along with clear title to the Board of Selectmen.

Motion made and seconded to move in the words of the article and to add after DCR in line 4 the words, "completion of the punch list to the satisfaction of the Planning Board

Motion made and seconded to table the article- vote taken – did not meet 2/3rds vote required. Finance Committee supports this article.

Motion mad and seconded to move the question – motion passed and vote taken on article.

PASSED CARRIED

Moderator declared a 5 min recess at 9:21

Meeting reconvened at 9:26pm

ARTICLE 17. Create and Fund part time Facilities Manager position

Voted to amend the Personnel Classification Plan by creating a new regular part time position of Facilities Manager, and further to transfer the sum of \$20,000, from Article 36 of the May 2008 Annual Town Meeting, in order to fund wages and benefits for this position during FY09.

Susan Harrigan made a motion to move in the words of the article and reducing the amount from \$30,000.00 to 20,000, motion was seconded. Finance Committee supports this article.

Motion made and seconded to move the question – motion passed and vote taken on article.

PASSED CARRIED

ARTICLE 18. Appropriate \$10,000 for Special Counsel for Cable License Renewal

Voted to **raise and appropriate** the sum of \$10,000 for legal and professional services involving the renewal of the 10-year cable television license, said funds to be expended by the Board of Selectmen.

Motion made and seconded to move on the words of the article with funding source to be raise and appropriate.

Motion made and seconded to move on the article – motion passed and vote taken on article

PASSED CARRIED

ARTICLE 19. Appropriate \$40,000 to clear IRS liens at 73 Chace Hill Rd

Voted to **transfer** \$30,000 from the sale of real estate account and \$10,000 from the conservation trust fund, to be paid to the United State Department of Justice Internal Revenue Service, to settle a controversy between the Internal Revenue Service and the Town of Sterling relative to the liens pending against a 24.9 acre parcel of land located at 73 Chace Hill Road.

Motion made to move in the words of the article with the funding to be transferred from two sources, \$30,000 from the sale of real estate account and \$10,000 from conservation trust fund, motion seconded.

Motion made and seconded to move the question – motion passed and vote taken on article

PASSED 2/3rds VOTE DECLARED BY MODERATOR

ARTICLE 20. Purchase/Lease of New Ambulance

Voted to transfer \$10,970 from the Capital Fund for a partial payment of the first year of a five year lease-purchase of an ambulance with a purchase price of approximately \$160,000, including offsets from the proceeds of a trade-in or inter-municipal transfer of the ambulance to be replaced, said funds to be expended by the Fire Chief,

Chief Hurlbut made a motion to move in the words of the article, deleting the 24,000 from the Wachusett Fund, motion was seconded.

PASSED 2/3rds VOTE DECLARED BY MODERATOR

ARTICLE 21. Accept gift of real estate

Voted to accept a gift of real estate from A.F. Amorello & Sons, Inc., off of Route 12 and abutting the Town's Oak Hill Cemetery, which real estate contains an area of approximately 31,958.3 square feet and is shown as Lot 1A on a plan entitled "Land in Sterling Massachusetts owned by A. F. Amorello & Sons, Inc.," dated July 20, 2007, which plan was endorsed by the Planning Board on September 12, 2007 as not requiring approval under the subdivision control law.

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

PASSED 2/3rds VOTE DECLARED BY MODERATOR

Motion made and second to dissolve the meeting at 10:40pm.

Respectfully submitted

Melanie J. Clark
Town Clerk