

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

At the Special Town Meeting duly called and held in the Chocksett School on Boutelle Road in said Town of Sterling, on Monday May 17, 2009 at 6:30pm the following 10 articles were voted on in a legal manner.

The Town Moderator, Peter Monaghan, called the Special Town Meeting to order at 6:35pm. 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

All non-voters or non-residents of the Town were asked to stand to be recognized by the Moderator.

Moderator Peter Monaghan noted the receipt of the return of the posting of the Warrant for the Special and the Annual Town Meeting by Constable, David Pineo.

**Motion Made:** to waive the reading of the Warrants.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 1. Transfer Free Cash to Water Enterprise Fund**

To see if the Town will vote to transfer a sum from Available Funds to the Water Enterprise Fund; or take any action relative thereto.

**Submitted by:** Finance Committee

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

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

**Summary:** In a class-action suit for MTBE, the Town received settlements during FY09 for contamination of Well # 5, totaling \$140,047.06. So far in FY10 we have received \$11,029.54 , as of the date of the publication of this warrant. We may receive additional settlements in the future. Town Officials are in agreement that these funds should be returned to the ratepayers via the Water Enterprise Fund.

**Motion made:** to transfer \$11,029.54 from the Water Settlement Fund to the Water Enterprise Fund.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 2. Transfer Free Cash to Capital Fund**

To see if the Town will vote to transfer the sum of \$ 100,000 from Free Cash to the Capital Investment Fund, as allowed by the bylaws of Sterling; or take any action relative thereto.

**Submitted by:** Finance Committee

**Recommendation:** The Finance Committee and Capital Committee recommend passage of this article.

**Summary:** This article transfers funds from an available fund, Free Cash, into the Capital Fund.

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**Motion made:** to transfer the sum of \$100,000 from Free Cash to the Capital Investment Fund, as allowed by the bylaws of Sterling.

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 3. Transfer Free Cash to Stabilization Fund**

To see if the Town will vote to transfer the sum of \$489,572 from Free Cash to the Stabilization Fund and further to transfer the sum of \$39,000 from Article 50 ATM May 11 2009 to the Stabilization Fund, and further to transfer the sum of \$4,690 from Article 6 ATM May 11 2009 to the Stabilization Fund, and further to transfer the sum of \$67,240 from Article 5 ATM May 11 2009 to the Stabilization Fund, for a total of \$600,502 transferred into the Stabilization Fund, in accordance with the provisions of Chapter 40, Section 5B, General Laws, as amended, or take any action in relation thereto.

**Submitted by:** Finance Committee

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

**Summary:** This article transfers funds from an available fund, Free Cash, into the Stabilization Fund. It also transfers the available balance, which is not needed this year, from various 2009 town meeting articles into the Stabilization Fund.

**REQUIRES 2/3 VOTE**

**Motion made:** to transfer the sum of \$ 489,572 from Free Cash to the Stabilization Fund and further to transfer the sum of \$39,000 from Article 50 ATM May 11 2009 to the Stabilization Fund, and further to transfer the sum of \$4,690 from Article 6 ATM May 11 2009 to the Stabilization Fund, and further to transfer the sum of \$67,240 from Article 5 ATM May 11 2009 to the Stabilization Fund, for a total of \$600,502 transferred into the Stabilization Fund, in accordance with the provisions of Chapter 40, Section 5B, General Laws, as amended.

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

**ARTICLE 4. Fund Deficit due to Snow and Ice**

To see if the Town will vote to transfer from the Stabilization Fund, or from other available funds, a sum of money, to the Snow and Ice Account to cover the deficit in the snow and ice budget for the current fiscal year or take any action in relation thereto.

**Submitted by:** DPW Board / Town Administrator

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

**Summary:** This article transfers money from the Stabilization Fund into the DPW Snow and Ice Account to cover the deficit in the account caused by the snow and ice storms of this past winter and spring.

