

# **SPECIAL AND ANNUAL TOWN MEETING MINUTES**

**Special Town Meeting May 13, 2013  
Annual Town Meeting May 13, 2013  
and Adjourned Session May 14, 2013**

With Attorney General approval Oct. 7, 2013  
uploaded to the website Oct. 16, 2013

*A true copy*

*Attest:* \_\_\_\_\_  
Dawn E. Michanowicz, Town Clerk

**Town of Sterling  
Special Town Meeting May 13, 2013**

At 6:40pm on Monday, May 13, 2013, the Town Moderator, Richard Sheppard called to order the Special Town Meeting held in the Chocksett School on Boutelle Road in said Town of Sterling. The following 6 articles were voted in a legal manner. There was a quorum present; 411 voters attended the meeting.

The following tellers were appointed by the Moderator and sworn in by the Town Clerk:  
Barbara Roberti  
Ron Picchieri  
Jim Simpson, Jr.  
Robert Kneeland

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

Terri Ackerman, Town Administrator  
Robert Barwise  
Robert Becker  
Peter Brennan, WRSD School Committee  
Anne Cervantes, Town Treasurer/Collector  
Karen Chick, Town Accountant  
Ken Cleveland, Clinton Item  
Kelly Gangi  
Sean Hamilton, Superintendent Light Department  
Donald Jacobs, Human Resource Director  
Dawn Michanowicz, Town Clerk  
Karen Phillips, COA/Senior Center Director  
Jeanne Survell, Assistant Town Clerk

Moderator, Richard Sheppard, noted the receipt of the posting of the warrant for the Special and Annual Town Meeting by Constable, Mike Pineo. Constable Pineo noted that the printed warrant has Art.15 which is the amended Personnel bylaws in its full text attached separately.

**MOTION MADE:** to waive the reading of the Warrant.

**MOTION PASSED UNANIMOUSLY**

The following Boy Scouts assisted by running the microphone to attendees: Patrick Lane and Paul Iradi.

**ARTICLE 1. Transfer Free Cash to Capital Fund**

To see if the Town will vote to transfer a sum of money 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 will report at Town meeting on this article.

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

**MOTION TO TABLE: PASSED BY MAJORITY VOTE AS DECLARED BY  
MODERATOR**

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

To see if the Town will vote to transfer a sum of money from Free Cash to the Stabilization Fund in accordance with the provisions of Chapter 40, Section 5B, General Laws, as amended, or take any action relative thereto.

**Submitted by:** Finance Committee

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

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

**MOTION TO TABLE: PASSED BY MAJORITY VOTE AS DECLARED BY  
MODERATOR**

**ARTICLE 3. 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 relative thereto.

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

**Recommendation:** The Finance Committee will report at Town meeting on 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.

**MOTION TO TABLE: PASSED BY MAJORITY VOTE AS DECLARED BY  
MODERATOR**

**ARTICLE 4. 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 relative 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 prior year bills outstanding.

**MOTION TO TABLE: PASSED BY MAJORITY VOTE AS DECLARED BY  
MODERATOR**

**ARTICLE 5. Transfers During FY13**

To see if the Town will vote to transfer funds within the FY13 Operating Budget, from one account to another, or from available funds to the FY13 Operating Budget, or take any action relative 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, there were no known transfers needed.

**MOTION TO TABLE: PASSED BY MAJORITY VOTE AS DECLARED BY  
MODERATOR**

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**ARTICLE 6. Kendall Hill Road Water Tank Rehab**

To see if the town will vote to transfer from Water Enterprise Retained Earnings a sum of money to add to Article 25 from May 14, 2012 ATM to rehabilitate the Kendall Hill Road water tank, said sum to be expended by the Department of Public Works/Water Department, or take any action relative thereto.

**Submitted by:** Department of Public Works

**Submitted by:** DPW Board

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

**Summary:** Article 25 from the 2012 ATM designated \$100,000 for the rehabilitation. A bid opening is scheduled for April 2013, after which we will know how much additional funding is required to complete this project.

**MOTION MADE ON THE FLOOR:** To transfer from Water Enterprise Retained Earnings a sum of \$98,100 to Article 25 from May 14, 2012 ATM to rehabilitate the Kendall Hill Road water tank, said sum to be expended by the Department of Public Works/Water Department.

**MOTION CARRIES BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**AT 6:56pm MOTION MADE TO DISSOLVE SPECIAL TOWN MEETING - PASSED UNANIMOUSLY**

At this time Selectman Ron Furmaniuk took the floor. Mr. Furmaniuk asked Mr. Paul Sushchuk to stand. He was thanked for the years of service to the Town of Sterling. Mr. Sushchuk spoke thanking the people for their vote of confidence for 12 years as a Selectmen and the 3 years prior serving as a volunteer committee member for the Town.

Moderator Sheppard took the floor asking Mr. David Pineo to stand. He thanked him on behalf of the residents for all his hours and time spent serving the Town of Sterling. Mr. Pineo has served 49 years as Constable to the Town. Those many years are greatly appreciated and he shall be missed on the election floor leaning over the ballot box in Precinct one.

**Town of Sterling  
Annual Town Meeting May 13 and 14, 2013**

At 7:01pm the Town Moderator, Richard Sheppard, called the Annual Town Meeting to order and the following 57 articles were voted upon in a legal manner. There was a quorum present; 411 voters attended the meeting held in the Chocksett School Auditorium on Boutelle Road, in said Town of Sterling. The return of the warrant was duly served by Constable Mike Pineo.

**ARTICLE 1. Compensation of 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, [MGL Ch41:108] as amended, and as voted in Article #6 of this warrant, or take any action relative thereto.

**Submitted by:** Finance Committee with a recommendation that next year the warrant list all the details and total which is \$12,109 in this budget.

**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 AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 2. Amend Personnel Classification and Compensation Plans**

To see if the Town will vote to amend the Personnel Bylaw by replacing in their entirety “Attachment A – Classification Plan” and “Attachment B – Compensation Schedule” with the new “Attachment A – FY 2014 Classification Plan”, and the new “Attachment B: FY 2014 Compensation Schedule, Schedule C, Schedule D, and Schedule E”, all of which are shown at the end of this warrant, or take any action relative thereto.

**Submitted by:** Personnel Board

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

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

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

**Summary:** This article will adjust the Classification Plan, Attachment A, by classifying the position of Meals Site Coordinator at Grade 3, transferring the Outreach Aide position from Schedule D to Grade 4, and classifying a Town Planner position at Grade 8. Classifying a position does not obligate the Town to create or fund such position. This article also adjusts the Compensation Schedule in Attachment B by 2.2% consistent with the federal inflation rate and Consumer Price Index.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 3. Approve Dispatchers Contract**

To see whether the Town will vote to accept the new FY14 through FY16 collective bargaining agreement between the Truck Drivers Union Local #170 and the Town, and further to raise and appropriate or transfer a sum of money to fund FY14 salaries and other costs associated with the new collective bargaining agreement, or take any other 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

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**Summary:** The current Dispatchers contract will expire on June 30, 2013. If this contract is not settled by Town Meeting, this article will be withdrawn.

**MOTION MADE AS PRINTED IN THE WARRANT: NO VOTE TAKEN**

**ADMENDMENT TO MOTION:** that the Town voted to accept the new FY14 collective bargaining agreement between the truck drivers union Local 170 and the Town, which provides for a 2.2% p/a increase to be funded under Article 6 of this Warrant.

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 4. (Withdrawn)**

**ARTICLE 5. Create and Fund Meal Site Coordinator Position**

To see if the Town will vote to create a part time position of Meal Site Coordinator at Grade 3 on the Personnel Classification System, as shown in Attachment A at the end of this warrant, and further, to transfer the balance of \$2,500 from Article 22 of the May 16, 2011 Annual Town Meeting; transfer the balance of \$1,800 from Article 22 of the May 12, 2008 Annual Town Meeting; transfer the balance of \$6,000 from Article 25 of the May 11, 2009 Annual Town Meeting, and raise and appropriate \$395, for a total of \$10,695, for the first year of salary for this position, or take any action relative thereto.

**Submitted by:** Council on Aging

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

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

**Recommendation:** The Council on Aging recommends the passage of this article.

**Summary:** One of the goals of the Senior Center is to provide nutritional assistance to seniors. To achieve this goal, we offer meals 5 times a week through Montachusett Opportunity Council (MOC). This meal allows seniors to get out and eat a balanced diet while socializing with others. For over 10 years MOC has funded the position of Meal Site Coordinator. This position runs the meal site, coordinates the meals, maintains the cleanliness of the kitchen, follows food safety measures, collects money, maintains the necessary paperwork, and directs the volunteers. Unexpectedly, MOC withdrew the funding for this position due to budget cuts; however this position is crucial if we are to maintain the current meal site.

**MOTION MADE AS PRINTED IN THE WARRANT: NO VOTE TAKEN**

**AMENDMENT TO MOTION:** Substituting the words: create a part time position of Meal Site Coordinator at Grade 3 on the Personnel Classification System, as shown in Attachment A at the end of this warrant, this position being a part time position, with no benefits, and 15 hours per week, the proposed position being subject to the provisions of the FLSA (i.e. the position is not an exempt position). The expected annual burden to the Town due to this position is \$10,695.

**MOTION TO MOVE THE QUESTION: PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**MOTION WITH AMENDMENT PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

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**ARTICLE 6. FY14 Town Operating Budget**

To see if the Town will vote to raise and appropriate the sum of \$9,028,435 or any other sum; and to further appropriate, from the Ambulance Receipts Account, the sum of \$332,500 or any other sum; and to further appropriate, from the Cemetery Perpetual Care Account, the sum of \$5,000 or any other sum; for a total appropriation of \$9,365,935 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, 2013 and ending June 30, 2014, or take any action relative 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.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

[Budget details are at the end of this document]

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

To see if the Town will vote to raise and appropriate the sum of \$804,858, 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 \$844,858 to operate the Water Department, as follows:

Salaries/Wages	\$234,439
Expenses	\$295,250
Principal & Interest	\$275,169
Subtotal	\$804,858 from FY14 water charges and fees
Reserve Fund	\$ 40,000 from Retained Earnings
Total Approp.	\$844,858

or take any action relative 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. This Reserve Fund will only be used upon recommendation of the DPW Board and approval by the Finance Committee. The Water Enterprise will raise an additional \$96,014 from the ratepayers to reimburse the General Fund for indirect costs such as insurance. Total FY14 water revenue needed is \$900,872, plus \$40,000 from Retained Earnings, for a total of \$940,872.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 8. WRSD Net Minimum Contribution, Debt, & Interest**

To see if the Town will vote to raise and appropriate \$8,695,358, 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

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the WRSD debt and interest costs, in accordance with Section 16B of Chapter 71 of the General Laws [MGL Ch71:16B], 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 relative thereto.

**Submitted by:** Wachusett Regional School Committee

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

**Summary:** This article funds the Town's portion of the Wachusett Regional School District's annual budget equal to the next minimum contribution (\$7,799,324), as directed by the State, plus the costs for transportation (\$465,188), plus debt and interest for the high school and oil remediation (\$430,846).

**MOTION MADE AS PRINTED IN THE WARRANT removing the words "or any other sum"**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 9. WRSD Above Net Minimum Contribution**

To see if the Town will vote to raise and appropriate \$1,221,923, 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 \$81,727,729 for the fiscal year 2014, or take any action relative thereto.

**Submitted by:** Wachusett Regional School Committee

**Recommendation:** The Finance Committee recommends the passage of 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 8 for fiscal year 2014. The total WRSD increase in Sterling's FY14 assessment, combining Articles 8 and 9, is 0.11% above the FY13 assessment.

**MOTION MADE AS PRINTED IN THE WARRANT removing the words "or any other sum"**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 10. Montachusett Regional Vocational School Assessment**

To see if the Town will vote to raise and appropriate \$634,046, in accordance with Section 16B of Chapter 71 of the General Laws, [MGL Ch71:16B] as amended, and Sections #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 \$12,190, 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 \$646,236, or take any action relative 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. Student enrollment from Sterling has increased from 54 to 59 students.

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT removing the words "or any other sum"**

**ORIGINAL MOTION PASSED BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

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**ARTICLE 11. Establish Stabilization Fund for Monty Tech Regional School**

To see if the Town will vote to approve the establishment of a Stabilization Fund according to Massachusetts General Law Ch. 71 section 16G1/2 [MGL Ch 71:16G ½] for the Montachusett Regional Vocational Technical School District, or take any action relative thereto.

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

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

**Summary:** Stabilization Funds are commonplace throughout Massachusetts and in the cities and Towns served by Monty Tech. State law allows regional school districts to create a Stabilization Fund, with approval from a majority of their member communities. Monty Tech is asking the Town of Sterling and the district's 17 other communities for authorization to establish a Stabilization Fund. The district is not asking to place any funds into the Stabilization Fund at this time.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**AT 8:53PM MOTION MADE TO TAKE OUT OF ORDER AND MOVE TO ART. 13  
(SENIOR CENTER)**

**MOTION DEFEATED AS DECLARED BY MODERATOR**

**ARTICLE 12. Fund Senior Center**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$2,500,000 to fund the architectural design, Owner's Project Manager, complete construction, and all items and services related to construction for a new Senior Center with community usage, to be built on the corner of Boutelle Road and Muddy Pond Road, identified as Town Assessor's Lot Number 11 on Town Assessor's Sheet Number 137 and listed in the Registry of Deeds Book Number 03588, Page Number 0132, said sum to be expended by the Senior Center Building Committee, with the advice and consent of the Board of Selectmen, with any unused funds to be returned to the Town, or take any action relative thereto.

**Submitted by:** Senior Center Design and Building Committee

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

**Recommendation:** The Council on Aging recommends the passage of this article.

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

**Summary:** The need for a Senior Center has been identified as long as a decade ago. Town owned property at Muddy Pond and Boutelle Roads has been selected and approved. An Owner's Project Manager has assisted in the preliminary design and cost analysis. After several compromises, the potential size of the new Senior Center will be approximately 6,500 SF. Based on other recent construction projects, and the experience of the OPM, the Building Committee is recommending an amount of \$2,500,000 for the construction of the building and development of the site. A separate article will address the furniture, fixtures and equipment of the proposed Center. A fully functional Senior Center can only enhance the offerings of our community.

**REQUIRES 2/3 VOTE**

**MOTION MADE ON THE FLOOR:** to raise appropriate and borrow the sum of \$2,500,000 to fund the architectural design Owner's Project Manager, complete construction, and all items and services related to construction of a new Senior Center with community usage, to be built on the corner of Boutelle Road and Muddy Pond Road, identified as Town Assessor's Lot Number 11

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on Town Assessor's Sheet Number 0132, said sum to be expended by the Senior Center Building Committee, with the advice and consent of the Board of Selectmen, with any unused funds to be returned to the Town.

**AMENDMENT TO THE MOTION:** To accept the article as motioned but to include to raise appropriate and borrow the sum of \$2,500,000 to fund the architectural design, Owner's Project Manager, complete construction, and all items and services related to construction of a new Senior Center with community usage, to be built on the corner of Boutelle Road and Muddy Pond Road, identified as Town Assessor's Lot Number 11 on Town Assessor's Sheet Number 137, and listed in the Registry of Deeds Book Number 03588, Page Number 0132, said sum to be expended by the Senior Center Building Committee, with the advice and consent of the Board of Selectmen, "conditional on establishing a Senior Center Program Committee which will develop a model for comprehensive, coordinated, and exclusive programming that addresses the needs and interest of all Sterling's Senior or adult population". This should be accomplished no later than 9/3 of 2013 with any unused funds to be returned to the Town.

**AMENDMENT TO MOTION DEFEATED AS DECLARED BY THE MODERATOR**

**AT 9:56 MOTION TO MOVE THE QUESTION: PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**MOTION TO CALL THE QUESTION: NO VOTE RECORDED  
REQUIRES 2/3 VOTE**

**ORIGINAL MOTION DEFEATED: YES 217...NO 115**

**At 10:09 SEVEN VOTERS STOOD TO APPEAL THE VOTE TO RECONSIDER THE ARTICLE**

**MOTION TO RECONSIDER: PASSED AS DECLARED BY THE MODERATOR**

**RECONSIDERATION OF THE ORIGINAL MOTION DEFEATED: YES 226...NO 122**

**AT 10:20PM MODERATOR DECLARED A BREAK**

**AT 10:37PM TOWN MEETING RESUMED**

**ARTICLE 13. Fund Senior/Community Center**

To see if the Town will vote to borrow the sum of \$1,900,000 to fund the architectural design, owner's Project Manager and any and all other costs to construct a new Senior/Community center to be built on the corner of Boutelle Road and Muddy Pond Road, identified as Town Assessor's Lot Number 11 on Town Assessor's Sheet Number 137, and listed in the Registry of Deeds Book Number 03588, Page Number 0132, said sum to be expended by the Senior Center Building Committee, with the advice and consent of the Board of Selectmen, with any unused funds to be returned to the Town.

**Submitted by:** Finance Committee

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

**Recommendation:** The Council on Aging does not support the passage of this article.

**Recommendation:** The Senior Center Design and Building Committee does not support the passage of this article.

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

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**Summary:** The above sum provides for the construction of an approximately 5,300 square foot facility at \$275 per square foot. It provides for architectural, project manager, engineering, clerk of the works and design phase estimating costs on the same pro-rata basis as the costs associated with a 6,450 square foot facility. The proposal anticipates that future expansion will be incorporated into the design for future needs and that all costs associated with furnishings and equipment will be provided for by fundraising, donations and/or grants as available.

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY  
MODERATOR**

**ARTICLE 14. Fund Equipment/Furnishings for Senior Center**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, the sum of \$250,000 to fund the monies needed for equipment i.e. life safety generator, table top kitchen appliances, furnishings and furniture, plantings and additional landscaping, signage, storage shelving, sound system, Audio Visual, telephone system, and related items for a new Senior Center with community usage, to be built on the corner of Boutelle Road and Muddy Pond Road, identified as Town Assessor's Lot Number 11 on Town Assessor's Sheet Number 137, and listed in the Registry of Deeds Book Number 03588, Page Number 0132, said sum to be expended by the Senior Center Building Committee, with the advice and consent of the Board of Selectmen, with any unused funds to be returned to the Town, or take any action relative thereto.

**Submitted by:** Senior Center Design and Building Committee

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

**Recommendation:** The Council on Aging recommends the passage of this article.

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

**Summary:** This article addresses essentials edited out of Article 12 and are listed above. All of these essentials are necessary to complete our new Senior Center. It is the intent of the Friends of Sterling Seniors to mount a Capital Fundraising Campaign as well as continuing their efforts to procure Grants. The goal would be to offset some of these costs and to provide additional amenities to the Town at no cost

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY  
MODERATOR**

**ARTICLE 15. Amend Personnel Bylaws**

To see if the Town will vote to amend the Personnel Bylaw by deleting the current Personnel Bylaw Sections 1 thru 13, and by inserting in its place the proposed Town of Sterling Personnel Bylaw of April 5, copies of which are available for inspection at the Town Clerk's office and on the Town website at [www.sterling-ma.gov/2013Article 15](http://www.sterling-ma.gov/2013Article%2015), or take any action relative thereto.

