

**MINUTES
TOWN OF STERLING
ANNUAL TOWN MEETING
MAY 16, 2005**

At a legal meeting of voters of the Town of Sterling qualified to vote in town affairs held on Monday the sixteenth day of May 2005 at seven (7:00) o'clock in the evening at the Chocksett School on Boutelle Road, the registrars checked in 422 of the 5313 registered voters of the town. Counters sworn in were Robert (Duffy) Lanciani, Andrew Dufresne, Russell Philpot and Dean Day. The Moderator, Peter Monaghan called the meeting to order at 7:02pm.

The pledge of allegiance was recited and a moment of silence was held in honor of Philip Morey who was a long time resident and employee of the Town of Sterling and for all other residents that we have lost in the past.

ARTICLE 1. Voted to amend the Personnel Bylaw by replacing in their entirety "Attachment A- Position Description Classification Grades" and "Attachment B - Compensation Schedule" with the new "Attachment A- Position Description Classification Grades" (see attachment #1) and a new "Attachment B - Compensation Schedule" (see attachment #2).

PASSED MAJORITY VOTE

ARTICLE 2. Voted to raise by taxation and appropriate the sum of \$7,078,922.00 and to further appropriate, from the EMS Receipts Account, the sum of \$249,000.00, 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, 2005 and ending June 30, 2006.

John Potter of the Finance Committee made a brief presentation on the revenues and expenses within the town budget. The Moderator read the amount in each line item and allowed for any questions after they were all read. Questions were asked regarding the Communications expense budget, Inspectional services and the Conant public library.

PASSED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 3. Voted to raise and appropriate the sum of \$11,078.00 to fund a casual part-time position (less than 20 hours per week) Administrative Secretary position within the Building / Board of Health offices. Mr. Sheppard spoke to explain this position.

PASSED YES-179 NO-174

(Hand count was taken for this article)

ARTICLE 4. Voted to raise and appropriate the sum of \$467,000.00 to pay for the costs associated with curbside trash and curbside recycling for fiscal year 2006 and further that this be subject to a proposition 2 ½ override.

Motion made and 2nd to move article, motion passed. Vote was then taken on article.

PASSED

MAJORITY VOTE

David Gibbs made motion to reconsider article 4, motion 2nd. Motion was carried. After further discussion a motion was made and 2nd to move the question. Moderator declared a 2/3rds vote to move the question.

Vote was then take again on article 4 and was carried.

ARTICLE 5. To see if the Town will vote to amend the General Bylaws of the Town of Sterling, specifically the "Public Works" bylaw, Section 2, which reads as follows:

"Section 2. The Board of Public Works shall have control and supervision over the collection and disposal of residential trash, subject to appropriation of funds and to the statutory authority of the Board of Health. Residential property owners and tenants shall not be charged any user fee for the Town's collection and disposal of residential trash."

by deleting the second sentence so that this section of the bylaw would now read as follows:

"Section 2. The Board of Public Works shall have control and supervision over the collection and disposal of residential trash, subject to appropriation of funds and to the statutory authority of the Board of Health."

Motion made by Claire Stidsen and was 2nd, to amend article 5 as follows:

To see if the town will vote to amend the General By-Laws of the town of Sterling, contingent only upon failure of the override as required by Article 4, specifically the "Public Works" bylaw, Section 2, which reads as follows:

"Section 2. The Board of Public Works shall have control and supervision over the collection and disposal of residential trash, subject to appropriation of funds and to the statutory authority of the Board of Health. Residential property owners and tenants shall not be charged any user fee for the Town's collection and disposal of residential trash."

by deleting the second sentence so that this section of the bylaw would now read as follows:

"Section 2. The Board of Public Works shall have control and supervision over the collection and disposal of residential trash, subject to appropriation of funds and to the statutory authority of the Board of Health."

Vote on amendment taken and passed. No further discussion on article.

PASSED AS AMENDED

MAJORITY VOTE

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of \$90,000.00 to pay for the costs associated with the plowing of private roads and further that this be subject to a proposition 2 ½ override.

Walter Sanders of the private roads committee questioned where they came up with the figure of \$90,000.00. Lou Manring of the DPW said that Mr. Bragan called and asked him to give him a number to plow all the private roads in town, Lou asked for a list and Mr. Bragan said all the private roads which in his mind it includes everything. They spent approximately \$25,000 this past year which included sanding, which should be included in the figure, campgrounds were probably twice as bad as everything we have plowed which brings the figure up to \$50 - 70,000. Mr. Bragan then asked if \$90,000 would do every- thing. That is all the time that Mr. Manring took to come up with that figure.

