

**Town of Sterling**  
**ANNUAL TOWN MEETING**  
**MAY 17, 2010**

At the Annual Town Meeting duly called and held in the Chocksett School on Boutelle Road in said Town of Sterling, on Monday May 17, 2009 at 7:00PM, (after the Special Town Meeting), the following 48 articles were voted on in a legal manner.

The Town Moderator, Peter Monaghan, called the Annual Town Meeting to order at 8:21pm. There was a quorum present; 384 voters attended the meeting.

The following Tellers were appointed by Moderator:

Ronald F. Pichierri, 3 Primrose Way

Elizabeth R. Pape, 20 Elliott Road

Joseph G. Sova, 7 Cynthia Lane

Robert J. Protano, 372 Redemption Rock Trail

Robert E. Kneeland, 218A Worcester Road

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**ARTICLE 1. Compensation for Elected Officers**

To see if the Town will vote to fix the salaries and compensation of all elected officers of the Town as provided by Section 108 of Chapter 41 of the General Laws, as amended, and as voted in Article #3 of this warrant, or take any action in relation thereto.

**Submitted by:** Finance Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article fixes the salaries and compensation for all elected officials as presented in the general budget.

**MOTION MADE:** to vote to fix the salaries and compensation of all elected officers of the Town as provided by Section 108 of Chapter 41 of the General Laws, as amended, and as voted in Article #2 of this warrant.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 2. FY11 Town Operating Budget**

To see if the Town will vote to raise and appropriate the sum of \$ 8,250,188 or any other sum, and to further appropriate, from the EMS Receipts Account, the sum of \$200,000 or any other sum, and to further appropriate, from the Stabilization Fund, the sum of \$429,920 or any other sum, and to further appropriate, from the Cemetery Perpetual Care Account, the sum of \$5,000 or any other sum, and to further appropriate, from Abatement Surplus, the sum of \$100,000 or any other sum for a total appropriation of \$8,985,108 for the payment of salaries and compensation, payment of debt and interest and for charges, expenses and outlays of the Town departments, for the ensuing fiscal year, beginning July 1, 2010 and ending June 30, 2011, or take any action in relation thereto.

**Submitted by:** Finance Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This is the general budget article that funds the Town departments for the coming fiscal year. A breakdown of the Town Department budgets can be viewed on the preceding spreadsheets.

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<see Warrant for budget details>

<b>Total General Government</b>	<b>954,349</b>
<b>Total Public Safety</b>	<b>2,387,322</b>
<b>Total Health/Human Services</b>	<b>181,433</b>
<b>Total Culture &amp; Recreation</b>	<b>389,406</b>
<b>Total Public Works</b>	<b>1,577,777</b>
<b>Total Insurance &amp; Employee Benefits</b>	<b>1,592,293</b>
<b>Total Debt Service</b>	<b>1,902,528</b>
<b>TOTAL</b>	<b>8,985,108</b>

**TOTAL OPERATING BUDGET** **9,825,532**

REQUIRES 2/3 VOTE

**MOTION MADE:** that the Town vote to raise and appropriate the sum of **\$8,297,108** or any other sum, and to further appropriate, from the EMS Receipts Account, the sum of \$200,000 or any other sum, and to further appropriate, from the Stabilization Fund, the sum of **\$383,000** or any other sum, and to further appropriate, from the Cemetery Perpetual Care Account, the sum of \$5,000 or any other sum, and to further appropriate, from Abatement Surplus, the sum of \$100,000 or any other sum for a total appropriation of \$8,985,108 for the payment of salaries and compensation, payment of debt and interest and for charges, expenses and outlays of the Town departments, for the ensuing fiscal year, beginning July 1, 2010 and ending June 30, 2011.

**MOTION PASSED BY 2/3 VOTE AS DETERMINED BY THE MODERATOR.**

**ARTICLE 3. Reserve Fund for FY11**

To see if the Town will vote to raise and appropriate the sum of \$100,000 into the Reserve Fund for fiscal year 2011 in accordance with the provisions of General Law Chapter 40, Section 6, as amended, or take any action in relation thereto.

**Submitted by:** Finance Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article funds the Reserve Fund, which is used by the Finance Committee to cover unexpected shortfalls in department budgets.

**MOTION MADE:** to raise and appropriate the sum of \$100,000 into the Reserve Fund for fiscal year 2011 in accordance with the provisions of General Law Chapter 40, Section 6, as amended.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 4. WRSD Net Minimum Contribution, Debt, & Interest**

To see if the Town will vote to raise and appropriate \$8,579,105 , or any other sum, which is equal to Sterling's net minimum contribution, as provided by the Commonwealth of Massachusetts, plus the cost of Sterling's share of WRSD transportation costs and our portion of the WRSD debt and interest costs, in accordance with Section 16B of Chapter 71 of the General Laws, as amended, and Section #4 of the Wachusett Regional School District Agreement, as amended, for its share of operational costs and of debt and interest charges of the Wachusett Regional School District, or take any action in relation thereto.

**Submitted by:** Wachusett Regional School Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

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**Summary:** This article funds the Town's portion of the Wachusett Regional School District's annual budget equal to the net minimum contribution (\$7,734,986), as directed by the State, plus the costs for transportation (\$ 403,743), debt and interest for the high school (\$422,032), and debt and interest for oil remediation (\$ 18,344).

**MOTION MADE:** to raise and appropriate \$ 8,579,105, which is equal to Sterling's net minimum contribution, as provided by the Commonwealth of Massachusetts, plus the cost of Sterling's share of WRSD transportation costs and our portion of the WRSD debt and interest costs, in accordance with Section 16B of Chapter 71 of the General Laws, as amended, and Section #4 of the Wachusett Regional School District Agreement, as amended, for its share of operational costs and of debt and interest charges of the Wachusett Regional School District.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 5. WRSD Above Net Minimum Contribution**

To see if the Town will vote to raise and appropriate \$797,004 , or any other sum, above the net minimum contribution as requested by the Wachusett Regional School District, as Sterling's share of the WRSD annual budget, provided said budget does not exceed \$ 72,749,919 for the fiscal year 2011, or take any action in relation thereto.

**Submitted by:** Wachusett Regional School Committee/Finance Committee

**Recommendation:** The Finance Committee will report at Town Meeting on this article.

**Summary:** This article funds the Town's portion of the Wachusett Regional School District's annual operating budget that is above the amount voted in Article 4 for fiscal year 2011. We feel strongly that the **WRSD TOTAL GENERAL FUND** budget number should be included in this article.

**MOTION MADE:** to raise and appropriate **\$744,306**, above the net minimum contribution as requested by the Wachusett Regional School District, as Sterling's share of the WRSD annual budget, provided said budget does not exceed **\$73,605,419** for the fiscal year 2011.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 6. Monty Tech Regional School Assessment**

To see if the Town will vote to raise and appropriate \$ 526,786, in accordance with Section 16B of Chapter 71 of the General Laws, as amended, and Section #4C and E of the Montachusett Regional Vocational School District Agreement for its share of operational and capital costs of the Montachusett Regional Vocational School District, and to transfer, from the Capital Fund, the sum of \$ 13,239, or any other sum, for the purpose of paying the Town's portion of the debt and interest for the Montachusett Regional High School Building Project for a total appropriation of \$540,025, or take any action in relation thereto.

**Submitted by:** Montachusett Regional Vocational School Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article funds the Town's portion of the Montachusett Regional Vocational School District's annual budget and debt service.

**MOTION MADE:** that the Town vote to raise and appropriate **\$527,006**, in accordance with Section 16B of Chapter 71 of the General Laws, as amended, and Section #4C and E of the Montachusett Regional Vocational School District Agreement for its share of operational and capital costs of the Montachusett Regional Vocational School District, and to transfer, from the Capital Fund, the sum of

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\$13,239, for the purpose of paying the Town's portion of the debt and interest for the Montachusett Regional High School Building Project for a total appropriation of **\$540,245**.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 7. Water Dept. Operation Enterprise Fund**

To see if the Town will vote to raise and appropriate the sum of \$800,424, or any other sum, from water department revenue, and further to appropriate \$40,000 from Water Enterprise Retained Earnings, for extraordinary or unforeseen expense as determined by the DPW Board and approved by the Finance Committee, for a total appropriation of \$840,424 to operate the Water Department, as follows:

Salaries/Wages	\$ 193,854	
Expenses	\$ 303,473	
Principal & Interest	<u>\$ 303,097</u>	
Subtotal	\$ 800,424	from FY11 water charges and fees
Reserve Fund	\$ 40,000	from Retained Earnings
Total Approp.	\$ 840,424	

,or take any action in relation thereto.

**Submitted by:** Department of Public Works Board

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article funds the Water Department budget solely from water revenue including charges, fees, and retained earnings; none is from taxation. This article includes a Reserve Fund for extraordinary or unforeseen expense. Use of this reserve fund will be only upon recommendation of the DPW Board and approval by the Finance Committee.

The Water Enterprise will raise an additional \$85,396 from the ratepayers to reimburse the General Fund for indirect costs such as insurance. Total FY11 water revenue needed is \$885,820, plus \$40,000 from Retained Earnings, for a total of \$925,820.

**MOTION MADE:** to raise and appropriate the sum of \$800,424, from water department revenue, and further to appropriate \$40,000 from Water Enterprise Retained Earnings, for extraordinary or unforeseen expense as determined by the DPW Board and approved by the Finance Committee, for a total appropriation of \$840,424 to operate the Water Department, as follows:

Salaries/Wages	\$ 193,854	
Expenses	\$ 303,473	
Principal & Interest	<u>\$ 303,097</u>	
Subtotal	\$ 800,424	from FY11 water charges and fees
Reserve Fund	\$ 40,000	from Retained Earnings
Total Approp.	\$ 840,424	

**MOTION CARRIES AS DECLARED BY THE MODERATOR**

**ARTICLE 8. Grant 6-Month Extension to Government Study Committee**

To see if the Town will vote to amend the action taken on Article 12 of the warrant for the May 11, 2009 annual town meeting, relative to the establishment of the 2009 Sterling Town Government Study Committee (the "Committee") by extending for a period of six (6) months (i.e., through March 31, 2011) the term of appointment of the current members of the Committee and the time for the Committee to prepare its detailed report as to its findings, conclusions, and recommendations, or take any action relative thereto.

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**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** Last year's Annual Town Meeting established a Sterling Government Study Committee. In accordance with that article, 7 members were appointed by the Board of Selectmen on September 30, 2009. The committee has been working diligently and thoroughly to understand Sterling's governmental structure and that of other comparable towns. A six month extension will enable them to complete their work and issue a report and recommendations in advance of next year's Annual Town Meeting.

**MOTION MADE;** to vote to amend the action taken on Article 12 of the warrant for the May 11, 2009 annual town meeting, relative to the establishment of the 2009 Sterling Town Government Study Committee (the "Committee") by extending for a period of six (6) months (i.e., through March 31, 2011) the term of appointment of the current members of the Committee and the time for the Committee to prepare its detailed report as to its findings, conclusions, and recommendations.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 9. Amend Personnel Bylaw, Classification and Compensation Plan**

To see if the Town will vote to amend the Personnel Bylaw by replacing in their entirety "Attachment A – Position Description Classification Grades" and "Attachment B – Compensation Schedule" with the new "Attachment A - Position Description Classification Grades", as shown at the end of this warrant, and a new "Attachment B – Compensation Schedule", as shown at the end of this warrant, and to authorize appropriate step increases in accordance with the Personnel Bylaw and Town of Sterling personnel policies, and furthermore to raise and appropriate a sum, in order to fund, in whole or in part, the wage increases required to move employees to their new Grade level in accordance with the changes noted in "Attachment A - Position Description Classification Grades" and "Attachment B – Compensation Schedule", or take any action in relation thereto.

**Submitted by:** Personnel Board

**Recommendation:** The Finance Committee will report at Town Meeting on this article.

**Recommendation:** The Board of Selectmen will report at Town Meeting on this article.

**Recommendation:** The Personnel Board supports the passage of this article.

**Summary:** The proposed amendments to the Personnel By-Law will update "Attachment A – Position Description Classification Grades" and "Attachment B – Compensation Schedule" with a new Classification Plan and a new Compensation Plan that has been approved by the Personnel Board. The Personnel Board and HR Administrator have undertaken a market study of town employee pay scales, utilizing data from 12 comparable towns.

As a result of this study, this proposed amendment to the Personal By-Law will amend

1. "Attachment A – Position Description Classification Grades" in order to differentiate positions that are subject to the provisions of a collective bargaining agreement and those that are subject to the Personnel By-Law; to define positions that have managerial duties as salaried and exempt from the Fair Labor Standards Act; to change the position titles of certain positions in the Library to reflect the applicable duties; and to reassign grade to certain positions based on the results of the Benchmark Market Study.
2. "Attachment B – Compensation Schedule" in order to define positions that have managerial duties as salaried and exempt from the Fair Labor Standards Act while maintaining current compensation rates for all Grades.

Included in the Personnel Board's recommendation on Attachment B is an endorsement that all employees, who are not on probationary or suspended status, or

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subject to pending discipline, and have been employed by the Town for at least one (1) year, move up one (1) step within their respective Grade as of July 1, 2010.

At the time the warrant was printed, the market study was not yet completed and it was not yet known which positions, if any, will change in Grade or how much funding would be required. At Town Meeting, the Personnel Board will report and recommend whether to change the Grade of any position and the funding so required.

**Attachment A - Position Description Classification Grades** *[as printed in the Warrant]*

<b>Grade</b>	<b>Position</b>	<b>Department</b>
1	Library Page	Library
2	Library Technician I	Library
3	Van Driver	Council on Aging
	Clerk Typist	Police
	Library Technician II	Library
4	Animal Control Officer	Bd. Of Selectmen/Police
	Town Custodian	Bd. Of Selectmen
	Library Associate I	Library
	Administrative Secretary	Building Dept.
5	Asst. Town Clerk	Town Clerk
	Asst. Collector	Town Treasurer/Collector
	Asst. Treasurer	Town Treasurer/Collector
	Administrative Assistant	DPW
	Administrative Assistant	Water
	Library Associate II	Library
	Administrative Assistant	Planning Board
	Assistant to Assessors	Assessors
6A	Firefighter/EMS	Fire
	Firefighter/Mechanic	Fire
	Company Officer	Fire
6B	Facilities Manager	Board of Selectmen
	Assoc. Health Agent	Health Dept.
	Head of Children Services	Library
	Human Resources Administrator	Board of Selectmen
	Conservation Agent	Conservation
7A	Firefighter/Paramedic	Fire
	Company Officer/Fire Inspector	Fire
7B	Director	Recreation
	Director	Council on Aging
	Assistant Superintendent	DPW
8	Town Clerk	Town Clerk
	Library Director	Library
	Health Agent	Health Dept.

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	Building/Zoning Officer	Building
	Town Treasurer/Collector	Treasurer/Collector
	Town Accountant	Accounting
9	Deputy Fire Chief	Fire
10	Superintendent	DPW
	Town Administrator	Board of Selectmen
11	Police Chief	Police
	Fire Chief	Fire

At the time the Warrant was printed the market study was not yet completed and it was not yet known which positions, if any, will change in grade or how much funding would be required. At Town Meeting, the Personnel Board will report and recommend whether to change the grade of any position and the funding so required.

**Attachment "B" <see Warrant>**

**MOTION MADE:** to vote to amend the Personnel Bylaw by replacing in their entirety "Attachment A – Position Description Classification Grades" and "Attachment B – Compensation Schedule" with the new "Attachment A - Position Description Classification Grades", *as below*, and a new "Attachment B – Compensation Schedule", *as below*, and to authorize appropriate step increases in accordance with the Personnel Bylaw and Town of Sterling personnel policies, and furthermore to raise and appropriate a sum of **\$3,353 to the Conservation Commission Wage Account and \$2,566 to the Human Resources Wage account**, [total of \$5,919] in order to fund, in whole or in part, the wage increases required to move employees to their new Grade level in accordance with the changes noted in "Attachment A - Position Description Classification Grades" and "Attachment B – Compensation Schedule".

