

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STERLING
SPECIAL TOWN MEETING
MAY 11, 2009**

Worcester, ss.

To the Warrant Officer or either of the Constables of the Town of Sterling in the county of Worcester:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the Inhabitants of the Town of Sterling qualified to vote in elections and Town affairs to meet at the Chocksett School on Boutelle Road, in said Sterling on

MONDAY EVENING, THE ELEVENTH DAY OF MAY, 2009

at six thirty (6:30) o'clock in the evening, then and there to act on the following articles:

ARTICLE 1. Transfer Free Cash to Water Enterprise Fund

To see if the Town will vote to transfer the sum of \$ 140,047.06 from Available Funds to the Water Enterprise Fund; or take any action relative thereto.

Submitted by: Finance Committee

Recommendation: The Finance Committee recommends passage of this article.

Summary: In a class-action suit for MTBE, the Town received settlement during FY09 for contamination of Well # 5. Our first payment was for \$137,954, the second \$251.25 and \$1,841.81, for a grand total of \$140,047.06. We may receive additional settlements in the future. Town Officials are in agreement that these funds should be returned to the ratepayers via the Water Enterprise Fund.

ARTICLE 2. Transfer Free Cash to Capital Fund

To see if the Town will vote to transfer the sum of \$ 400,000 from Free Cash to the Capital Fund, as allowed by the bylaws of Sterling; or take any action relative thereto.

Submitted by: Finance Committee

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

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

ARTICLE 3. Transfer Free Cash to Stabilization Fund

To see if the Town will vote to transfer the sum of \$ 353,133 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 in relation thereto.

Submitted by: Finance Committee

Recommendation: The Finance Committee recommends passage of this article.

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

ARTICLE 4. Vote to borrow during FY09 due to Ice Storm

To see if the Town will vote to transfer \$240,000, or any other sum, from Abatement Surplus, and further to authorize the Treasurer, with the approval of the Selectmen, to borrow up to \$1,000,000 under and pursuant to Chapter 44, Section 8(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town, to pay for emergency and cleanup costs resulting from the Ice Storm of December 11-12, 2008, or take any action in relation thereto.

Submitted by: Board of Selectmen

Recommendation: The Finance Committee recommends passage of this article.

Summary: In the aftermath of the Big Ice storm of December 11 and 12, 2008, bids are being awarded, FEMA reimbursement paperwork is being completed, and cleanup will be continuing for several months. FEMA will reimburse up to 75% of documented costs and the State may provide additional reimbursement. This article funds an estimate of the remainder, \$240,000, from Abatement Surplus. In addition, for cash flow purposes, Town Officials have obtained permission from the Emergency Finance Board to borrow up to \$1,000,000 while awaiting reimbursement.

ARTICLE 5. Bills from Prior Fiscal Years

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

Submitted by: Town Administrator

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

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

ARTICLE 6. Transfers within FY09 Operating Budget

To see if the Town will vote to transfer funds within the FY09 Operating Budget, from one account to another, or take any action in relation thereto.

Submitted by: Town Administrator

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

Summary: At the time this Warrant went to Press, the following transfers were known:
Transfer the sum of \$ 1,500 to cover the costs associated with FY09 Wachusett Earthday
Transfer the sum of \$ 2,500 to Zoning Board expense for legal bills

The Zoning Board of Appeals has had an unusual number of judicial appeals on zoning decisions this year. Startup costs for Wachusett Earthday in Year 1 (FY09), originally estimated at \$15,000, were actually \$16,500. The higher amount was received after last year's town meeting warrant was printed and the article could not be amended to a higher amount on Town Meeting floor. Year 2 (FY10) operating expenses for Wachusett Earthday will be only \$4,500 and are contained in this year's Annual town Meeting warrant.

There could be additional transfers requested under this article at Town Meeting.

ARTICLE 7. Transfer for Future Potential Senior Center

To see if the Town will vote to transfer \$3,500 from Article 12 ATM May 12, 2003 to the FY09 Reserve Fund, and further to transfer \$47,500 from Article 12 ATM May 12, 2003, for expenditures in connection with a potential new Senior Center, or take any action in relation thereto.

Submitted by: Council on Aging

Recommendation: The Finance Committee recommends passage of this article.

Recommendation: The Capital Committee recommends passage of this article.

Summary: \$50,000 remains in an old Town Meeting article for expansion of the COA office into the adjoining storage closet. This money will be better utilized in connection with expenses for a potential new Senior Center. \$3,500 has been spent from Reserve Fund for an appraisal of a potential site. The remainder is anticipated to be spent on such things as procuring architectural services, designing plans, upgrading the building, and buying furniture / equipment.

ARTICLE 8. Transfer for Butterick Building Maintenance

To see if the Town will vote to transfer \$19,600 from Article 27 of the 2005 Annual Town Meeting to fund various repairs and maintenance at the Butterick Municipal Building, or take any action in relation thereto.

Submitted by: Board of Selectmen

Recommendation: The Finance Committee recommends passage of this article.

Recommendation: The Capital Committee recommends passage of this article.

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

Recommendation: The Building Needs and Utilization Committee will report at Town Meeting.

Summary: The window project under the original 2005 article has been completed and sill damage was considerably less than anticipated. This article proposes to transfer the remaining balance to fund facility improvements at the Butterick Municipal Building such as window tinting for energy conservation and improved roof access.

ARTICLE 9. Purchase New Wood and Brush Chipper

To see if the Town will vote to transfer from the Capital Fund, the sum of \$35,000 to purchase a new wood and brush chipper, said sum to be expended by the Department of Public Works, or take any action in relation thereto.

Submitted by: Department of Public Works

Recommendation: The Finance Committee recommends passage of this article.

Recommendation: The Capital Committee recommends passage of this article

Summary: The existing chipper was purchased in 1991 and is in need of a major overhaul. A new wood and brush chipper would greatly benefit the DPW with the cleanup from the December 2008 Ice Storm.

ARTICLE 10. Fund Deficit due to Snow and Ice

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

Submitted by: DPW Board / Town Administrator

Recommendation: The Finance Committee 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.

And you are directed to serve this warrant by posting up attested copies thereof, one at the Mary Ellen Butterick Municipal Building and one at the Conant Public Library in Sterling, fourteen (14) days at least before the time for holding said meeting.

Hereof fail not and make due return of this warrant with your doings thereto to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this 14th day of April 2009.

Sterling Board of Selectmen

Donlin K. Murray, Chairman

Richard A. Sheppard

Paul M. Sushchyk