**Submitted by:** Personnel Board

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

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

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

**Summary:** The majority of the changes proposed to the Personnel Bylaw are to (1) modify and include language that clarifies the role and authority of the Personnel Board and the Human Resource Administrator, by stating that the Personnel Board establishes policies, subject to Town Meeting approval, and the Human Resource Administrator administers human resource policies;

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(2) add definitions to clarify the meaning of terminology used in the Bylaw; (3) modify the employee grievance procedure establishing three (3) steps include the Town Administrator and Appointing Authority; (4) enable employees to use earned vacation pay within the next fiscal year subject to the approval of the department head; (5) include a provision recognizing the Town's current practice to reimburse employees for work-related education expenses; and (6) add a provision prohibiting any work stoppage, slowdown or strike in accordance with State law.

**MOTION MADE AS PRINTED IN THE WARRANT  
VOTED TO MOVE THE QUESTION: PASSED  
ORIGINAL MOTION PASSED AS DECLARED BY THE MODERATOR**

The following history was not included in the vote at the STM and ATM of May 13/14, 2013 however it is a reflection of the changes that have occurred since its inception.

**PERSONNEL BYLAW  
HISTORY**

<b>March 1, 1969</b>	<b>Article #39</b>	<b>adoption of personnel bylaw</b>
<b>March 7, 1970</b>	<b>Article #42</b>	<b>amendment to Sections 7, 13, 14</b>
<b>March 6, 1971</b>	<b>Article #46</b>	<b>amendment to Sections 7, &amp; 13</b>
<b>March 4, 1972</b>	<b>Article #38</b>	<b>amendment to Section 7</b>
<b>Oct. 10, 1972</b>	<b>Article #14</b>	<b>amendment to Section 14(b)</b>
<b>March 3, 1973</b>	<b>Article #28</b>	<b>amendment to Section 7</b>
<b>May 4, 1974</b>	<b>Article #3</b>	<b>amendment to Section 7</b>
<b>May 3, 1975</b>	<b>Article #3</b>	<b>amendment to Section 7, 12(a)</b>
<b>May 1, 1976</b>	<b>Article #3</b>	<b>amendment to Section 7</b>
<b>May 7, 1977</b>	<b>Article #3</b>	<b>amendment to Section 7</b>
<b>April 27, 1978</b>	<b>Article #3</b>	<b>amendment to Section 7</b>
<b>April 30, 1979</b>	<b>Article #1</b>	<b>amendment to Sections 7(A,B,C), 12, 15, 18</b>
<b>April 28, 1980</b>	<b>Article #1</b>	<b>amendment to Sections 7(A,B,C), 13</b>
<b>April 27, 1981</b>	<b>Article #1</b>	<b>amendment to Section 7</b>
<b>April 26, 1982</b>	<b>Article #1</b>	<b>amendment to Section 7</b>
<b>April 25, 1983</b>	<b>Article #1</b>	<b>amendment to Section 7</b>
<b>April 30, 1984</b>	<b>Article #1</b>	<b>amendment to Sections 5, 7, 12, 14, 15</b>
<b>Jan. 7, 1985</b>	<b>Article #1</b>	<b>amendment to Section 7(C)</b>
<b>April 29, 1985</b>	<b>Article #1</b>	<b>amendment to Sections 3, 13, 14, 7,</b>
<b>April 28, 1986</b>	<b>Article #1</b>	<b>amendment to Section 7</b>
<b>April 27, 1987</b>	<b>Article #1</b>	<b>amendment to Sections 7, 3, 14, 18</b>
<b>April 25, 1988</b>	<b>Article #1</b>	<b>amendment to Section 7 (A,B,C,D)</b>
<b>Feb 27, 1989</b>	<b>Article #12</b>	<b>amendment to Section 7 (dispatcher differential)</b>
<b>June 5, 1989</b>	<b>Article #1</b>	<b>amendment to Section 13 (position classes)</b>
<b>June 5, 1989</b>	<b>Article #53</b>	<b>rescind and replace complete bylaw</b>
<b>May 14, 1990</b>	<b>Article #1</b>	<b>amendment to Section 13 (A,B,C,D)</b>
<b>May 13, 1991</b>	<b>Article #1</b>	<b>amendment to Section 13 (B,D)</b>
<b>May 30, 1992</b>	<b>Article #1</b>	<b>amendment to Section 13 (B,C,D)</b>
<b>May 23, 1994</b>	<b>Article #3</b>	<b>establish Executive Secretary Position &amp; Wage</b>
<b>Oct 17, 1994</b>	<b>Article #3</b>	<b>amendment to Section 13 (B,C,D)</b>
<b>May 22, 1995</b>	<b>Article #1</b>	<b>amendment to Section 13 (A,B)</b>
	<b>Article #2</b>	<b>amendment to Section 10 (E)</b>
<b>May 18, 1996</b>	<b>Article #7</b>	<b>amendment to Section 13 (B,C,D)</b>

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May 17, 1997	Article #14	amendment to Section 13 (B,C,D)
	Article #44	establish Harassment Policy
May 11, 1998	Article #1	amendment to Section 13 (B)
	Article #38	amendment to Section 6 (H)
March 15, 1999	Article #9	delete and substitute new Schedules B,C,D
May 13, 2000	Article #4	delete and substitute new Schedules B,C,D
May 13, 2000	Article #5	add to Section 13, Schedule E
May 14, 2001	Article #2	revision of Bylaw
May 13, 2002	Article #2	miscellaneous Compensation Schedule/Attachment A
May 12, 2003	Article #10	amendment to Section 14 subsection "Fire and EMS Personnel Compensation Grade"
May 16, 2005 ATM	Article #1	new Classification grades and Compensation
Nov 13, 2006 STM	Article #5	grade Increase for Admin Asst for Planning Board
May 12, 2008 ATM	Article #8	hiring and reclassification Plan
Nov. 17, 2008 STM	Article #12	create new Library positions
	Article #17	create new Facility Manager position
May 11, 2009	Article # 8	amend Classification and Compensation Plan
	Article #9	create Human Resource Officer
	Article #10	reclassification of Accounting Clerk to Administrative Asst
May 17, 2010	Article #17	delete Personnel bylaw and replace w/the new revision
May 16, 2011	Article #16	amend Attachment A
	Article #17	amend Attachment B
	Article #18	amend technical amendments, section 6D
	Article #19	amend hiring/promotion Compensation plan reducing from 15 Steps to 13 Steps, and amend section 6B and section 6C
May 12, 2012 STM	Article #6	amend and fund Library positions Attachment A
May 12, 2012 STM	Article #7	create and fund new position-Outreach Aide Schedule D for \$10-\$15/hour plus \$5,874 for first year of salary
May 12, 2012 STM	Article #8	create and fund 2 new positions-Custodians for \$28,000
May 12, 2012 ATM	Article #13	amend Classification and Compensation Schedules A through E, verbiage
May 12, 2012 ATM	Article #15	amend section D Authority
Nov. 13, 2012 STM	Article #10	re-classify entire Attachment A and Compensation Schedule B and Schedule C
May 13/14, 2013 ATM	Article #2	Amend Attachment A and B; meals site, outreach Aide and Town Planner
	Article #3	Approve Dispatchers Contract FY14 only
	Article #15	Amend Personnel Bylaw and re-classify entire Attachment A, B, C, D and E

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**SECTION 1: AUTHORIZATION and DISCLAIMER**

Pursuant to the authority contained in MGL Ch41, Sections 108A and 108C [MGL Ch41:sec 108A and 108C], the Town of Sterling establishes a Personnel Bylaw (this bylaw) that consolidates all provisions pertaining to the administration of its personnel including among other things, the compensation plan, and a Personnel Board (“the Board) for the purpose of administering said plans or other provisions of its bylaws pertaining to personnel, determining any questions arising there under, and advising the Town in any matters pertaining thereto.

The Classification Plan and/or Compensation Plan or any other provisions of this Bylaw 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. The Board, of its own motion, may propose an amendment to the plans, policies or other provisions of this Bylaw based on its findings resulting from its investigations. The Personnel Board shall report its recommendations on any proposed amendment to the Board of Selectmen. The Board shall submit any amendment to this Bylaw that has a financial impact to the Finance Committee for their review and comment. The Board shall make its recommendations with regard to any amendment at the Town Meeting at which such amendment is considered.

The Personnel Board hereinafter referred to as the Board may, at its own discretion, or on the advice of the Appointing Authority (as defined herein), or on the advice of the Town’s Administration, draft and adopt procedures that it believes to be required for the purpose of administering this bylaw and the Personnel practices of the Town. Such procedures shall be enacted by the Personnel Board after:

- A. Conducting a public hearing if required under MGL Ch 30A, Section 2 or MGL Ch 41, Section 108A and 108C
- B. They have been reviewed and approved by a majority of the members of the Personnel Board at an open meeting

Nothing in any of the Town of Sterling’s Personnel Rules, Policies, Procedures or other documents relating to employment with the Town of Sterling (“the Town”) creates any express or implied contract or guarantee of continued employment for a specific term. No past practices or procedures, whether oral or written, from any express or implied agreement or contract to continue such practices or procedures. No promises or assurances, whether written or oral, which are contrary to or inconsistent with the limitations set forth in this paragraph create any contract of employment unless: 1) the terms are put in writing, 2) the document is labeled “Contract,” 3) the document states the duration of employment, and 4) the document is signed by the Board of Selectmen or Appointing Authority.

Employees of the Town that are not otherwise covered by a collective bargaining agreement, employment agreement, or State Civil Service statutes are at-will employees. Either party may terminate the employment relationship at any time with good cause so long as it is not based on a discriminatory motive. The term good cause shall include but not be limited to the following:

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incapacity other than temporary illness, inefficiency, incompetence, insubordination and conduct unbecoming the office.

This Bylaw 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, per diem 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 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 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 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, qualified and sworn in by the Town Clerk, but in no instance for a period of greater than sixty (60) days after their term has expired. Members of the Personnel Board serving upon the effective date of this Bylaw 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. The Town Clerk shall have sole authority to determine if a person has fulfilled their oath of office, or 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 his/her 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

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to serve until the next organizational meeting of the Personnel Board and until his/her 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 Bylaw. In the event that a bare quorum of the Board only is present, there must be a unanimous vote. A bare quorum of the Board may not enact or amend any existing policy or procedures.

**C. ADMINISTRATION**

The Board shall be responsible for the review and recommendation of all changes to the Town's Personnel Bylaw, and the establishment of all policies pertaining to the provision of human resource services to employees covered by the provisions of this Bylaw that it deems necessary for the proper administration thereof.

**D. PERSONNEL RECORDS**

The Human Resources Administrator, as agent of the Personnel Board, shall be responsible for the maintenance of official personnel files for 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 kept in the office of the Town Treasurer/Collector and shall include all original documentation pertaining to each employee in accordance with applicable state and/or federal regulations. Department heads may maintain files supporting departmental actions. . Department Heads shall furnish such information as shall be requested by Human Resources Administrator on behalf of the Personnel Board.

Current and/or former Town employees have the right to examine their personnel files and may, on written request, receive a copy of any records contained in their personnel file. An employee may request in writing a copy of his or her personnel records. No personnel files may be taken out of the Treasurer/Collector's office without consent of the Human Resource Administrator.

The Human Resources Administrator, as agent of the Personnel Board, shall provide a copy of the Personnel Bylaw to each new employee and Department Head.

The HR Administrator will notify an employee within (10) days of placing information in an employee's personnel file that is, has been used, or may be used, to negatively or positively affect an employee's qualification for employment, promotion, transfer, additional compensation or subject to disciplinary action.

**E. AUTHORITY**

The Human Resources Administrator, from time to time, will review provisions of this Bylaw and shall recommend any changes or adjustments to the Personnel Bylaw and the Classification Compensation Plan for approval by the Personnel Board. Such reviews shall be made at intervals as the Human Resource Administrator or Board deems necessary and, to the extent which the

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Board considers practicable, shall include all occupational groups in the Classification Plan (Attachment A).

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

Each year, the Personnel Board shall make a recommendation at the Annual Town Meeting for an appropriate compensation adjustment for all employees in the Town through either a “step increase” or a “cost of living adjustment”, or some other means.

**SECTION 3: DEFINITIONS**

As used in the Bylaw, the following terms shall have the meaning indicated:

**ABSENCE** - Any time an employee is not at work during a scheduled work period.

**ADMINISTRATIVE AUTHORITY** - The elected or appointed official or Board, Committee, Commission, or other Agency having jurisdiction over a function or activity.

**ALLOCATION** - The placing of a position in its proper classification or grade level, based upon duties required by the Town to be performed, the level of accountability, independence and supervisory responsibilities exercised.

**ANNIVERSARY DATE** - The date of initial employment to a position classified in Attachment A, as an employee of the Town.

**APPOINTING AUTHORITY** - Any person(s), Board, Committee, Commission, or other Agency who has the right to hire or discharge employees.

**CLASS** - A group of positions in the Town service sufficiently comparable in respect to duties and responsibilities so that the descriptive title may be used to designate each position allocated to the Class, that comparable qualifications shall be required of the incumbents, that comparable tests of fitness may be used to choose qualified employees.

**CLASSIFICATION PLAN** - Class specifications and position titles and rules for administering the classification of positions as approved by the Personnel Board and Town Meeting. appearing as Attachment A in this Bylaw.

**COMPENSATION GRADE** - A salary range (Minimum/Maximum) consistent with a Classification Level appearing in the Town’s Compensation Plan in this Bylaw (Attachment B).

**COMPENSATION PLAN** - Specified rates of pay for each job classification included in the Classification Plan (Attachment A) and Benefits as included in the various sections of this Bylaw. these bylaws.

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**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 bylaw. Service shall not be considered as continuous if there is a break of service resulting in an employee being in a non-pay status for a period of time exceeding thirty (30) days excepting authorized leaves of absence.

**DEMOTION** - Assignment of an employee or the re-classification of a position from one classification or grade level to another which has a lower \Min/Max salary range. This action may take place either for disciplinary reasons or when it is determined that an employee cannot meet the performance requirements of his/her position. An employee may be demoted in accordance with the employee's "at-will" status of employment with the Town.

**DEPARTMENT** – A functional unit of Town government with employees.

**EMPLOYEE** - Any person who is paid by the Town for services rendered to the Town and occupies a position in the Classification Plan (Attachment A or Attachment B) or is a member of a collective bargaining group, excluding elected officials, independent contractors, Municipal Light Department employees, and persons under the direction of the School Committees.

**EXEMPT POSITION-** - An employee who is classified as "exempt" under the provisions of the Fair Labor Standards Act (FLSA) is required to perform management, administrative responsibilities or require specialized professional qualifications and is paid a salary for all hours worked and therefore is not eligible for overtime compensation.

**FULL PAY STATUS:** An employee who is legally employed by the Town and is entitled to be paid in accordance with the provisions of this Bylaw a specific dollar amount, expressed as either an annual rate, weekly rate or hourly rate as shown in the Town's Classification and Compensation Plan (Schedules B, C, D and E) excepting authorized leaves of absence in accordance with this Bylaw.

**GOOD STANDING:** An employee who is legally employed by the Town and is compensated through the Town's payroll for their services on a continuous basis and is eligible for benefits covered in this Bylaw.

**IMMEDIATE FAMILY:** Defined as spouse, mother, father, child, including step child, brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law, grandparents, grandchild, aunt, uncle, grandchild, niece, nephew, step parent, step sister, step brother, step-child, person residing in the same household or partner.

**INTERIM APPOINTMENT** – Employees who are filling in for a more senior person for a continuous period of time greater than ten (10) working days. Employees may receive special pay consideration as determined based on the recommendation of the Town Administrator or Appointing Authority and subject to the approval by the Personnel Board. The rate of compensation will be based on length of assignment, the level of the employee's performance

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and the classification level (salary range) of the senior person, market conditions and qualifications of the employee subject to verification of available funding.

**INTRODUCTORY HIRING PERIOD** – All new employees must serve a working test period of six (6) months duration or as specified in a Collective bargaining Agreement or State Civil Service Statute during which an employee is required to demonstrate their fitness to perform the duties of the position to which assigned. An employee may be terminated by the Town during the Introductory Hiring period or at any time with or without cause, with or without notice.

**JOB CLASSIFICATION** - A particular job title within the Classification Plan.

**LAY OFFS/REDUCTION IN FORCE** – Any involuntary separation not involving delinquency, loss of certification, required ability, misconduct or inefficiency is considered a lay-off. When it becomes necessary to reduce the workforce, the Town has the sole authority to determine which employees will be laid off based on the best interests of the Town.

**MAXIMUM RATE OF PAY** - The highest rate of pay in a classification level.

**MINIMUM RATE** - The lowest rate of compensation in a classification level

**NON-EXEMPT POSITION** – In accordance with the provisions of the FLSA, an employee who is not classified as an exempt employee. Non-exempt employees will be paid overtime at a rate of pay of 1 and ½ times their regular hourly rate of pay for all hours that the Town requires an employee to work greater than 40 hours in a work week.

**PART-TIME EMPLOYEE:** An employee who is required to work up to 52.2 weeks per year for less than 20 hours on average each week; or for irregular or occasional employment at an hourly rate of pay.

**PAY RATE** – A specific dollar amount, expressed either as an annual rate, weekly rate, or an hourly rate as shown in the Classification and Compensation Plan (Attachments A and B).

**PER DIEM PAY RATE:** A specified daily rate of pay paid to an employee when on-call or when required to work and is expressed as either an hourly or daily rate of pay.

**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.

**POSITION RATING SYSTEM:** Is a fair, objective way of classifying or comparing positions to one another based upon the evaluation of common functions of positions such as the nature of work knowledge, skill and ability requirements to carry out a positions duties, the scope of responsibility, accountability level of independence, purpose and nature of work contacts and physical and sensory demands, hazards of the work environment and occupational risks.

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**PROMOTION** – A promotion is an advancement to a position in the Town’s Classification Plan that is at least one (1) grade level higher than the employee’s current Classification level. Promotion of an employee to a new position or classification shall include a 45 day introductory hiring period from the date of promotion during which an employee is required to demonstrate their fitness to perform the duties of the position to which they have been promoted.

**RATE OF PAY** - A sum of money designated as compensation for personal services on an hourly, daily, weekly, monthly, annual or other basis.

**REGULAR FULL TIME EMPLOYEE** - Any employee who is employed no less than forty (40) hours per week, up to 52.2 weeks per year for the department or position in which that person is employed.

**REGULAR PART TIME EMPLOYEE** - Any employee who works at least 20 hours or more each week for up to 52.2 weeks per year, but less than a normal work week for the department or position in which that person is employed. These employees are eligible for Town benefits on a pro-rated basis (actual hours required to work as a percentage of a full-time work schedule of 40 hours per week).

**SALARY RANGE** - The dollar difference between minimum and maximum rates for a particular compensation grade.

**SEASONAL EMPLOYEE** - An employee whose duration of employment in a position is for a specified period of time such as a specific number of hours per week or a summer season. Seasonal employees are not entitled to Town benefits regardless of the hours worked during the specified season.

**SEPARATION** – Leaving a position by any type of personnel action including but not limited to resignation, layoff, dismissal, removal, permanent disability and death.

**SINGLE RATE OF PAY** - A rate of pay for a special, temporary or seasonal position for which there is no range.

**STEP RATE** - A specific rate of pay in a salary range in a Classification Level as specified in Attachment A of this Bylaw.

**SUSPENSION** – An enforced leave of absence for disciplinary purposes or pending an investigation by the Town of disciplinary charges made against an employee of the Town.