This amendment changes the Attachment A as published in the Warrant as follows:

- 1. Eliminates the position of Library Page, Grade 1.** *This was requested by the Library Trustees and Library Director, and approved by a vote of the Personnel Board.*
- 2. Changes the "department" for the Animal Control Officer to just the "Police" Department.** *This reflects an action already taken and approved in 2005-2006 but not included in subsequent versions of Attachment A. This change is proposed and approved by the Personnel Board to finally include a previously approved clarification of departmental authority.*
- 3. Includes the position of Assistant Director/Head of Children Services, Grade 6B.** *This change in title and duties was requested by the Library Trustees and Library Director, and approved by a vote of the Personnel Board. This change will not change the pay grade for the position but will provide for a manager to be on-site at the Library when the Director is not present.*
- 4. Re-grades the position of Conservation Agent from Grade 6 (was originally Gr.5) to Grade 7B.** *This change is recommended by and approved by a vote of the Personnel Board, based on the results of the Benchmark Market Study.*
- 5. Re-grades the position of Human Resources Administrator from Grade 6 to Grade 8.** *This change is recommended by and approved by a vote of the Personnel Board, based on the results of the Benchmark Market Study.*

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6. **Deletes the position of Assistant Superintendent, DPW.** *This position is subject to a Collective Bargaining Agreement and should not be included in Attachment A. This action is proposed and approved by the Personnel Board.*

The Attachment A which is printed in the Warrant also includes the following changes to past Attachments A:

1. **Deletes all positions that are subject to a Collective Bargaining Agreement.** (except Fire Department positions which reference Attachment A & B in their contract) *This change is recommended by and approved by a vote of the Personnel Board.*
2. **Changes the titles of Library Technician to Library Technician I, Library Associate to Library Associate I, and Library Associate-Tech Services & Library Associate-Fiscal Services to Library Associate II.** *This was requested by the Library Trustees and Library Director, and approved by a vote of the Personnel Board.*
3. **Inserts a new position of Library Technician II, Grade 3.** *This was requested by the Library Trustees and Library Director, and approved by a vote of the Personnel Board. This change does not change the number of employees in a department or require additional funding for salaries and benefits beyond that which has previously been appropriated at a Town Meeting.*
4. **Converts positions in Grade 6 and 7 to Grades 6A&B and Grades 7A&B.** *Hourly "non-exempt" (from the Fair Labor Standards Act) positions, Grades 6A & 7A, will continue to have their wages computed on an hourly basis. Salaried "exempt" positions, Grade 6B & 7B, will have their wages computed on an annualized salary basis. This change is recommended by and approved by a vote of the Personnel Board.*



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**Attachment A**

**FY 11 CLASSIFICATION PLAN**

*Proposed to be effective 7/01/2010*

<b>Grade</b>	<b>Position</b>	<b>Department</b>
2	Library Technician I	Library
3	Van Driver	Council on Aging
	Clerk Typist	Police
	Library Technician II	Library
4	Animal Control Officer	Police
	Town Custodian	Bd. Of Selectmen
	Library Associate I	Library
	Administrative Secretary	Building Dept.
5	Asst. Town Clerk	Town Clerk
	Asst. Collector	Town Treasurer/Collector
	Asst. Treasurer	Town Treasurer/Collector
	Administrative Assistant	DPW
	Administrative Assistant	Water
	Library Associate II	Library
	Administrative Assistant	Planning Board
	Assistant to Assessors	Assessors
6A	Firefighter/EMS	Fire
	Firefighter/Mechanic	Fire
	Company Officer	Fire
6B	Facilities Manager	Board of Selectmen
	Assoc. Health Agent	Health Dept.
	Asst. Director/Head of Children Services	Library
7A	Firefighter/Paramedic	Fire
	Company Officer/Fire Inspector	Fire
7B	Director	Recreation
	Conservation Agent	Conservation
	Director	Council on Aging
8	Town Clerk	Town Clerk
	Library Director	Library
	Human Resources Administrator	Board of Selectmen
	Health Agent	Health Dept.
	Building/Zoning Officer	Building
	Town Treasurer/Collector	Treasurer/Collector
	Town Accountant	Accounting
9	Deputy Fire Chief	Fire
10	Superintendent	DPW
	Town Administrator	Board of Selectmen
11	Police Chief	Police
	Fire Chief	Fire

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**ATTACHMENT "B"**

**FY 11 COMPENSATION SCHEDULE**

**Proposed to be effective 7/1/2010**

**NON-EXEMPT**

**STEP**

<b>GRADE</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>1</b>	8.47	8.72	8.99	9.25	9.53	9.81	10.11	10.41	10.72
<b>2</b>	9.73	10.03	10.33	10.64	10.95	11.28	11.63	11.97	12.33
<b>3</b>	11.20	11.54	11.88	12.24	12.61	12.98	13.37	13.77	14.18
<b>4</b>	12.88	13.27	13.67	14.08	14.49	14.93	15.38	15.84	16.32
<b>5</b>	14.81	15.26	15.72	16.19	16.68	17.18	17.69	18.22	18.77
<b>6A</b>	17.02	17.53	18.06	18.60	19.16	19.74	20.33	20.93	21.56
<b>7A</b>	19.57	20.17	20.78	21.40	22.04	22.71	23.38	24.08	24.80

**NON-EXEMPT continued**

**STEP**

<b>GRADE</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
<b>1</b>	11.04	11.38	11.72	12.07	12.43	12.80
<b>2</b>	12.70	13.08	13.47	13.88	14.29	14.72
<b>3</b>	14.61	15.05	15.50	15.96	16.44	16.94
<b>4</b>	16.80	17.31	17.83	18.36	18.91	19.48
<b>5</b>	19.33	19.91	20.51	21.12	21.76	22.41
<b>6A</b>	22.20	22.87	23.56	24.26	24.99	25.74
<b>7A</b>	25.55	26.31	27.10	27.92	28.75	29.62

**EXEMPT**

**STEP**

<b>GRADE</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
<b>6B</b>	35,538	36,604	37,702	38,833	39,998	41,198	42,434	43,707	45,018
<b>7B</b>	40,862	42,088	43,351	44,651	45,991	47,370	48,792	50,255	51,763
<b>8</b>	46,917	48,325	49,774	51,268	52,806	54,390	56,022	57,702	59,433
<b>9</b>	52,547	54,124	55,747	57,420	59,142	60,917	62,744	64,626	66,565
<b>10</b>	58,853	60,619	62,437	64,310	66,240	68,227	70,274	72,382	74,553
<b>11</b>	65,916	67,893	69,930	72,028	74,189	76,415	78,707	81,068	83,500

**EXEMPT continued**

**STEP**

<b>GRADE</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
<b>6B</b>	46,369	47,760	49,193	50,669	52,189	53,754
<b>7B</b>	53,316	54,915	56,563	58,260	60,007	61,808
<b>8</b>	61,216	63,053	64,944	66,893	68,900	70,967
<b>9</b>	68,562	70,619	72,738	74,920	77,167	79,482
<b>10</b>	76,790	79,094	81,467	83,911	86,428	89,021
<b>11</b>	86,005	88,586	91,243	93,980	96,800	99,704

All employees, who are not on probationary or suspended status, or subject to pending discipline, and have been employed by the Town for at least one (1) year, shall move up one (1) step within their respective Grade as of July 1, 2010.

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**Schedule C      Call Fire Personnel FY11**

		Step 1	Step 2	Step 3
<b>F-3</b>	Assistant FF & EMT Recruit	12.17		
<b>F-4</b>	Firefighter	14.21	14.83	15.75
<b>F-4</b>	EMT	14.21	14.83	15.75
<b>F-4</b>	EMT - Paramedic	16.27	16.89	17.81
<b>F-5</b>	Firefighter / EMT	15.41	16.04	16.93
<b>F-5</b>	Firefighter / EMT-P	17.47	18.10	18.99
<b>F-6</b>	Company Officer (EMT)	17.33	17.98	18.62
<b>F-7</b>	Deputy Chief (EMT)	19.27	19.92	20.55

**Schedule D      Seasonal/Part-time Employees**

Lifeguard	10.00 to 14.00
Police Special	6.98 to 9.61
Constable	9.00
Election Worker	8.00
Registrar of Voters	8.46
Van Driver – Spare	9.46
Matron	12.73

**MOTION CARRIES AS DETERMINED BY THE MODERATOR.**

**ARTICLE 10. Dedicate Site for Park Purposes**

To see if the Town will vote to permanently dedicate for park purposes pursuant to M.G.L. Chapter 45, Section 14, the site known as the Sterling Greenery Community Park, which is located at 38 Muddy Pond Road, Sterling and which is a portion of a parcel of approximately 57 acres described in a deed to the Town recorded in the Worcester South Registry of Deeds at Book 3588, Page 132, and shown as Assessor's Map 137, Lot 11, said dedicated parcel to be comprised of no more than 3 acres, and to be bounded in part by Muddy Pond Road, Griffin Road, the parking lot adjacent to the ballfields, in front of the retention basin, passing in front of the treeline, and connecting back to Muddy Pond Road, or take any action relative thereto.

**Submitted by: SPARC Committee**

**Recommendation:** The Finance Committee defers to Town Meeting on this article.

**Recommendation:** The Board of Selectmen supports the passage of this article.

**Summary:** In September 2005 the Board of Selectmen granted SPARC (a subcommittee of the Recreation Department) permission to design and dedicate this site as a community park and playground. Since then, The Sterling Play Area & Recreation (sub)Committee (SPARC) through community and corporate contributions, has raised approximately \$110K to date. These funds have been spent on existing play equipment serving 2-5 year-old children; safety surfacing; pergolas; benches; and materials. In May 2008, the town voted to name the park Sterling Greenery Community Park and the committee has been working hard to establish walking paths, a group gathering space and a playground. SPARC is now applying for a State PARC grant under Article 11. One of the requirements for that grant is that the Town accept MGL Chapter 45 section 14, which will permanently dedicate the parcel for park and recreation purposes.

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**AMENDMENT TO MOTION:** to move in the words of the Article with the inclusion of line number 5 after it says, “Map 137, Lot 11 said dedicated parcel to be comprised of 1.999 acres +/- defined as Parcel A.” so that the full text reads:

To see if the Town will vote to permanently dedicate for park purposes pursuant to M.G.L. Chapter 45, Section 14, the site known as the Sterling Greenery Community Park, which is located at 38 Muddy Pond Road, Sterling and which is a portion of a parcel of approximately 57 acres described in a deed to the Town recorded in the Worcester South Registry of Deeds at Book 3588, Page 132, and shown as Assessor’s Map 137, Lot 11, **said dedicated parcel to be comprised of no more than 1.999 acres +/- defined as Parcel A**, and to be bounded in part by Muddy Pond Road, Griffin Road, the parking lot adjacent to the ballfields, in front of the retention basin, passing in front of the treeline, and connecting back to Muddy Pond Road, or take any action relative thereto.

**MOTION WITH AMENDMENT CARRIES AS DECLARED BY THE MODERATOR**

**ARTICLE 11. Fund Playground equipment**

To see if the Town will vote (a) to raise and appropriate or transfer from available funds or Capital Fund the amount of Forty Thousand (\$40,000.00) Dollars for the purpose of purchasing playground equipment and materials for the Sterling Greenery Community Park, located at 38 Muddy Pond Road, Sterling, and (b) raise and appropriate or transfer from available funds or Stabilization Fund the amount of Fifty Thousand (\$50,000.00) Dollars contingent upon receipt of a Parkland Acquisitions and Renovations for Communities (PARC) reimbursement grant from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) for the same purpose, all of said amounts to be expended by the Recreation Department, for a total project cost of \$90,000 under clauses (a) and (b) of this article, and (c) to authorize the town administrator to apply for and accept PARC grants on behalf of the Town and to take such other actions as are necessary to carry out the terms, purposes and conditions of said grants and to effectuate the purpose of this warrant article, or take any action relative thereto

**Submitted By:** Sterling Play Area Recreation sub-Committee (SPARC)

**Recommendation:** The Finance Committee does not support the passage of this article.

**Recommendation:** The Capital Committee does not support the passage of this article.

**Recommendation:** The Board of Selectmen defer to town meeting on this article.

**Summary:** The Sterling Play Area Recreation (sub)Committee is requesting the town of Sterling to allocate \$40,000 from the Capital Fund to the Sterling Greenery Community Park Project to complete Phase II of the project, which costs \$90,000. In Phases I and II, through community and corporate contributions, SPARC has raised approximately \$110K to date. These funds have been spent on existing play equipment serving primarily 2-5 year-old children; safety surfacing; pergolas; benches; and materials.

Completion of Phase II will include the purchase and installation of remaining playground equipment for 2-5 and 5-12 year-olds. The allocation will be used to leverage additional funds from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) through the Parkland Acquisition and Renovation for Communities (PARC) Program, Chapter 933 Acts of 1977. The PARC Program is a reimbursable grant program, under which the town of Sterling is eligible to receive up to \$50,000. Under the reimbursable PARC grant program, the town must front the money for the full project (\$90,000) prior to receiving the grant, and then submit receipts for reimbursement. If the grant is not received, the \$40,000 will be used for the purchase and installation of play equipment for 5-12 year-olds, however the \$50,000 will not be spent.

**MOTION MADE:** to move the question passed.

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**MOTION MADE:** to vote to (a) to **transfer from the Capital Fund \$40,000.00** for the purpose of purchasing playground equipment and materials for the Sterling Greenery Community Park, located at 38 Muddy Pond Road, Sterling, and (b) **further transfer from Stabilization Fund the amount of \$50,000.00 contingent upon receipt** of a Parkland Acquisitions and Renovations for Communities (PARC) reimbursement grant from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) for the same purpose, all of said amounts to be expended by the Recreation Department, for a total project cost of \$90,000 under clauses (a) and (b) of this article, and (c) to authorize the town administrator to apply for and accept PARC grants on behalf of the Town and to take such other actions as are necessary to carry out the terms, purposes and conditions of said grants and to effectuate the purpose of this warrant article.

REQUIRES 2/3 VOTE

**MOTION CARRIES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 12. Set Salary of Municipal Light Board**

To see if the Town will vote to set the salary of the Municipal Light Board as follows: Chairman \$600; Clerk \$600; Third member \$600; said sum to be an expense of the Municipal Light Department, or take any action in relation thereto.

**Submitted by:** Sterling Municipal Light Department

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article sets and funds the salary for the Municipal Light Board Members for FY2011.

**MOTION MADE:** to set the salary of the Municipal Light Board as follows: Chairman \$600; Clerk \$600; Third member \$600; said sum to be an expense of the Municipal Light Department.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 13. Fund Principal and Interest for Fire Truck**

To see if the Town will vote to transfer from the Capital Fund the sum of \$ 78,548, or any other sum, to the General Fund to offset the cost of the Fire Truck principal and interest for fiscal 2011, or take any action in relation thereto.

**Submitted by:** Capital Fund Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Capital Committee recommends the passage of this article.

**Summary:** This article takes money out of the Capital Fund to pay the principal and interest payments associated with the Fire Truck for fiscal year 2011. The Town approved the purchase of the new truck at the May 2004 Town Meeting. At that time, it was explained that the truck would be paid for out of the Capital Fund.

**MOTION MADE:** to transfer from the Capital Fund the sum of \$78,548, to the General Fund to offset the cost of the Fire Truck principal and interest for fiscal 2011.

REQUIRES 2/3 VOTE

**MOTION CARRIES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 14. Fund Principal and Interest for Ambulance**

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To see if the Town will vote to transfer \$13,809.69 from the Capital Fund and \$21,606 from the Wachusett Fund to offset the cost of the Ambulance lease payment, or take any action in relation thereto.

**Submitted by:** Capital Fund Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Capital Committee recommends the passage of this article.

**Summary:** This article takes money out of the Capital Fund to pay the FY11 lease payment for the ambulance. The Town approved the lease-purchase of the new ambulance at the Special Town Meeting in November 2008. At that time, it was explained that this lease-purchase would be paid partially from the Capital Fund and partially from the Wachusett Fund. For FY11 the total payment is \$35,415.69, with \$21,606 coming from Wachusett Fund and \$13,809.69 coming from Capital Fund.

**MOTION MADE:** to transfer \$13,809.69 from the Capital Fund and \$21,606 from the Wachusett Fund to offset the cost of the Ambulance lease payment.

REQUIRES 2/3 VOTE

**MOTION CARRIES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 15. Fund Senior Tax Abatement Program**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$15,000 to fund the Senior Citizen Work-Off Abatement Program for fiscal year 2011, or take any action in relation thereto.

**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** This program has been a great success, allowing seniors to work in various Town departments in exchange for receiving abatements on their taxes. The maximum amount that a household can earn in abatements has increased to \$1000 per year. Due to the success of this program, the program was expanded in FY09 from ten participants to fifteen participants each year. The amount appropriated in FY11 would allow for fifteen individuals if each earns the maximum amount; more people could be allowed to work but their total earned could not exceed the \$15,000 appropriated in the article.

**MOTION MADE:** that the town vote to **raise and appropriate** the sum of \$15,000 to fund the Senior Citizen Work-Off Abatement Program for fiscal year 2011.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 16. Lease Agreement for Senior Center (Withdrawn)**

**ARTICLE 17. Delete Personnel Bylaw; Replace with Updated Version** [see motion pg.22]

To see if the Town will vote to delete the Personnel Bylaw and replace it in its entirety as follows:

**TOWN OF STERLING  
PERSONNEL BY-LAW**

**PREAMBLE  
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

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The policy of the town of Sterling is to provide equal employment opportunity to all candidates for employment or appointment and administer working conditions, benefits, privileges of employment, training, advancement, upgrading, promotion, transfers and terminations of employment for all employees without regard to race, color, veteran status, religion, national origin, sex or age, physical and/or mental handicap or sexual preference.

**SECTION 1. AUTHORIZATION/AMENDMENT**

Pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the General Laws, the town of Sterling establishes plans which may be amended from time to time by vote of the town at a Town Meeting:

- a. authorizing a Classification Plan classifying positions in the service of the Town other than those filled by popular election, those under the jurisdiction of the School Committees, those covered by collective bargaining agreements with the Town, those within the Municipal Light Department, and those in which the incumbent tenders contractual services which are not provided during regularly established working hours, into groups and classes doing substantially similar work or having substantially equal responsibilities;
- b. authorizing a Compensation Plan for positions in the Classification Plan;
- c. providing for the administration of said Classification and Compensation Plans; and
- d. establishing certain working conditions and fringe benefits for employees occupying positions in the Classification Plan.

The Classification Plan and/or Compensation Plan or any other provisions of this By-Law may be amended by vote of the Town at either an Annual or Special Town Meeting. No amendment shall be considered or voted on by Town Meeting unless the proposed amendment has first been considered by the Personnel Board and the Finance Committee. The Personnel Board, of its own motion, may propose an amendment to the plans or other provisions of this By-Law based on its findings resulting from its investigations. The Personnel Board shall report its recommendations on any proposed amendment to the Finance Committee and the Board of Selectmen. The Personnel Board shall make its recommendations with regard to any amendment at the Town Meeting at which such amendment is considered.

**SECTION 2. PERSONNEL BOARD**

**A. MEMBERSHIP**

There shall be a Personnel Board consisting of five (5) members appointed by the Board of Selectmen, the Town Moderator and the Finance Committee, each entity having one vote for a total of three (3) votes. The Personnel Board shall be responsible for the administration of this by-law including any classification and compensation plans. The membership of the Board shall be made up of residents of the Town who are neither employees of the Town, nor appointed or elected officials of the Town. Members should have a working knowledge of personnel practices and procedures in a municipal or corporate work setting. All members of said Board shall be residents of the town and shall serve without compensation.