After further discussion Mr. Sanders made a motion to amend article 6 to a more appropriate amount of \$20,000 for the plowing of private roads and eliminate the proposition 2 ½ override.

Vote taken on amendment

DEFEATED

2/3RDS VOTE DECLARED BY MODERATOR.

Motion made to table article until accurate cost amounts are provided.

TABLED

2/3RDS VOTE DECLARED BY MODERATOR

Motion made after article 6 to discuss article 26 & 30 out of order. Motion defeated.

ARTICLE 7. Voted to raise and appropriate \$422,724.00 in accordance with Section 16B of Chapter 71 the General Laws, as amended, and Section #4C and E of the Montachusett Regional Vocational School District Agreement for its share of operational and capital costs of the Montachusett Regional Vocational School District, and to transfer, from the Capital Fund, the sum of \$11,170.00, 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 \$433,894.00.

PASSED

MAJORITY VOTE

ARTICLE 8. To see if the Town will vote to raise and appropriate \$7,720,494.00, which is equal to Sterling's net minimum contribution, as provided by the Commonwealth of Massachusetts, plus the cost of Sterling's share of WRSD transportation costs and our portion of the WRSD debt and interest costs, in accordance with Section 16B of Chapter 71 of the General Laws, as amended, and Section #4 of the Wachusett Regional School District Agreement, as amended, for its share of operational costs and of debt and interest charges of the Wachusett Regional School District, or take any action in relation thereto.

David Gibbs of the WRSD School Committee made a motion to deal with articles 8, 9 & 45 together. Motion carried.

Mr. Gibbs then made motion to table articles 8, 9 & 45 to another time and place.

TABLED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 9. To see if the Town will vote to raise and appropriate the sum of \$1,088,022.00 above the net minimum contribution as requested by the Wachusett Regional School District and further that the approval of \$267,190.00 of the raise and appropriated amount shall be subject to a proposition 2 ½ override

TABLED 2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 10. Voted to raise and appropriate the sum of \$37,500.00 to provide courtesy busing for students of the Houghton and Chocksett schools that live in Sterling within a mile and a half of the schools.

PASSED MAJORITY VOTE

ARTICLE 11. Voted to fix the salaries and compensation of all elected officers of the town as provided by Section 108 of Chapter 41 of the General Laws, as amended, and as voted in Article #2 of this warrant.

PASSED MAJORITY VOTE

ARTICLE 12. Voted to set the salary of the Municipal Light Board as follows: Chairman \$600; Clerk \$600; Third member \$600; said sum to be an expense of the Municipal Light Department.

PASSED MAJORITY VOTE

ARTICLE 13. Voted to include in the tax levy for electricity used for street lights the sum of \$27,587 and that said sum and the income from the sale of electricity to private consumers or for electricity supplied to municipal buildings or for municipal power, and for jobbing and other

revenues during the current fiscal year, be appropriated for the Municipal Lighting Plant or Department, the whole to be expended by the Manager of municipal lighting under the direction and control of the Municipal Light Board for the expense of the Plant or Department for the said fiscal year, as defined in Section 57 of Chapter 164 of the Massachusetts General Laws or any other appropriate sections or chapters, and that is sum and said income shall exceed said expense for said fiscal year, such excess shall be transferred to the Depreciation Fund, Construction Fund or any fund of said Department and appropriated and used for the purpose of maintaining the Plant or Department thereto as may thereafter be authorized by the Municipal Light Board.

PASSED

MAJORITY VOTE

ARTICLE 14. Voted 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, 2005, in accordance with the provisions of Chapter 44, Section 4, of the General Laws, as amended, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of Chapter 44, Section 17, of the General Laws, as amended.

PASSED

MAJORITY VOTE

ARTICLE 15. Voted to accept Chapter 44, Section 53F of the General Laws, as amended, authorizing the town Treasurer/Collector to enter into a compensating balance agreement or agreements, for FY2006.

PASSED

MAJORITY VOTE

ARTICLE 16. Voted to raise, from water revenue, and appropriate \$719,958.00 to operate the Water Department. The Finance Committee recommends that the following sums be appropriated to operate the water department:

Salaries	\$156,786.00
Expenses	\$196,833.00
Debt & Interest	<u>\$295,615.00</u>
Subtotal	\$649,234.00
Indirect Costs	<u>\$ 70,724.00</u>
Total	<u>\$719,958.00</u>

\$719,958.00 to come from water revenue with \$70,724.00 of that amount to be appropriated to the general fund.