**TOWN** - The Town of Sterling, Commonwealth of Massachusetts.

**TRANSFER** – When it is in the best interest of the Town, an employee, other than a department head, may be transferred either voluntarily or involuntarily from one position to another position either within a department or to a position in a different department. An employee who is transferred from one department to another with the same grade and comparable position will be

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placed at the same rate of pay in the new department. The transferring employee shall not be lowered in salary due to a lateral transfer and is not entitled to a salary increase.

In the event that an employee should be moved or volunteer to be moved from a position with a higher grade salary to a position of lower salary and grade unrelated to disciplinary action or performance, that reduction shall be considered a non-punitive reduction in grade and salary as opposed to a demotion.

**WORK WEEK:** A work week is defined as a period of time consisting of seven (7) consecutive twenty-four hour days Monday to Sunday, 12:01 A.M. to 12:00 A.M.

**SECTION 4: CLASSIFICATION PLAN**

**A. ADMINISTRATION**

The Human Resource Administrator shall be responsible for the administration of the Classification Plan (the Plan), establishing only such procedures as may be consistent with the policies as established in the Bylaw.

The Human Resource Administrator shall maintain written descriptions of the jobs or positions in the Plan describing the essential characteristics, requirements and general duties. The descriptions shall not be interpreted as either complete or restrictive and employees shall continue to perform any duties assigned by an employee's superior(s).

The Human Resource Administrator shall, from time to time not to exceed three (3) years, review the wage and salary schedules of all positions subject to the Plan in order to keep informed as to pay rates and policies outside the service of the Town, and be in a position to recommend to the Town any action deemed desirable to maintain a fair and equitable (competitive) pay level.

The Human Resource Administrator shall review the duties of all employees subject to the Plan at intervals of not more than three (3) years. The Human Resource Administrator upon receipt of substantiating data may recommend to the Personnel Board for approval a new position to the classification schedule, or reclassify an existing position to a different group, subject to the subsequent ratification of this action by formal amendment of this By-Law by vote of the Town Meeting. Any change that requires an additional appropriation of funds is subject to the recommendation of the Finance Committee and approval of Town Meeting.

The allocation of a position is based on the application of a Position Appraisal Method consisting of a set of universal evaluation criteria or minimum qualifications that are required to successfully perform the essential functions of a position. Each position is assigned a numerical point value based on the application of degree levels within each of the evaluation criteria; the sum point total will determine which grade level a position is to be classified.

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The Personnel Board shall vote to retain or change the Classification and Compensation Plan for the forthcoming year in conjunction with the development of the Town's Annual Budget, subject to the subsequent ratification of its action by formal amendment of that section of this Bylaw at the next Annual Town Meeting. This vote shall be sent to all appointing authorities as well as the Finance Committee and Department Heads.

**B. POSITION 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.

**C. EMPLOYEE CATEGORIES**

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

- a. Regular Full Time
- b. Regular Part Time
- c. Part-Time
- d. Seasonal

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

**D. RECRUITMENT**

The following procedure shall be used when hiring employees for or filling regular full time, regular part time, part-time, or seasonal positions covered by this bylaw. .

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 Plan.
3. All announcements concerning job openings, vacancies, or promotions of positions, shall be date stamped by the Town Clerk, posted internally on the Town Clerk's Bulletin Board, any appropriate worksite bulletin board and the Town website for ten (10) days concurrent with the advertisement of the position in a local publication of record or any other publication as determined by the Town. The internal posting of a position does not in any way restrict the Town from hiring any qualified candidate, whether internal or external.

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Such postings shall include but not limited to the following:

- Job title and Summary statement of duties
- Minimum qualifications (knowledge, ability, skill level)Special Requirements specific to this position
- Salary Range (Min/Max) in accordance with the Classification and Compensation Plan (Attachment A & B)
- Direction on where and how applications may be filed
- Deadline for filing application
- Contact Person  
EEO/AA/ADA

Notice of reasonable accommodations that may be needed by applicants during the pre-employment process will be included in job postings and advertisements and will be made available upon request to applicants with disabilities during the interviews and other pre-employment functions as necessary to ensure equal opportunity for an applicant to secure employment with the Town.

**E. POSITION TITLE**

The title of each position, as established by the Classification Plan (Attachment B), 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.

**SECTION 5: COMPENSATION PLAN**

**A. APPLICATION**

It is the policy of the Town to develop and maintain a compensation plan that is competitive with the market place enabling the Town to recruit and retain a quality work force. External salary data is collected on a regular basis from comparable communities as determined from the geographical recruitment area as well as operational and demographic criteria on a position by position basis. The Town may make changes to the salary ranges for each grade level as it deems necessary in order to maintain competitiveness with the market place.

The compensation of employees provided for in this section shall be subject to the availability of appropriated funds by Town Meeting. It is further understood that salary adjustments including step increases are not automatic but are subject to the appropriation of funds.

**B. PAY AND SALARY SCHEDULE**

The Compensation Schedule annually approved by the Town Meeting and appended to this Bylaw (Attachment B) shall consist of hourly rates, where appropriate, and annual salaries, on a

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grade and step schedule except for those wages that are presented as either a single rate or range. Massachusetts

**C. PAY RATE FOR NEW PERSONNEL**

The hiring rate of pay shall be between the minimum of the salary range of the position's Classification Level for which the new employee is hired up to step 3 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 and to ensure that funds are available. An appointing authority must request approval from the Personnel Board prior to assigning any new employee to a rate higher than step 3.

**D. PROMOTION OF EMPLOYEES**

An employee may be promoted in two (2) different ways:

1. Organizational Promotion: An employee may be appointed to a different position that is classified in a higher grade level or salary range than the position is currently assigned; and
2. Job Revaluation/Reclassification: Duties and responsibilities of an employee's job may be expanded and as a result, the position requires an employee to have additional knowledge, skill, and/or ability, etc. Based on the application of the Town's Position rating System, the position is allocated to a classification level in the Town's Classification Plan subject to the review and approval of the Personnel Board.

A promotional increase for a regular, full-time employee should advance an employee to a pay level in the new salary range that exceeds his/her current rate of pay by at least 3%. Factors such as length of service and budget considerations will determine the actual amount of compensation.

No employee shall receive an increase to the next increment of his compensation grade for successfully completing his/her introductory hiring period.

Any employee who has successfully completed his/her introductory hiring period or has received a promotion and adjustment in rate pursuant to the provisions of this sub-section shall be eligible for recommendation for the next increment of his compensation grade effective July 1 following completion of his/her probationary period.

**E. TRANSFER OF AN EMPLOYEE**

When it is in the best interest of the Town, an employee, other than a department head, may be transferred by the Town either voluntarily or involuntarily within the department, or to a different department.

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An employee who is transferred from one department to another with the same grade level and comparable position will be placed at the same rate of pay in the new department. The transferring employee shall not be lowered in salary due to a lateral transfer and is not entitled to a salary increase.

In the event that an employee should be moved or volunteer to be moved from a position with a higher salary range to a position of lower salary and classification level unrelated to disciplinary action or performance, that reduction shall be considered a non-punitive reduction in grade and salary as opposed to a demotion. If an employee is transferred to a lower rate job, he/she shall enter it at his/her current pay rate or at the maximum rate for the job, whichever is the lower.

**F. DEMOTION**

A demotion takes place when an employee is assigned to a position in a lower classification level, either for disciplinary reasons or when it is determined that the employee cannot meet the performance requirements of his/her position. The demoted employee must be able to meet the minimum requirements of the lower position and this position must be in the Town's Classification and Compensation Plan prior to demotion.

If an employee is transferred to a lower rate job, he/she shall enter it at his/her current rate of pay or at the maximum rate for the job, whichever is the lower.

**G. "PERSONAL RATE" OF PAY**

Any rate of pay which is above the maximum salary for a position as established by the Town's Classification and Compensation Plan, shall be deemed to be a personal rate of pay, and shall apply only to the incumbent. When such incumbent leaves the employ of the Town, or is transferred to another position or a new maximum higher than the employee's personal rate is established, the personal rate shall disappear.

**H. TEMPORARY ASSIGNMENTS, INTERIM APPOINTMENTS**

Positions may be temporarily filled as a result of promotions, resignations, illness, authorized leave of absence, terminations, demotions or transfers, if it is required by law or is in the best interest of the Town. When filling in for a more senior person for a continuous period of time greater than ten (10) working days. Employees may receive special pay consideration as determined based on the recommendation of the Town Administrator or Appointing Authority and the subsequent approval by the Personnel Board. The rate of compensation will be based on length of assignment, the level of the employee's performance and the classification level (salary range) of the senior person, market conditions and qualifications of the employee subject to verification of available funding.

If and when the employee reverts to their previous position, the employee shall revert to their previous rate of pay. In the event that there has been an across the board step increase, the employee then will revert to the appropriate rate of pay that reflects the across the board increase.

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**I. OVERTIME**

It is the policy of the Town of Sterling that all work be accomplished within the normal work week. On occasion, the Town may determine that overtime is necessary to complete the assigned work beyond the normal work day.

It is the policy of the Town to pay employees overtime in accordance with the provisions of the Fair Labor Standards Act (FLSA) and to designate each position authorized by the Town either as exempt or non-exempt from the payment of overtime. Any hours, or portions thereof, authorized by the Town and worked by a non-exempt employee in the service of the Town over and above forty (40) hours for the work week, shall be considered overtime. For purpose of calculating overtime, holiday pay, sick leave, personal leave and vacation pay shall be considered as hours worked.

Except in the case of an emergency, all overtime must be authorized by the employee's department head or appointing authority in advance of said employee being required to work beyond the normal work day. and their budget must have funds available. A non-exempt employee shall receive a rate of pay for hours worked beyond 40 hours per work week that is equal to one and one-half times an employee's normal rate of pay. No employee will receive compensatory time.

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.

**J. CALL BACK PAY**

When an employee, except an exempt employee, is requested to return to work after completing his/her normal day's work and left his/her place of employment, and before his/her next regularly scheduled starting time, shall be paid at the rate of one and one-half (1 ½) times their regular base hourly rate of pay for all of the hours worked on recall, provided that the employee shall be entitled to a minimum of two (2) hours pay at time and one-half (1 ½),.

**K. RESIGNATION FROM EMPLOYMENT**

To resign in good standing, an employee must give his/her Department Head at least two (2) weeks notice in writing of intent to resign from his/her position. No paid leave for scheduled work times shall be paid after notice of resignation is given unless waived by the Department Head with approval of the Town Administrator or Appointing Authority. To resign in good standing a Department Head must provide at least sixty (60) days notice to resign from his/her position in writing to the Town Administrator or Appointing Authority.

**SECTION 6: PHYSICAL EXAMINATION**

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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.

**SECTION 7: DISCIPLINARY ACTION**

The Town recognizes 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. The disciplinary action that is appropriate for any particular misconduct is taken at the sole discretion of the Town.

**SECTION 8: GRIEVANCE POLICY**

A grievance is defined as any complaint by an employee who is covered by this Bylaw that they have been treated unfairly, unlawfully, or in violation of their rights in accordance with Town, State or Federal policies with regard to any matter pertaining to employment with the Town. This definition includes, but is not limited to, discharge, suspension, involuntary transfer and demotion. Also if an employee believes that they have not been credited with or has otherwise lost wages or benefits to which they are entitled, he/she must present a grievance in accordance with the Town’s grievance procedure.

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 for relief from that condition within ten (10) working days of the occurrence or knowledge of the event. Then, if the matter is not settled, the employee should submit said grievance in writing to the department head for relief from that condition. The department head shall meet with the aggrieved employee and shall respond in writing to the employee, within fourteen (14) working days of the meeting. If the employee’s department head is also the immediate supervisor, he/she should proceed to Step 2.

Step 2. If the grievance is not resolved by the decision of the Department Head, the employee may file an appeal in writing with the Town Administrator or Appointing Authority within ten (10) working days of receipt of the Department Head’s decision in Step 2. The Town Administrator or Appointing Authority shall, upon request, meet with the employee within a reasonable time after receipt of the employee’s appeal. The Town Administrator shall reply in writing to the employee’s grievance within ten (10) working days after a meeting with the employee is held. The Town Administrator will send one (1) copy of the reply to the employee, one (1) copy to the Department Head and place one (1) copy in the employee’s personnel file.

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Step 3 If the grievance is still not settled at Step 2, or within ten (10) working days of the deadline for the response of the Town Administrator or Appointing Authority, the employee may submit the grievance in writing to the Personnel Board. The Board shall meet with the Town Administrator, Appointing Authority, Department Head and the employee at its next regularly scheduled meeting following the date of the receipt of the grievance. A final decision will be rendered in writing within ten (10) working days of the date of the meeting with the Personnel Board.

A grievance shall be considered settled at the completion of any step unless it is appealed within the time limits set forth in this section. The time limits of this grievance procedure may be extended by the Town due to illness, vacations, business trips or emergency. The employee will be notified in writing by the Town if an extension is required. If the response time limit falls on an employee's scheduled day off, the reply by management or the Town will be given to the employee on the employee's scheduled workday immediately following his/her return to work.

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

When it becomes necessary to reduce the workforce, the Town has the sole authority to determine which employees will be laid off based on the best interests of the Town. Employees whose employment is so terminated will be notified in writing of such termination.

Employees whose employment is terminated in accordance with this section will be considered for re-employment in a manner to be determined in the best interest of the Town if they are physically and mentally qualified to perform all of the duties of their previous position with the Town. An employee who is restored to permanent duty within one (1) year of the effective termination date shall have any unused leave benefits that the employee may have accumulated at the time of his/her termination restored.

**SECTION 10: EMPLOYEE BENEFITS**

**A. APPLICATION**

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

**Regular Part Time Employees** - All of the below listed employee benefits, with the exception of holidays apply to regular part time employees. These employees are eligible for all employee benefits on a pro-rated basis (actual hours required to work as a percentage of a full-time work schedule of 40 hours per week).

Part-time or Seasonal Employees are not eligible for any employee benefits, listed below.

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**COMPENSATED ABSENCES**

**B. HOLIDAYS**

The following eleven (11) days or dates, shall be recognized as legal holidays within the meaning of this Bylaw on which days employees shall be excused from all duty not required to maintain essential Town services.

Regular full-time employees will be entitled to one day's pay at regular straight time rates for each holiday. If the holiday falls on a Saturday, it will be observed on the previous work day and if it falls on Sunday, it will be observed on the following work day.

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  
CHRISTMAS DAY**

**LABOR DAY  
COLUMBUS DAY  
VETERANS' DAY  
THANKSGIVING DAY  
INDEPENDENCE DAY**

Payment under the provisions of this section shall be made provided the eligible employee shall have worked on the last regularly scheduled working day prior to and the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with the provisions of this By-Law.

When any of the holidays listed above falls 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 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 Bylaw.

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**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 up to 80 hours which may be held over to be used during the next fiscal year at a time that is mutually agreeable to the employee and their department head.

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.

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**D. SICK LEAVE**

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 introductory hiring period.

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

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.

The Office of the Treasurer/Collector is responsible for maintaining records of sick leave days accumulated and used for all eligible employees within the Town and reporting same to the Human Resources Administrator.

The Town at its exclusive discretion, reserves the right to request a written certificate from a Town selected physician, at the cost to the Town, establishing incapacity as a condition of payment of sick leave benefits or for an employee who seeks to return to work after being absent, whether paid or unpaid, to determine the employee's fitness for work.

If an employee uses sick leave for purposes other than legitimate illness or non-working injury as well as in an excessive manner, the employee may, at the sole discretion of the Town, be subject to disciplinary action up to and including termination of employment.

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 in good standing from employment with the Town of Sterling 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.

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**E. BEREAVEMENT LEAVE**

Regular full time and regular part time employees shall be given up to three (3) 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.

**F. JURY DUTY LEAVE**

Employees required to serve on a jury shall promptly notify their immediate supervisor or Department Head.

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.

**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 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.

Upon being released from service with the Armed Forces, such employee shall be reemployed by the Town in the capacity in which formerly employed at the time of departure, provided that such employee is physically and mentally suited to perform the required duties and if such employee makes an application to the Town Administrator's Office for reemployment. Such application must be made within thirty (30) days following termination of service with the Armed Forces and if approved the applicant must report for work when instructed. The Town may require the employee to request written authorization of proof of discharge from the armed services

No leave of absence shall be granted any employee who voluntarily leaves the employ of the Town for the purpose of becoming a member of the Armed Forces except in times of national emergency.

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**H. PERSONAL OR EMERGENCY LEAVE**

Absence for personal reasons up to twenty-four (24) hours per year may be granted to full-time employees. Absences for personal reasons for regular part-time employees shall be granted on a pro-rated basis, based on the average of their hourly pay for fifty-two (52) weeks worked immediately preceding the period requested for personal leave. These personal hours may be taken at any time of the year upon the employee's request with approval of the Department Head. Any time not used will be credited to the employee's sick leave. When possible the employee must request personal leave at least forty-eight (48) hours in advance. A supervisor may not question the reason for the personal leave nor may he/she deny such a request except for scheduling problems. Only employees who have completed their Introductory Hiring Period may be compensated for leaves of absence under this section.

**NON-COMPENSATED ABSENCES**

**A. SMALL NECESSITIES LEAVE ACT (SNLA)**

An eligible employee is entitled to a total of up to 24 hours of unpaid leave during a 12 month period to (1) participate in school activities directly related to the educational advancement of a son or daughter such as parent teacher conferences); (2) accompany a son or daughter of the employee to routine medical or dental appointments, and (3) accompany an elderly relative of the employee to routine medical or dental appointment(s) or appointment(s) for other professional services related to the elder's care. The 24 hours of leave provided by this Act is in addition to the time provided by the FMLA. As with the FMLA, the leave can be without pay, or with use of paid leave if the employee so elects. Unlike the FMLA, the Small Necessities Leave may be taken intermittently or on a reduced leave schedule. If the necessity for leave under this section is foreseeable, the employee shall provide the Town with not less than seven (7) days written notice before the date of the leave is to begin. If the leave is not foreseeable, the employee shall provide the Town with such notice as is practicable.

**B. EXTENDED OR EMERGENCY LEAVE OF ABSENCE**

Extended or emergency leave of absence may be granted by the Department Head with the approval of the appointing authority but shall be without compensation or earned benefits. A leave of absence, of over three (3) months duration, except military leave, shall be considered a break in continuous service and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months has been authorized by the Personnel Board in advance. Such employee shall be reemployed by the Town in the capacity in which formerly employed at the time of departure, provided that such employee is physically and mentally suited to perform the required duties of their former position and if such employee makes a written application to the Town Administrator's Office or to the head of the department for reemployment at least two (2) weeks before requested reinstatement. If approved, the employee must report for work as instructed.

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**C. 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.

**D. FAMILY MEDICAL LEAVE ACT (FMLA)**

Employees of the Town having completed at least twelve (12) months of service, and who have worked 1,250 hours or more in the preceding twelve (12) months, both prior to the commencement of family medical leave shall be entitled to take up to twelve (12) weeks of unpaid leave annually for any of the following purposes:

- (a) The birth of an employee's child, and in order to care for the newborn child;
- (b) The placement of a child with the employee for adoption or foster care, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end twelve (12) months after natural child is born or twelve (12) months after an adopted or foster child is received in the employee's household;
- (c) The need to care for the employee's spouse, child or parent who has a serious health condition; and
- (d) The employee's own serious health condition that renders the employee unable to perform the functions of their position.