Except when an appointment is made to serve the balance of an unexpired term, each member of the Personnel Board shall serve for a term of three years. Appointments shall be made in such a fashion that they will expire on June 30<sup>th</sup> of a given year. Each member shall continue to hold office until their successor has been appointed and qualified. Members of the Personnel Board serving upon the effective date of this By-Law shall serve until the expiration of

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their respective terms. Upon the expiration of such terms members shall be appointed for successive three-year terms by vote of the Board of Selectmen, the Moderator and the Finance Committee as specified above.

If a member resigns or a member's office becomes vacant by removal from the Town, or any other cause, their successor shall appointed for the balance of the unexpired term of such member by the Board of Selectmen, the Town Moderator and the Finance Committee, each entity having one vote for a total of three (3) votes. The Town Clerk shall have sole authority to determine if a person has moved out of town or a position is otherwise vacant. A member may be removed from the Personnel Board at any time, with or without cause, by vote of the Board of Selectmen, the Moderator and the Finance Committee in the same manner as appointments are made.

## **B. ORGANIZATION**

The Personnel Board shall organize annually, as soon as possible after July 1st of each year, at the call of the then Chairman, or lacking a Chairman any member of the Board, and shall elect a Chairman and appoint a Secretary from among its members. The Chairman shall hold office until a successor has been elected. In the event a vacancy occurs in the office of the Chairman, the Personnel Board shall elect a successor Chairman from among its members, such successor to serve until the next organizational meeting of the Personnel Board and until a successor has been elected. A majority of the Board shall constitute a quorum for the transaction of business. A majority vote of the Board shall determine the action the Board must take in all matters upon which it is authorized or required to pass under this By-Law. In the event that a bare quorum of the Board only is present, there must be a unanimous vote.

## **C. ADMINISTRATION**

The Board shall administer the Personnel By-Law, Classification Plan, and the Compensation Plan and shall establish such procedures as it deems necessary for the proper administration thereof.

The Human Resources Administrator, as agent of the Personnel Board, shall maintain records of all employees in the service of the Town, other than those under the jurisdiction of the School Committees, or those within the Municipal Light Department, including therein such information as required by law or as deemed desirable by the Personnel Board. Said records shall be under the control and direction of the Human Resources Administrator. Department Heads shall furnish such information as shall be requested by Human Resources Administrator on behalf of the Personnel Board.

The Human Resources Administrator, as agent of the Personnel Board, shall provide a copy of the Personnel By-Law or a summarization thereof, to each new employee and Department Head. The Human Resources Administrator shall provide a copy of the Personnel By-Law or a summarization thereof, to each department. Each department head will have a copy of the Personnel By-Law available for reference at all times.

## **D. AUTHORITY**

The Human Resources Administrator, from time to time, will review the work of all positions subject to the provisions of this By-Law and shall recommend any changes or adjustments to the Classification Plan or the Compensation Plan for action by the Personnel Board. Such reviews shall be made at such intervals as the Board deems necessary and, to



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the extent which the Board considers practicable, shall include all occupational groups in the Classification Plan.

The Board, with the recommendations of the Human Resources Administrator based on an evaluation of the latest Benchmark Study data and after meeting with the appropriate department head or supervisor, shall have the authority to adjust individual employee classifications within the context of the By-Law whenever duties change and inequities exist.

On or before December 10th of each year, the Personnel Board shall vote to retain or change the Classification Plan or the Compensation Plan for the forthcoming year, subject to the subsequent ratification of its action by formal amendment of that section of this By-Law at the next Annual Town Meeting.

In addition, the Personnel Board shall make an annual report in writing to the Board of Selectmen and the Finance Committee on or before the first Monday in February of each year, including recommendations on any matters related to the Classification or Compensation Plans which the Personnel Board deems appropriate to be considered by the town.

The Board may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefore.

### **SECTION 3. APPLICATION OF PERSONNEL BY-LAW**

This By-Law shall apply to all Town Departments and to all positions of all employees in the service of the town, whether full or part-time, temporary, seasonal, special, casual or any other type of employment, other than those positions which are filled by popular election, those under the jurisdiction of the School Committees, those within the Municipal Light Department, and those positions which are covered by separate agreements between any employee or Association of Employees and the town developed through Collective Bargaining. If any agreement between an employee or Association of Employees and the town does not address any item addressed in Section 10. B, C, and D, then the provisions of Section 10. B, C, and D shall apply to those employees.

### **SECTION 4. DEFINITIONS**

As used in the By-Law, the following terms shall have the meaning indicated:

- a. Absence - Any time an employee is not at work during a scheduled work period.
- b. Administrative Authority - The elected or appointed official or Board, Committee, Commission, or other Agency having jurisdiction over a function or activity.
- c. Appointing Authority - Any person(s), Board, Committee, Commission, or other Agency who has the right to hire or discharge employees.
- d. Casual Part Time Employee - Any employee hired for less than 20 hours each week or for irregular or occasional employment at an hourly rate or a fee. Also an employee who renders personal service in a position calling for part-time employment and which service, although constituting continuous employment, is not rendered during a prescribed schedule of working hour, daily, weekly or annually, but is rendered according to the demands for such service.
- e. Class - A group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall be required of the incumbents, that the same tests of fitness may be used to choose qualified employees.
- f. Classification Plan - Class specifications and titles approved by the Personnel Board and appearing as attached to these By-laws.

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- g. Compensation Grade - A range of salary or wage rates appearing in the Compensation Plan.
- h. Compensation Plan - Specified rates of pay for each job classification included in the Classification Plan, appearing as attached to these By-laws.
- i. Continuous Service - Length of employment with the town of Sterling, uninterrupted except for authorized military leave, vacation leave, sick leave, court leave, disability, maternal/paternal leave, or any other authorized leave of absence, if applicable and covered in the terms of this By-law.
- j. Department - Any Board, Committee, Commission, other agency of a functional unit (or sub-unit) of the town.
- k. Employee - Any person who is paid by the town for services rendered to the town, excluding elected officials, independent contractors, Municipal Light Department employees, Police Department matrons and persons under the direction of the School Committees.
- l. Functional Units of Municipal Government - A grouping of occupational groups or classes by type of municipal services rendered (i.e.), General Government - Executive and Administrative duties; Public Safety - Protection of life and property; Public Utilities - Development, operation and maintenance of public property and facilities; Education - Instruction and related support and administrative functions; Human Services - Health, Youths, Elders, Veterans, etc. functions; Culture and Recreation - Library, Parks and Recreational facilities and functions.
- m. Group or Occupational Group - A group of classes designated by occupation within one of the major functional units of municipal government.
- n. Job Classification - A particular job title within the Classification Plan.
- o. Maximum Rate - The highest rate in a compensation grade which an employee normally is entitled to attain.
- p. Minimum Rate - The lowest rate in a compensation grade; normally the hiring rate of a new employee.
- q. Position - An office or post of employment in the Town service with duties and responsibilities calling for full time, part time, temporary or seasonal employment of one person in the performance and exercise thereof.
- r. Probationary Period - The first full six months of employment for a full time, part time, or casual part time employment shall be considered a probationary period. An employee during this probationary period shall be considered an employee at will. During the probationary period, an employee will be required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which they were appointed. At any time during a probationary period, the Town may terminate an employee without the requirement of a hearing, although notice of the reason(s) will be provided upon request.
- s. Range - The dollar difference between minimum and maximum rates for a particular compensation grade.
- t. Rate - A sum of money designated as compensation for personal services on an hourly, daily, weekly, monthly, annual or other basis.
- u. Regular Full Time Employee - Any employee who is employed no less than forty (40) hours per week, 52 weeks per year for the department or position in which that person is employed.

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- v. Regular Part Time Employee - Any employee who works at least 20 hours or more each week for 52 weeks per year, but less than a normal work week for the department or position in which that person is employed.
- w. Single Rate - A rate for a special, temporary or seasonal position for which there is no range.
- x. Step Rate - A rate in a range of a compensation grade.
- y. Temporary or Seasonal Employee - Any employee whose duration of employment with the Town is of a seasonal or emergency nature, or specified limited amount of time not exceeding six calendar months; either on a full time or part time basis.
- z. Town - The Town of Sterling, Commonwealth of Massachusetts.

## **SECTION 5. CLASSIFICATION PLAN**

### **A. MANDATORY CLASSIFICATION**

No person shall be appointed, employed or paid as a Town employee in any position under the Classification Plan and Compensation Plan under any title, grade, or salary other than that of the class, title, grade, or salary listed in the Classification Plan and Compensation Plan for that position.

### **B. EMPLOYEE CATEGORIES**

All positions subject to the provisions of the Personnel By-law of the Town shall fall into one of the following categories:

- a. Regular Full Time
- b. Regular Part Time
- c. Casual Part Time
- d. Temporary or Seasonal

Regular Full Time and Regular Part Time employees are the only employees eligible for employee benefits.

### **C. ALLOCATION AND NEW POSITIONS**

The Personnel Board may allocate each position subject to the provisions of the Classification and Compensation Plan to its appropriate class and pay grade. Whenever a new position is established, or the duties or allocation of an existing position are changed, the Personnel Board, with the recommendation of the Human Resources Administrator and Department Head, shall allocate such position to an appropriate class and pay grade.

A new position or change in classification can only be effective if the Town Meeting approves the new position or change and provides funding.

The Personnel Board shall afford reasonable opportunity to be heard to any employee or any Department Head affected by the establishment of a new position or any change in classification.

### **D. HIRING AND RE-CLASSIFICATION**

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The following procedure shall be used when hiring employees for or filling regular full time and regular part time positions covered by this By-law. This procedure may be used when hiring employees to fill casual part time, seasonal or temporary positions.

1. A job description must be on file with the Human Resources Department and approved by the Personnel Board prior to the announcement of any job opening.
2. The hiring rate and pay rate for the job must be in accord with the Classification and Compensation Plans.
3. All announcements concerning job openings, vacancies, or promotions of positions, shall be posted internally on the Town Bulletin Board, any appropriate worksite bulletin board and the Town website for ten (10) days prior to advertisement of the position. The posting shall include wording that the posting is an internal job posting and that an Internal Posting of a position does not in any way restrict the Town from hiring any qualified candidate, whether internal or external.
4. After internally posting the job for 10 days, if the job is not to be filled by an internal candidate, then the job opening must be published in a local publication of record and any other publication designated by the Personnel Board and must be posted on the Town website, any other website designated by the Personnel Board, and the Town Hall bulletin board at least ten (10) days prior to the job being filled.

All announcements concerning job openings, vacancies, or promotions of positions, shall be posted on the Town Bulletin Board. Such postings shall include but not limited to the following:

- a. Job title
- b. Pay rate in accordance with the Compensation Plan approved by the Town Meeting and on file in the Human Resources Department
- c. Summary statement of duties
- d. Direction on where and how applications may be filed
- e. Deadline for filing application
- f. Contact Person
- g. EEO/AA

Job applicants will not be discriminated against on the basis of race, color, veteran status, gender, age, sexual preference, religion, national origin, physical or mental handicap.

Records of all job applicants must be retained by the Human Resources Department for a period of one (1) year after the job was filled, in the event that a case charging hiring discrimination is brought against the Town. The application of the person hired will be filed in the employee's personnel file.

A Payroll Change Authorization with the required approvals will be submitted to the Town Accountant and the Town Treasurer prior to issuance of a voucher for a new employee or a voucher including pay rate change for an incumbent employee.

Funding for a new position must be approved by Town Meeting vote prior to advertising said position.

No employee may be reclassified to a position in another group, either higher or lower, until the Personnel Board determines that, in consultation with the Human Resources Administrator, such a reclassification will be consistent with the provisions of the Compensation Plan.

## **E. JOB DESCRIPTIONS AND INTERPRETATIONS**

The Human Resources Administrator shall maintain written descriptions of the jobs or positions in the Classification Plan. These descriptions shall be written or amended in

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consultation with the appropriate Department Head or supervisor and the Human Resources Administrator and shall be approved by the Personnel Board prior to becoming effective. The descriptions should include definitions describing the essential nature of the work, distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate. The Personnel Board may amend such job descriptions from time to time at its discretion after consultation with the appropriate department supervisor or Board and the Human Resources Administrator. The heads of departments shall be required to retain copies of current approved job descriptions for said departments.

The description of any position shall be construed solely as a means of identification. It shall not limit the duties and responsibilities of any position or modify, or in any way affect, the power of any administrative authority as otherwise existing, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

**F. CLASS TITLE**

The title of each class, as established by the Classification Plan, shall be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

No administrative authority shall fix the salary of any employee in a position in the Classification Plan except in accordance with the Compensation Plan.

**G. WORK WEEK**

The normal week for a regular full time employee shall be forty (40) hours. The Department Head, with the approval of the Board, Committee, Agency, or Commission responsible for the Department and of the Personnel Board, will establish and post permanently on the Department bulletin board the regular working hours for all employees of that department. The normal lunch period will not be a paid period.

**SECTION 6: COMPENSATION PLAN**

The compensation provided for in this section shall be subject to the availability of appropriated funds.

**A. PAY AND SALARY SCHEDULE**

The Compensation Schedule annually approved by the Town Meeting and appended to this By-law shall consist of hourly rates, where appropriate, and annual salaries, on a grade and step schedule except for those wages that are presented as either a single rate or range. The weekly pay period begins at 12:01AM on Monday and ends at 12:00 Midnight on the following Sunday. The Town may adopt a bi-weekly pay period as provided by applicable Massachusetts law.

**B. PAY RATE FOR NEW AND CONTINUING PERSONNEL**

The hiring rate shall be the minimum of the rate range of the job for which the new employee is hired. An appointing authority may assign a new employee, only for the purposes of pay, to a higher rate up to step 5 without prior approval of the Personnel Board where the employee's prior work experience, training, or education warrants such action. The Board may approve any request for a higher salary step after investigating such requests for assignment to

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a higher salary step, and conferring with the Human Resources Administrator, and the immediate supervisor or the department head relative to any assignment to a higher rate. An appointing authority must request approval from the Personnel Board prior to assigning any new employee to a rate higher than step 5.

The head of each department of which an employee occupying a position in the Classification Plan is assigned shall include in his/her estimates, required by provisions of Section 59 of Chapter 41 of the General Laws, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing fiscal year, and shall furnish a copy thereof to the Personnel Board.

**C. TRANSFERS AND PROMOTIONS OF EMPLOYEES**

An employee receiving a promotion to a vacant position or to a new position shall, upon assignment, receive the rate in the compensation grade of the vacant or new position next above his existing rate. If the resulting adjustment does not equal \$4.00 per week or \$.10 per hour for a position class assigned to the Compensation Plan, the adjustment shall be to the next step.

The employee receiving a promotion and adjustment in rate pursuant to the provisions of sub-section 6 (C) shall be eligible for recommendation for the next increment of his compensation grade effective July 1 following completion of twelve months at the rate resulting from the promotion.

If an employee is transferred to a lower rate job, he/she shall enter it at his/her own rate or at the maximum rate for the job, whichever is the lower. The employee shall have the right of appeal to the Personnel Board and to be heard thereon.

Before a step rate increase or promotion change is initiated by the Department, there must be adequate funds available in the Department's budget to cover the requested increase.

Any classification in the Compensation Plan for which only one rate is indicated shall not be eligible for step rate increases.

During a probationary period, an appointing authority may terminate any employee whose performance is not satisfactory.

**D. "PERSONAL RATE" ABOVE MAXIMUM**

Any salary rate which is above the maximum rate for a job as established by this plan, shall be deemed to be a personal rate, and apply only to the incumbent. When such incumbent leaves the employ of the Town, or is transferred to another job or a new maximum higher than the personal rate is established, the personal rate shall disappear. No other employee assigned to, or hired for, such a job shall advance beyond the maximum of the job.

**E. TEMPORARY ASSIGNMENTS, INTERIM APPOINTMENTS**

Positions may be temporarily filled as a result of promotions, resignations, terminations, demotions or transfers, if it is required by law or is in the best interest of the Town. In the event of a temporary filling of a position, the employee so appointed shall receive the rate in the compensation grade of the vacant position next above his existing rate. If the resulting adjustment does not equal \$4.00 per week or \$0.10 per hour, the adjustment shall be to the next step in the grade. If and when the employee reverts to their previous position, the employee shall revert to their previous step and grade. In the event that there has been an across the board step increase, the employee then will revert to the appropriate step that reflects the across the board increase. The Personnel Board may consider special

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circumstances in assigning pay rates for these actions.

**F. PHYSICAL EXAMINATION**

An appointing authority in consultation with a Department Head, Supervisor, Human Resources Administrator and, if necessary, the Personnel Board may decide if a specific classification in the Classification Plan should require a physical examination satisfactory to the Town. Such exam may be part of a "conditional offer of employment" or it may be a "fitness for duty" examination. In such cases, the examining physician shall be appointed by the Town and the examination shall be at the expense of the Town. The examining physician shall advise the Town as to whether, in their opinion, the applicant is physically qualified to perform the duties of the position for which application has been made.

**G. STRAIGHT TIME HOURLY PAY**

The compensation paid an employee per the Compensation Plan for each hour worked during the work week shall be their regular straight time hourly pay. In those instances in which the hourly earnings are not specified in the Compensation Plan, the straight time hourly pay is calculated by dividing the weekly rate by the work week hours. For salaried position, straight time hourly pay is calculated by dividing the weekly compensation by the work week hours of that area in which the employee works.

**H. OVERTIME**

Any hours, or portions thereof, authorized by the department head and worked by a non-exempt or hourly employee in the service of the Town over and above forty (40) hours for the work week, shall be considered overtime. For purposed of calculating overtime, holiday pay and vacation pay shall be considered as hours worked.