PASSED

MAJORITY VOTE

ARTICLE 17. Voted to raise and appropriate the sum of \$22,100 for hydrant rental, said sum to be paid to the DPW and used as revenue for the Water Department.

PASSED

MAJORITY VOTE

ARTICLE 18. Voted to raise and appropriate \$7,500.00 to fund the Senior citizen Work-Off Abatement Program for fiscal year 2006.

PASSED

MAJORITY VOTE

ARTICLE 19. Voted to raise and appropriate the sum of \$1,000.00, to be used for expenses for Wachusett Greenways, a six town collaborative, said funds to be administered and expended by Wachusett Greenways.

PASSED

MAJORITY VOTE

ARTICLE 20. Voted to raise and appropriate the sum of \$1,500.00 to be used for expenses for The Sterling Land Trust, an organization dedicated to the preservation of the various parcels of land within the town, said funds to be administered and expended by the Trust.

PASSED

MAJORITY VOTE

ARTICLE 21. Voted to raise and appropriate the sum of \$100,000.00 to fund the Reserve Fund for fiscal year 2006 in accordance with the provisions of General Law Chapter 40, Section 6, as amended.

PASSED

MAJORITY VOTE

ARTICLE 22. Voted to raise and appropriate the sum of \$5,000.00 to fund the maintenance of the 1835 Town Hall for fiscal 2006, said sum to be expended by the 1835 Town Hall Committee.

PASSED

MAJORITY VOTE

ARTICLE 23. Voted to transfer from the Capital Fund the sum of \$94,250.00 to the General Fund to offset the cost of the Fire Truck debt and interest for fiscal 2006.

PASSED

2/3RS VOTE DECLARED BY MODERATOR

ARTICLE 24: Voted to transfer from the Capital Fund the sum of \$18,750.00 as the Town's portion of the purchase of a pumper/tanker truck with the remaining amount (\$356,250.00) to come from a Federal Fire Act Grant, which the Fire Department has submitted. The transfer of these funds is contingent on the success of receiving the federal grant.

PASSED

2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 25: Voted to transfer from the Capital Fund the sum of \$25,000.00 to purchase a Hydraulic Jaws power unit & Extrication tools for the Fire Department.

PASSED

2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 26. Voted transfer from the Capital Fund the sum of \$120,000 to purchase a new 44,000 GVW dump truck with all other pertinent attachments and equipment and to authorize the payment of the purchase price in part from proceeds of the trade-in or auction of the 1978 Mack dump truck and the balance in cash out of said appropriation, said sum to be expended by the Department of Public Works.

PASSED

2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 27. Voted to transfer from the Capital Fund the sum of \$25,000.00 dollars to refinish, repair and clean the outside trim and windows of the Mary Ellen Butterick Municipal Building.

PASSED

2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 28. Voted to transfer from the Capital Fund the sum of \$35,000.00 to purchase an alarm monitoring system and appurtenant equipment for town buildings.

PASSED

2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 29. Voted to transfer from the Capital Fund the sum of \$35,000.00 to purchase an All Wheel Drive police vehicle and appurtenant equipment to replace the current AWD vehicle.

PASSED

2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 30. Voted to transfer from the Capital Fund the sum of \$60,000 to purchase a new screening plant with all pertinent attachments and equipment and to authorize the payment of the purchase price in part from proceeds of the trade in or auction of the existing 1989 Reed Screen-AU and the balance in cash out of said appropriation, said sum to be expended by the Department of Public Works.

PASSED

2/3RDS VOTE DECLARED BY MODERATOR

Motion made to move articles 31-38 to a consent agenda. Motion carried.

ARTICLE 31. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the Massachusetts General Laws, as amended, for the purpose of a Hazardous Materials Recovery Revolving Account, into which account receipt for charges to responsible parties for the containment of hazardous materials pursuant to the Town's Hazardous Materials and Waste Recovery By-law shall be deposited and to authorize the Fire Chief to expend funds received and deposited into said account. The total amount, which may be expended in the current fiscal year, shall not exceed \$15,000.00.

ARTICLE 32. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the Massachusetts General Laws, as amended, for the purposes of administering the Deputy Tax Collector fees and the amount spent from this account is not to exceed \$15,000 in the fiscal year.