**REQUIRES 2/3 VOTE**

**Motion made:** to transfer \$18,045.29 from Snow & Ice Wages, and to further transfer \$8,832.36 from Stabilization [for a total of \$26,877.65] to the to the Snow & Ice Expense Account to fund the current year's snow and Ice Deficit.

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

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**ARTICLE 5. Bills from Prior Fiscal Years**

To see if the Town will vote to transfer from available funds, a sum of money to pay any outstanding prior fiscal year's invoices, or take any action in relation thereto.

**Submitted by:** Town Administrator

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

**Summary:** At the time this Warrant was published, there were no outstanding bills. If none are received before Town Meeting, this article will be withdrawn.

**ARTICLE 5 WAS TABLED**

**ARTICLE 6. Transfers within FY10 Operating Budget**

To see if the Town will vote to transfer funds within the FY10 Operating Budget, from one account to another, or take any action in relation thereto.

**Submitted by:** Town Administrator

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

**Summary:** At the time this Warrant went to Press, the following transfers were known:

Facilities - transfer from expenses to salary

Town Clerk – transfer salary to wages

**ARTICLE 6 WAS TABLED**

**ARTICLE 7. Water Enterprise Reserve Fund**

To see if the Town will vote to transfer \$20,934 from the Water Enterprise Retained Earnings to the Stabilization Fund, in order to repay the Town for reserve fund transfers during FY09; and further to transfer \$35,000 from the Water Enterprise Retained Earnings into a Water Enterprise Reserve Fund for fiscal year 2010, said sum to be expended by the DPW Board, or take any action in relation thereto.

**Submitted by:** DPW Board

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

**Summary:** This article funds a \$35,000 Reserve Fund for the current year FY10 for the Water Enterprise, which will be used to cover unexpected shortfalls in the Water Department. Use of this reserve fund will be only upon recommendation of the DPW Board and approval by the Finance Committee. This article also repays the Town \$20,934 for use of the Town's Reserve Fund during FY09. Revenue for this article is raised solely from charges and fees, none is from taxation.

**REQUIRES 2/3 VOTE**

**Motion made:** to transfer \$20,934 from the Water Enterprise Retained Earnings to the Stabilization Fund, in order to repay the Town for reserve fund transfers during FY09; and further to transfer \$35,000 from the Water Enterprise Retained Earnings into a Water Enterprise Reserve Fund for fiscal year 2010, said sum to be expended by the DPW Board.

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

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**ARTICLE 8. Purchase Country Club**

To see if the Town will vote to raise and appropriate, borrow, acquire under MGL Chapter 79, or transfer from available funds, a sum of money for the purchase of the property know as the Sterling National Country Club, located on Albright Road, and further shown on the Sterling Assessors Maps as Parcel 31 of Map 67, together with such abutting portion of the Sterling National Country Club as is located in the Town of Lancaster, also including reasonable acquisition costs and expenses, and further to authorize the Board of Selectmen to negotiate and execute offers to purchase, purchase and sale agreements, and such other instruments and documents as may be necessary to effectuate the purpose of this article, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town, and further to authorize the Board of Selectmen to apply for and accept such grants and gifts as may be available to fund such purchase and acquisition costs and expenses, provided however that any borrowing under this article be contingent on a proposition 2 ½ debt exemption, 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 Capital Committee will report at Town Meeting on this article.

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

**Summary:** Successful passage of this article will allow the Town of Sterling to acquire the land, buildings and business operations collectively known as the Sterling National Golf Course. The foreclosure of the property provides an unparalleled opportunity for the Town to acquire and reestablish a major recreational and open space amenity for the community at a significantly discounted price. It is the goal of the Board of Selectmen and Finance Committee to operate the facility as a public golf course and to promote the use of this facility as a year round recreational opportunity for both golfing and non golfing Sterling residents and guests.

The Board has retained a business consultant who has worked with members of various Town Boards and golfing professionals to develop a business plan for the operation of the course under Town ownership. That plan is being reviewed meticulously and town officials will recommend this purchase if they conclude that the course can be operated successfully as an enterprise type account without direct subsidy from tax payer funds. Operation of the golf course would be overseen by an appointed golf commission who will call upon appropriate professional golf management expertise as necessary to assure the success of the course. Municipal Golf courses are being operated successfully in 30 municipalities and serve as a recreation, open space and community building opportunity for those communities. The Town is more than capable of operating this course in a similar fashion and in so doing provide an enhancement to the quality of life of Sterling residents.