**E. TOWN INSURANCE PLANS**

Each regular full time and regular part time employee covered by the Bylaw shall be entitled to the Group Insurance Plan (Health, Dental and Life Insurance) which has been accepted by the Town in accordance with MGL Ch 32B. Family coverage is also available. The level of coverage, and respective premium costs are subject to possible change by the Town.

**F DEFERRED COMPENSATION PLAN**

The Town offers all employees a tax sheltered savings program which excludes contributions to the plan from gross income for federal personal income tax purposes.

**G. RETIREMENT BENEFITS**

The Town shall contribute funds as required for each employee in accordance with the regulations that are established by the Worcester Regional Retirement Board and the Bylaws of the Town of Sterling. Employees who are required to work an average of less than 20 hours per week are required to participate in the State's OBRA Plan.

**SECTION 11: CIVIL SERVICE LAW**

Nothing in this Bylaw or in the Classification or Compensation Plans shall be construed to conflict with MGL Ch 31.

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**SECTION 12: SEPARABILITY PROVISION**

In the event that any provision of this Bylaw, 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 Bylaw.

**SECTION 13: ACTION TAKEN UNDER PRIOR BYLAWS PRESERVED**

The repeal of this bylaw 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 bylaw.

**SECTION 14: PHYSICAL FITNESS**

It shall be the responsibility of each employee to maintain the standards of physical fitness required for performing their job. When a department head believes that the physical condition of an employee constitutes a hazard to persons or property, the department head may request the employee to submit to medical examination by a licensed medical physician at the Town's expense.

**SECTION 15: NO STRIKE**

Since municipal employees provide a service to the public whose interruption in many instances may be detrimental to public safety, no municipal employees shall engage in any work stoppage, slowdown, or strike. Any employee engaging in such work stoppage, slowdown, or strike shall be subject to immediate dismissal without any rights to any of the benefits provided by the Town.

[no SECTION 16 recorded in the Warrant]

**SECTION 17: EQUAL EMPLOYMENT OPPORTUNITY**

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.

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Persons with disabilities employed by the Town are encouraged to request reasonable accommodations at any time when accommodation becomes necessary to the employee's performance of essential functions of their position in accordance with the requirements of the ADA.

**SECTION 18: EDUCATION REIMBURSEMENT**

Educational assistance to defray the cost of tuition, per calendar year, may be granted to full time permanent Town employees with a minimum of one (1) year of continuous service, who are under the jurisdiction of the "Personnel Classification and Compensation Plan By-Laws" subject to the appropriation of funds. Such grants will be approved for job orientated, college level credit (undergraduate/graduate) educational courses or for the maintenance of certifications that are required by the State or the Town.

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**ATTACHMENT A**

**FY14 CLASSIFICATION PLAN**

*Proposed to be effective 7/01/2013*

<b>Grade</b>	<b>Position</b>	<b>Department</b>
2	Library Technician I	Library
	Program Assistant	Recreation
3	Van Driver	Council on Aging
	Clerk Typist	Police
	Meals Site Coordinator	Council on Aging
	Library Technician II	Library
4	Animal Control Officer	Police
	Outreach Aide	Council on Aging
	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	Board of Appeals;DPW;Water;Planning Bd
	Assistant to Assessors	Assessor
	Library Associate II	Library
6A	Dispatcher	Police
	Firefighter/EMS	Fire
	Firefighter/Mechanic	Fire
6B	Company Officer	Fire
	Facilities Manager	Board of Selectmen
	Assoc. Health Agent	Health Dept.
7A	Asst. Director/Head of Children Services	Library
	Firefighter/Paramedic	Fire
7B	Company Officer/Fire Inspector	Fire
	Head Dispatcher	Police
	Director	Recreation; Council on Aging
8	Conservation Agent	Conservation
	Town Clerk	Town Clerk
	Town Planner	Planning
	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  
FY14 COMPENSATION PLAN**

*Proposed to be effective 7/1/2013*

GRADE	STEPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
<b>1</b>	9.74	10.03	10.33	10.64	10.96	11.28	11.63	11.98	12.34	12.70	13.08	13.47	13.88
<b>2</b>	11.19	11.53	11.89	12.23	12.60	12.98	13.37	13.77	14.19	14.60	15.04	15.49	15.96
<b>3</b>	12.89	13.27	13.66	14.07	14.49	14.93	15.38	15.84	16.31	16.80	17.31	17.83	18.37
<b>4</b>	14.81	15.26	15.72	16.19	16.68	17.17	17.69	18.22	18.76	19.33	19.91	20.50	21.12
<b>5</b>	17.05	17.56	18.08	18.62	19.18	19.76	20.35	20.96	21.58	22.24	22.90	23.59	24.29
<b>6</b>	40,886	42,124	43,383	44,663	46,008	47,373	48,803	50,276	51,791	53,327	54,928	56,571	58,278
<b>7</b>	47,032	48,462	49,891	51,385	52,922	54,522	56,144	57,830	59,579	61,351	63,207	65,106	67,046
<b>8</b>	53,968	55,587	57,254	58,971	60,741	62,563	64,440	66,373	68,365	70,416	72,528	74,704	76,945
<b>9</b>	60,443	62,257	64,124	66,048	68,029	70,070	72,173	74,338	76,568	78,865	81,231	83,667	86,177
<b>10</b>	67,697	69,728	71,820	73,974	76,193	78,479	80,834	83,259	85,757	88,329	90,979	93,709	96,520
<b>11</b>	75,821	78,096	80,439	82,851	85,337	87,897	90,535	93,250	96,048	98,930	101,897	104,954	108,103
<b>6</b>	19.58	20.17	20.78	21.39	22.03	22.69	23.37	24.08	24.80	25.54	26.31	27.09	27.91
<b>7</b>	22.52	23.21	23.89	24.61	25.35	26.11	26.89	27.70	28.53	29.38	30.27	31.18	32.11
<b>8</b>	25.85	26.62	27.42	28.25	29.09	29.97	30.86	31.78	32.74	33.73	34.74	35.78	36.85
<b>9</b>	28.94	29.81	30.71	31.63	32.58	33.56	34.56	35.61	36.67	37.77	38.91	40.07	41.27
<b>10</b>	32.42	33.40	34.39	35.42	36.50	37.59	38.71	39.88	41.07	42.30	43.57	44.88	46.23
<b>11</b>	36.31	37.41	38.52	39.68	40.87	42.10	43.36	44.66	46.00	47.38	48.80	50.26	51.77

*Positions in Grades 6 thru 11 may be based on Annual salaries or hourly rates. Hourly rates are computed by dividing the annual salary by 2088.*

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**ATTACHMENT B (continued)  
FY14 COMPENSATION PLAN**

*Proposed to be effective 7/1/2013*

**Schedule C                      Call Fire Personnel**

	Step 1	Step 2	Step 3
<b>F-3</b> Asst FF*&EMT			
Recruit	12.54		
<b>F-4</b> Firefighter	14.64	15.27	16.22
<b>F-4</b> EMT	14.64	15.27	16.22
<b>F-4</b> EMT-Paramedic	16.76	17.40	18.34
<b>F-5</b> Firefighter/EMT	15.87	16.52	17.44
<b>F-5</b> FF/EMT-P	17.99	18.64	19.56
<b>F-6</b> Company Officer/ EMT	17.85	18.52	19.18
<b>F-7</b> Deputy Chief/EMT	19.85	20.52	21.12

**Schedule E                      Stipend Positions**

ADA Coordinator	\$1,500
Animal Inspector	\$1,000
Emergency Management Director	\$10,000
Gas Inspector	\$5,500
Plumbing Inspector	\$10,000
Sealer of Weights & Measures	\$1,200
Veteran Agent	\$3,900

**Schedule D                      Part Time Position**

Police Special	\$8.25-\$9.61
Constable	\$9.25
Cell Monitor/Matron	\$15.00 to \$25.00
Election Worker	\$8.25
Registrar of Voters	\$8.50
Asst. Registrar of Voters	\$8.25
Recycling Attendant	\$11.00
Seasonal Laborer	\$9.25 to \$10.25
Seasonal Truck Driver	\$17.00 to \$20.00
Lifeguard	\$10.00 to \$14.00
Seasonal Recreation	\$8.50 to \$14.00
Van Driver/COA (spare)	\$9.46
Food Inspector	\$30.00
Temp Assistant to the Town Accountant	\$15.00
Parking Clerk	\$25.00
Assistant Building Inspector	25.00 per inspection
Asst. Plumbing Inspector	\$25.00 per inspection
Wire Inspector	\$35.00 per inspection
Asst. Wiring Insp.	\$35.00 per inspection

\*FF=Firefighter

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**AT 11:00PM MODERATOR SUSPENDED THE ANNUAL TOWN MEETING TO  
ADJOURN TO TUESDAY, MAY 14, 2013 AT 7:00PM AT THE SAME LOCATION.**

At 7:05pm the Town Moderator, Richard Sheppard, called the second night of the Annual Town Meeting to order. There was a quorum present; 181 voters attended the meeting. The Moderator noted that the 2<sup>nd</sup> night of Annual Town Meeting Warrant was duly posted by Constable Pineo.

The following tellers were appointed by the Moderator:

Mark Piscione  
Kevin Beaupre  
Barbara Roberti  
Ron Picchieri

**ARTICLE 16. 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 \$1,500; Clerk \$1,500; Third member \$1,500; said sum to be an expense of the Municipal Light Department, or take any action relative thereto.

**Submitted by:** Sterling Municipal Light Department

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

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

**Summary:** This stipend has not changed since 1987, and this adjustment makes it the same paid to each Selectman and each Assessor. As the Executive body of the SMLD, the Board sets and approves the SMLD budget, reviews and approves contract, and serves as the FinCom, Capital Committee, Personnel Board, Selectmen, and voters for the Light Dept.

**MOTION MADE AS PRINTED IN THE WARRANT**

**AMENDMENT TO THE MOTION MADE ON THE FLOOR:** by striking the words "\$1,500" in the three places in the Article 17 and by substituting the words "\$1,000" in all three places in the Article 16.

**AMENDMENT TO THE MOTION: DEFEATED**

**VOTED TO MOVE THE QUESTION: PASSED**

**ORIGINAL MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE  
MODERATOR**

**ARTICLE 17. Reserve Fund for FY14**

To see if the Town will vote to raise and appropriate the sum of \$100,000 into the Reserve Fund for fiscal year 2014 in accordance with the provisions of General Law Chapter 40, Section 6 [MGL Ch40:6] as amended, or take any action relative 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 AS PRINTED IN THE WARRANT**

**MOTION CARRIED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

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**ARTICLE 18. Ballot Question**

A motion to amend the General Bylaws of the Town of Sterling, and to add a chapter entitled “Capital and Extraordinary Expenses” that reads:

Chapter XXX. Capital and Extraordinary Expenses

1. Definitions:

- a. “Capital Expense” shall mean any expenditure that is either:
  - i. For purchase of land and/or buildings, for the construction of buildings, and/or for building improvements exceeding \$300,000, and having a useful life equaling or exceeding seven years, or
  - ii. For municipal infrastructure and equipment exceeding \$300,000 and having a useful life equaling or exceeding five years.
- b. “Extraordinary Expense” shall mean any expenditure, not otherwise mandated by law, and excluding the operating budgets of the various Town departments as approved by the Finance Committee, which exceeds \$300,000
- c. “Emergency” shall mean any set of circumstances posing an imminent and substantial threat to the health and safety of the inhabitants of the Town of Sterling.

2. Appropriation:

No appropriation for a Capital Expense or an Extraordinary Expense shall be made unless it has been approved by a two-thirds (2/3) majority vote at a Town Meeting, and by a two-thirds (2/3) majority vote at a Town Election conducted within 60 days of the Town Meeting vote.

3. Utilization:

An appropriation for a Capital Expense or an Extraordinary Expense shall continue in force until the purpose for which it has been made has been accomplished or abandoned, however, the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from, or encumbrance upon the appropriation, unless otherwise provided by vote at a Town Meeting.

4. Exemption for Emergencies:

The provisions of this chapter shall not apply to any Capital Expense or Extraordinary Expense deemed necessary to address an emergency as determined by a unanimous vote of the Board of Selectmen.

**Submitted by:** Petition

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

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

**Summary:** This article proposes to amend the Town’s general bylaws by adding a requirement that non-emergency capital and extraordinary expenditures in excess of \$300,000 be approved by a 2/3 vote at Town meeting and a 2/3 vote at an election held within 60 days of the Town meeting.

**MOTION MADE ON THE FLOOR:** To see if the Town will vote to amend its general bylaws by adding the following new chapter: Capital and Extraordinary Expenses: 1. Definitions: A. “Capital Expense” shall mean any expenditure that is either: i. for the purchase of land and/or buildings, and/or for building improvements exceeding \$300,000 and having a useful life equaling or exceeding five years, or ii. For municipal infrastructure and equipment exceeding \$300,000 and having a useful life equaling or exceeding five years.

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B. Extraordinary Expense” shall mean any expenditure, not otherwise mandated by law, and excluding the operating budgets of the various Town departments, which exceeds \$300,000. C. “Emergency” shall mean any set of circumstances posing an imminent and substantial threat to the health and safety of the inhabitants of Town of Sterling. 2. Appropriation: No appropriation for a Capital Expense or an Extraordinary Expense shall be made unless it has been approved by a vote at a Town Meeting and by a vote at the next annual Town election following the Twin Meeting vote. 3. Exemption for Emergencies: the provisions of this chapter shall not apply to any Capital Expense or Extraordinary expense deemed necessary to address an Emergency as determined by a unanimous vote of the Bopard of Selectmen.

**MOTION MADE TO TABLE**

**MODERATOR REMOVED THE MOTION STATING IT WAS NOT IN THE SCOPE OF THE ARTICLE**

**7:50PM MOTION TO TABLE ARTICLE 18**

**MOTION TO TABLE: PASSED AS DECLARED BY MODERATOR**

**7:52PM SEVEN VOTERS STOOD TO APPEAL THE MODERATOR’S VOTE**

**ORIGINAL MOTION TO TABLE WAS DEFEATED BY 13 VOTES: YES 90.....NO 62**

**ARTICLE 19. Rehabilitate 2001 Volvo Loader**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds or Capital Fund the sum of \$15,000, or any other sum, for corrosion repair and rehabilitation of a 2001 Volvo Loader, said sum to be expended by the Department of Public Works, or any action relative 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:** Volvo Loader #11 is one of two main line loaders Sterling owns. There is significant corrosion from use of chemicals in winter months by State and DPW as well as hydraulic hoses and fittings that need to be upgraded to ensure a longer lifespan for this machine. Replacement cost of this loader would be in excess of \$145,000.

**REQUIRES 2/3 VOTE**

**MOTION MADE ON THE FLOOR:** to transfer from Capital Fund the sum of \$15,000 for corrosion repair and rehabilitation of a 2001 Volvo Loader, said sum to be expended by the Department of Public Works.

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

**ARTICLE 20. Replace Pickup Truck with Plow**

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds or Capital Fund the sum of \$40,000 to replace truck #1 with a new ¾ ton 4X4 pickup with plow, said sum to be expended by the Department of Public Works, or take any action relative 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.

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**Summary:** This pickup will replace a 2005 pickup given to the DPW 2 years ago when SMLD replaced it. Transmission and electrical problems have plagued this truck since it was received, but it has served a purpose for the last 2 years by deferring the purchase of this vehicle until now.

**REQUIRES 2/3 VOTE**

**MOTION MADE ON THE FLOOR:** to transfer from Capital Fund the sum of \$40,000 to replace truck #1 with a new ¾ ton 4X4 pickup with plow, said sum to be expended by the Department of Public Works.

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

**ARTICLE 21. Fund Various Capital Items**

To see if the Town will vote to transfer the sum of \$65,698, or any other sum, from the Capital Fund for the purchase of the following capital items, or take any action relative thereto:

Police Dept. copier/scanner	\$ 7,400
Butterick Bldg 1 <sup>st</sup> floor copier/scanner	\$ 8,500
Police Dept. Fingerprint scanner	\$21,798
Info. Technology workstation replacements	\$ 8,000
Fire Replace Expired Self-Contained Breathing Apparatus Bottles	\$15,000
Fire Turbo-draft Suction System	\$ 5,000
<b>Capital Total:</b>	<b>\$65,698</b>

**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. Most of the above items have been reviewed and approved by the Capital Committee before the warrant went to press, and the remainder is being considered at their April meeting. [http://www.sterling-ma.gov/Pages/SterlingMA\\_Boards/CapitalMinutes/](http://www.sterling-ma.gov/Pages/SterlingMA_Boards/CapitalMinutes/)

**Summary:** This article is self-explanatory.

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT**

**AMENDMENT TO THE MOTION MADE ON THE FLOOR:** to “raise and appropriate \$65,698”

**OBJECTION TO AMENDMENT – CAN’T INCORPORATE A DIFFERENT FUNDING SOURCE IF NOT PRINTED IN THE WARRANT**

**AMENDMENT REMOVED FROM THE FLOOR**

**ORIGINAL MOTION PASSED BY 2/3 VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 22. Chapter 90 Funding**

To see if the Town will vote to accept Chapter 90 funds, as funded 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, or take any action relative thereto.

**Submitted by:** Department of Public Works

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

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**Recommendation:** The Capital Committee will report at Town Meeting on 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 AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 23. Federal Fire Act Grant 5% Match**

To see if the Town will vote to raise and appropriate or transfer the sum of \$14,500 from the Capital Fund or available funds, as 5% match or a \$290,000 Federal Fire Act Grant applied for by the Fire Department for upgrades to the fire department radio system, or take any action relative thereto.

**Submitted by:** Fire Chief

**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 grant has been awarded, and if accepted by the Town, will be used to update the infrastructure of the current fire department radio system. Updates include replacing phone lines with microwave links, adding a transmission and receiving site to cover areas where the current system has poor or no talk capability. This will greatly improve the safety and reliability of the system, the primary communications between fire apparatus, firefighters, and the dispatch center.

**REQUIRES 2/3 VOTE**

**MOTION MADE ON THE FLOOR:** to transfer the sum of \$14,500 from the Capital Fund as a 5% match for a \$290,000 Federal Fire Act Grant applied for by the Fire Department for upgrades to the Fire Department radio system.

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

**ARTICLE 24. Replace Ambulance 1**

To see if the Town will vote to transfer the sum of \$10,000 from the Capital Fund, to be used toward the \$20,000 down payment of a lease-purchase of a new ambulance to replace Ambulance 1, a ten-year old ambulance, and further, to vote to allow the Fire Chief to enter into a 5 year lease for said ambulance, or take any action relative thereto.

**Submitted by:** Fire Chief

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

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

**Summary:** This will replace Ambulance 1, a 2003 ambulance. There are significant mechanical issues that have resulted in the current ambulance being taken out of service for several months. This ambulance has reached its life expectancy. Ambulance total cost is \$200,000 and the down payment is \$20,000, of which \$10,000 will come from the Fire Department expense line item. Annual payments will then be \$38,867.20 for 5 years.

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT**

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

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**ARTICLE 25. Amend Bylaws to Include and Define all Boards and Committees**

To see if the Town will vote to amend its general bylaws by inserting the following new chapters, or take any action relative thereto:

**1835 Town Hall Committee**

**Section. Establishment**

There is hereby established an 1835 Town Hall Committee, consisting of not less than three (3) and not more than nine (9) residents of the Town of Sterling. Members shall be appointed by the Board of Selectmen for terms of one to three years as determined by the Board of Selectmen. Members on the Committee as of the effective date of this bylaw shall continue to serve until expiration of the term for which they were appointed. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. At its first regular meeting of the fiscal year, the members shall choose, by majority vote of those present and voting, a Chairperson, Vice-Chairperson, and Clerk.