ARTICLE 33. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the Massachusetts General Laws, as amended, for the purpose of collecting fees and revenue income to defray the expenses of the 1835 Town Hall, and to be used for its upkeep, the amount spent from this account is not to exceed \$15,000.00 within the fiscal year, with said account to be under the control of the Town Hall Committee.

ARTICLE 34. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½, of the Massachusetts General Laws, as amended, for the purpose of collecting Planning Board Fees not covered by other General Laws and using said funds for the operation of the Planning Board, the amount spent from this account is not to exceed \$35,000.00 within the fiscal year, with said account to be under the control of the Planning Board.

ARTICLE 35. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½ of the Massachusetts General Laws, as amended, for Council on Aging said account to be used for the purpose of expenses, contractual services, and equipment for COA related programs, the amount spent from this account is not to exceed \$25,000 within the fiscal year, with this account to be under the control of the Council on Aging.

ARTICLE 36. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53 E ½ of the Massachusetts General Laws, as amended, for the purposes of running the Fair, which the amount spent from this account is not to exceed \$112,000 within the fiscal year, said account to be used to receive funds for and to pay the expenses of the town fair, with this account to be under the control of the Fair Committee.

ARTICLE 37. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the General Laws, as amended, for the purpose of Recycling, the amount spent from this account not to exceed \$112,000.00 within the fiscal year, with said account to be under the control of the Department of Public Works.

ARTICLE 38. Voted to continue a Revolving Account as allowed by Chapter 44, Section 53E ½ of the General Laws, as amended, for the purpose of providing a Fuel Revolving Fund, the amount spent from this account not to exceed \$87,000 within the fiscal year, said account to be used for the purchase and accounting of fuel for the various town, departments with said account to be under the control of the Fire Department.

PASSED - ARTICLE 31-38

MAJORITY VOTE

ARTICLE 39. Voted to appropriate the sum of \$255,136.00, contingent upon the Commonwealth of Massachusetts' funding of the Chapter 90 program, said sum to be reimbursed by the Commonwealth of Massachusetts for highway resurfacing and/or other related work or expenditures as allowed by the State Chapter 90 regulations, said sum to be expended by the Department of Public Works.

PASSED

MAJORITY VOTE

ARTICLE 40. Voted to borrow the sum of \$995,000.00 to install three new wells and a UV disinfecting system at the Route 12 well field, said sum to be expended by the Department of Public Works.

PASSED

2/3RDS VOTE DECLARED BY MODERTOR

ARTICLE 41. Voted to raise and appropriate the sum of \$20,000.00, as a portion of the sum needed to be used with funds already appropriated, to pay the cost of the work necessary to provide for the ongoing revaluation and the annual operation of the Assessors' department, said sum to be expended by the Board of Assessors for said purposes.

PASSED

MAJORITY VOTE

ARTICLE 42. Voted to accept an Access Easement as recorded at the Worcester District Registry of Deeds on May 22, 1998 in Book 19971, Page 44, which gives the right and easement to the "Inhabitants of the Town of Sterling" to pass, on foot, across parts of lots 18Ab and 20Aa, on Adam Taylor Road; the recorded easement being stated as an encumbrance on the Deeds for said lots as recorded at the Worcester District Registry of Deeds in book 28404, Page 246 and Book 35667, Page 206 respectively.

PASSED

MAJORITY VOTE

ARTICLE 43. Voted to raise and appropriate the sum of \$125,000.00 for the hiring of a civil engineering firm who shall complete design plans and specifications to be used for the hiring of a general contractor for the installation of a wastewater collection system for the Camp Meeting Association neighborhood, said sum to be contingent on the passage of a Proposition 2 ½ override

Shelly Hatch of the Montachusett Regional Planning Commission spoke on behalf of this article.

Count was called at 10:55pm.

PASSED

YES-121

N0-90

ARTICLE 44. Voted to transfer from the Stabilization Account the sum of \$20,000.00 to do a feasibility study for a Senior Center for the Council on Aging Department, said sum to be expended by the Council on Aging.

Motion made and 2nd to amend article to \$20,000.00. Vote on amendment carried.

Vote then take on article 44 as amended.

PASSED

2/3RDS VOTE DECLARED BY MODERATOR

Motion made and 2nd to reconsider Article 43. Motion defeated.