**Motion Made: to move the question at 7:45pm passed unanimously.**

**Motion Made: to go to secret ballot failed as determined by the Moderator.**

**REQUIRES 2/3 VOTE**

**Motion Made:** to vote to borrow \$4,300,000 and transfer \$1,000,000 from the Capital Fund, for a total appropriation upto\$5,300,000, for the acquisition of the property known as the Sterling National Country Club, located on Albright Road, and further shown on the Sterling Assessors Maps as Parcel 31 of Map 67, together with such abutting portion of the Sterling National Country Club as is located in the Town of Lancaster, including reasonable acquisition costs and expenses, and necessary repairs, maintenance, improvements, furnishings and equipment, and further to authorize the Board of Selectmen to acquire the said property under Chapter 79 of the Massachusetts General Laws, and to negotiate and execute offers to purchase, purchase and sale agreements, and/or any other instruments and documents as

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may be necessary to effectuate the purpose of this article, provided however that the actual purchase price or award of damages under Chapter 79 for any such acquisition be approved in advance by each of the Board of Selectmen, the Finance Committee and the Capital Committee, on such terms and conditions as the Board of Selectmen, the Finance Committee, and the Capital Committee deem reasonable, appropriate, and in the best interests of the Town, and further to authorize the Board of Selectmen to apply for and accept such grants and gifts as may be available to fund such purchase and acquisition costs and expenses.

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

**ARTICLE 9. GASB45-Accept MGL CH32B, §20 to Establish OPEB Liability Trust Fund**

To see if the Town will vote to accept and adopt the provisions of Chapter 32B, section 20 of the Massachusetts General Laws, or take any action thereto.

**Submitted by:** Treasurer/Collector

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

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

**Summary:** Adoption of the provisions of Chapter 32B, section 20 will permit the Town to establish an "Other Postemployment Benefits Trust Fund" (OPEB) in compliance with the mandated standards of the Government Accounting Standards Board (GASB) for the reporting, accounting and funding of Other Postemployment Benefits.

**Motion made:** to accept and adopt the provisions of Chapter 32B, section 20 of the Massachusetts General Laws

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 10. GASB 45-Fund actuarial study to determine Town's potential liability for OPEB**

To see if the Town will vote to transfer from Article 49 of the May 2009 Annual Town Meeting the sum of \$20,000 to retain an actuarial firm or actuarial firms to conduct an actuarial valuation of Other Postemployment Benefits (OPEB) provided by the Towns to existing and future retirees, said sum to be expended by the Board of Selectmen, or take any other action relative thereto.

**Submitted by:** Treasurer/Collector

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

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

**Summary:** Standards of the Government Accounting Standards Board (GASB 45) for the reporting and accounting of Benefits mandate that Towns must identify the true costs of Other Postemployment Benefits (OPEB) earned by employees over their estimated years of actual service. This article would allow the Town to fund an actuarial valuation of these post retirement health benefits to determine the funding necessary to be in compliance with the provisions of GASB 45. Article 49 of the May 2009 Annual Town Meeting appropriated \$20,677 for tuition for Norfolk County Agricultural School, that tuition fee is not needed in FY10.

**Motion made:** to transfer from Article 49 of the May 2009 Annual Town Meeting the sum of \$20,000 to retain an actuarial firm or actuarial firms to conduct an actuarial valuation of Other Postemployment Benefits (OPEB) provided by the Towns to existing and future retirees, said sum to be expended by the Board of Selectmen.

**MOTION CARRIED AS DETERMINED BY THE MODERATOR**

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**Motion made:** for a recount of Article 8 defeated.

**MOTION MADE:** to dissolve Special Town Meeting at 8:00pm.

**MOTION PASSED UNANIMOUSLY**