**Section. Duties**

It shall be the duty of the Committee to make recommendations for the refurbishment, restoration, and maintenance of the 1835 Town Hall, and to oversee the use of the 1835 Town Hall as a community center and for public open meeting space. In performing its duties, the Committee shall comply with all applicable Town Bylaws and Massachusetts General Laws, including but not limited to the Open Meeting Law and the Public Records Law, as well as with directives and requests from the Board of Selectmen or Town Administrator.

**Section. Removals**

A member who fails to attend, whether in person or by remote participation if authorized to do so, one-third of the regular meetings of the Committee in any fiscal year shall be removed by the Board of Selectmen, either on its own initiative or upon recommendation of a majority of the remaining members of the Committee, unless the Board of Selectmen determines that there were extenuating circumstances excusing the absences and that the work of the Committee will not be impacted negatively by such member's remaining on the Committee. Any member of the Committee may, after a hearing, be removed for cause by the Board of Selectmen.

**Cultural Council**

**Section. Establishment**

There is hereby established a Cultural Council, consisting of not less than five (5) and not more than twenty-two (22) residents of the Town of Sterling. Members shall be appointed by the Board of Selectmen for staggered terms of three years and shall not be appointed to more than two consecutive terms. Members shall not be elected public officials. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences. Members on the Council as of the effective date of this bylaw shall continue to serve until expiration of the term for which they were appointed. Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. At its first regular meeting of the fiscal year, the members shall choose, by majority vote of those present and voting, a Chairperson, Vice-Chairperson, Clerk and Treasurer.

**Section. Duties**

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Subject to rules, regulations, rulings or guidelines of the Massachusetts Cultural Council, the Sterling Cultural Council may decide the distribution of arts lottery funds or other funds that may be allocable to them, may conduct other activities to promote and encourage the arts, and may perform such other duties as authorized by Massachusetts General Laws Chapter 10, Section 58 [MGL Ch10:58]. In performing its duties, the Council shall comply with all applicable Town Bylaws and Massachusetts General Laws, including but not limited to the Open Meeting Law and the Public Records Law, as well as with directives and requests from the Board of Selectmen or Town Administrator.

**Section. Removals**

A member who fails to attend, whether in person or by remote participation if authorized to do so, one-third of the regular meetings of the Council in any fiscal year shall be removed by the Board of Selectmen, either on its own initiative or upon recommendation of a majority of the remaining members of the Council, unless the Board of Selectmen determines that there were extenuating circumstances excusing the absences and that the work of the Council will not be impacted negatively by such member's remaining on the Council. Any member of the Council may, after a hearing, be removed for cause by the Board of Selectmen.

**Historical Commission**

**Section. Establishment**

There is hereby established an Historical Commission in accordance with Massachusetts General Laws Chapter 40, Section 8D [MGL Ch40: Sec 8D] consisting of not less than three (3) and not more than seven (7) residents of the Town of Sterling. Members shall be appointed by the Board of Selectmen for staggered terms of three years. Members on the Commission as of the effective date of this bylaw shall continue to serve until expiration of the term for which they were appointed. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment., At its first regular meeting of the fiscal year, the members shall choose, by majority vote of those present and voting, a Chairperson, Vice-Chairperson, and Clerk.

**Section. Duties**

It shall be the duty of the Commission to take actions and make recommendations as authorized by Massachusetts General Laws Chapter 40, Section 8D [MGL Ch40: Sec 8D] with respect to the preservation, protection and development of the historical or archeological assets of the Town. In performing its duties, the Commission shall comply with all applicable Town Bylaws and Massachusetts General Laws, including but not limited to the Open Meeting Law and the Public Records Law, as well as with directives and requests from the Board of Selectmen or Town Administrator.

**Section. Removals**

A member who fails to attend, whether in person or by remote participation if authorized to do so, one-third of the regular meetings of the Commission in any fiscal year shall be removed by the Board of Selectmen, either on its own initiative or upon recommendation of a majority of the remaining members of the Commission, unless the Board of Selectmen determines that there were extenuating circumstances excusing the absences and that the work of the Commission will not be impacted negatively by such member's remaining on the Commission. Any member of the Commission may, after a hearing, be removed for cause by the Board of Selectmen.

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**Industrial Development Commission**

**Section. Establishment**

There is hereby established an Industrial Development Commission, consisting of five (5) residents of the Town of Sterling. Members shall be appointed by the Board of Selectmen for terms of five years, or as otherwise determined by the Board of Selectmen. Members on the Commission as of the effective date of this bylaw shall continue to serve until expiration of the term for which they were appointed. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. At its first regular meeting of the fiscal year, the members shall choose, by majority vote of those present and voting, a Chairperson, Vice-Chairperson, and Clerk.

**Section. Duties**

It shall be the duty of the Commission to encourage the creation of employment opportunities in the Town, assist and encourage business to remain in the Town, seek out and bring new industries to Sterling, and act as liaison between industries and various Town boards and officials. In performing its duties, the Commission shall comply with all applicable Town Bylaws and Massachusetts General Laws, including but not limited to the Open Meeting Law and the Public Records Law, as well as with directives and requests from the Board of Selectmen or Town Administrator.

**Section. Removals**

A member who fails to attend, whether in person or by remote participation if authorized to do so, one-third of the regular meetings of the Commission in any fiscal year shall be removed by the Board of Selectmen, either on its own initiative or upon recommendation of a majority of the remaining members of the Commission, unless the Board of Selectmen determines that there were extenuating circumstances excusing the absences and that the work of the Commission will not be impacted negatively by such member's remaining on the Commission. Any member of the Commission may, after a hearing, be removed for cause by the Board of Selectmen.

**Open Space Implementation Committee**

**Section. Establishment**

There is hereby established an Open Space Implementation Committee, consisting of not less than three (3) and not more than seven (7) residents of the Town of Sterling. Members shall be appointed by the Board of Selectmen for staggered terms of three years, or as otherwise determined by the Board of Selectmen. Members on the Committee as of the effective date of this bylaw shall continue to serve until expiration of the term for which they were appointed. Members shall include but not be limited to representatives from Town boards such as the conservation commission, recreation department, planning board and other interested citizens as per guidelines of the MA Department of Conservation Services. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. At its first regular meeting of the fiscal year, the members shall choose, by majority vote of those present and voting, a Chairperson, Vice-Chairperson, and Clerk.

**Section. Duties**

It shall be the duty of the Committee to make recommendations for the implementation and updating of the Town's Open Space Plan, and to seek out and prepare in consultation with the Town Administrator available state and federal grants and private donations for the acquisition, preservation, and maintenance of open space. In performing its duties, the Committee shall comply with all applicable Town Bylaws and Massachusetts General Laws, including but not

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limited to the Open Meeting Law and the Public Records Law, as well as with directives and requests from the Board of Selectmen or Town Administrator.

**Section. Removals**

A member who fails to attend, whether in person or by remote participation if authorized to do so, one-third of the regular meetings of the Committee in any fiscal year shall be removed by the Board of Selectmen, either on its own initiative or upon recommendation of a majority of the remaining members of the Committee, unless the Board of Selectmen determines that there were extenuating circumstances excusing the absences and that the work of the Committee will not be impacted negatively by such member's remaining on the Committee. Any member of the Committee may, after a hearing, be removed for cause by the Board of Selectmen.

Or take any action relative thereto.

**Submitted by:** Board of Selectmen

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

**Summary:** On April 30, 2012, after 2 ½ years of research and deliberation, the Sterling Town Government Study Committee issued their Final Report containing 12 basic recommendations. This article would implement Recommendation 7 of the Government Study report, which states: *The Committee recommends that all permanent boards, committees, and commissions not created or required by statute be included in the General Bylaws. To the extent appropriate, boards, committees, and commissions created by statute should be acknowledged in the General Bylaws and expanded upon beyond the statute as determined at Town Meeting.*

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 26. Special Legislation – Form of Government**

To see if the Town will vote to petition the Massachusetts Legislature for special legislation to enact a so-called “special act” to establish a board of selectmen-Town administrator form of government in the Town of Sterling, worded as follows:

**STERLING, TOWN OF –FORM OF GOVERNMENT—ESTABLISHMENT**

SECTION 1. The inhabitants of the Town of Sterling, within its territorial limits as now or may hereafter be established by law, shall continue to be a body politic and corporate, known as the Town of Sterling.

SECTION 2. This act shall be cited and shall be known as the Sterling Governmental Act.

SECTION 3. The intent and purpose of this act is to secure for the voters of the Town of Sterling, through the adoption of this act, all the powers possible to secure for their government under Article LXXXIX of the Amendments to the Constitution and laws of the commonwealth, as fully and as though each such power were specifically and individually enumerated herein. To the extent that the provisions of this act modify or repeal existing general laws and special laws of the body of law which constitutes the Town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution, this act shall govern.

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SECTION 4. The legislative powers of the Town shall continue to be exercised by a Town meeting open to all voters of the Town.

SECTION 5. There shall be a board of selectmen consisting of three members elected by the voters for three year terms, so arranged that the term of office of one member shall expire each year.

In the event that the official population of Sterling increase to 10,000 or more inhabitants in any given year, the selectmen may propose to an Annual Town Meeting that the Board of Selectmen be increased from 3 to 5 members. Upon Town Meeting approval, there shall be 2 members added to the Board of Selectmen at the annual Town election held the following fiscal year, one to serve a term of 2 years and one to serve a term of 3 years, and thereafter for the five members to serve staggered terms.

The executive powers of the Town shall be vested in the board of selectmen. The board of selectmen shall have all of the powers and duties given to the boards of selectmen under the constitution and laws of the commonwealth and such additional powers and duties as may be authorized by this act, by bylaw or by other Town meeting vote. The board of selectmen shall cause the laws and orders for the government of the Town to be enforced and shall cause a record of its official acts to be maintained. The board of selectmen shall be the chief policy making board of the Town and shall act by the issuance of policy statements and guidelines to be followed and implemented by all Town agencies serving under the board.

The board of selectmen shall be the licensing authority of the Town, except for such licenses which by statute are issued by other Town officials, officers, or boards. The board shall have the power to make necessary rules and regulations regarding the issuance of such licenses, and to attach such conditions and restrictions there to as it deems to be in the public interest, and to enforce the laws relating to all businesses and activities for which it issues licenses.

To aid the board of selectmen in the conduct of its official business and duties, the board of selectmen shall appoint a Town administrator who shall serve at the pleasure of the board, subject to any severance provisions that may be included in an employment agreement entered into with the Town administrator in accordance with the provisions of chapter 41, section 108N of the Massachusetts General Laws. [\[MGL Ch41:108N\]](#)

SECTION 6. The Town administrator shall be especially fitted by education, training and experience in public or business administration to perform the duties of the office. Any vacancy in the office of Town administrator shall be filled as soon as possible by the board of selectmen. Pending the appointment of a Town administrator or the filling of any vacancy, the board of selectmen shall appoint a suitable person to perform the duties of the office. In the event of temporary absence or disability of the Town administrator, the board of selectmen may designate a qualified person to serve as acting Town administrator and to perform the duties of the Town administrator during such temporary absence or disability. The Town administrator shall receive such compensation for services as the board of selectmen shall determine, but such compensation shall not exceed the amount appropriated therefor by the Town.

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SECTION 7. The Town administrator shall be the chief administrative officer of the Town, shall act as the agent for the board of selectmen and shall be responsible to the board of selectmen or the proper operation of Town affairs for which the Town administrator is given responsibility under this act. The Town administrator, under the policy direction of the board of selectmen, shall supervise, direct and be responsible for the efficient administration of all officers appointed by the board of selectmen and their respective departments and of all functions for which the Town administrator is given responsibility, authority or control by this act, by bylaw, by Town meeting vote or by vote of the board of selectmen. The Town administrator shall have the power to delegate, authorize or direct any subordinate or employee of the Town to exercise any power, duty or responsibility which the office of Town administrator is authorized to exercise under this act. All actions that are performed under such delegation shall be deemed to be the actions of the Town administrator.

SECTION 8. Except as otherwise provided by this act, the board of selectmen shall appoint all department heads and officers, except employees who are elected or are under the supervision of elected officials, elected boards or elected commissions. Department Heads shall appoint all subordinates and employees within their departments, subject to the approval of the Town administrator.

SECTION 9. Except as otherwise provided by this act, the board of selectmen may remove for cause all department heads and officers, subordinates and employees except employees who are elected or are under the supervision of elected officials, elected boards or elected commissions. Removals for cause shall be subject to due process requirements of federal, state or Town laws and regulations or enforceable contract provisions.

SECTION 10. Annually, for the ensuing year, the board of selectmen in conjunction with the Town administrator shall discuss and define the Board's goals and performance objectives for the proper operation and welfare of the Town, in accordance with the policy objectives of the board. Said goals and objectives shall be reduced to writing.

SECTION 11. The Town administrator shall:--

- (a) prepare and submit, after consultation with all Town departments, an annual operating budget for all Town departments, to be reviewed by the finance committee; and a capital improvement plan for all Town departments to be reviewed by the capital fund committee;
- (b) insure that complete and full records of the financial and administrative activity of the Town are maintained and to render reports to the board of selectmen as may be required;
- (c) approve warrants for payments of Town funds prepared by the Town accountant;
- (d) keep the board of selectmen and finance committee fully informed as to the financial condition of the Town and to make recommendations to the board of selectmen and to other elected and appointed officials as the Town administrator deems necessary or expedient in regard to such matters;
- (e) prepare, annually, a financial forecast of Town revenue, expenditures and the general financial condition of the Town;
- (f) develop and maintain a full and complete inventory of all property of the Town, both real and personal;

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- (g) be responsible for the efficient use, maintenance and repair of all Town facilities, including oversight of all insurance policies for the same, except for those facilities under the jurisdiction of the school committee and the light department;
- (h) attend all regular and special meetings of the board of selectmen, unless excused. The Town administrator shall attend all sessions of the Town meeting and answer all questions addressed to him/her which are related to the warrant articles and to matters under his/her general supervision;
- (i) administer either directly or through a person or persons supervised by the Town administrator, provisions of general or special laws, bylaws and other votes of the Town meeting;
- (j) coordinate activities of all Town departments, officers, boards or commissions of the Town and to facilitate interdepartmental communication among them. The Town administrator shall investigate or inquire into the affairs of any Town department or office under his/her supervision and make reports in regard to such matters to the board of selectmen, if he/she deems it necessary and expedient;
- (k) administrator personnel policies, practices, rules and regulations, and compensation plans for municipal employees except for light department: administer benefits and insurance programs, and any related matters, including all provisions of the personnel bylaws and all collective bargaining agreements subject to his / her jurisdiction;
- (l) be responsible, with the board of selectmen, for the negotiation of all contracts with Town employees over wages and other terms and conditions of employment, except employees of the light department; such contracts shall be subject to the approval of the board of selectmen. The Town administrator shall resolve union grievances according to provisions of the union contracts with the Town except for light department contracts. The Town administrator may, subject to the approval of the board of selectmen, employ special counsel to assist in the performance of these duties;
- (m) award, subject to the approval of the board of selectmen, all Town contracts, with the exception of contracts involving elected departments, elected boards and elected commissions.
- (n) be responsible for the purchase of all supplies, materials and equipment for all Town departments with the exception of purchases involving elected departments, elected boards and elected commissions. He/she shall examine and inspect, or cause to be examined and inspected, the quality, quantity and condition of supplies, materials and equipment delivered to or received by any Town agency. He/she may examine services performed for any Town agency secured through the purchasing procedure. The Town administrator shall serve as and perform all the duties of the chief procurement officer of the Town;
- (o) serve as liaison with regional, state and federal governmental organizations, local business and community leaders and the general public;
- (p) serve as grants person for the Town; to seek out, be responsible for the preparation of applications and administer any grants that shall become available to the Town;
- (q) supervise the department heads and other non-elected officials and personnel of the Town that are under the jurisdiction of the board of selectmen. He/she shall evaluate the performance of all department heads annually. The Town administrator shall establish procedures by which the department heads will evaluate the performance of their subordinates annually;

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- (r) receive correspondence and answer routine daily inquiries. He/she shall set priorities among issues that demand the board of selectmen's attention. The Town administrator shall organize the agenda for the board of selectmen's meetings and perform research on issues when necessary. He/she shall prepare selectmen for meetings with briefing memos, including a list of pertinent issues with supporting data;
- (s) assemble Town meeting articles and Town warrants in concert with the Town counsel. He/she shall present such articles on the Town warrant to the appropriate Town boards or committees for review and recommendation;
- (t) compile the Town report
- (u) review and make recommendations on the status of all license applications under the jurisdiction of the board of selectmen, and to make site inspections as necessary; and
- (v) perform such duties as necessary, or as may be assigned by this act, bylaw, Town meeting vote, or vote by the board of selectmen.

SECTION 12. The board of selectmen shall annually set performance goals for the Town administrator for the upcoming year, and shall review and evaluate the performance of the Town administrator on a formal basis once annually under the terms and conditions of this act. Said review and evaluation shall include, but not be limited to, the Town administrator's progress and performance on meeting the annual goals and objectives as set forth at the previous annual review. During the first year of employment, the board of selectmen and the Town administrator shall meet and set the Town administrator's goals and objectives after six months. The board of selectmen shall provide the Town administrator with a written evaluation report after each formal annual review and shall provide the Town administrator with an opportunity to discuss his/her review with the board of selectmen in a workshop session and submit written comments relative thereto.

SECTION 13. The registered voters of the Town of Sterling shall elect Town officials in accordance with any applicable laws, bylaws, votes of the Town, or interlocal agreement.

SECTION 14. All laws, bylaws, votes, rules and regulations, or any portion or portions thereof, whether enacted by authority of the Town or any other authority, which are in force in the Town of Sterling on the effective date of this act and which are not inconsistent with the provisions of this act shall continue to be in full force and effect until otherwise provided by other laws, bylaws, votes, rules, and regulations, respectively. Nothing contained herein shall impair contractual rights established prior to the adoption of this act, or any amendment thereto, or take any action relative thereto.

**Submitted by:** Board of Selectmen

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

**Summary:** On April 30, 2012, after 2 ½ years of research and deliberation, the Sterling Town Government Study Committee issued their Final Report containing 12 basic recommendations. After discussing these recommendations several times over the course of the year, particularly at Policy/Strategy Meetings, the Board of Selectmen submits this article in order to implement Recommendations 2, 3, and 6 of Government Study Report, which state:

**2. Define the Role of the Board of Selectmen.** *The board should focus on reviewing performance of key management, participating in and guiding the planning and implementation of a long range plan, and addressing core structural and philosophical issues.*

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*3. Define the Powers and Responsibilities of the Town Administrator. We believe that the powers and responsibilities of the Town Administrator should be clearly articulated and documented. We recommend that the list of responsibilities set forth on Appendix B be incorporated. [Town Clerk's note: No Appendix B was printed with this Warrant]*

*6. Seek a Special Act to Codify the Town's Structural Changes. The Committee recommends that special legislation be sought that will establish a Town Charter and codify structural changes as required by law.*

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 27. Special Legislation – DPW**

To see if the Town will vote to petition the Massachusetts Legislature for special legislation to enact a so-called "special act" to authorize the Town of Sterling to re-organize the Department of Public Works to be worded as follows:

**STERLING, TOWN OF--DEPARTMENT OF PUBLIC WORKS**

SECTION 1. There shall be in the Town of Sterling a Department of Public Works, in this act called the Department, which shall be under the supervision and control of the Board of Selectmen, in this act called the Board.