ARTICLE 45. To see if the Town will vote to raise and appropriate or transfer from available funds in the hands of the Treasurer, or from other available funds, to pay the Town's charges for the ensuing year for education to the Wachusett Regional School District, being the Town's apportioned share of the Wachusett Regional School District budget as approved and adopted by the Wachusett Regional District School Committee and to approve the Wachusett Regional School District budget for Fiscal Year 2006 (July 1, 2005 - June 30, 2006).

TABLED

2/3RDS VOTE DECLARED BY MODERATOR

ARTICLE 46. Voted to accept Matthew Lane as a public way in its entirety, together with all drainage easements, as laid out and shown on a plan on file in the Town Clerk's office; such acceptance will not be final until the As Built plan and the deed(s) to the aforesaid have been recorded in the Worcester Registry of Deeds by the current owner(s) or their representative(s) and duly delivered along with clear title to the Board of Selectmen.

PASSED

MAJORITY VOTE

ARTICLE 47. Voted to accept Adam Taylor Road as a public way in its entirety, together with all drainage easements, as laid out and shown on a plan on file in the Town Clerk's office; such acceptance will not be final until the As Built plan and the deed(s) to the aforesaid have been recorded in the Worcester Registry of Deeds by the current owner(s) or their representative(s) and duly delivered along with clear title to the Board of Selectmen.

PASSED

MAJORITY VOTE

ARTICLE 48. Voted to accept Stuart Road as a public way in its entirety, together with all drainage easements, as laid out and shown on a plan on file in the Town Clerk's office; such acceptance will not be final until the As Built plan and the deed(s) to the aforesaid have been recorded in the Worcester Registry of Deeds by the current owner(s) or their representative(s) and duly delivered along with clear title to the Board of Selectmen.

PASSED

MAJORITY VOTE

ARTICLE 49. Voted to accept Cynthia Lane as a public way in its entirety, together with all drainage easements, as laid out and shown on a plan on file in the Town Clerk's office; such acceptance will not be final until the As Built plan and the deed(s) to the aforesaid have been recorded in the Worcester Registry of Deeds by the current owner(s) or their representative(s) and duly delivered along with clear title to the Board of Selectmen.

PASSED

MAJORITY VOTE

ARTICLE 50. To elect by ballot on Monday, May 23, 2005, at 10:00 AM at the Houghton School on Boutelle Road, the following officers:

- One Selectman to serve for three years
- One Assessor to serve for three years
- One Health Board Member to serve for three years
- Two Library Trustee to serve for three years
- One Public Works Board Member to serve for three years
- One Light Board Member to serve for three years
- One Planning Board Member to serve for four years
- One Planning Board Member to serve for five years
- One Housing Authority Member to serve for five years
- One Wachusett School Committee Member to serve for two years
- One Wachusett School Committee Member to serve for three years

Also to choose by ballot or otherwise, such other officers as may be necessary and to act on the following Questions:

Question #1 Shall the town of Sterling be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond(s) issued in order to install and construct the modular classrooms and cafeteria at Wachusett Regional High School?

Yes____ No____

Question #2 Shall the town of Sterling be allowed to assess an additional \$463,846.00 in real estate and personal property taxes for the purposes of maintaining curbside trash and curbside recycling for the fiscal year beginning July first, two thousand and five?

Yes___ No___

Question #3 Shall the town of Sterling be allowed to assess an additional \$263,030.00 in real estate and personal property taxes for the purposes of funding a portion of the Wachusett Regional School District budget for the fiscal year beginning July first, two thousand and five?

Yes___ No___

Question #4 Shall the town of Sterling be allowed to assess an additional \$90,000.00 in real estate and personal property taxes for the purposes of plowing private roads, which are approved for the town to plow by the Board of Selectmen, within the town of Sterling for the fiscal year beginning July first, two thousand and five?

Yes___ No___

Question #5 Shall the town of Sterling be allowed to assess an additional \$125,000.00 in real estate and personal property taxes for the purposes of hiring of a civil engineering firm who shall complete design plans and specifications to be used for the hiring of a general contractor for the installation of a wastewater collection system for the Camp Meeting Association neighborhood for the fiscal year beginning July first, two thousand and five?

Yes___ No___

The polls shall be opened on Monday, May 23, 2005 at ten (10:00) o'clock in the forenoon and shall remain open until eight (8:00) o'clock in the evening.

Motion made to adjourn to the election on May 23, 2005. Motion was 2nd
Business portion of Town Meeting dissolved at 11:15pm

Respectfully submitted

Melanie J. Clark
Town Clerk