Regular full-time non-exempt or hourly employees must be paid at the overtime rate for all hours worked beyond 40 hours in a work week. Except in the case of an emergency, overtime must be pre-approved by the Appointing Authority and their budget must have funds available. Overtime shall be compensated to all non-salaried or non-exempt employees, at one and one half times straight hourly earnings. No employee will receive compensatory time. Salaried or exempt personnel shall not be paid overtime.

In accordance with the FLSA, the Town has adopted a 7-k exemption by establishing a 28 day work period for police and fire personnel. For all other employees covered by this by-law, the town has established 7-day work period commencing on Monday at Midnight.

**I. CALL BACK PAY**

When full-time employees, except salaried or exempt employees, are requested to return to work after completing their normal day's work, and work less than four hours upon their return, they shall be compensated for no less than two hours.

**SECTION 7: DISCIPLINARY ACTION**

The Town recognized that all of its employees have high standards. However, there are times when it may be necessary to discipline individual employees. The Town believes that discipline should be used only when warranted and with the utmost concern for the individuals involved.

Therefore, the following disciplinary procedure shall be followed:

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- Step 1. The supervisor will give the employee an oral warning.
- Step 2. The supervisor may issue a written warning to the employee with a copy being placed in the personnel file depending upon the severity of the offense committed.
- Step 3. Additional infractions will result in more severe disciplinary actions being taken, up to and including suspension.
- Step 4. Further infractions will result in the recommendation to the Personnel Board that the employee be terminated.

At any step in the disciplinary procedure, an employee may, at their discretion, appeal to the Personnel Board.

The progressive disciplinary procedure will be by-passed for, but not limited to, the following:

- insubordination,
- theft of Town or another employee's property,
- falsification of time records,
- imbibing alcohol on the job,
- use of an illegal substance on the job,
- fighting while on the job, and
- disclosure of confidential matters.

After one year following disciplinary action, if there has been no further disciplinary action, the Department Head and the Human Resources Administrator will make a joint determination to, either remove the record from the personnel file, or retain it for a specified longer period. If the record is retained, the employee may appeal this action to the Personnel Board.

#### **SECTION 8: GRIEVANCES AND APPEALS**

- Step 1. Any employee who believes that they have received inequitable treatment because of some condition of their employment may appeal for relief from that condition. An employee must discuss the grievance initially with their direct supervisor. Then, if the matter is not settled, the employee should submit said grievance in writing to the department head. The department head shall respond in writing, within fourteen calendar days. If the employee's department head is also the immediate supervisor, he/she should proceed to Step 2.
- Step 2. If the employee feels that his/her grievance is still unresolved, he/she may appeal to the Personnel Board within fourteen calendar days after receiving the decision of the Department Head. The Personnel Board may require a written statement from the aggrieved employee in such form and containing such information as they may require. The Personnel Board shall schedule a hearing to resolve the grievance and give notice to all parties including Department Heads of said hearing within fourteen calendar days of the employee's appeal. After the close of the hearing, the Personnel Board shall render a decision within 28 calendar days of the hearing.

#### **SECTION 9: REDUCTION IN FORCE (RIF)**

In the event that, for reasons of economy, it becomes necessary to reduce the number of employees under the Personnel By-law, the town of Sterling, in determining which of its employees are to be terminated, will take into consideration the qualifications of such employees, the quality of their past performance and their seniority as employees of the Town. Where, in the opinion of the appointing authority, the qualifications and quality of performance of employees are substantially equal, employees will be terminated in the order of reverse



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seniority as employees of the department.

An employee whose employment date with the Town is the same as another employee shall be terminated upon the Department Head's evaluation of each employee's overall work performance.

Employees whose employment is to be so terminated will be notified in writing of such termination no later than May thirty-first of the work year (fiscal year) at the end of which their employment is to be terminated.

Employees, whose employment is so terminated, will be considered for reemployment by the Town in the inverse order of their termination during a period of one (1) year from the effective date of their termination, if they inform the appointing authority in writing of their desire to be considered.

An employee, who is re-employed by the Town within said one (1) year period after termination under the provision of this Section, shall have the unused sick leave accumulated at the time of termination restored.

## **SECTION 10: EMPLOYEE BENEFITS**

Employee benefits provided by the Town are an item of cost to the Town and a form of indirect pay for the employee. Therefore, the policies and procedures for the establishment and maintenance of these benefits are included in this Personnel By-law.

### **A. APPLICATION**

Regular Full Time Employees - All of the below listed employee benefits apply to regular full time employees.

Regular Part Time Employees - All of the below listed employee benefits apply to regular part time employees. These employees are eligible for all employee benefits, in proportion to the ratio that their average weekly hours of work in the preceding twelve (12) months bears to the work week for their job.

Casual, Special, Temporary or Seasonal Employees are not eligible for any employee benefits, listed in this section.

## **COMPENSATED ABSENCES**

### **B. HOLIDAYS**

Each regular full time and regular part time employee will be entitled to one day's pay at regular straight time rates for eleven (11) paid holidays per year. If the holiday falls on a Saturday, it will be observed on Friday and if it falls on Sunday, it will be observed on Monday.

Regular part-time employees scheduled to work on a holiday shall receive pay based on their regular scheduled hours for that day. If an employee is not scheduled to work on a particular holiday, the employee shall not be eligible for pay for that holiday.

The designated holidays are:

**NEW YEAR'S DAY**

**MARTIN LUTHER KING DAY**

**PRESIDENT'S DAY**

**PATRIOTS' DAY**

**MEMORIAL DAY**

**INDEPENDENCE DAY**

**LABOR DAY**

**COLUMBUS DAY**

**VETERANS' DAY**

**THANKSGIVING DAY**

**CHRISTMAS DAY**

An employee who is eligible for holiday pay and performs work on one of the holidays designated in this section shall be paid the rate of time and one-half for such day or fraction thereof.

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When any of the eleven holidays listed above fall within a sick leave period, it shall be granted as a holiday and no charge made to the employee's sick leave credits.

When any of the eleven holidays listed above fall within a vacation period, it shall be granted as a holiday not as vacation leave.

Any regular full-time or regular part-time employee on a normal work schedule whose services are required and who works on any unscheduled holiday, so designated by an Act of the Legislature as a state wide holiday, shall receive additional compensation at the rate of time and one-half of their regular straight time hourly rate for each hour of portion thereof worked on the unscheduled holiday.

Any act of the General Court establishing any day or days designated as a state holiday shall be granted to all regular full-time and regular part-time employees covered by this By-law.

### **C. VACATION PAY**

Employees will accumulate vacation pay on a monthly basis, on the last day of each full month worked in accordance with the provisions of this section listed below. Regular full time employees are eligible for vacation as follows:

- After completing six (6) months of continuous service, the employee is eligible for six and 2/3 hours of paid vacation at a normal day's pay for each full month of continuous service to the Town from the date of hire.
- After one (1) year and up to a maximum of five (5) years service, the employee is eligible for six and 2/3 (6 2/3) hours of paid vacation at a normal day's pay for each full month of continuous service provided to the Town, but not to exceed a maximum of eighty (80) hours.
- After five (5) and up to a maximum of fifteen (15) years service, the employee is eligible for 10 hours of paid vacation at a normal day's pay for each full month of continuous service provided to the Town, but not to exceed a maximum of 120 hours.
- After fifteen (15) years and up to twenty (20) years service, the employee is eligible for 160 hours of paid vacation earned and paid as above.
- After twenty (20) years service, the employee is eligible for 200 hours of paid vacation earned and paid as above.

Employees who are eligible for 160 or 200 hours of paid vacation may elect to work no more than one (1) vacation week and receive vacation pay plus their regular straight time pay for that week, but only after prior approval has been received from the employee's Department Head or Board, Committee, Agency or Commission responsible for the employee's Department.

The hourly vacation pay of a regular part-time employee shall be prorated in accordance with the schedule listed for regular full-time employees and based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the vacation period.

Vacation time shall not be cumulative from year to year except for 80 hours which may be held over to be used within three (3) months of the end of the Fiscal Year in which they were otherwise to be taken.

The choice of vacations shall be on the basis of seniority in the department and approved by the department head. Department heads shall post the vacation schedule annually.

In case of retirement or termination of employment, the employee shall be paid for all accrued vacation time earned up to the termination date.

### **D. SICK LEAVE**

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Each regular full time employee shall earn sick leave credit with pay at the rate of 10 hours for each month of continuous employment with the Town, to a maximum of 120 hours per fiscal year.

The sick leave credit of a regular part-time employee shall be prorated in accordance with the provisions of this section for regular full-time employees and based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the vacation period. This time shall be saved for use when an employee cannot report for work due to sickness, injury or exposure to contagious disease.

Use of such accumulated sick leave credit is allowed only after the employee has completed his/her probationary period.

The maximum number of such days of sick leave credit that may be accumulated is one hundred ninety (190).

Employees will accumulate sick leave on a monthly basis, on the last day of each full month worked and in accordance with the other provisions of this section.

Use of more than three consecutive days of sick leave must be authorized by the employee's Department Head and reported to the Human Resources Administrator.

Department Heads are responsible for maintaining records of sick leave days accumulated and used for all eligible employees within the Department and reporting same to the Human Resources Administrator and the Town Treasurer.

Employees returning from a sick leave or disability leave may be required to have a physical examination to determine their capability to perform satisfactorily their regular work without endangering themselves or their fellow employees. The Town may require a medical examination of any employee who reports an inability to report for duty because of illness. This examination shall be at the expense of the Town by a physician appointed by the Town.

Payments made under the provisions of this section shall be limited in the case of an employee who is receiving Workers Compensation payments to the difference between the total amount paid to the employee in Workers Compensation and the employee's regular pay. In the event of such payments, the Town may debit the employee's accumulated sick leave by such amounts as it determines to be equitable in relation to such payments.

Only employees who retire shall be paid ten (10) percent of the value of their unused sick leave, at the time of retirement. It is to be understood that the payment of any amount under this rule will not change the employee's pension benefit.

#### **E. BEREAVEMENT LEAVE**

Regular full time and regular part time employees shall be given up to three (3) consecutive working days leave with a normal day's pay for the purpose of making arrangements and attending the funeral of a member of his/her immediate family which is defined as: mother, father, spouse, mother-in-law, father-in-law, sister, brother, child, or step-child of the employee or any live-in family member. Regular full time and regular part time employees shall be given one (1) day leave with pay for the purposes of attending the funeral of the employee's aunt, uncle, niece, nephew or grandparent.

#### **F. JURY DUTY LEAVE**

A regular full time and regular part time employee called for jury duty shall be paid by the Town an amount equal to the difference between the compensation paid the employee for a normal working period and the amount paid by the court excluding any allowance for travel and lodging, upon presentation of an affidavit of jury pay granted.

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**G. MILITARY LEAVE**

Regular full-time employees who are in the Armed Services Reserves or National Guard and are called to temporary military duty not exceeding two (2) weeks in any twelve (12) month period, shall receive the difference in pay between their regular Town pay and their Military pay. Vacation days accrued will not be affected by military duty. This provision does not include payments to members of the National Guard who may be mobilized during an emergency in the Commonwealth. Proof of service shall be submitted to the employee's Department Head and a copy to the Personnel Board.

Regular full-time employees, who are in the Armed Services Reserves, National Guard, or Air National Guard and are called to active federal military duty, shall receive, pursuant to MGL Chapter 137, the difference in pay between their regular Town pay and their Military pay. This shall not include shift differential pay, hazardous duty pay, overtime pay, or any additional compensation. Vacation days accrued, sick leave, absence for personal reasons, or other leave with pay benefits will not be reduced or affected by military duty. Said employee shall not lose any seniority status while on duty. Proof of service shall be submitted to the employee's Department Head and a copy to the Personnel Board.

**H. OTHER LEAVE**

Absence for personal reasons up to twenty-four hours per year may be granted to full-time employees. Absences for personal reasons for regular part-time employee shall be prorated based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the period requested for personal leave. Personal leave will not be taken in less than one (1) hour blocks. These personal days may be taken at any time of the year upon the employee's request with the approval of the Department Head. Any time not used will be credited to sick-leave. When possible, the employee must request from the employee's immediate supervisor the personal day leave at least forty eight (48) hours in advance. A supervisor may not question the reason for personal leave nor may he/she deny such a request except for scheduling problems. Only employees who have completed their probationary period may be compensated for absence for personal reasons under provisions of this sub-section.

**NON COMPENSATED ABSENCE**

**I. DISABILITY AND PARENTAL LEAVE**

A leave of absence without pay may be granted an employee with at least six (6) months of continuous service whose illness or disability continues beyond sick leave that has been accumulated. Such leave shall be for sickness or injury resulting in temporary disability of the employee or a member of his or her immediate family, or for the birth of a child to the employee or the employee's spouse or for the adoption of a child by the employee or the employee's spouse. Duration of the leave shall be for the period a physician says the employee is unable to perform the regular duties of their position or, in the event the leave is for reasons other than the employee's personal health, it shall be in accordance with the Family Medical Leave Act (FMLA).

**J. LEAVE OF ABSENCE**

A leave of absence may be granted by the Department Head with the approval of the appointing authority but shall be without compensation and earned benefits. A leave of absence, of over three (3) months duration, except military leave, shall be considered a break in employment and on return to work the employee shall have the status of a new employee

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unless an extension of leave beyond three months has been authorized by the Personnel Board in advance.

**K. UNAUTHORIZED LEAVE OF ABSENCE**

Any employee absent without authorization for three (3) consecutive working days shall be terminated from the payroll as abandonment of his/her position.

**L. GROUP INSURANCE**

Each regular full time and regular part time employee covered by the By-law shall be entitled to the Group Insurance Plan (Health and Life Insurance) which has been accepted by the Town in accordance with Massachusetts General Laws, Chapter 32B.

**M. RETIREMENT BENEFITS**

The Town shall contribute funds as required for each employee in accordance with the procedures formula established by the Worcester County Retirement Board and the By-laws of the town of Sterling.

**SECTION 11: CIVIL SERVICE LAW**

Nothing in this By-law or in the Classification or Compensation Plans shall be construed to conflict with Chapter 31 of the Massachusetts General Laws.

**SECTION 12: SEPARABILITY PROVISION**

In the event that any provision of this By-law, or application thereof, shall be held to be invalid by any court of proper jurisdiction, this shall not be construed to affect the validity of any other provision, or application thereof, of this By-law.

**SECTION 13: ACTION TAKEN UNDER PRIOR BY-LAWS PRESERVED**

The repeal of this by-law or portion thereof heretofore adopted shall not be construed to revoke, invalidate or otherwise alter acts done, ratified or confirmed in compliance therewith under authority thereof, or any rights accrued or established or any action, suit or proceeding commenced or had in any case, nor shall any such repeal affect any punishment, penalty or forfeiture incurred under any such prior by-law.  
or take any action in relation thereto.

**Submitted by:** Personnel Board

**Recommendation:** The Finance Committee will report at Town Meeting on this article.

**Recommendation:** The Personnel Board supports the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** The Personnel Board is submitting a redrafted Personnel By-Law to update the present By-Law to reflect the changes in the Town's personnel administration policies and procedures, to adopt revisions in federal and state statutes, and to clarify various provisions of the present By-Law. This is the first comprehensive redraft of the By-Law since 1989 and the culmination of a significant amount of work by the Board and the new HR Administrator. The major changes include procedures related to the new position of HR Administrator, updates to federal and state laws, standardizing the accrual of vacation time, abolishing compensatory time, internal job posting procedure, and eliminating the harassment section (moving it to a stand-alone policy).

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**MOTION MADE:** to vote to accept Article 17 in its entirety with the following changes as incorporated in the full text below:

- In Section 6 H. Overtime (*pg. 34 of Warrant*) by deleting the last word, “Midnight”, and replacing it with “12.01 AM”
- In Section 7. Disciplinary Action (*pg. 35 of Warrant*) by deleting the following in paragraph 2, “Therefore, the following disciplinary procedure shall be followed.”, and by replacing it with “Therefore, the following so-called “progressive disciplinary procedure” shall be followed for non-serious violations.”

**MOTION MADE WITH AMENDMENTS PASSED UNANIMOUSLY.**

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**TOWN OF STERLING**  
**PERSONNEL BY-LAW**

*As revised May 17, 2010 Annual Town Meeting*

**PREAMBLE**

**EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The policy of the town of Sterling is to provide equal employment opportunity to all candidates for employment or appointment and administer working conditions, benefits, privileges of employment, training, advancement, upgrading, promotion, transfers and terminations of employment for all employees without regard to race, color, veteran status, religion, national origin, sex or age, physical and/or mental handicap or sexual preference.

**SECTION 1. AUTHORIZATION/AMENDMENT**

Pursuant to the authority contained in Sections 108A and 108C of Chapter 41 of the General Laws, the town of Sterling establishes plans which may be amended from time to time by vote of the town at a Town Meeting:

- e. authorizing a Classification Plan classifying positions in the service of the Town other than those filled by popular election, those under the jurisdiction of the School Committees, those covered by collective bargaining agreements with the Town, those within the Municipal Light Department, and those in which the incumbent tenders contractual services which are not provided during regularly established working hours, into groups and classes doing substantially similar work or having substantially equal responsibilities;
  - aa. authorizing a Compensation Plan for positions in the Classification Plan;
  - bb. providing for the administration of said Classification and Compensation Plans; and
  - cc. establishing certain working conditions and fringe benefits for employees occupying positions in the Classification Plan.

The Classification Plan and/or Compensation Plan or any other provisions of this By-Law may be amended by vote of the Town at either an Annual or Special Town Meeting. No amendment shall be considered or voted on by Town Meeting unless the proposed amendment has first been considered by the Personnel Board and the Finance Committee. The Personnel Board, of its own motion, may propose an amendment to the plans or other provisions of this By-Law based on its findings resulting from its investigations. The Personnel Board shall report its recommendations on any proposed amendment to the Finance Committee and the Board of Selectmen. The Personnel Board shall make its recommendations with regard to any amendment at the Town Meeting at which such amendment is considered.