SECTION 2. The Board shall have all the powers and duties now or from time to time vested by general or special law or by Town bylaw in the following board, commissions, or officers: the department of public works board, the board of water commissions, the board of park and cemetery commissioners and the board of road commissioners. No existing contract or liability shall be affected by the enactment of this special legislation.

SECTION 3. The Board of Selectmen shall appoint for staggered three year terms a 3-person Department of Public Works Advisory Board to research and advise on technical matters within public works, such as but not limited to infrastructure (road, highway and water) management, construction materials and methods. Upon the effective date of this act, the elected department of public works board shall be abolished, and each elected department of public works board member shall become a member of the new Department of Public Works Advisory Board and shall complete the term for which such member had been elected. This advisory board will study and make recommendations to the superintendant, the selectmen, the Town administrator, and others in Town as needed. Members shall be chosen based on their proven expertise in the field of construction, engineering, infrastructure, or related industry. Each member of the Department of Public Works Advisory Board shall earn an annual stipend, as appropriated by Annual Town Meeting.

SECTION 4. The Board shall have additional powers related to the duties and responsibilities of public works as the Town may from time to time by bylaw provide, any other provisions of law to the contrary notwithstanding.

SECTION 5. The Board of Selectmen shall, if desired, hire a superintendant of public works, subject to appropriation and the provisions of the Town bylaws and personnel bylaws. The superintendant shall report to the Board through the Town administrator. The superintendant shall exercise and perform, under the supervision and direction of the Board, the power, rights and duties that have been transferred to the board hereunder as the Board may from time to time

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designate. The superintendant shall be responsible for the efficient exercise and performance of the powers, rights and duties of the office, with other qualifications as set forth in the Town bylaws. The superintendant need not be a resident of the Town during tenure of office.

**SECTION 6.** The superintendant shall keep records of the activities and operations of his office, and render to the Board and Town administrator as often as they may require, a report of all operations under his control during the period reported upon; and annually and from time to time as required by the Board of Town administrator, shall make a synopsis of the reports for publication. The superintendant shall keep the Board and Town administrator advised as to the needs of the Town within the scope of his duties, and shall furnish to the Board and Town administrator each year, upon their request, a detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

**SECTION 7.** Upon the effective date of this act, each permanent employee of the Sterling Department of Public Works shall remain an employee of the Department.

**SECTION 8.** This act replaces and supersedes all previous special legislation concerning the Department of Public Works in the Town of Sterling, or take any action relative thereto.

**Submitted by:** Board of Selectmen

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

**Recommendation:** The DPW Board does not support the passage of this article.

**Summary:** On April 30, 2012, after 2 ½ years of research and deliberation, the Sterling Town Government Study Committee issued their Final Report containing 12 basic recommendations. After careful consideration and discussion with the DPW Board, the Board of Selectmen agrees with Recommendations 5b of The Report of the Sterling Town Government Study Committee dated April 30, 2012, which states: *We recommend that the Department of Public Works Board, currently an autonomous elected board, become an advisory board appointed by the Board of Selectmen, and that the Superintendent report to the Board of Selectmen through the Town Administrator. In order to provide the most effective and efficient services to the citizens of the Town, it is important that all the service and procurement be centralized under one board that has clear authority and responsibility and can be held accountable for performance in the minds of the citizens/voters of Sterling. Currently a major portion of the services provided to the Town's residents are not the responsibility of the Board of Selectmen, something that most voters do not understand. Such independence, operating under the radar, can occasionally result in anomalies such as what occurred with the funding and construction of the DPW garage. In addition, having the management of the DPW employees under the same day-to-day direction as most other Town employees will strengthen employee communications and encourage team work.*

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 28. Special Legislation – Earth Removal/Planning Board**

To see if the Town will authorize and direct the Board of Selectmen to file with the Massachusetts Legislature a petition for special legislation providing that the planning board shall, if and when authorized by Town meeting vote amending its earth removal bylaw, also serve as and perform the duties and responsibilities of the Town's earth removal board, or take any action relative thereto.

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**Submitted by:** Board of Selectmen

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

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

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

**Summary:** Recommendation 5a of the Report of the Sterling Town Government Study Committee dated April 30, 2012 stated: *“We recommend that the Earth Removal Board be eliminated and its responsibilities transferred to the Planning Board, with the Building Inspector, acting in his role of Zoning Enforcement Officer, to be charged with enforcement.”*

The Board of Selectmen discussed this recommendation with both the Planning Board and the Earth Removal Board, as well as at Selectmen Policy/Strategy Meetings, and agrees with the Government Study Committee on this recommendation. In order to accomplish this, both Articles 28 and 29 will be needed.

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 29. Amend Bylaws – Earth Removal/Planning Board**

To see if the Town will vote to amend its earth removal bylaw by striking Section 63-14 and inserting in its place the following: “§ 63-14. The Planning Board shall be the Earth Removal Board.” Provided, however, that this amendment is contingent on the enactment of special legislation by the Massachusetts Legislature authorizing the Planning Board to serve as and perform the duties and responsibilities of the Town’s Earth Removal Board, or take any action relative thereto.

**Submitted by:** Board of Selectmen

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

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

**Summary:** Recommendation 5a of the Report of the Sterling Town Government Study Committee dated April 30, 2012 stated: *“We recommend that the Earth Removal Board be eliminated and its responsibilities transferred to the Planning Board, with the Building Inspector, acting in his role of Zoning Enforcement Officer, to be charged with enforcement.”*

The Board of Selectmen discussed this recommendation with both the Planning Board and the Earth Removal Board, as well as at Selectmen Policy/Strategy Meetings, and agrees with the Government Study Committee on this recommendation. In order to accomplish this, both Articles 28 and 29 will be needed.

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 30. Fund Update to the OPEB Actuarial Valuation**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,850 to retain an actuarial firm or actuarial firms to update the 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 action relative thereto.

**Submitted by:** Treasurer/Collector

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

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

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**Summary:** Standards from the Government Accounting Standards Board (GASB 45) for the reporting and accounting of Benefits mandates that every three years, 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 update the actuarial valuation of these post retirement health benefits to determine the funding necessary to be in compliance with the provisions of GASB 45. Fees will remain unchanged from the prior valuation at \$5,850 for the three year cycle (there are no fees for the “interim” years).

**REQUIRES 2/3 VOTE**

**MOTION MADE TO MOVE IN THE WORDS OF THE ARTICLE removing the words “to transfer from available funds.”**

**MOTION PASSED UNANIMOUSLY AS DECLARED BY THE MODERATOR**

**ARTICLE 31. Fund Post-Employment Benefits**

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the Other Post Employment Benefits Trust Fund, as recommended under GASB 45, or take any other action relative thereto.

**Submitted by:** Finance Committee

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

**Recommendation:** The Finance Committee does not support the passage of this article, because there are insufficient funds to so at this time.

**Summary:** This article would provide funding of Other Post Employment Benefits (OPEB) under the new accounting rules created by GASB 45. This article may be tabled, if there is insufficient funding.

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 32. Fund Wachusett Regional Recycling Center (Earthday)**

To see if the Town will vote to raise and appropriate or transfer \$2,748 from Article 14 of the May 16, 2011 Annual Town Meeting, and transfer the sum of \$237 from Article 12 of the Annual Town Meeting of May 11, 2009, for a total of \$2,985, to satisfy the Town’s financial obligation under the contract with Wachusett Earthday, Inc. for the Fiscal Year 2014, and further to close the remaining balances of the 2 prior year articles mentioned above to General Fund, 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, [MGL Ch40:4] 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. 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.

**MOTION MADE TO MOVE IN THE WORDS OF THE ARTICLE removing the words “to raise and appropriate.”**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 33. Fund Wachusett Greenways Expenses**

To see if the Town will vote to raise and appropriate or transfer \$500 from Article 23 of the May 14, 2007 Annual Town Meeting, and transfer the sum of \$800 from Article 23 of the Annual Town Meeting of May 16, 2011, for a total 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, and further to close the remaining balance of Article 23 of the Annual Town Meeting of May 16, 2011 to General Fund, or take any action relative thereto.

**Submitted by:** Board of Selectmen

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

**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 AS PRINTED IN THE WARRANT.**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 34. 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, 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, or take any action relative thereto.

**Submitted by:** Board of Selectmen

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

**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 AS PRINTED IN THE WARRANT but removing the words “to transfer.”**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 35. Revolving Accounts**

To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44 Section 53E1/2 [MGL Ch44:53E ½ ] for the fiscal year beginning July 1, 2013, or take any action relative thereto. Such items may be voted as a block, or singly, or in any combination but however voted, will be treated for accounting and legislative purposes as if each item voted were voted as a separate article.

[see next pages for full table for revolving funds]

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<b>Revolving Fund</b>	<b>Authorized to Spend from Fund</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>FY2014 Spending Limit</b>	<b>Disposition of Fy2014 Fund Balance</b>	<b>Spending Restrictions Or Comments</b>
Recycling	DPW	Fees	Expenses, supplies and contracted services to run the recycling center	\$80,000	Balance available for expenditure	
Fuel	DPW	Fuel Charges	Fuel charges for the Light Dept. and Water Enterprise Fund	\$60,000	Balance available for expenditure	
Deputy Collector	Treasurer	Fees	Fees collected by the Deputy Collector	\$18,000	Balance available for expenditure	
1835 Town Hall	1835 Committee	Fees	Expenses, supplies and contracted services for the 1835 Old Town Hall	\$15,000	Balance available for expenditure	
Planning Board	Planning Board	Fees	Expenses, supplies and contracted services for the Planning Board	\$25,000	Balance available for expenditure	
Council on Aging	Council on Aging	Fees	Expenses, supplies and contracted services for the Senior Center	\$50,000	Balance available for expenditure	

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<i>continued</i> <b>Revolving Fund</b>	<b>Authorized to Spend from Fund</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>FY2014 Spending Limit</b>	<b>Disposition of Fy2014 Fund Balance</b>	<b>Spending Restrictions Or Comments</b>
Fair Committee	Fair Committee	Fees	Expenses, supplies and contracted services to run the Sterling Fair	\$135,000	Balance available for expenditure	
Hazardous Materials	Fire Chief	Fees	Costs associated with hazardous material incidents	\$55,000	Balance available for expenditure	
Radio Master Box Fees	Fire Chief	Fees	Expenses, supplies and maintenance of Radio Master Box system	\$3,000	Balance available for expenditure	
Agricultural Commission	Agricultural Commission	Fees	Expenses and supplies for the Commission	\$5,000	Balance available for expenditure	
Recreation Committee	Recreation Committee	Fees	Salaries, expenses, supplies and contracted services to run the Recreation Programs	\$151,900	Balance available for expenditure	

**Submitted by:** Town Accountant

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

**Summary:** Revolving funds allow receipts of one or more specific board, committee or department to be spent without further appropriation, subject to the provisions of the Town meeting approval. This article will consider all revolving funds for the Town, but voters have the ability at Town meeting to discuss, amend or reject individual revolving funds within the article.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

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**ARTICLE 36. Rescind Unused Debt**

To see if the Town will vote to rescind \$260.00 of the debt authorization from article 40 of the Annual Town Meeting dated 5/16/2005 for installation of three wells and a UV disinfecting system, and to rescind \$838,000.00 of the debt authorization from Article 4 of the Special Town Meeting dated 5/11/2009 for emergency and clean up costs resulting from the ice storm of December 2008; or take any action relative thereto.

**Submitted by:** Treasurer/Collector

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

**Summary:** Both projects were completed for a lesser amount than that voted at Town meeting. The excess debt authorized is not needed and passage of this article will rescind that authorization. There is no refund of actual monies involved, this is simply a clearing of the debt authorization.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 37. 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, 2013, in accordance with the provisions of Chapter 44, Section 4 of the General Laws [MGL Ch44:4] as amended, and to renew any note or notes as may e given for a period of less than one year, in accordance with the provisions of Chapter 44, Section 17, of the General Laws [MGL Ch44:17], as amended, or take any action relative 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 AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 38. Compensating Balance Agreements**

To see if the Town will vote, pursuant to Chapter 44, Section 53F of the General Laws [MGL Ch44: 53E ½] as amended, to authorize the Town Treasurer/Collector to enter into compensating balance agreements, for FY2014, or take any action relative 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 or the services the bank provides by maintaining a specified, minimum balance in a non-interest or low interest bearing account.

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT**

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

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**ARTICLE 39. Fund Maintenance for 1835 Town Hall**

To see if the Town will vote to transfer from Stabilization Fund, the sum of \$5,000, or any other sum, to fund the maintenance of the 1835 Town Hall for fiscal 2014, said sum to be expended by the 1835 Town Hall Committee, or take any action relative thereto.

**Submitted by:** 1835 Town Hall Committee with comment on Town Meeting floor by Chairman Vern Gaw that “the Town voters accepted 1835 Town Hall as a community center.”

**Recommendation:** The Finance Committee does not support the passage of this article, because there are other sources of revenue available to maintain the 1835 Town Hall.

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

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

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT**

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

**ARTICLE 40. Amend Bylaw Section 4.2 Multi-family Development**

To see if the Town will vote to amend the Town of Sterling Protective Bylaw in the following manner:

1. Delete Section 4.2.2(a) of the Sterling Protective Bylaw in its entirety and substitute the following therefor:
  - a. Lot Area. Minimum lot area shall be not less than the greater of : (i) five (5) acres; or (ii) the following minimum lot area per dwelling unit multiplied by the number of dwelling units shall not be less than the following:

District

Neighborhood Residence: 10,000 square feet<sup>1</sup>

Rural Residence and Farming: 15,000 square feet<sup>1</sup>

<sup>1</sup>Notwithstanding the provisions of Section 4.2.2(a), the lot area per dwelling unit for any multi-family dwelling consisting of only two (2) units shall be 20,000 square feet per dwelling unit.

2. Delete Section 4.2.3(a)(1) of the Sterling Protective Bylaw and substitute the following therefor:
  - (1) All dwelling and structures shall be located a minimum of 200 feet from adjacent properties and public ways; provided, however, that any multi-family dwelling consisting of only two (2) dwelling units shall be located a minimum of 40 feet from adjacent properties and public ways. The Board of Appeals may authorize the set back reduction to a minimum of 100 feet upon its determination that existing natural vegetation and/or proposed plantings provide a protective visual screening.
3. Delete Section 4.2.3(a)(2) of the Sterling Protective Bylaw and substitute the following therefor:
  - (2) Principal buildings on a lot of single ownership shall be no less than 100 feet apart from each other; provided, however principal multi-family buildings consisting of only two (2) dwelling units shall be no less than 15 feet apart from each other.

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4. Delete Section 4.2.3(a)(3) of the Sterling Protective Bylaw in its entirety without substitution.
5. Delete the definition of “Dwelling, Multi-Family” as same appears in Article 5 and substitute the following therefor:  
    **“Dwelling, Multi-Family”** shall mean a single building containing at least two (2) dwelling units, but not more than four (4) units.

**Submitted by:** Petition

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

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

**Summary:** This article proposes certain changes to Section 4.2 of the Sterling Protective Zoning Bylaw so as to permit, upon the issuance of a special permit by the Sterling Planning Board, [Ken Williams made the *correction on Town Meeting floor: wording in the summary should be... “upon the issuance of a special permit by the Sterling Zoning Board...” not Sterling Planning Board*] a smaller, more compact form of multi-family development. By creating the ability to seek a Special Permit for a multi-family dwelling consisting of two (2) units and otherwise revising the dimensional requirements for such a multi-family development, Article 40 would promote the development of an alternative form of smaller dwellings. Even with the adoption of the changes proposed by Article 40, the Sterling Planning Board retains broad jurisdiction through the Special Permit process to insure appropriate development of these forms of dwelling.

**REQUIRES 2/3 VOTE**

**AMENDMENT TO THE MOTION MADE:** 1. To delete the phrase “shall not be less than the following” at the end of Section 4.2.2(a)(ii) as being duplicative. 2. To alter the definition of “dwelling, multi-family” as same appears in Warrant Article 40 so as to read as follows: “dwelling, multi-family” shall mean a single building containing at least two (2) dwelling units but not more than eight (8) units. Such a change is consistent with what is allowed by the multi-family development special permit bylaw.

**MOTION TO MOVE QUESTION: PASSED AS DECLARED BY MODERATOR  
ORIGINAL MOTION WITH AMENDMENT PASSED BY 2/3 VOTE AS DECLARED  
BY THE MODERATOR**

**Oct. 7, 2013 approved by Attorney General’s Office**

**Jan. 6, 2014 published date**

**ARTICLE 41. Surplus Property Modification**

To see it the Town will vote to amend its general bylaws by deleting Chapter 166, relating to Surplus Property, and inserting in its place the following:

Chapter 166. SURPLUS PROPERTY

§ 166-1. **Scope.**

The disposition of tangible property no long useful to the Town, but having a resale or salvage value, shall be in accordance with this Chapter and shall conform to the provisions of the Massachusetts Procurement Act, MGL c.30B [MGL Ch30B], as it may from time to time be amended. For purposes of this Chapter, “property” shall mean all tangible property, including but not limited to motor vehicles, machinery, computers, equipment, furniture, and other supplies. This Chapter does not apply to the disposition of real property or interests therein.

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**§ 166-2. Procedures for Disposition**

**A. General Provisions**

1. The Town's Chief Procurement Officer shall oversee the disposition of all surplus property.
2. Prior to disposition of surplus property, the department head, official, board, commission, or other Town entity in control of the property shall notify the Chief Procurement Officer in writing that it is surplus and no longer needed or useful and shall provide the Chief Procurement Officer with an estimate of its value based upon a reasonable investigation and determination of the value of similar property being offered for resale or salvage by other public or private sellers.
3. Any property determined to be surplus may be transferred by the Board of Selectmen to another Town department, officer, board, commission, or other Town entity which has expressed its interest in acquiring the surplus property.
4. Surplus property may be traded-in as part of the purchase of other property if it is listed for trade-in in the invitation for bids or requests for proposals for such other property.
5. Surplus property shall be disposed of on an "as is" basis, with no warranty of any kind, either express or implied.
6. All money received from the sale of surplus property shall be deposited into the Town's general fund.

**B. Value Less Than \$5,000**

1. The Chief Procurement Officer shall dispose of surplus property with an estimated net value of less than \$5,000 by using written procedures approved by the Board of Selectmen.
2. If no purchase offer is made for the surplus property, the Chief Procurement Officer may dispose of it in any commercially reasonable manner.