**SECTION 2. PERSONNEL BOARD**

**A. MEMBERSHIP**

There shall be a Personnel Board consisting of five (5) members appointed by the Board of Selectmen, the Town Moderator and the Finance Committee, each entity having one vote for a total of three (3) votes. The Personnel Board shall be responsible for the administration of this by-law including any classification and compensation plans. The membership of the Board shall be made up of residents of the Town who are neither employees of the Town, nor appointed or elected officials of the Town. Members should have a working knowledge of personnel practices and procedures in a municipal or corporate work setting. All members of said Board shall be residents of the town and shall serve without compensation.

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Except when an appointment is made to serve the balance of an unexpired term, each member of the Personnel Board shall serve for a term of three years. Appointments shall be made in such a fashion that they will expire on June 30<sup>th</sup> of a given year. Each member shall continue to hold office until their successor has been appointed and qualified. Members of the Personnel Board serving upon the effective date of this By-Law shall serve until the expiration of their respective terms. Upon the expiration of such terms members shall be appointed for successive three-year terms by vote of the Board of Selectmen, the Moderator and the Finance Committee as specified above.

If a member resigns or a member's office becomes vacant by removal from the Town, or any other cause, their successor shall be appointed for the balance of the unexpired term of such member by the Board of Selectmen, the Town Moderator and the Finance Committee, each entity having one vote for a total of three (3) votes. The Town Clerk shall have sole authority to determine if a person has moved out of town or a position is otherwise vacant. A member may be removed from the Personnel Board at any time, with or without cause, by vote of the Board of Selectmen, the Moderator and the Finance Committee in the same manner as appointments are made.

#### **B. ORGANIZATION**

The Personnel Board shall organize annually, as soon as possible after July 1st of each year, at the call of the then Chairman, or lacking a Chairman any member of the Board, and shall elect a Chairman and appoint a Secretary from among its members. The Chairman shall hold office until a successor has been elected. In the event a vacancy occurs in the office of the Chairman, the Personnel Board shall elect a successor Chairman from among its members, such successor to serve until the next organizational meeting of the Personnel Board and until a successor has been elected. A majority of the Board shall constitute a quorum for the transaction of business. A majority vote of the Board shall determine the action the Board must take in all matters upon which it is authorized or required to pass under this By-Law. In the event that a bare quorum of the Board only is present, there must be a unanimous vote.

#### **C. ADMINISTRATION**

The Board shall administer the Personnel By-Law, Classification Plan, and the Compensation Plan and shall establish such procedures as it deems necessary for the proper administration thereof.

The Human Resources Administrator, as agent of the Personnel Board, shall maintain records of all employees in the service of the Town, other than those under the jurisdiction of the School Committees, or those within the Municipal Light Department, including therein such information as required by law or as deemed desirable by the Personnel Board. Said records shall be under the control and direction of the Human Resources Administrator. Department Heads shall furnish such information as shall be requested by Human Resources Administrator on behalf of the Personnel Board.

The Human Resources Administrator, as agent of the Personnel Board, shall provide a copy of the Personnel By-Law or a summarization thereof, to each new employee and Department Head. The Human Resources Administrator shall provide a copy of the Personnel By-Law or a summarization thereof, to each department. Each department head will have a copy of the Personnel By-Law available for reference at all times.

#### **D. AUTHORITY**



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The Human Resources Administrator, from time to time, will review the work of all positions subject to the provisions of this By-Law and shall recommend any changes or adjustments to the Classification Plan or the Compensation Plan for action by the Personnel Board. Such reviews shall be made at such intervals as the Board deems necessary and, to the extent which the Board considers practicable, shall include all occupational groups in the Classification Plan.

The Board, with the recommendations of the Human Resources Administrator based on an evaluation of the latest Benchmark Study data and after meeting with the appropriate department head or supervisor, shall have the authority to adjust individual employee classifications within the context of the By-Law whenever duties change and inequities exist.

On or before December 10th of each year, the Personnel Board shall vote to retain or change the Classification Plan or the Compensation Plan for the forthcoming year, subject to the subsequent ratification of its action by formal amendment of that section of this By-Law at the next Annual Town Meeting.

In addition, the Personnel Board shall make an annual report in writing to the Board of Selectmen and the Finance Committee on or before the first Monday in February of each year, including recommendations on any matters related to the Classification or Compensation Plans which the Personnel Board deems appropriate to be considered by the town.

The Board may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefore.

### **SECTION 3. APPLICATION OF PERSONNEL BY-LAW**

This By-Law shall apply to all Town Departments and to all positions of all employees in the service of the town, whether full or part-time, temporary, seasonal, special, casual or any other type of employment, other than those positions which are filled by popular election, those under the jurisdiction of the School Committees, those within the Municipal Light Department, and those positions which are covered by separate agreements between any employee or Association of Employees and the town developed through Collective Bargaining. If any agreement between an employee or Association of Employees and the town does not address any item addressed in Section 10. B, C, and D, then the provisions of Section 10. B, C, and D shall apply to those employees.

### **SECTION 4. DEFINITIONS**

As used in the By-Law, the following terms shall have the meaning indicated:

- a. Absence - Any time an employee is not at work during a scheduled work period.
- b. Administrative Authority - The elected or appointed official or Board, Committee, Commission, or other Agency having jurisdiction over a function or activity.
- c. Appointing Authority - Any person(s), Board, Committee, Commission, or other Agency who has the right to hire or discharge employees.
- d. Casual Part Time Employee - Any employee hired for less than 20 hours each week or for irregular or occasional employment at an hourly rate or a fee. Also an employee who renders personal service in a position calling for part-time employment and which service, although constituting continuous employment, is not rendered during a prescribed schedule of working hour, daily, weekly or annually, but is rendered according to the demands for such service.
- e. Class - A group of positions in the Town service sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used to designate each position allocated to the class, that the same qualifications shall

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be required of the incumbents, that the same tests of fitness may be used to choose qualified employees.

- f.** Classification Plan - Class specifications and titles approved by the Personnel Board and appearing as attached to these By-laws.
- g.** Compensation Grade - A range of salary or wage rates appearing in the Compensation Plan.
- h.** Compensation Plan - Specified rates of pay for each job classification included in the Classification Plan, appearing as attached to these By-laws.
- i.** Continuous Service - Length of employment with the town of Sterling, uninterrupted except for authorized military leave, vacation leave, sick leave, court leave, disability, maternal/paternal leave, or any other authorized leave of absence, if applicable and covered in the terms of this By-law.
- j.** Department - Any Board, Committee, Commission, other agency of a functional unit (or sub-unit) of the town.
- k.** Employee - Any person who is paid by the town for services rendered to the town, excluding elected officials, independent contractors, Municipal Light Department employees, Police Department matrons and persons under the direction of the School Committees.
- l.** Functional Units of Municipal Government - A grouping of occupational groups or classes by type of municipal services rendered (i.e.), General Government - Executive and Administrative duties; Public Safety - Protection of life and property; Public Utilities - Development, operation and maintenance of public property and facilities; Education - Instruction and related support and administrative functions; Human Services - Health, Youths, Elders, Veterans, etc. functions; Culture and Recreation - Library, Parks and Recreational facilities and functions.
- m.** Group or Occupational Group - A group of classes designated by occupation within one of the major functional units of municipal government.
- n.** Job Classification - A particular job title within the Classification Plan.
- o.** Maximum Rate - The highest rate in a compensation grade which an employee normally is entitled to attain.
- p.** Minimum Rate - The lowest rate in a compensation grade; normally the hiring rate of a new employee.
- q.** Position - An office or post of employment in the Town service with duties and responsibilities calling for full time, part time, temporary or seasonal employment of one person in the performance and exercise thereof.
- r.** Probationary Period – The first full six months of employment for a full time, part time, or casual part time employment shall be considered a probationary period. An employee during this probationary period shall be considered an employee at will. During the probationary period, an employee will be required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which they were appointed. At any time during a probationary period, the Town may terminate an employee without the requirement of a hearing, although notice of the reason(s) will be provided upon request.
- s.** Range - The dollar difference between minimum and maximum rates for a particular compensation grade.
- t.** Rate - A sum of money designated as compensation for personal services on an hourly, daily, weekly, monthly, annual or other basis.

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- u. Regular Full Time Employee - Any employee who is employed no less than forty (40) hours per week, 52 weeks per year for the department or position in which that person is employed.
- v. Regular Part Time Employee - Any employee who works at least 20 hours or more each week for 52 weeks per year, but less than a normal work week for the department or position in which that person is employed.
- w. Single Rate - A rate for a special, temporary or seasonal position for which there is no range.
- x. Step Rate - A rate in a range of a compensation grade.
- y. Temporary or Seasonal Employee - Any employee whose duration of employment with the Town is of a seasonal or emergency nature, or specified limited amount of time not exceeding six calendar months; either on a full time or part time basis.
- z. Town - The Town of Sterling, Commonwealth of Massachusetts.

## **SECTION 5. CLASSIFICATION PLAN**

### **A. MANDATORY CLASSIFICATION**

No person shall be appointed, employed or paid as a Town employee in any position under the Classification Plan and Compensation Plan under any title, grade, or salary other than that of the class, title, grade, or salary listed in the Classification Plan and Compensation Plan for that position.

### **B. EMPLOYEE CATEGORIES**

All positions subject to the provisions of the Personnel By-law of the Town shall fall into one of the following categories:

- a. Regular Full Time
- b. Regular Part Time
- c. Casual Part Time
- d. Temporary or Seasonal

Regular Full Time and Regular Part Time employees are the only employees eligible for employee benefits.

### **C. ALLOCATION AND NEW POSITIONS**

The Personnel Board may allocate each position subject to the provisions of the Classification and Compensation Plan to its appropriate class and pay grade. Whenever a new position is established, or the duties or allocation of an existing position are changed, the Personnel Board, with the recommendation of the Human Resources Administrator and Department Head, shall allocate such position to an appropriate class and pay grade.

A new position or change in classification can only be effective if the Town Meeting approves the new position or change and provides funding.

The Personnel Board shall afford reasonable opportunity to be heard to any employee or any Department Head affected by the establishment of a new position or any change in classification.

### **D. HIRING AND RE-CLASSIFICATION**

The following procedure shall be used when hiring employees for or filling regular full time and regular part time positions covered by this By-law. This procedure may be used when hiring employees to fill casual part time, seasonal or temporary positions.

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1. A job description must be on file with the Human Resources Department and approved by the Personnel Board prior to the announcement of any job opening.
2. The hiring rate and pay rate for the job must be in accord with the Classification and Compensation Plans.
3. All announcements concerning job openings, vacancies, or promotions of positions, shall be posted internally on the Town Bulletin Board, any appropriate worksite bulletin board and the Town website for ten (10) days prior to advertisement of the position. The posting shall include wording that the posting is an internal job posting and that an Internal Posting of a position does not in any way restrict the Town from hiring any qualified candidate, whether internal or external.
4. After internally posting the job for 10 days, if the job is not to be filled by an internal candidate, then the job opening must be published in a local publication of record and any other publication designated by the Personnel Board and must be posted on the Town website, any other website designated by the Personnel Board, and the Town Hall bulletin board at least ten (10) days prior to the job being filled.

All announcements concerning job openings, vacancies, or promotions of positions, shall be posted on the Town Bulletin Board. Such postings shall include but not limited to the following:

- a. Job title
- b. Pay rate in accordance with the Compensation Plan approved by the Town Meeting and on file in the Human Resources Department
- c. Summary statement of duties
- d. Direction on where and how applications may be filed
- e. Deadline for filing application
- f. Contact Person
- g. EEO/AA

Job applicants will not be discriminated against on the basis of race, color, veteran status, gender, age, sexual preference, religion, national origin, physical or mental handicap.

Records of all job applicants must be retained by the Human Resources Department for a period of one (1) year after the job was filled, in the event that a case charging hiring discrimination is brought against the Town. The application of the person hired will be filed in the employee's personnel file.

A Payroll Change Authorization with the required approvals will be submitted to the Town Accountant and the Town Treasurer prior to issuance of a voucher for a new employee or a voucher including pay rate change for an incumbent employee.

Funding for a new position must be approved by Town Meeting vote prior to advertising said position.

No employee may be reclassified to a position in another group, either higher or lower, until the Personnel Board determines that, in consultation with the Human Resources Administrator, such a reclassification will be consistent with the provisions of the Compensation Plan.

## **E. JOB DESCRIPTIONS AND INTERPRETATIONS**

The Human Resources Administrator shall maintain written descriptions of the jobs or positions in the Classification Plan. These descriptions shall be written or amended in consultation with the appropriate Department Head or supervisor and the Human Resources Administrator and shall be approved by the Personnel Board prior to becoming effective. The descriptions should include definitions describing the essential nature of the work, distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate.

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The Personnel Board may amend such job descriptions from time to time at its discretion after consultation with the appropriate department supervisor or Board and the Human Resources Administrator. The heads of departments shall be required to retain copies of current approved job descriptions for said departments.

The description of any position shall be construed solely as a means of identification. It shall not limit the duties and responsibilities of any position or modify, or in any way affect, the power of any administrative authority as otherwise existing, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

**F. CLASS TITLE**

The title of each class, as established by the Classification Plan, shall be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated, and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position.

No administrative authority shall fix the salary of any employee in a position in the Classification Plan except in accordance with the Compensation Plan.

**G. WORK WEEK**

The normal week for a regular full time employee shall be forty (40) hours. The Department Head, with the approval of the Board, Committee, Agency, or Commission responsible for the Department and of the Personnel Board, will establish and post permanently on the Department bulletin board the regular working hours for all employees of that department. The normal lunch period will not be a paid period.

**SECTION 6: COMPENSATION PLAN**

The compensation provided for in this section shall be subject to the availability of appropriated funds.

**A. PAY AND SALARY SCHEDULE**

The Compensation Schedule annually approved by the Town Meeting and appended to this By-law shall consist of hourly rates, where appropriate, and annual salaries, on a grade and step schedule except for those wages that are presented as either a single rate or range. The weekly pay period begins at 12:01AM on Monday and ends at 12:00 Midnight on the following Sunday. The Town may adopt a bi-weekly pay period as provided by applicable Massachusetts law.

**B. PAY RATE FOR NEW AND CONTINUING PERSONNEL**

The hiring rate shall be the minimum of the rate range of the job for which the new employee is hired. An appointing authority may assign a new employee, only for the purposes of pay, to a higher rate up to step 5 without prior approval of the Personnel Board where the employee's prior work experience, training, or education warrants such action. The Board may approve any request for a higher salary step after investigating such requests for assignment to a higher salary step, and conferring with the Human Resources Administrator, and the immediate supervisor or the department head relative to any assignment to a higher rate. An appointing authority must request approval from the Personnel Board prior to assigning any new employee to a rate higher than step 5.

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The head of each department of which an employee occupying a position in the Classification Plan is assigned shall include in his/her estimates, required by provisions of Section 59 of Chapter 41 of the General Laws, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing fiscal year, and shall furnish a copy thereof to the Personnel Board.

**C. TRANSFERS AND PROMOTIONS OF EMPLOYEES**

An employee receiving a promotion to a vacant position or to a new position shall, upon assignment, receive the rate in the compensation grade of the vacant or new position next above his existing rate. If the resulting adjustment does not equal \$4.00 per week or \$.10 per hour for a position class assigned to the Compensation Plan, the adjustment shall be to the next step.

The employee receiving a promotion and adjustment in rate pursuant to the provisions of sub-section 6 (C) shall be eligible for recommendation for the next increment of his compensation grade effective July 1 following completion of twelve months at the rate resulting from the promotion.

If an employee is transferred to a lower rate job, he/she shall enter it at his/her own rate or at the maximum rate for the job, whichever is the lower. The employee shall have the right of appeal to the Personnel Board and to be heard thereon.

Before a step rate increase or promotion change is initiated by the Department, there must be adequate funds available in the Department's budget to cover the requested increase.

Any classification in the Compensation Plan for which only one rate is indicated shall not be eligible for step rate increases.

During a probationary period, an appointing authority may terminate any employee whose performance is not satisfactory.

**D. "PERSONAL RATE" ABOVE MAXIMUM**

Any salary rate which is above the maximum rate for a job as established by this plan, shall be deemed to be a personal rate, and apply only to the incumbent. When such incumbent leaves the employ of the Town, or is transferred to another job or a new maximum higher than the personal rate is established, the personal rate shall disappear. No other employee assigned to, or hired for, such a job shall advance beyond the maximum of the job.

**E. TEMPORARY ASSIGNMENTS, INTERIM APPOINTMENTS**

Positions may be temporarily filled as a result of promotions, resignations, terminations, demotions or transfers, if it is required by law or is in the best interest of the Town. In the event of a temporary filling of a position, the employee so appointed shall receive the rate in the compensation grade of the vacant position next above his existing rate. If the resulting adjustment does not equal \$4.00 per week or \$0.10 per hour, the adjustment shall be to the next step in the grade. If and when the employee reverts to their previous position, the employee shall revert to their previous step and grade. In the event that there has been an across the board step increase, the employee then will revert to the appropriate step that reflects the across the board increase. The Personnel Board may consider special circumstances in assigning pay rates for these actions.

**F. PHYSICAL EXAMINATION**

An appointing authority in consultation with a Department Head, Supervisor, Human Resources Administrator and, if necessary, the Personnel Board may decide if a specific

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classification in the Classification Plan should require a physical examination satisfactory to the Town. Such exam may be part of a “conditional offer of employment” or it may be a “fitness for duty” examination. In such cases, the examining physician shall be appointed by the Town and the examination shall be at the expense of the Town. The examining physician shall advise the Town as to whether, in their opinion, the applicant is physically qualified to perform the duties of the position for which application has been made.

**G. STRAIGHT TIME HOURLY PAY**

The compensation paid an employee per the Compensation Plan for each hour worked during the work week shall be their regular straight time hourly pay. In those instances in which the hourly earnings are not specified in the Compensation Plan, the straight time hourly pay is calculated by dividing the weekly rate by the work week hours. For salaried position, straight time hourly pay is calculated by dividing the weekly compensation by the work week hours of that area in which the employee works.

**H. OVERTIME**

Any hours, or portions thereof, authorized by the department head and worked by a non-exempt or hourly employee in the service of the Town over and above forty (40) hours for the work week, shall be considered overtime. For purposed of calculating overtime, holiday pay and vacation pay shall be considered as hours worked.

Regular full-time non-exempt or hourly employees must be paid at the overtime rate for all hours worked beyond 40 hours in a work week. Except in the case of an emergency, overtime must be pre-approved by the Appointing Authority and their budget must have funds available. Overtime shall be compensated to all non-salaried or non-exempt employees, at one and one half times straight hourly earnings. No employee will receive compensatory time. Salaried or exempt personnel shall not be paid overtime.

In accordance with the FLSA, the Town has adopted a 7-k exemption by establishing a 28 day work period for police and fire personnel. For all other employees covered by this by-law, the town has established 7-day work period commencing on Monday at 12:01 AM.

**I. CALL BACK PAY**

When full-time employees, except salaried or exempt employees, are requested to return to work after completing their normal day's work, and work less than four hours upon their return, they shall be compensated for no less than two hours.

**SECTION 7: DISCIPLINARY ACTION**

The Town recognized that all of its employees have high standards. However, there are times when it may be necessary to discipline individual employees. The Town believes that discipline should be used only when warranted and with the utmost concern for the individuals involved.

Therefore, the following so-called “progressive disciplinary procedure” shall be followed for non-serious violations:

- Step 1. The supervisor will give the employee an oral warning.
- Step 2. The supervisor may issue a written warning to the employee with a copy being placed in the personnel file depending upon the severity of the offense committed.
- Step 3. Additional infractions will result in more severe disciplinary actions being taken, up to and including suspension.

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- Step 4. Further infractions will result in the recommendation to the Personnel Board that the employee be terminated.

At any step in the disciplinary procedure, an employee may, at their discretion, appeal to the Personnel Board.

The progressive disciplinary procedure will be by-passed for, but not limited to, the following:

- insubordination,
- theft of Town or another employee's property,
- falsification of time records,
- imbibing alcohol on the job,
- use of an illegal substance on the job,
- fighting while on the job, and
- disclosure of confidential matters.

After one year following disciplinary action, if there has been no further disciplinary action, the Department Head and the Human Resources Administrator will make a joint determination to, either remove the record from the personnel file, or retain it for a specified longer period. If the record is retained, the employee may appeal this action to the Personnel Board.

#### **SECTION 8: GRIEVANCES AND APPEALS**

- Step 1. Any employee who believes that they have received inequitable treatment because of some condition of their employment may appeal for relief from that condition. An employee must discuss the grievance initially with their direct supervisor. Then, if the matter is not settled, the employee should submit said grievance in writing to the department head. The department head shall respond in writing, within fourteen calendar days. If the employee's department head is also the immediate supervisor, he/she should proceed to Step 2.
- Step 2. If the employee feels that his/her grievance is still unresolved, he/she may appeal to the Personnel Board within fourteen calendar days after receiving the decision of the Department Head. The Personnel Board may require a written statement from the aggrieved employee in such form and containing such information as they may require. The Personnel Board shall schedule a hearing to resolve the grievance and give notice to all parties including Department Heads of said hearing within fourteen calendar days of the employee's appeal. After the close of the hearing, the Personnel Board shall render a decision within 28 calendar days of the hearing.

#### **SECTION 9: REDUCTION IN FORCE (RIF)**

In the event that, for reasons of economy, it becomes necessary to reduce the number of employees under the Personnel By-law, the town of Sterling, in determining which of its employees are to be terminated, will take into consideration the qualifications of such employees, the quality of their past performance and their seniority as employees of the Town. Where, in the opinion of the appointing authority, the qualifications and quality of performance of employees are substantially equal, employees will be terminated in the order of reverse seniority as employees of the department.

An employee whose employment date with the Town is the same as another employee shall be terminated upon the Department Head's evaluation of each employee's overall work performance.

Employees whose employment is to be so terminated will be notified in writing of such termination no later than May thirty-first of the work year (fiscal year) at the end of which their employment is to be terminated.

Employees, whose employment is so terminated, will be considered for reemployment



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by the Town in the inverse order of their termination during a period of one (1) year from the effective date of their termination, if they inform the appointing authority in writing of their desire to be considered.

An employee, who is re-employed by the Town within said one (1) year period after termination under the provision of this Section, shall have the unused sick leave accumulated at the time of termination restored.

## **SECTION 10: EMPLOYEE BENEFITS**

Employee benefits provided by the Town are an item of cost to the Town and a form of indirect pay for the employee. Therefore, the policies and procedures for the establishment and maintenance of these benefits are included in this Personnel By-law.

### **A. APPLICATION**

Regular Full Time Employees - All of the below listed employee benefits apply to regular full time employees.

Regular Part Time Employees - All of the below listed employee benefits apply to regular part time employees. These employees are eligible for all employee benefits, in proportion to the ratio that their average weekly hours of work in the preceding twelve (12) months bears to the work week for their job.

Casual, Special, Temporary or Seasonal Employees are not eligible for any employee benefits, listed in this section.

## **COMPENSATED ABSENCES**

### **B. HOLIDAYS**

Each regular full time and regular part time employee will be entitled to one day's pay at regular straight time rates for eleven (11) paid holidays per year. If the holiday falls on a Saturday, it will be observed on Friday and if it falls on Sunday, it will be observed on Monday.

Regular part-time employees scheduled to work on a holiday shall receive pay based on their regular scheduled hours for that day. If an employee is not scheduled to work on a particular holiday, the employee shall not be eligible for pay for that holiday.

The designated holidays are:

<b>NEW YEAR'S DAY</b>	<b>LABOR DAY</b>
<b>MARTIN LUTHER KING DAY</b>	<b>COLUMBUS DAY</b>
<b>PRESIDENT'S DAY</b>	<b>VETERANS' DAY</b>
<b>PATRIOTS' DAY</b>	<b>THANKSGIVING DAY</b>
<b>MEMORIAL DAY</b>	<b>CHRISTMAS DAY</b>
<b>INDEPENDENCE DAY</b>	

An employee who is eligible for holiday pay and performs work on one of the holidays designated in this section shall be paid the rate of time and one-half for such day or fraction thereof.

When any of the eleven holidays listed above fall within a sick leave period, it shall be granted as a holiday and no charge made to the employee's sick leave credits.

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When any of the eleven holidays listed above fall within a vacation period, it shall be granted as a holiday not as vacation leave.

Any regular full-time or regular part-time employee on a normal work schedule whose services are required and who works on any unscheduled holiday, so designated by an Act of the Legislature as a state wide holiday, shall receive additional compensation at the rate of time and one-half of their regular straight time hourly rate for each hour of portion thereof worked on the unscheduled holiday.

Any act of the General Court establishing any day or days designated as a state holiday shall be granted to all regular full-time and regular part-time employees covered by this By-law.

### **C. VACATION PAY**

Employees will accumulate vacation pay on a monthly basis, on the last day of each full month worked in accordance with the provisions of this section listed below. Regular full time employees are eligible for vacation as follows:

- After completing six (6) months of continuous service, the employee is eligible for six and 2/3 hours of paid vacation at a normal day's pay for each full month of continuous service to the Town from the date of hire.
- After one (1) year and up to a maximum of five (5) years service, the employee is eligible for six and 2/3 (6 2/3) hours of paid vacation at a normal day's pay for each full month of continuous service provided to the Town, but not to exceed a maximum of eighty (80) hours.
- After five (5) and up to a maximum of fifteen (15) years service, the employee is eligible for 10 hours of paid vacation at a normal day's pay for each full month of continuous service provided to the Town, but not to exceed a maximum of 120 hours.
- After fifteen (15) years and up to twenty (20) years service, the employee is eligible for 160 hours of paid vacation earned and paid as above.
- After twenty (20) years service, the employee is eligible for 200 hours of paid vacation earned and paid as above.

Employees who are eligible for 160 or 200 hours of paid vacation may elect to work no more than one (1) vacation week and receive vacation pay plus their regular straight time pay for that week, but only after prior approval has been received from the employee's Department Head or Board, Committee, Agency or Commission responsible for the employee's Department.

The hourly vacation pay of a regular part-time employee shall be prorated in accordance with the schedule listed for regular full-time employees and based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the vacation period.

Vacation time shall not be cumulative from year to year except for 80 hours which may be held over to be used within three (3) months of the end of the Fiscal Year in which they were otherwise to be taken.

The choice of vacations shall be on the basis of seniority in the department and approved by the department head. Department heads shall post the vacation schedule annually.

In case of retirement or termination of employment, the employee shall be paid for all accrued vacation time earned up to the termination date.

### **D. SICK LEAVE**

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Each regular full time employee shall earn sick leave credit with pay at the rate of 10 hours for each month of continuous employment with the Town, to a maximum of 120 hours per fiscal year.

The sick leave credit of a regular part-time employee shall be prorated in accordance with the provisions of this section for regular full-time employees and based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the vacation period. This time shall be saved for use when an employee cannot report for work due to sickness, injury or exposure to contagious disease.

Use of such accumulated sick leave credit is allowed only after the employee has completed his/her probationary period.

The maximum number of such days of sick leave credit that may be accumulated is one hundred ninety (190).

Employees will accumulate sick leave on a monthly basis, on the last day of each full month worked and in accordance with the other provisions of this section.

Use of more than three consecutive days of sick leave must be authorized by the employee's Department Head and reported to the Human Resources Administrator.

Department Heads are responsible for maintaining records of sick leave days accumulated and used for all eligible employees within the Department and reporting same to the Human Resources Administrator and the Town Treasurer.

Employees returning from a sick leave or disability leave may be required to have a physical examination to determine their capability to perform satisfactorily their regular work without endangering themselves or their fellow employees. The Town may require a medical examination of any employee who reports an inability to report for duty because of illness. This examination shall be at the expense of the Town by a physician appointed by the Town.

Payments made under the provisions of this section shall be limited in the case of an employee who is receiving Workers Compensation payments to the difference between the total amount paid to the employee in Workers Compensation and the employee's regular pay. In the event of such payments, the Town may debit the employee's accumulated sick leave by such amounts as it determines to be equitable in relation to such payments.

Only employees who retire shall be paid ten (10) percent of the value of their unused sick leave, at the time of retirement. It is to be understood that the payment of any amount under this rule will not change the employee's pension benefit.

#### **E. BEREAVEMENT LEAVE**

Regular full time and regular part time employees shall be given up to three (3) consecutive working days leave with a normal day's pay for the purpose of making arrangements and attending the funeral of a member of his/her immediate family which is defined as: mother, father, spouse, mother-in-law, father-in-law, sister, brother, child, or step-child of the employee or any live-in family member. Regular full time and regular part time employees shall be given one (1) day leave with pay for the purposes of attending the funeral of the employee's aunt, uncle, niece, nephew or grandparent.

#### **F. JURY DUTY LEAVE**

A regular full time and regular part time employee called for jury duty shall be paid by the Town an amount equal to the difference between the compensation paid the employee for a normal working period and the amount paid by the court excluding any allowance for travel and lodging, upon presentation of an affidavit of jury pay granted.

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**G. MILITARY LEAVE**

Regular full-time employees who are in the Armed Services Reserves or National Guard and are called to temporary military duty not exceeding two (2) weeks in any twelve (12) month period, shall receive the difference in pay between their regular Town pay and their Military pay. Vacation days accrued will not be affected by military duty. This provision does not include payments to members of the National Guard who may be mobilized during an emergency in the Commonwealth. Proof of service shall be submitted to the employee's Department Head and a copy to the Personnel Board.

Regular full-time employees, who are in the Armed Services Reserves, National Guard, or Air National Guard and are called to active federal military duty, shall receive, pursuant to MGL Chapter 137, the difference in pay between their regular Town pay and their Military pay. This shall not include shift differential pay, hazardous duty pay, overtime pay, or any additional compensation. Vacation days accrued, sick leave, absence for personal reasons, or other leave with pay benefits will not be reduced or affected by military duty. Said employee shall not lose any seniority status while on duty. Proof of service shall be submitted to the employee's Department Head and a copy to the Personnel Board.

**H. OTHER LEAVE**

Absence for personal reasons up to twenty-four hours per year may be granted to full-time employees. Absences for personal reasons for regular part-time employee shall be prorated based the average of their hourly pay for the fifty-two (52) weeks worked immediately preceding the period requested for personal leave. Personal leave will not be taken in less than one (1) hour blocks. These personal days may be taken at any time of the year upon the employee's request with the approval of the Department Head. Any time not used will be credited to sick-leave. When possible, the employee must request from the employee's immediate supervisor the personal day leave at least forty eight (48) hours in advance. A supervisor may not question the reason for personal leave nor may he/she deny such a request except for scheduling problems. Only employees who have completed their probationary period may be compensated for absence for personal reasons under provisions of this sub-section.

**NON COMPENSATED ABSENCE**

**I. DISABILITY AND PARENTAL LEAVE**

A leave of absence without pay may be granted an employee with at least six (6) months of continuous service whose illness or disability continues beyond sick leave that has been accumulated. Such leave shall be for sickness or injury resulting in temporary disability of the employee or a member of his or her immediate family, or for the birth of a child to the employee or the employee's spouse or for the adoption of a child by the employee or the employee's spouse. Duration of the leave shall be for the period a physician says the employee is unable to perform the regular duties of their position or, in the event the leave is for reasons other than the employee's personal health, it shall be in accordance with the Family Medical Leave Act (FMLA).

**J. LEAVE OF ABSENCE**

A leave of absence may be granted by the Department Head with the approval of the appointing authority but shall be without compensation and earned benefits. A leave of absence, of over three (3) months duration, except military leave, shall be considered a break in employment and on return to work the employee shall have the status of a new employee

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unless an extension of leave beyond three months has been authorized by the Personnel Board in advance.

**K. UNAUTHORIZED LEAVE OF ABSENCE**

Any employee absent without authorization for three (3) consecutive working days shall be terminated from the payroll as abandonment of his/her position.

**L. GROUP INSURANCE**

Each regular full time and regular part time employee covered by the By-law shall be entitled to the Group Insurance Plan (Health and Life Insurance) which has been accepted by the Town in accordance with Massachusetts General Laws, Chapter 32B.

**M. RETIREMENT BENEFITS**

The Town shall contribute funds as required for each employee in accordance with the procedures formula established by the Worcester County Retirement Board and the By-laws of the town of Sterling.

**SECTION 11: CIVIL SERVICE LAW**

Nothing in this By-law or in the Classification or Compensation Plans shall be construed to conflict with Chapter 31 of the Massachusetts General Laws.

**SECTION 12: SEPARABILITY PROVISION**

In the event that any provision of this By-law, or application thereof, shall be held to be invalid by any court of proper jurisdiction, this shall not be construed to affect the validity of any other provision, or application thereof, of this By-law.

**SECTION 13: ACTION TAKEN UNDER PRIOR BY-LAWS PRESERVED**

The repeal of this by-law or portion thereof heretofore adopted shall not be construed to revoke, invalidate or otherwise alter acts done, ratified or confirmed in compliance therewith under authority thereof, or any rights accrued or established or any action, suit or proceeding commenced or had in any case, nor shall any such repeal affect any punishment, penalty or forfeiture incurred under any such prior by-law.

**ARTICLE 18 . Approve MOU Regarding Town Common**

To see if the Town will vote to authorize the Board of Selectmen to enter into a Memorandum of Understanding (MOU) with the First Congregational Unitarian Society of Sterling for use for public purposes, and for the maintenance, of the triangular parcel known as the "Town Common" bounded by Main Street, Park Street, and Meetinghouse Hill Road, said MOU to contain such terms and conditions as the Board of Selectmen deem to be reasonable, appropriate, and in the best interests of the Town, or take any action relative thereto.

**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee will report at Town Meeting on this article.

**Recommendation:** The Board of Selectmen will report at Town Meeting on this article.

**Summary:** An extensive title search is being conducted to determine conclusively who is the owner of the Town Common. If this title search determines that the First Congregational Unitarian Society of Sterling owns the Common, the Town and the Church intend to negotiate a

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formal written agreement for the Town to provide maintenance. If the title search determines that the Town owns the Common, this article will be withdrawn.

**MOTION MADE TO TABLE THIS ARTICLE CARRIES.**

**ARTICLE 19. Town Common Repairs**

To see if the Town will vote to transfer \$66,500 or any other sum, from Capital Fund, for the purpose of design, revitalization, cleaning, refurbishing, painting, installation of new materials, and related repairs, all for the purpose of maintaining the Town Common, contingent on the Town having rightful ownership of the Town Common or a signed Memorandum of Understanding with the owner, said sum to be expended by the Board of Selectmen, or take any action in relation thereto.

**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee will report at Town Meeting on this article.

**Recommendation:** The Capital Committee will report at Town Meeting on this article.

**Recommendation:** The DPW Board will report at Town Meeting on this article.

**Recommendation:** The Board of Selectmen will report at Town Meeting on this article.

**Summary:** These costs are best estimates: Common Design \$1200, Solid white oak rails and installation \$2511, Granite posts, materials & labor \$7500, Painting materials \$500, Brick walks, granite steps, materials & labor \$22,000, Lanterns & posts \$15,463, Monument cleaning \$3128, Town crest refurbishing \$350, Tree removal \$1675, Electrical, lamps, posts, bases, conduit installation \$10,000, Install benches \$650, Lawn repair & maintenance \$1500.