**C. Value of \$5,000 or More**

1. The Chief Procurement Officer shall dispose of surplus property with an estimated net value of \$5,000 or more by either competitive sealed bids, public auction, including online auction, or established markets.
2. Public notice of sale by bid or auction shall (a) describe the surplus property offered for sale; (b) designate the dates, times, location and method for inspection of such property; (c) state the terms and conditions of sale; (d) state the place, date and time for the bid opening or auction; (e) remain posted for at least two weeks in a conspicuous place in or near the offices of the Town until the time specified for the bid opening or auction; (f) be published at least once, not less than two weeks prior to the time specified for the bid opening or auction, in a newspaper of general circulation within the area served by the Town; (g) conform to such other notice requirements as are required by MGL c 30B, §5; [MGL Ch30B: 5] and (h) state that the Town retains the right to reject any and all bids.
3. If the Town rejects the bid of the highest responsive bidder, the Town may (a) negotiate a sale of such supply as long as the negotiated sale price is higher than the bid price; or (b) re-solicit bids. Or take any action relative thereto

**Submitted by:** Board of Selectmen

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

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**Summary:** This article is intended to bring the Town's general bylaws relating to the disposal of surplus property into compliance with recent changes to the Massachusetts Procurement Act, [MGL Ch30B]

**MOTION MADE AS PRINTED IN THE WARRANT**

**AMENDMENT TO MOTION:** To "add under Section A, Number 7 – no provisional of this bylaw shall apply to the operation of the Sterling Municipal Light department as regulated by the Massachusetts General Bylaw, Chapter 164 [MGL Ch164]

**MOTION TO MOVE QUESTION: PASSED AS DECLARED BY MODERATOR**

**MOTION WITH AMENDMENT PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**Oct. 7, 2013 approved by Attorney General's Office**

**Jan. 6, 2014 published date**

**ARTICLE 42. (Withdrawn)**

AT 09:25PM MODERATOR DECLARED BREAK

AT 9:33PM ANNUAL TOWN MEETING RESUMED

**ARTICLE 43. Join Central Massachusetts Mosquito Control Project**

To see if the Town will vote to become a member of the Central Massachusetts Mosquito Control Project for a minimum of three years at a cost of \$63,000/year and a total commitment of \$189,000 over the three-year period, pursuant to Massachusetts General Laws Chapter 252, Section 5A [MGL Ch252:5A] and other applicable sections of said law or take any action relative thereto.

**Submitted by:** Board of Health

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

**Recommendation:** The Finance Committee does not support the passage of this article, because there are insufficient funds to do so at this time. Although a Town meeting appropriation is not required, a vote to approve this article would cause the money to be deducted from the Town's state aid, as an assessment on the Cherry Sheet.

**Summary:** The Board of Health is united in the opinion that the Mosquito Control article should be decided by the voters present at the Town Meeting. The cost is withheld from the State Cherry Sheet assessment, so there is no need for the Town to appropriate a direct payment for this service.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION TO MOVE THE QUESTION: PASSED AS DECLARED BY MODERATOR**

**MOTION FAILED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 44. Resolution-Citizens United**

WHEREAS: The Town of Sterling is committed to ensuring the rights of all individual Sterling Voters and believes that those participating Sterling voters, along with individual voters across America, should be the only decision makers in our election process: and

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WHEREAS: The recent U.S. Supreme Court ruling in Citizens United Federal Election Commission presents a serious and direct threat to the role and influence of individual voters in Worcester and across America...

- Overturning longstanding precedent prohibiting corporations from spending corporate general treasury funds in our elections;
- Unleashing a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and
- Invalidating state laws and even state Constitutional provisions separating corporate money from elections;

WHEREAS: We the people adopted and ratified the United States Constitution to protect the free speech and other rights of people, not corporations;

WHEREAS: Corporations are not people with constitutional rights, but instead are entities created by the law of states and nations, rightfully subservient to people and our governments;

WHEREAS: Article V of the United States Constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican self-government; and

WHEREAS: The people and states of the United States of America have strengthened the nation and preserved liberty and equality for all by using the amendment process throughout our history, including in seven of the ten decades of the 20<sup>th</sup> Century;

AND NOW THEREFORE, BE IT RESOLVED: That the Town of Sterling does hereby urge the U.S. Congress to protect the rights of Sterling voters, and individual voters across America by adopting House Resolution 88, proposed by U.S. Representative James McGovern, and begin efforts through the constitutional amendment process to reverse Citizens United v. Federal Election Commission and ensure that voters in Sterling and across America remain the sole decision makers in our election process.

AND, BE IT FURTHER RESOLVED that a copy of the resolution shall be sent to every member of the Massachusetts Congressional Delegation as well as the State Representatives of and State Senator of the Town of Sterling.

**Submitted by:** Petition

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

**Summary:** In *Citizens United v. FEC (2010)* the Supreme Court declared that corporations have the same constitutional rights as people and can make unlimited expenditures in favor of or against political candidates. This overturned the longstanding precedent prohibiting corporations from spending corporate general treasury funds in our elections. This resolution would allow the Town of Sterling to urge the U.S. Congress to protect the rights of Sterling voters by adopting one of the Congressional resolutions, and begin efforts through the constitutional amendment process to reverse Citizens United v. Federal Election Commission.

**MOTION MADE AS PRINTED IN THE WARRANT:** but changing the word on line 5 from “Worcester” to “Sterling” and changing the number in the *RESOLVED STATEMENT*, by deleting “the House Resolution #88” change to “House Resolution #21.”

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

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**ARTICLE 45. Amend WRSD Agreement Section 1: School Committee Members**

To see if the Town will vote to approve the Amendment of Section 1 of the Amended Wachusett Regional School District Agreement, as approved and recommended by vote of the Wachusett Regional District School Committee on March 18, 2013 by deleting the existing Section 1. Members of the Regional District School Committee, subparagraphs 1.1. through 1.6. inclusive and by substituting therein the following language:

**Section 1. MEMBERS OF THE WACHUSETT REGIONAL DISTRICT SCHOOL COMMITTEE**

1.1. The Wachusett Regional District School Committee shall consist of members from each participating Town, each such member to be a registered voter of the Town that the member represents. The Wachusett Regional District School Committee shall consist of twelve (12) members with representation as follows:

Holden	Four (4) members
Paxton	Two (2) members
Princeton	Two (2) members
Rutland	Two (2) members
Sterling	Two (2) members

Each committee member shall be entitled to one weighted vote at all committee meetings.

**1.2. ALLOCATION OF PROPORTIONAL WEIGHTED VOTES FOR MEMBERS AND TOWNS.**

The total voting value for members from each Town represented on the Wachusett Regional District School Committee shall be in proportion to the population of the member Town compared to the total population of all member Towns combined. Population data shall be the latest annual official Town census, as certified by the Town Clerk of each of the member Towns. The calculated total voting value for a member Town shall be equally divided amongst the elected and/or appointed members from the member Town to determine the assigned weighted voting factor for individual committee members of the member Town.

The calculated weighted voting factors for each member and Town based upon the 2012 Town census figures are set forth in Table 1.

TABLE 1

Town	2012 Census Population [Towns]	Percentage of Combined Population	K-12 Committee Members	Weight Member	Weight Town
Holden	18,568	43.18%	4	10.795%	43.18%
Paxton	4,590	10.68%	2	5.34%	10.68%
Princeton	3,562	8.28%	2	4.14%	8.28%
Rutland	8,787	20.44%	2	10.22%	20.44%
Sterling	7,488	17.42%	2	8.71%	17.42%
<b>TOTALS</b>	<b>42,995</b>	<b>100%</b>	<b>12</b>		<b>100%</b>

1.3. Such allocation of weighted votes shall be reviewed, and adjusted if necessary, annually on or before July 1<sup>st</sup>. The allocation of weighted votes will be so calculated as to have all representatives from a member Town assigned the same vote value.

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1.4. With the exception of the terms of office of the existing membership of the Committee, the Committee membership shall remain constant at twelve (12) members.

Downsizing of the current Committee (22) will be accomplished by reducing by half the number of open seats rounded up to the next whole number for a member Town at each Town election until the member Town attains the required number of seats as set forth in Table 1. Should a member resign and the Town is still above the required number of seats, that seat shall be eliminated as of the effective date of the resignation.

1.5. Each member's voting weight will be calculated on a yearly basis as of July 1<sup>st</sup> of any given year in accordance with the Member Towns' annual census. Should a member resign and the position will not be replaced due to downsizing, or after an election where the size of the Committee is reduced, the weight of votes will be recalculated immediately.

1.6. The District shall annually request and obtain from the Town Clerks' official annual census figures before July 1<sup>st</sup> of each year. The District shall give written notice to the Board of Selectmen of the member Towns of any resulting changes in the voting allocation of any member Town.

1.7. The method of nomination or election of the members to the Wachusett Regional District School Committee from a member Town shall be the same as candidates for an elective office in the member Town. All members shall be elected for a three (3) year term. If a vacancy occurs in the Wachusett Regional District School Committee, or if there is a failure to elect, the Selectmen of the member Town to which the vacancy relates shall fill the vacancy by appointment. The person so appointed shall be a registered voter of such Town and shall perform the duties of the office until such Town's next annual meeting and his successor is qualified; at such annual meeting a successor shall be elected to fill the balance of the unexpired term.

1.8. Weighting the votes of Committee Members according to the population of the Town they represent shall be effective at the first organizational meeting of the Committee after the approval of the Amendments by the member Towns of the Wachusett Regional School District. A majority of the Members' weighted vote shall constitute a quorum of the full School Committee and not a majority of its members, or take any action relative thereto.

**Submitted by:** Wachusett Regional School Committee

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

**MOTION TO TABLE PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 46. Amend WRSD Agreement Section 9: Annual Report**

To see if the Town will vote to approve the Amendment of Section 9, Annual Report, of the Amended Wachusett Regional School District Agreement, as approved and recommended by vote of the Wachusett Regional District School Committee on March 18, 2013, by adding the following sentence:

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“When requested by a representative of Member Town’s government, an electronic version of budget documents will be furnished at no charge”. So that Section 9 reads as follows:

The District shall submit to each of the Member Towns an annual report containing a detailed financial statement and a statement showing the methods by which the annual charges assessed against each Town were computed, together with such additional information relating to the operation and maintenance of such schools as may be deemed necessary by the Committee or by the Selectboard of any Member Town. When requested by a representative of Member Town’s government, an electronic version of budget documents will be furnished at no charge, or take any action relative thereto.

**Submitted by:** Wachusett Regional School Committee

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

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 47. Amend WRSD Agreement Section 14: Amendments**

To see if the Town will vote to approve the Amendments of Section 14, Amendments, of the Amended Wachusett Regional School District Agreement, as approved and recommended by vote of the Wachusett Regional District School Committee on March 18, 2013, as follows:

- A. Amend Section 14.1. by deleting the number “five (5)” and inserting the number “three (3)” so that the Section reads as follows:

The Wachusett Regional School District Agreement shall be reviewed every three (3) years by the Committee. The Committee shall hold a public hearing to receive comment and proposed changes from the citizens of the Member Towns. The Committee shall prepare and submit a written report to the Selectboards of the Member Towns.

- B. Amend Section 14.2. by deleting the name “Commonwealth of Massachusetts Department of Education” in Section 14.2. and inserting the name “Commonwealth of Massachusetts Department of Elementary and Secondary Education” so that Section 14.2. reads as follows:

This Agreement may be amended by recommendation of the Committee and approval of Member Towns of the District by majority vote at an annual or special Town meeting provided that not more than one Member Town disagrees and subject to the approval by the Commonwealth of Massachusetts Department of Elementary and Secondary Education. No such amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes of the District then outstanding or the rights of the District to procure the means for payment thereof; provided, that this provision shall not prevent the admission of new Towns to the District and the reapportionment accordingly of that part of the cost of construction represented by bonds or notes of the District then outstanding and of interest thereon (Chapter 116 of the Acts of 1951), or take any action relative thereto.

**Submitted by:** Wachusett Regional School Committee

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

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

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**ARTICLE 48. Amend WRSD Agreement Section 17: Lease of Schools**

To see if the Town will vote to approve the Amendment of Section 17. Lease of Schools of the Amended Wachusett Regional School District Agreement, as approved and recommended by vote of the Wachusett Regional District School Committee on March 18, 2013, by adding a new Section 17.7. which reads as follows:

17.7. Each maintenance agreement shall have a provision for the emergency use of school buildings and an annual maintenance audit, or take any action relative thereto.

**Submitted by:** Wachusett Regional School Committee

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

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 49. Amend Animal Control Bylaw: Define Special Permit**

To see if the Town will vote to amend Section 18-2, Definitions, of the Animal Control Bylaw as follows:

Under the definition “SPECIAL PERMIT – A permit issues pursuant to MGL c.40A, §9, and the Sterling Protective Bylaw”, change the word “issues” to “issued”, or take any action relative thereto.

**Submitted by:** Animal Control Advisory Board

**Summary:** This to correct a clerical error

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**Oct. 7, 2013 approved by Attorney General’s Office**

**Jan. 6, 2014 published date**

**ARTICLE 50. Amend Animal Control Bylaw: Kennels**

To see if the Town will vote to amend Section 18-2, Definitions, of the Animal Control Bylaw as follows:

**Delete:**

**DOMESTIC CHARITABLE CORPORATION**

A facility operated, owned or maintained by a domestic charitable corporation registered with the Massachusetts Department of Agriculture, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which may operate for the above purpose in addition to providing medical treatment and care to animals.

**KENNEL**

One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than four dogs six months old or over owned or kept

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by a person on a single premises irrespective of the purpose for which they are maintained. (MGL c. 140, § 135A) [MGL Ch140:135A]

**KENNEL COMMERCIAL**

Pack or collection of dogs in a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than four dogs, three months old or older, owned or kept by a person on a single premises regardless of the purpose for which they are maintained or kept. (Sterling Protective Bylaws, Article 5) *Editor's Note: The Sterling Protective Bylaw is on file in the Town offices.*

**SERVICE DOG/ANIMAL**

Any guide dog, signal dog, or other animal trained to provide assistance to an individual with a disability.

**Insert the following:**

**COMMERCIAL BOARDING OR TRAINING KENNEL**

An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129[MGL Ch129:39A], a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others. (MGL c. 140, § 136A) [MGL Ch140:136A]

**COMMERCIAL BREEDER KENNEL**

An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration. (MGL c. 140, § 136A) [MGL Ch140:135A]

**DOMESTIC CHARITABLE CORPORATION KENNEL**

A facility operated, owned or maintained by a domestic charitable corporation registered with the Massachusetts Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care. (MGL c. 140, § 136A) [MGL Ch140:136A]

**KENNEL**

A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel. (MGL c. 140, § 136A) [MGL Ch140:136A]

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**PERSONAL KENNEL**

A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit. (MGL c. 140, § 136A) [\[MGL Ch140:136A\]](#)

**SERVICE DOG/ANIMAL**

A service dog or animal as defined by the Americans with Disabilities Act or regulations promulgated there under. (MGL c. 140, § 139C) [\[MGL Ch140:139C\]](#)

**VETERINARY KENNEL**

A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care (MGL c. 140, § 136A), [\[MGL Ch140:136A\]](#), or take any action relative thereto.

Submitted by: Animal Control Advisory Board

Summary: The proposed amendments to the Animal Control Bylaw will bring the Town of Sterling's General Bylaw into compliance with Massachusetts General Law Chapter 140, sections 136A to 174E [\[MGL Ch140:136A-174E\]](#) which was recently amended by [CHAPTER 193](#), AN ACT FURTHER REGULATING ANIMAL CONTROL (Massachusetts S. 2192). Failure to pass this amendment would result in conflicts between state law and town bylaws which will undermine the enforcement efforts by the Animal Control Division of the Town of Sterling.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**Oct. 7, 2013 approved by Attorney General's Office**

**Jan. 6, 2014 published date**

**ARTICLE 51. Special Act-Wekepeke**

To see if the town will vote to authorize the Select Board to petition the Massachusetts State Legislature to enact a law designating all the waters of the Wekepeke reservoir aquifer, owned by the town of Clinton, both above and below ground, to be available for municipal usage only, such as for a drinking water supply, fighting fires, and local businesses and farms, and to prevent any and all commercial bottling in any form of said waters.

**Submitted by:** Petition

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

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**Recommendation:** The Conservation Commission will report at Town Meeting on this article.

**Summary:** The Conservation Restriction on the Wekepeke aquifer land owned by the town of Clinton and passed in 2009 protected the land from development. However, it did not protect the waters of the aquifer from commercial business or development. The purpose of this article addresses the need to also protect the water.

**MOTION MADE ON THE FLOOR:** To see if the Town will vote to authorize the Select Board to petition the Massachusetts State Legislature to enact a law designating all the waters of the Wekepeke reservoirs and aquifer, owned by the Town of Clinton, both above and below ground, to be available for the preservation and protection of its natural resources and for sustainable municipal usage, (such as for drinking water supply, fighting fires, local businesses and farms) and to prohibit any and all commercial bottling in any form of said water.

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY MODERATOR**

**ARTICLE 52. Lake Treatment**

To see if the Town will vote to transfer the remaining balance, previously appropriated under Article 27 of the May 16, 2011 Annual Town Meeting, for the maintenance of the water quality of East Lake Waushacum by the application of approved chemical treatments such as alum and copper sulfate or the use of alternative technologies, said sum to be expended by the Conservation Commission, or take any action relative thereto.

**Submitted by:** Conservation Commission

**Summary:** In the time since the passing of the last article, the lake has been in fine condition due to the continued efforts of the association and the Town of Sterling to ensure better monitoring and control of activities in the water shed. However, continued monitoring by a Certified Laboratory and Lycott Environmental shows a different type of Algae occurring in the lake this year. Alum would not be an effective form of treatment this season and the use of another chemical such as copper sulfate may be necessary and will not incur additional funding to the already secured monies. This article seeks only to amend the previous one passed to allow flexibility in the use of chemical.

**MOTION MADE AS PRINTED IN THE WARRANT**

**MOTION PASSED BY MAJORITY VOTE AS DECLARED BY THE MODERATOR**

**ARTICLE 53. Fund Principal and Interest for 2004 Fire Truck**

To see if the Town will vote to transfer from the Capital Fund the sum of \$70,163, or any other sum, to offset the cost of the Fire Truck principal and interest for fiscal 2014, or take any action relative thereto.

**Submitted by:** Fire Chief

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

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

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**Summary:** The article takes money out of the Capital Fund to pay the principal and interest payments associated with the Fire Truck for fiscal year 2014. 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.

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT** but removing the words “or any other sum”.

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

**ARTICLE 54. Fund Lease-Purchase Payment for Ambulance**

To see if the Town will vote to transfer \$35,416 from the Capital Fund to offset the cost of the Ambulance lease payment, or take any action relative thereto.

**Submitted by:** Fire Chief

**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 FY14 lease payment for the ambulance. The Town approved the lease-purchase of the new ambulance at the November 2008 Special Town Meeting. This is the fifth payment of a five-year lease-purchase.

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT**

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

**ARTICLE 55. Fund Lease-Purchase Payment for 2010 Pumper Tanker**

To see if the Town will vote to transfer from the Capital Fund the sum of \$62,149, or any other sum, to offset the cost of the Pumper-Tanker lease payment, or take any action relative thereto.

**Submitted by:** Fire Chief

**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 FY14 lease payment associated with the Pumper Tanker for fiscal year 2014. The Town approved the purchase of the new truck at the May 2011 Town Meeting. At that time, it was explained the truck would be paid for out of the Capital Fund through a ten-year lease-purchase.

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT** but removing the words “or any other sum”

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

**ARTICLE 56. Apply Stabilization Fund to Reduce Tax Rate**

To see if the Town will vote to transfer \$200,000, or any other sum, from Stabilization Fund, to stabilize the tax rate, or take any action relative thereto.

**Submitted by:** Finance Committee

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

**Summary:** The purpose of this article is to keep the tax increase minimal.

**REQUIRES 2/3 VOTE**

**MOTION MADE AS PRINTED IN THE WARRANT** but removing the words “or any other sum”

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

**ARTICLE 57. Annual Town Election**

To elect by ballot on Monday, May 20, 2013, from 7:00am to 8:00pm at the Houghton Elementary School on 32 Boutelle Road, the following officers:

One Board of Assessors to serve for three years

One Board of Health Member to serve for three years

Two Library Trustees to serve for three years

One Selectman to serve for three years

Two constables to serve for one three year term and a one year term

One Public works Board Member to serve for three years

One Planning Board Member to serve for five years

One Sterling Housing Authority Member to serve for five years

One Sterling Municipal Light Board Member to serve for three years

One Wachusett Regional School District Committee Member to serve for three years

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

The polls shall be opened on Monday, May 20, 2013 at seven (7:00) o'clock in the forenoon and shall remain open until eight (8:00) o'clock in the evening.

At 10:44pm motion to adjourn Town Meeting to May 20, 2013 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.

[see attached pages of the FY14 Operating Budget as voted in Art. 6]

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	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<b>General Government</b>					
<i>Moderator</i>					
Salary	400	500	500	500	500
Expense	-	-	150	150	150
<b>TOTAL</b>	<b>400</b>	<b>500</b>	<b>650</b>	<b>650</b>	<b>650</b>
<i>Selectmen</i>					
Salary	4,500	4,500	4,500	4,500	4,500
Expense	2,830	1,851	3,330	2,500	2,500
<b>TOTAL</b>	<b>7,330</b>	<b>6,351</b>	<b>7,830</b>	<b>7,000</b>	<b>7,000</b>
<i>Town Administrator</i>					
Salary	88,084	90,728	90,728	95,504	95,504
Wages*	47,554	49,033	50,204	73,562	73,562
Expense	56,763	57,055	67,000	67,000	67,000
<b>TOTAL</b>	<b>192,401</b>	<b>196,816</b>	<b>207,932</b>	<b>236,066</b>	<b>236,066</b>
*Beginning in FY13, Custodial salaries have been moved to Town Admin wages.					
<i>Accountant</i>					
Salary and Wages	48,578	50,022	43,795	42,911	42,911
Expense	3,664	2,202	3,900	3,900	2,900
<b>TOTAL</b>	<b>52,242</b>	<b>52,224</b>	<b>47,695</b>	<b>46,811</b>	<b>45,811</b>
<i>Financial Audit</i>					
Expense	19,250	18,000	19,500	19,500	19,500
<b>TOTAL</b>	<b>19,250</b>	<b>18,000</b>	<b>19,500</b>	<b>19,500</b>	<b>19,500</b>

**Town of Sterling  
Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<i>Treasurer/Collector</i>					
Salary	64,053	65,195	55,390	56,587	56,587
Wages	79,329	81,310	83,517	85,332	84,832
Tax Title Expense	1,020	300	5,000	5,000	1,500
Expense	36,372	34,912	37,475	37,705	37,705
<b>TOTAL</b>	<b>180,774</b>	<b>181,717</b>	<b>181,382</b>	<b>184,624</b>	<b>180,624</b>
<i>Assessors</i>					
Salary	4,375	4,500	4,500	4,500	4,500
Wages	38,540	39,164	44,192	45,048	45,048
Expense	44,286	46,342	54,900	51,250	51,250
<b>TOTAL</b>	<b>87,201</b>	<b>90,006</b>	<b>103,592</b>	<b>100,798</b>	<b>100,798</b>
<i>Town Clerk</i>					
Salary	55,573	57,591	60,433	61,741	61,741
Wages	36,333	36,615	34,819	38,878	38,878
Training	2,268	2,499	2,500	2,500	2,500
Expense	13,162	10,900	10,900	11,020	10,020
<b>TOTAL</b>	<b>107,336</b>	<b>107,605</b>	<b>108,652</b>	<b>114,139</b>	<b>113,139</b>
<i>Elections &amp; Registration</i>					
Wages	13,153	10,691	11,446	7,834	7,834
Expense	8,318	8,259	12,794	9,600	9,600
<b>TOTAL</b>	<b>21,471</b>	<b>18,950</b>	<b>24,240</b>	<b>17,434</b>	<b>17,434</b>
<i>Information Technology</i>					
Professional services	37,540	38,400	39,360	39,360	39,360
Expenses	7,110	8,110	8,725	9,925	9,925
Hosting Services: Web	3,700	3,699	2,700	2,700	2,700

**Town of Sterling  
Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
Hosting Services: GIS	-	1,800	3,600	3,600	1,800
<b>TOTAL</b>	<b>48,350</b>	<b>52,009</b>	<b>54,385</b>	<b>55,585</b>	<b>53,785</b>
<i>Professional Services</i>					
Expense	36,509	80,784	60,000	65,000	60,000
<b>TOTAL</b>	<b>36,509</b>	<b>80,784</b>	<b>60,000</b>	<b>65,000</b>	<b>60,000</b>
<i>Finance Committee</i>					
Expense	213	213	300	300	200
<b>TOTAL</b>	<b>213</b>	<b>213</b>	<b>300</b>	<b>300</b>	<b>200</b>
<i>Human Resources</i>					
Salary	21,391	24,765	23,071	28,998	28,998
Expense	367	35	500	500	500
<b>TOTAL</b>	<b>21,758</b>	<b>24,800</b>	<b>23,571</b>	<b>29,498</b>	<b>29,498</b>
<i>Personnel Board</i>					
Expenses	-	327	500	500	500
<b>TOTAL</b>	<b>-</b>	<b>327</b>	<b>500</b>	<b>500</b>	<b>500</b>
<i>ADA Committee</i>					
Stipend	-	750	1,500	1,500	1,500
<b>TOTAL</b>	<b>-</b>	<b>750</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>
<i>Facilities Management</i>					
Wages	23,586	24,207	25,003	25,553	25,553
Expense*	73,638	92,229	67,202	65,226	60,226
<b>TOTAL</b>	<b>97,224</b>	<b>116,436</b>	<b>92,205</b>	<b>90,779</b>	<b>85,779</b>

\*Beginning in FY13, Custodial salaries have been moved to Town Admin wages.

**Town of Sterling  
Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<i>Planning Board</i>					
Salary	300	300	500	500	500
Wages	16,109	17,097	17,936	17,801	17,801
MRPC & Expenses	2,098	2,151	2,260	2,314	2,314
<b>TOTAL</b>	<b>18,507</b>	<b>19,548</b>	<b>20,696</b>	<b>20,615</b>	<b>20,615</b>
<i>Board of Appeals</i>					
Wages	7,226	7,278	13,945	14,685	14,685
Expense	4,074	1,333	18,200	10,000	6,000
<b>TOTAL</b>	<b>11,300</b>	<b>8,611</b>	<b>32,145</b>	<b>24,685</b>	<b>20,685</b>
<i>Conservation Commission</i>					
Wages	19,335	21,251	21,209	22,341	22,341
Expense	1,479	558	1,734	1,734	734
<b>TOTAL</b>	<b>20,814</b>	<b>21,809</b>	<b>22,943</b>	<b>24,075</b>	<b>23,075</b>
<i>Agricultural Commission</i>					
Expenses	750	510	750	750	750
<b>TOTAL</b>	<b>750</b>	<b>510</b>	<b>750</b>	<b>750</b>	<b>750</b>
<i>Open Space Committee</i>					
Expenses	1,454	160	1,600	1,800	1,000
<b>TOTAL</b>	<b>1,454</b>	<b>160</b>	<b>1,600</b>	<b>1,800</b>	<b>1,000</b>
<b>TOTAL GENERAL GOVERNMENT</b>	<b>925,284</b>	<b>998,126</b>	<b>1,012,068</b>	<b>1,042,109</b>	<b>1,018,409</b>

**Town of Sterling**  
**Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<b>PUBLIC SAFETY</b>					
<i>Police Department</i>					
Salary **	84,872	112,965	116,354	118,914	118,914
Wages	1,031,169	1,131,055	1,093,433	1,129,525	1,124,895
Cruiser	29,417	29,208	33,000	38,000	38,000
Expense	76,612	89,941	96,780	100,280	96,780
<b>TOTAL</b>	<b>1,222,070</b>	<b>1,363,169</b>	<b>1,339,567</b>	<b>1,386,719</b>	<b>1,378,589</b>
**Beginning in FY11, a new Chief's contract incorporates career incentive and longevity directly into the base salary					
<i>Dispatch</i>					
Wages	214,046	234,831	230,752	236,201	236,201
Expense	68,833	74,906	80,590	81,650	81,650
<b>TOTAL</b>	<b>282,879</b>	<b>309,737</b>	<b>311,342</b>	<b>317,851</b>	<b>317,851</b>
<i>Fire Department</i>					
Salary**	76,389	84,600	87,504	89,697	89,697
Wages	260,876	268,999	294,158	307,978	307,978
Expense	81,731	87,935	83,885	108,120	83,120
Emergency Management Stipend		10,000	10,000	10,000	10,000
Emergency Management Expense	1,500	1,500	1,500	1,500	1,500
<i>Subtotal</i>	<i>420,496</i>	<i>453,034</i>	<i>477,047</i>	<i>517,295</i>	<i>492,295</i>
<i>EMS/Ambulance Service</i>					
Salary	12,200	12,571	12,200	12,200	12,200
Wages	187,543	198,297	215,140	251,736	251,736
Expense	82,911	85,505	86,500	86,050	76,268
<i>Subtotal</i>	<i>282,654</i>	<i>296,373</i>	<i>313,840</i>	<i>349,986</i>	<i>340,204</i>
<b>TOTAL</b>	<b>703,150</b>	<b>749,407</b>	<b>790,887</b>	<b>867,281</b>	<b>832,499</b>

\*\*Beginning in FY12, Chief's salary incorporates longevity directly into base salary. (Previously in wages line item.)

**Town of Sterling  
Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<i>Animal Control</i>					
Wages	14,559	14,828	15,428	16,054	16,054
Expense	3,574	3,499	4,500	4,500	4,000
<b>TOTAL</b>	<b>18,133</b>	<b>18,327</b>	<b>19,928</b>	<b>20,554</b>	<b>20,054</b>
<i>Inspectional Services</i>					
Bldg Insp Contracted Services	47,300	47,555	49,957	51,130	51,130
Salary/Wages	14,023	14,317	16,685	17,012	17,012
Wire Inspector	8,580	10,263	14,750	14,750	11,750
Plumbing Inspector	10,000	10,000	10,000	10,000	10,000
Gas Inspector	5,500	5,245	5,500	5,500	5,500
Sealer of Weights&Measures	1,200	600	1,200	1,200	1,200
Expense	4,816	4,557	5,350	5,550	5,550
<b>TOTAL</b>	<b>91,419</b>	<b>92,537</b>	<b>103,442</b>	<b>105,142</b>	<b>102,142</b>
<b>TOTAL PUBLIC</b>					
<b>SAFETY</b>	<b>2,317,651</b>	<b>2,533,177</b>	<b>2,565,166</b>	<b>2,697,547</b>	<b>2,651,135</b>
Offset: Ambulance Receipts	200,000	190,000	300,000	325,000	332,500
Net Public Safety (for info only)	2,117,651	2,343,177	2,265,166	2,372,547	2,318,635
<b>HEALTH &amp; HUMAN SERVICES</b>					
<i>Board of Health</i>					
Salary		515	309	309	309
Inspector(s)	67,781	70,050	73,650	75,769	75,769
Expenses	1,975	3,815	4,050	4,830	4,530
<b>TOTAL</b>	<b>69,756</b>	<b>74,380</b>	<b>78,009</b>	<b>80,908</b>	<b>80,608</b>

**Town of Sterling  
Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<i>Home Health &amp; Hospice</i>					
Expense	1,500	1,500	1,500	1,500	1,500
<b>TOTAL</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>	<b>1,500</b>
<i>Animal Inspector</i>					
Salary	820	580	1,000	1,000	1,000
Expense	779	545	900	900	900
<b>TOTAL</b>	<b>1,599</b>	<b>1,125</b>	<b>1,900</b>	<b>1,900</b>	<b>1,900</b>
<i>Council on Aging</i>					
Wages	63,256	70,766	76,198	97,987	96,987
Home Care	400	400	400	400	400
Title VII Nutrition/WHEAT	4,500	4,500	4,500	4,500	4,500
Senior Tax Workoff Program	10,126	9,830	15,000	15,000	15,000
Expense	9,209	11,033	13,400	13,802	13,802
<b>TOTAL</b>	<b>87,491</b>	<b>96,529</b>	<b>109,498</b>	<b>131,689</b>	<b>130,689</b>
<i>Veteran Services</i>					
Benefits	55,606	62,317	64,000	40,000	38,000
Wages	3,500	3,900	3,900	4,200	4,200
Expense	1,500	968	1,900	1,900	1,900
<b>TOTAL</b>	<b>60,606</b>	<b>67,185</b>	<b>69,800</b>	<b>46,100</b>	<b>44,100</b>
<i>Extension Service</i>					
Expense	510	510	510	510	510
<b>TOTAL</b>	<b>510</b>	<b>510</b>	<b>510</b>	<b>510</b>	<b>510</b>
<b>TOTAL HEALTH/ HUMAN SERVICES</b>	<b>221,462</b>	<b>241,229</b>	<b>261,217</b>	<b>262,607</b>	<b>259,307</b>

**Town of Sterling  
Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<b>CULTURE AND RECREATION</b>					
<i>Conant Public Library</i>					
Salary	63,053	66,565	68,592	70,070	70,070
Wages	152,293	159,791	164,584	182,663	182,663
Expense	94,030	94,594	99,955	100,350	95,017
<b>TOTAL</b>	<b>309,376</b>	<b>320,950</b>	<b>333,131</b>	<b>353,083</b>	<b>347,750</b>
<i>Recreation</i>					
Salary/Wages	55,865	56,425	55,843	57,096	57,096
Expense	7,114	5,970	6,000	6,120	6,120
<b>TOTAL</b>	<b>62,979</b>	<b>62,395</b>	<b>61,843</b>	<b>63,216</b>	<b>63,216</b>
<i>Historical Commission</i>					
Expense	750	609	1,000	1,000	1,000
<b>TOTAL</b>	<b>750</b>	<b>609</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>
<i>Memorial Day/Veterans Day</i>					
Expense	4,958	5,212	5,400	5,400	5,400
<b>TOTAL</b>	<b>4,958</b>	<b>5,212</b>	<b>5,400</b>	<b>5,400</b>	<b>5,400</b>
<b>TOTAL CULTURE/ RECREATION</b>	<b>378,063</b>	<b>389,166</b>	<b>401,374</b>	<b>422,699</b>	<b>417,366</b>

**Town of Sterling  
Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<b>DEPT . OF PUBLIC WORKS</b>					
Board Salary	1,800	1,800	1,800	1,800	1,800
Salary**	72,382	74,974	76,790	78,479	62,783
Wages	512,113	522,409	557,084	569,928	569,928
Expense	313,118	318,050	297,401	310,976	297,401
Hydrant Rental		26,675	26,675	26,675	26,675
Street Lights	35,810	36,500	32,983	31,090	31,090
Trash Pickup	495,661	495,661	510,530	525,845	525,845
<b>TOTAL</b>	<b>1,430,884</b>	<b>1,476,069</b>	<b>1,503,263</b>	<b>1,544,793</b>	<b>1,515,522</b>
**Does not include overtime, which is included in Wages.					
(NOTE: \$5,000 in Perpetual Care revenue will be utilized to offset DPW expenses, starting in FY10)					
<i>Snow and Ice Overtime</i>	44,116	21,723	60,000	60,000	60,000
<i>Snow and Ice Expense</i>	130,391	87,483	116,000	116,000	116,000
<b>TOTAL</b>	<b>174,507</b>	<b>109,206</b>	<b>176,000</b>	<b>176,000</b>	<b>176,000</b>
<b>TOTAL PUBLIC WORKS</b>	<b>1,605,391</b>	<b>1,585,275</b>	<b>1,679,263</b>	<b>1,720,793</b>	<b>1,691,522</b>
Offset Cemetery Fund	5,000	5,000	5,000	5,000	5,000
NET PUBLIC WORKS (Info. Only)	1,600,391	1,580,275	1,674,263	1,715,793	1,686,522
<b>INSURANCE &amp; EMPLOYEE BENEFITS</b>					
<i>Workers Comp/Medicare/ Liability, Group Insurances and Unemployment</i>					
Expense	980,593	1,011,776	1,132,624	1,220,693	1,156,969
<b>TOTAL</b>	<b>980,593</b>	<b>1,011,776</b>	<b>1,132,624</b>	<b>1,220,693</b>	<b>1,156,969</b>
<i>Worcester County</i>					
<i>Retirement Assessment</i>	350,633	402,592	440,660	475,704	475,704
<b>TOTAL</b>	<b>350,633</b>	<b>402,592</b>	<b>440,660</b>	<b>475,704</b>	<b>475,704</b>

**Town of Sterling**  
**Annual Town Meeting May 13 and 14, 2013**

	<b>Expended FY 2011</b>	<b>Expended FY 2012</b>	<b>Approp FY 2013</b>	<b>Dept Req FY 2014</b>	<b>Fin Com Rec FY14</b>
<b>TOTAL INSURANCE &amp; BENEFITS</b>	<b>1,331,226</b>	<b>1,414,368</b>	<b>1,573,284</b>	<b>1,696,397</b>	<b>1,632,673</b>
<i>Offset: Stabilization Fund</i>	<i>383,000</i>				
<i>Offset: Abatement Surplus</i>	<i>100,000</i>				
<i>NET INSURANCE &amp; BENEFITS</i>	<i>848,226</i>	<i>1,414,368</i>			
<i>(For information only)</i>	<i>1,385,000</i>				
<b>DEBT SERVICE</b>	<b>596,150</b>				
Principal	1,320,000	1,326,500	1,304,500	1,314,500	1,314,500
Interest	582,528	479,808	423,938	381,023	381,023
<b>TOTAL DEBT SERVICE</b>	<b>1,902,528</b>	<b>1,806,308</b>	<b>1,728,438</b>	<b>1,695,523</b>	<b>1,695,523</b>
(Not including Fire Truck or Ambulance Lease/Purchase)					
<b>TOTAL Appropriation In Article 2</b>	<b>8,681,605</b>	<b>8,967,649</b>	<b>9,220,810</b>	<b>9,537,675</b>	<b>9,365,935</b>
<b>Water Enterprise (Article 7)</b>	<b>840,424</b>	<b>805,100</b>	<b>804,271</b>	<b>829,162</b>	<b>844,858</b>
	9,522,029	9,772,749	10,025,081	10,366,837	10,210,793
<b>TOTAL OPERATING BUDGET</b>	<b>9,522,029</b>	<b>9,772,749</b>	<b>10,025,081</b>	<b>10,366,837</b>	<b>10,210,793</b>
Minus Water Enterprise Revenue	840,424	805,100	804,271	829,162	844,858
Minus Ambulance Receipts	200,000	190,000	300,000	325,000	332,500
Minus Stabilization Fund	383,000		(Applied in Article 56)		
Minus Cemetery Perpetual Care	5,000	5,000	5,000	5,000	5,000
Minus Abatement Surplus	100,000	60,188	48,730	0	0
<b>NET OPERATING BUDGET</b>	<b>7,993,605</b>	<b>8,712,461</b>	<b>8,867,080</b>	<b>9,207,675</b>	<b>9,028,435</b>
(Amount raised by taxation, shown for information only)					