REQUIRES 2/3 VOTE

**MOTION MADE TO TABLE THIS ARTICLE CARRIES.**

**ARTICLE 20. HVAC Upgrade (Withdrawn)**

**ARTICLE 21. Fund DPW Truck**

To see if the Town will vote to transfer from the Capital Fund, or raise and appropriate, \$110,000, or any other sum, for the purchase of a 4 to 5 ton dump truck with plow and 2 slide-in bodies, said sum to be expended by the Department of Public Works, or take any action in relation thereto.

**Submitted by:** Department of Public Works

**Recommendation:** The Finance Committee recommends the passage of this article

**Recommendation:** The Capital Committee recommends the passage of this article.

**Summary:** This is the DPW's frontline truck which runs constantly. The two slide-in bodies are a chip/leaf box for year round work, and more importantly a hot patch road repair box which would greatly enhance road repairs, especially in the cold winter months. The truck will also be used for snow removal. The old Truck #9 will be sold via auction.

REQUIRES 2/3 VOTE

**MOTION MADE:** that the town vote to **transfer from the Capital Fund**, \$110,000, for the purchase of a 4 to 5 ton dump truck with plow and 2 slide-in bodies, said sum to be expended by the Department of Public Works.

**MOTION CARRIES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

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**ARTICLE 22. Design/Engineering plans for ADA compliance at 1835 Town Hall**

To see if the Town will vote to raise and appropriate or transfer the sum of \$70,000 from Stabilization Fund or Capital Fund, for final design of accessibility improvements, restoration and renovation of the 1835 Town Hall for use as a community center, said sum to be expended by the 1835 Town Hall Committee, with the advice and consent of the Board of Selectmen, or take any action in relation thereto.

**Submitted by:** 1835 Town Hall Committee

**Recommendation:** The Finance Committee does not support the passage of this article.

**Recommendation:** The Capital Committee does not support the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** The 1835 Town Hall Committee has been working toward accessibility for the building for over 10 years. In searching for a source of funding to ease the burden on the Town of Sterling we have met with a grant consultant from MRPC, and are eligible for a Community Development Block Grant (CDBG) of up to \$800,000 to cover the costs of handicapped accessible issues. This \$70,000.00 article will enable us to get complete plans drawn up so we can apply for the funding for accessibility. The 2005 report, funded in part by a grant from Massachusetts Historical Commission, provided overall plans at a 10% level. To apply for the CDBG grant, design plans must be 100% complete.

**MOTION MADE:** to move the question carries.

**MOTION MADE:** to vote to transfer the sum of \$70,000 from Capital Fund, for final design of accessibility improvements, restoration and renovation of the 1835 Town Hall for use as a community center, said sum to be expended by the 1835 Town Hall Committee, with the advice and consent of the Board of Selectmen.

REQUIRES 2/3 VOTE

**MOTION DEFEATED BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 23. Fund Various Capital Items**

To see if the Town will vote to transfer the sum of \$ 67,650, or any other sum, from the Capital Fund, for the purchase of the following capital items, or take any action in relation thereto:

Library

Roof Ice Fence	\$ 4,000
Canopy Rear Doors	\$ 3,000
Upgrade windows	\$10,000
Repoint masonry	\$ 4,000

Butterick Bldg

Replace AC unit	\$ 3,500
Add AC-CATV	\$ 6,500

Fire Dept

Multi-gas detection equip	\$10,400
Electric PPV fan	\$ 1,800
Portable deck-gun	\$ 3,100

Pagers, portables, computer

\$ 2,900

DPW

including North Row Rd.

\$15,000

Info Technology: 2 computers and malware

\$ 3,450

**Capital total:**

**\$67,650**

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**Submitted By:** Capital Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Capital Committee will report at Town Meeting on this article.

**Summary:**

Library:                    Roof ice fence will protect library personnel and outside HVAC equipment from ice falling off slate roof  
Canopy rear doors protect against falling ice/snow and keep emergency exits open at all times  
Upgrade windows for energy use reduction and improved appearance  
Repoint masonry: long overdue exterior maintenance of brickwork

Butterick Building:    Replace AC unit that serves Conservation office. This unit is past economical repair (15+ yrs old)  
Add AC-CATV : Current AC unit 15+years old, new system vital for continuous reliability of CATV/IT room

Fire:                        Portable Deck Gun is a portable master stream device that can be deployed and operated by a single firefighter. Currently our master stream devices are large and attached to the apparatus. They can de-attach and be set-up on a portable base which takes time and multiple firefighters. These are particularly useful for heavy fire volume and exposure protection when limited staffing does not allow set-up of one of the large master streams.  
Electric PPV is a Positive Pressure Ventilation fan that is a fire fighting technique that uses air as a tool to control the hostile environment (smoke, heat, fire gases) inside an enclosed structure. Small electric and gasoline-powered blowers are used to replace a hostile interior environment with fresh, ambient air.

Info Tech:                       Includes replacing 2 computers and malware server software.

**MOTION MADE:** to transfer the sum of \$67,650, from the Capital Fund, for the purchase of the following capital items:

Library	Roof Ice Fence	\$ 4,000
	Canopy Rear Doors	\$ 3,000
	Upgrade windows	\$10,000
	Repoint masonry	\$ 4,000
Butterick Bldg	Replace AC unit	\$ 3,500
	Add AC-CATV	\$ 6,500
Fire Dept	Multi-gas detection equip.	\$10,400
	Electric PPV fan	\$ 1,800
	Portable deck-gun	\$ 3,100
	Pagers, portables, computer	\$ 2,900
DPW	including North Row Rd.	\$15,000
Info Technology:	2 computers and malware	\$ 3,450
<b>Capital total:</b>		<b>\$67,650</b>

REQUIRES 2/3 VOTE

**MOTION CARRIES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**



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**ARTICLE 24. Fund Electricity for Street Lights**

To see if the Town will vote to raise and appropriate the sum of \$42,000 for electricity used for Town street lights and that said sum and the income from the sale of electricity to private consumers or for electricity supplied to municipal buildings or for municipal power, and for jobbing and other revenues during the current fiscal year, be appropriated for the Municipal Lighting Plant or Department, the whole to be expended by the Manager of municipal lighting under the direction and control of the Municipal Light Board for the expense of the Plant or Department for the said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws or any other appropriate sections or chapters, and that, if sum and said income shall exceed said expense for said fiscal year, such excess shall be transferred to the Depreciation Fund, Operating Fund or any fund of said Department and appropriated and used for the purpose of maintaining the Plant or Department thereto as may thereafter be authorized by the Manager of municipal lighting under the direction and control of the Municipal Light Board or take any action in relation thereto.

**Submitted by:** Sterling Municipal Light Department

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article funds the Town's street lights for fiscal year 2011.

**MOTION MADE:** To vote to raise and appropriate the sum of \$35,810 for electricity used for Town street lights and that said sum and the income from the sale of electricity to private consumers or for electricity supplied to municipal buildings or for municipal power, and for jobbing and other revenues during the current fiscal year, be appropriated for the Municipal Lighting Plant or Department, the whole to be expended by the Manager of municipal lighting under the direction and control of the Municipal Light Board for the expense of the Plant or Department for the said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws or any other appropriate sections or chapters, and that, if sum and said income shall exceed said expense for said fiscal year, such excess shall be transferred to the Depreciation Fund, Operating Fund or any fund of said Department and appropriated and used for the purpose of maintaining the Plant or Department thereto as may thereafter be authorized by the Manager of municipal lighting under the direction and control of the Municipal Light Board or take any action in relation thereto.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 25. Fund Wachusett Earthday (Wachusett Regional Recycling Center)**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2,475, or any other sum, to satisfy the Town's financial obligation under the contract with Wachusett Earthday, Inc. for the Fiscal Year 2011, or take any other action relative thereto.

**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** Sterling residents have the opportunity to bring recycling and household hazardous materials to a permanent year round collection center for proper disposal. In 2008, Town Meeting voted to authorize the Board of Selectmen to enter into a contract with Wachusett Earthday, Inc., pursuant to Mass. Gen. Laws Chapter 40, Section 4, and with the towns of Boylston, Holden, Paxton, Princeton, Rutland, West Boylston and any other municipality who joins said contract. The term of the contract is for an initial period of five years, renewable every five years for a maximum term of twenty-five years. We expect to seek additional construction funds to support a building in FY12. Wachusett Earthday

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wishes to thank the Town of Sterling for participating and looks forward to providing a full range of recycling and household hazardous products collection with service expanding by Summer of 2010.

**MOTION MADE:** to vote to **raise and appropriate** the sum of \$2,475, or any other sum, to satisfy the Town's financial obligation under the contract with Wachusett Earthday, Inc. for the Fiscal Year 2011.

**MOTION PASSED UNANIMOUSLY**

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**MOTION MADE:** to accept Articles 26 through 34 inclusive as printed in the Warrant.

**MOTION PASSED UNANIMOUSLY TO ACCEPT ARTICLES 26 – 34 INCLUSIVE**

**ARTICLE 26. Continue Revolving Account: Recycling**

To see if the town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the General Laws, as amended, for the purpose of Recycling, and further the amount spent from this account is not to exceed \$80,000 within the fiscal year, with said account to be under the control of the Department of Public Works, or take any action thereto.

**Submitted by:** Department of Public Works

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article must be voted on each year to maintain a revolving recycling account for the purposes of operating the drop off recycling facility at the Department of Public Works yard. Money is collected at the facility for various drop-off items and disposal of these items is paid for out of this account.

**ARTICLE 27. Continue Revolving Account: Fuel** *(see Art. 26)*

To see if the town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the General Laws, as amended, for the purpose of providing a Fuel Revolving Fund, and further the amount spent from this account is not to exceed \$60,000 within the fiscal year, said account to be used for the purchase and accounting of fuel for the various town departments with said account to be under the control of the DPW, or take any action thereto.

**Submitted by:** Fire Department

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article must be voted on each year to maintain a revolving fuel account for the purpose of operating a fuel delivery system at the Department of Public Works yard for all Town vehicles. Money is paid into this account by the various Town departments utilizing the fuel. Fuel purchases and fuel system maintenance expenses are paid out of this account.

**ARTICLE 28. Continue Revolving Account: Deputy Collector Fees** *(see Art. 26)*

To see if the Town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the Massachusetts General Laws, as amended, for the purposes of administering the Deputy Tax Collector fees and the amount spent from this account is not to exceed \$18,000 in the fiscal year said amount to be under the control of the Treasurer/Collector, or take any action in relation thereto.

**Submitted By:** Treasurer/Collector

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article would continue a revolving fund for the collection and payment of fees collected by the Town's Deputy Tax Collector.

**ARTICLE 29. Continue Revolving Account: 1835 Town Hall** *(see Art. 26)*

To see if the Town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the Massachusetts General Laws, as amended, for the purpose of collecting fees and revenue income to

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defray the expenses of the 1835 Town Hall, and to be used for its upkeep, the amount spent from this account is not to exceed \$15,000 within the fiscal year, with said account to be under the control of the 1835 Town Hall Committee, or take any action in relation thereto.

**Submitted by:** 1835 Town Hall Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article provides for funds generated by the use of the 1835 Town Hall to be used for the maintenance of the 1835 Town Hall.

**ARTICLE 30. Continue Revolving Account: Planning Board** *(see Art. 26)*

To see if the Town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½, of the Massachusetts General Laws, as amended, for the purpose of collecting Planning Board Fees not covered by other General Laws and using said funds for the operation of the Planning Board, the amount spent from this account is not to exceed \$25,000 within the fiscal year, with said account to be under the control of the Planning Board, or take any action in relation thereto.

**Submitted by:** Planning Board

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article continues a revolving fund for the support of Planning Board operations.

**ARTICLE 31. Continue Revolving Account: Council on Aging** *(see Art. 26)*

To see if the Town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½ of the Massachusetts General Laws, as amended, for Council on Aging said account to be used for the purpose of expenses, contractual services, and equipment for COA related programs, the amount spent from this account is not to exceed \$50,000 within the fiscal year, with this account to be under the control of the Council on Aging, or take any action in relation thereto.

**Submitted by:** Council on Aging

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article continues a revolving fund for the support and funding of Council On Aging related programs.

**ARTICLE 32. Continue Revolving Account: Fair Committee** *(see Art. 26)*

To see if the Town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½ of the Massachusetts General Laws, as amended, for the purposes of running the Fair, which the amount spent from this account is not to exceed \$135,000 within the fiscal year, said account to be used to receive funds for and to pay the expenses of the Town fair, with this account to be under the control of the Fair Committee, or take any action in relation thereto.

**Submitted by:** Fair Committee

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article continues a revolving fund that is used to fund the Town fair.

**ARTICLE 33. Continue Revolving Account: Hazardous Materials** *(see Art. 26)*

To see if the town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53E½ of the Massachusetts General Laws, as amended, for the purpose of a Hazardous Materials Recovery Revolving Account, into which account receipt for charges to responsible parties for the containment of hazardous materials pursuant to the Town's Hazardous Materials and Waste Recovery By-law shall be deposited and to authorize the Fire Chief to expend funds received and deposited into said account, The total amount, which may be expended in the current fiscal year, shall not exceed \$55,000, or take any action in relation thereto.

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**Submitted by:** Fire Chief

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** Chapter 44, Section 53E½ of the Massachusetts General Laws authorizes the Sterling Fire Department to maintain a revolving fund account for the purposes enumerated in this Article.

**ARTICLE 34. Continue Revolving Account: Agricultural Commission** (*see Art. 26*)

To see if the town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53E½ of the Massachusetts General Laws, as amended, for the purpose of an Agricultural Commission Revolving Account, which the amount spent from this account is not to exceed \$5,000 within the fiscal year, said account to be used to receive funds for and to pay the expenses of the Agricultural Commission, with this account to be under the control of the Agricultural Commission, or take any action in relation thereto.

**Submitted by:** Agricultural Commission

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article will continue a revolving fund for the Agricultural Commission.

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**ARTICLE 35. Notice of annual and special town meetings**

To see if the Town will vote to amend Section 2 of the Town Meeting article of the Town's General Bylaws so that it reads as follows:

*Notice of annual and special town meetings shall be given by posting attested copies of the warrant therefor at the Town Hall and Conant Public Library at least seven days before annual town meetings and fourteen days before special town meetings. The Board of Selectmen may also provide for postings of the warrant in other public places in the Town as well as on the Town's website.*

or take any action relative thereto.

**Submitted by:** Town Clerk

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** Section 2 of the Town Meeting article of the general bylaws simply provides: "Notice of all town meetings shall be given by posting attested copies of the warrant therefor in two or more conspicuous places in the town at least seven days before such meeting." This bylaw, to the extent it requires only 7 days prior posting, is not completely consistent with state law regarding town meetings. Specifically, MGL c. 39, § 10 requires notice of the warrant be given at least 7 days before the annual meeting or an annual or special election and at least 14 days before any special town meeting. This statute goes on to provide that the "warrant shall be directed to the constables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws...." There is no requirement in the Town's bylaws (or in state law) for the warrant to be mailed to all residences in town. Town officials plan to post the warrant on the town website, as we have done since 2008, but it is not

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advisable that this be a bylaw requirement since a challenge to the validity of future town meeting actions might be made in the event (however unlikely) that the website is down for an extended period of time.

**MOTION MADE:** to amend Section 2 of the Town Meeting Article of the Town's General Bylaws so that it reads as follows:

**Notice of annual and special town meetings shall be given by posting attested copies of the warrant therefor at the Town Hall and Conant Public Library at least seven days before annual town meetings and fourteen days before special town meetings. The Board of Selectmen may also provide for postings of the warrant in other public places in the Town as well as on the Town's website.**

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 36. Accept CH 143, Sec 3Z, Local Inspectors**

To see if the Town will vote to accept and adopt the provisions of Chapter 143, section 3Z of the Massachusetts General Laws, or take any action thereto.

**Submitted by:** Board of Selectmen

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** Acceptance of CH 143 Sec 3Z by the Town will allow part-time/alternate "Local Inspectors" to engage in business for which they are licensed, certified or registered while serving as an inspector. The provisions of this section specifically provide for restrictions on any self inspection or inspection of any project that involves an employer, employee, or one employed by a local inspector. This action is recommended by State Board of Building Regulations and Standards to avoid any perception of a conflict.

**MOTION MADE:** to accept and adopt the provisions of Chapter 143, section 3Z of the Massachusetts General Laws.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 37. Sholan Park Bylaw – Nonresidential Permits, Fines, Inspections**

To see if the town will vote to create a new section of the General Bylaws as follows:

**Section 1. Access**

Parking is permitted only between 5:00 AM and 9:00 PM daily unless otherwise posted.

All visitors and vehicles must vacate the park by 9 PM unless an overnight pass has been issued by the Department of Public Works for the Town of Sterling.

**Section 2. Parking**

Parking at Sholan Park is restricted to the designated parking area only.

Only those vehicles displaying the appropriate Town of Sterling resident permit, a temporary guest or visitor pass, or emergency vehicles are authorized to park within this parking area. Unauthorized vehicles parked in the parking area or undesignated areas are subject to a fifty dollar (\$50.00) fine and/or towing at the owners expense.

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*Owners and/or operators of vehicles parked in violation are subject to non-criminal dispositions (citations) pursuant to MGL Chapter 40, Sec 21D, issued by the members of the Sterling Police Department. Payment for violations should be made to the Town Clerk for the Town of Sterling in person or by-mail within twenty one days of the alleged violation.*

**Section 3. Permits and Passes**

Permits and passes issued by the Town of Sterling for the purposes described herein remain the property of the Town. Permits and passes are non-transferable. Holders of permits and passes must make available the assigned registration, license and/or the permit or pass upon request. Unauthorized use of permits and passes are subject to revocation.

A resident permit of appropriate design shall be issued upon proof of residency for a specific vehicle and must be affixed to said vehicle.

Beginning April 1<sup>st</sup> of each year a limited number of non-resident parking passes shall be issued for a one year term on a first come first serve basis. Non-resident parking passes shall be issued for a specific vehicle and must be displayed unobstructed and in full view on said vehicle dashboard. Non-residents will be charged a parking fee as determined by the Board of Selectmen.

**Section 4. Animals**

Pets shall not be allowed on the beach and picnic areas of the Park. Violators are subject to a twenty five dollar fine (\$25.00) for each offense.

This section shall not apply to animals that are used to assist persons with disabilities.

This section shall be enforced by the animal control division of the Town.

**Section 5. Safety**

Alcoholic beverages are not permitted at Sholan Park.

Residents and visitors must comply with all rules and regulations established for Sholan Park and designated swim areas.

Boaters must comply with the current Massachusetts boating regulations and local by-laws as posted.

These will be enforced by the Recreation Department staff and/or police department as required.

**Section 6. Preservation**

East Lake Waushacum is a sensitive natural resource and subject to the spread of invasive aquatic weeds and mussels as defined by the state's Department of Conservation and Recreation and Department of Environmental Protection.

Recipients of a resident permit, guest or visitor pass, and intending to use a boat, trailer and/or other equipment in the Lake are responsible to make sure it is free of invasive species before entering the park and water. Recipient also agrees as a condition of accepting a resident permit or pass, that said boat, trailer and/or equipment is subject to inspection for weeds and mussel species.

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Any evidence of weeds, mussels or denying the inspection will be sufficient cause to deny access to the boat ramp and parking area.

The vehicle owner shall remove contaminated equipment from the Park.

**Submitted by:** Board of Selectmen

**Recommendation:** The Conservation Commission recommends the passage of this article.

**Recommendation:** The Recreation Commission recommends the passage of this article.

**Recommendation:** The DPW Board will report at Town meeting on this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Recommendation:** The Finance Committee defers to Town Meeting on this article.

**Summary:** East Lake Waushacum is an important natural resource and recreational area for the Town. As more neighboring lakes become infested with invasive aquatic weeds and the recent threat of zebra mussels entering western Mass, East Lake Waushacum becomes increasingly vulnerable to contamination. The spread of aquatic invasive species is usually caused by weeds or mussels "hitch-hiking" a ride from lake to lake by boat and trailer. Eradication techniques are costly, forcing a decision to let a natural resource die or become a financial burden to townspeople. This article will allow the Town to take preemptive measures to prevent the spread into East Lake Waushacum. It also establishes an annual NONRESIDENT parking fee and a \$50 fine for parking violations. Residents will continue to enjoy all areas of Sholan Park with a free resident sticker affixed to their vehicle.

**MOTION MADE:** to vote to create a new section of the General Bylaws as printed in the Warrant.

**AMENDMENT TO MOTION:** *(submitted by Daniel Kloczkowski) That Section 4 Animals and Section 6. Preservation be deleted in their entirety and the following text inserted:*

**Section 4. Animals**

*Animals shall not be allowed on the beach and picnic areas of the part. Violators are subject to a twenty five dollar fine (\$25.00) for each bylaw offense.*

*This section shall not apply to service animals, defined by ADA as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.*

*This section shall be enforced by the Animal Control Division of the Town of Sterling.*

**Section 6. Preservation**

East Lake Waushacum is a sensitive natural resource and subject to the spread of invasive aquatic weeds and mussels as defined by the State's Department of Agricultural Resources.

Recipients of a resident permit, guest or visitor pass, and intending to use a boat, trailer and/or other equipment in the Lake are responsible to make sure it is free of invasive species before entering the park and water. Recipient also agrees as a condition of accepting a resident permit or pass, that said boat, trailer and/or equipment is subject to inspection for weeds and mussel species.

Any evidence of weeds, mussels or denying the inspection will be sufficient cause to deny access to the boat ramp and parking area.

The vehicle owner shall remove contaminated equipment from the Park.

**AMENDMENT TO MOTION PASSED BY MAJORITY VOTE.**

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**SECOND AMENDMENT TO MOTION: That Section 6 be stricken from this Article.**

**SECOND AMENDMENT TO MOTION: DEFEATED**

**MADE to MOVE THE QUESTION.**

**MOTION CARRIES BY MAJORITY.**

REQUIRES 2/3 VOTE:

**MOTION WITH FIRST AMENDMENT CARRIES by 2/3 VOTE as DECLARED BY THE MODERATOR.**

EFFECTIVE DATE: November 19, 2010

APPROVED BY THE ATTORNEY GENERAL on October 15, 2010.

Received in the Office of the Town Clerk: October 19, 2010

Following is the final text as approved by the Attorney General's Office [changes in blue]

**SHOLAN PARK BYLAW – Nonresidential Permits, Fines, Inspections**

**Section 1. Access**

Parking is permitted only between 5:00 AM and 9:00 PM daily unless otherwise posted.

All visitors and vehicles must vacate the park by 9 PM unless an overnight pass has been issued by the Department of Public Works for the Town of Sterling.

**Section 2. Parking**

Parking at Sholan Park is restricted to the designated parking area only.

Only those vehicles displaying the appropriate Town of Sterling resident permit, a temporary guest or visitor pass, or emergency vehicles are authorized to park within this parking area. Unauthorized vehicles parked in the parking area or undesignated areas are subject to a fifty dollar (\$50.00) fine and/or towing at the owners expense.

*Owners and/or operators of vehicles parked in violation are subject to non-criminal dispositions (citations) pursuant to MGL Chapter 40, Sec 21D, issued by the members of the Sterling Police Department. Payment for violations should be made to the Town Clerk for the Town of Sterling in person or by-mail within twenty one days of the alleged violation.*

**Section 3. Permits and Passes**

Permits and passes issued by the Town of Sterling for the purposes described herein remain the property of the Town. Permits and passes are non-transferable. Holders of permits and passes must make available the assigned registration, license and/or the permit or pass upon request. Unauthorized use of permits and passes are subject to revocation.

A resident permit of appropriate design shall be issued upon proof of residency for a specific vehicle and must be affixed to said vehicle.

Beginning April 1<sup>st</sup> of each year a limited number of non-resident parking passes shall be issued for a one year term on a first come first serve basis. Non-resident parking passes shall be issued for a specific vehicle and must be displayed unobstructed and in full view on said vehicle dashboard. Non-residents will be charged a parking fee as determined by the Board of Selectmen.



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**Section 4. Animals**

*Animals shall not be allowed on the beach and picnic areas of the part. Violators are subject to a twenty five dollar fine (\$25.00) for each **bylaw** offense.*

*This section shall not apply to **service animals, defined by ADA as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.***

*This section shall be enforced by the **Animal Control Division of the Town of Sterling.***

**Section 5. Safety**

Alcoholic beverages are not permitted at Sholan Park.

Residents and visitors must comply with all rules and regulations established for Sholan Park and designated swim areas.

Boaters must comply with the current Massachusetts boating regulations and local by-laws as posted.

These will be enforced by the Recreation Department staff and/or police department as required.

**Section 6. Preservation**

**East Lake Waushacum is a sensitive natural resource and subject to the spread of invasive aquatic weeds and mussels as defined by the State's Department of Agricultural Resources.**

Recipients of a resident permit, guest or visitor pass, and intending to use a boat, trailer and/or other equipment in the Lake are responsible to make sure it is free of invasive species before entering the park and water. Recipient also agrees as a condition of accepting a resident permit or pass, that said boat, trailer and/or equipment is subject to inspection for weeds and mussel species.

Any evidence of weeds, mussels or denying the inspection will be sufficient cause to deny access to the boat ramp and parking area.

The vehicle owner shall remove contaminated equipment from the Park.

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**ARTICLE 38. Change town surplus bylaws to auction**

To see if the Town will vote to amend Section 3 of the Sale of Surplus Property article of the Town's General Bylaws so that it reads as follows:

*"3. The Board of Selectmen shall, from time to time, sell or cause to be sold all such property not so transferred to another Board, Officer, or Department, by public sale or auction, including internet based auctions, after first providing notice thereof by publication on the Town's website and by such other postings and notices, if any, as the Board of Selectmen may deem advisable and in the best interests of the Town. The Board of Selectmen may scrap any property for which there was no buyer at such sale or auction. All proceeds shall be paid into the treasury of the Town upon receipt by the Board of Selectmen."*

or take any action relative thereto.

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**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** The Town would like the ability to utilize on-line auction companies. Our first attempt in February, 2010, yielded almost \$4,000 of revenue. In order to facilitate this, the Town's General Bylaws relating to Sale of Surplus Property, particularly the requirement for WT&G publication, should be amended to address this new way of disposing of surplus property.

**MOTION MADE:** to amend Section 3 of the Sale of Surplus Property article of the Town's General Bylaws so that it reads as follows:

*"3. The Board of Selectmen shall, from time to time, sell or cause to be sold all such property not so transferred to another Board, Officer, or Department, by public sale or auction, including internet based auctions, after first providing notice thereof by publication on the Town's website and by such other postings and notices, if any, as the Board of Selectmen may deem advisable and in the best interests of the Town. The Board of Selectmen may scrap any property for which there was no buyer at such sale or auction. All proceeds shall be paid into the treasury of the Town upon receipt by the Board of Selectmen."*

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 39. Fund Wachusett Greenways Expenses**

To see if the Town will vote to raise and appropriate the sum of \$1,300 , or any other sum, to be used for expenses for Wachusett Greenways, a six Town collaborative, said funds to be administered and expended by Wachusett Greenways, or take any action in relation thereto.

**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article would provide financial assistance to the six Town collaborative working on the Wachusett Greenways project, including the Rail Trail in Sterling.

**MOTION MADE:** to raise and appropriate the sum of \$1,300, to be used for expenses for Wachusett Greenways, a six Town collaborative, said funds to be administered and expended by Wachusett Greenways

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 40. Fund Sterling Land Trust Expenses**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,300, to be used for expenses for The Sterling Land Trust, an organization dedicated to the preservation of various parcels of land within the Town, said funds to be administered and expended by the Trust, or take any action in relation thereto.

**Submitted By:** Board of Selectmen

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article would provide financial assistance to the Sterling Land Trust which maintains various parcels of land within the Town for the passive recreational use of the residents.

**MOTION MADE:** to **raise and appropriate** the sum of \$1,300, or any other sum, to be used for expenses for The Sterling Land Trust, an organization dedicated to the preservation of various parcels of land within the Town, said funds to be administered and expended by the Trust.

**MOTION CARRIES BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

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**ARTICLE 41. Accept CH 33 Sec 59, 2 weeks paid for military training**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 33 Section 59 to allow Town employees to receive regular town pay while on military tour of duty.

**Submitted by:** Veteran's Service Officer

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** By accepting this provision of the Massachusetts General Laws, the Town of Sterling recognizes the contribution of the Town's regular full-time employees who are in the Armed Services Reserves or National Guard and are called to their annual tour of duty, or to a specific tour of duty pursuant to Massachusetts General laws Chapter 33 Sections 38 (emergency assistance to state and local civil authorities), 40 (suppression of an insurrection), 41 (suppression of a riot or preservation of order during a public catastrophe or natural disaster, or 60 (during the annual training period). Acceptance of this provision will entitle these employees to receive their regular Town pay while on this tour of duty. This section of the General Laws was originally passed in 1954 and has been accepted by numerous cities and towns.

**MOTION MADE TO TABLE THIS ARTICLE PASSED UNANIMOUSLY**

**ARTICLE 42. Accept Local Option for Meals Tax**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 64L, section 2(a), to impose a local meals excise.

**Submitted by:** Finance Committee

**Recommendation:** The Finance Committee defers to Town Meeting on this article.

**Recommendation:** The Board of Selectmen does not recommend the passage of this article.

**Summary:** A city or town that accepts the provisions of this chapter in the manner provided by G.L. c. 4, §. 4 may impose a local sales tax on the sale of restaurant meals originating within the city or town by a vendor at the rate of .75 percent of the gross receipts of the vendor from the sale of restaurant meals. All such receipts would be retained by the Town of Sterling. On a \$20 restaurant bill, the tax equates to 15 cents. This local excise, which is imposed in addition to the 6.25% state sales tax on meals, would take effect on the first day of the calendar quarter following thirty days after acceptance by the city or town or on the first day of a later calendar quarter that the city or town may designate. Preliminary state estimates, based on 2009 data, estimate Sterling would collect approximately \$48,000 annually.

**MOTION MADE:** to accept the provisions of Massachusetts General Laws Chapter 64L, section 2(a), to impose a local meals excise.

**MOTION DEFEATED BY 2/3 VOTE AS DETERMINED BY THE MODERATOR.**

**ARTICLE 43. Fund Maintenance for 1835 Town Hall**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$5,000 , or any other sum, to fund the maintenance of the 1835 Town Hall for fiscal 2011, said sum to be expended by the 1835 Town Hall Committee, or take any action in relation thereto.

**Submitted by:** 1835 Town Hall Committee

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**Recommendation:** The Finance Committee does not support the passage of this article, because maintenance funds for the 1835 Town Hall are included in the Facilities Manager portion of the budget in Article 2.

**Recommendation:** The Board of Selectmen defers to Town Meeting on this article.

**Summary:** This article provides for the maintenance of the 1835 Town Hall.

**MOTION MADE:** to vote to **raise and appropriate**, the sum of \$5,000, or any other sum, to fund the maintenance of the 1835 Town Hall for fiscal 2011, said sum to be expended by the 1835 Town Hall Committee.

**MOTION CARRIED AS DETERMINED BY THE MODERATOR.**

**ARTICLE 44. Authorize Treasurer to Borrow Money**

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2011, in accordance with the provisions of Chapter 44, Section 4, of the General Laws, as amended, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of Chapter 44, Section 17, of the General Laws, as amended, or take any action in relation thereto.

**Submitted by:** Treasurer/Collector

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article allows the Treasurer with the approval of the Board of Selectmen to borrow money as needed.

**MOTION MADE:** to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning **July 1, 2010**, in accordance with the provisions of Chapter 44, Section 4, of the General Laws, as amended, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of Chapter 44, Section 17, of the General Laws, as amended.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 45. Compensating Balance Agreements**

To see if the Town will vote pursuant to Chapter 44, Section 53F of the General Laws, as amended, to authorize the Town Treasurer/Collector to enter into compensating balance agreements, for FY2011, or take any action in relation thereto.

**Submitted by:** Treasurer/Collector

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** This article allows the Treasurer/Collector to enter into compensating balance agreements with banking institutions as needed for the operation of the department. A compensating balance is a way of paying for the services the bank provides by maintaining a specified, minimum balance in a non-interest or low interest bearing account.

**MOTION MADE:** to vote pursuant to Chapter 44, Section 53F of the General Laws, as amended, to authorize the Town Treasurer/Collector to enter into compensating balance agreements, for FY2011.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 46. Chapter 90 Funding**

To see if the Town will vote to appropriate the sum of \$326,866, or any other sum, contingent upon the Commonwealth of Massachusetts' funding of the Chapter 90 program, said sum to be reimbursed by the

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Commonwealth of Massachusetts for highway resurfacing and/or other related work or expenditures as allowed by the State Chapter 90 regulations, said sum to be expended by the Department of Public Works, with approval of the Board of Selectmen, and in accordance with the DPW's 5-year Capital Plan reviewed annually by the Capital Plan Committee, or take any action in relation thereto.

**Submitted by:** Department of Public Works

**Recommendation:** The Finance Committee recommends the passage of this article.

**Recommendation:** The Capital Committee recommends the passage of this article.

**Recommendation:** The Board of Selectmen recommends the passage of this article.

**Summary:** This article allows the Town to expend money under the guidelines of Chapter 90 for road maintenance, equipment purchases, and other Public Works projects which are then reimbursed by the Commonwealth.

**MOTION MADE:** to appropriate the sum of \$326,866, contingent upon the Commonwealth of Massachusetts' funding of the Chapter 90 program, said sum to be reimbursed by the Commonwealth of Massachusetts for highway resurfacing and/or other related work or expenditures as allowed by the State Chapter 90 regulations, said sum to be expended by the Department of Public Works, with approval of the Board of Selectmen, and in accordance with the DPW's 5-year Capital Plan reviewed annually by the Capital Plan Committee

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 47. Fund Hydrant Rental**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$26,675 for hydrant rental, or any other sum, said sum to be paid to the Department of Public Works and used as revenue for the Water Department, or take any action in relation thereto.

**Submitted by:** Department of Public Works

**Recommendation:** The Finance Committee recommends the passage of this article.

**Summary:** The Water Enterprise rents the hydrants to the Town for use, mostly by the Fire Department. This money helps pay for the maintenance of the hydrants including lubrication of the head gasket, mechanism, and also the seal at the top of the hydrant. The rental also helps fund eventual replacement. These hydrants contribute to keeping rates down from insurance underwriters for the taxpayers.

**MOTION MADE:** to vote to **raise and appropriate** the sum of \$26,675 for hydrant rental, said sum to be paid to the Department of Public Works and used as revenue for the Water Department.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 48. Annual Town Election**

To elect by ballot on Monday, May 24, 2010, at 7:00 AM at the Houghton School on Boutelle Road, the following officers:

Board of Selectmen (1) for 3 year term

Board of Health (1) for 3 year term and (1) for 1 year term

Board of Assessors (1) for 3 year term

Constables (2) each for 3 year terms

DPW Board (1) for 3 year term

Electric Light Board (1) for 3 year term

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Library Board of Trustees (2) each for 3 year terms

Planning Board (1) for 5 year term

Wachusett Regional School Committee (1) for 3 year term

Also to choose by ballot or otherwise, such other officers as may be necessary.

The polls shall be opened on Monday, May 24, 2010 at seven (7:00) o'clock in the forenoon and shall remain open until eight (8:00) o'clock in the evening.

**AT 11:45pm MOTION MADE TO ADJOURN ANNUAL TOWN MEETING**

to May 24, 2010 for the purpose of election of town officers by ballot at which no other town business will be conducted and at commencement of which town meeting will be dissolved.

**MOTION PASSED UNANIMOUSLY**