



THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STERLING

May 2, 2022

ANNUAL TOWN MEETING MINUTES

At 6:30 pm, on Monday, May 2, 2022, the Town Moderator, Jennifer Scalice-Mullett, opened the Annual Town Meeting held at the Chocksett Middle School, 40 Boutelle Road in said Town of Sterling. There was a quorum present; 194 voters attended the meeting.

Town Moderator, asked all to rise for the Pledge of Allegiance.

The Moderator recognized the Chair of the Select Board, Maureen Cranson to read a list of fellow townspeople who are no longer with us:

Donald E. Wilson
Samuel D'Angona
James D. Temple
Normand J. DesRoche
Patricia A. (Korp) Booth
David N. Adoretti
Ronald S. Thompson
Frank C. Heinemann
Ronald A. Nelson, Jr.
William Bird, Jr.
Hector J. Lirette

Town Moderator, Jennifer Scalice-Mullett reviewed logistics of participation including use of the vote counting devices. She explained the Consent Calendar used to save time, and how to address the meeting. The Moderator began by calling for a vote on the long-standing history of dispensing of the reading of the Warrant.

DISPENSE WITH THE READING OF THE WARRANT AND THE CONSTABLE'S RETURN:

Motion Made by Maureen Cranson

Motion passed by majority as declared by the Moderator

----- CITIZENS PETITIONS -----

ARTICLE 1. CITIZENS PETITION - PROTECTIVE BYLAW

Motion made by Susan Aldrich that the Town vote to amend the Protective Bylaws of the Town as follows:

Section 2.3.1. Table of Principal Uses, E. Industrial, Wholesale or Extensive Uses, by adding: **Earth Removal.**

Section 6.2 Board of Appeals, by adding Section 6.2.2.2.a.4:

In RR or NR Districts, no earth shall be removed from the premises except to facilitate grading for a proposed building for which a variance or a building permit has been granted, or to serve an established agricultural operation or an extension thereof. Removal of less than 3,000 cubic yards of earth from any premises does not require a variance, nor does removal of soil necessary for building the infrastructure of a Definitive Subdivision Plan approved by the Planning Board. Removal of earth in an amount greater than or equal to 3,000 cubic yards will require that a variance be approved by the Zoning Board of Appeals. **TWO THIRDS VOTE**

Susan Aldrich, 2 Great Pond Way, submitted an amendment to the motion changing the amount of cubic yards referenced in the Article from 3,000 cubic yards to 1,500 cubic yards.

MAJORITY VOTE

Motion to Amend Article 1 passed by majority vote as declared by the Moderator

Discussion on Article 1 as Amended **TWO THIRDS VOTE**

Motion did not carry, Article 1 defeated as declared by the Moderator

ARTICLE 2. CITIZENS PETITION - EARTH REMOVAL

Motion made by Susan Aldrich that the Town vote to amend the General Bylaws of the Town as follows:

Article 47, Chapter 63-2 Definitions by revising the definition of “Quarrying or Mining” as follows:

Quarrying or Mining

“Quarrying or mining” shall mean earth removal for the purpose of extracting soil, loam, sand, gravel, clay, rocks, minerals, or other earth material, including establishments engaged in operating sand and gravel pits and in washing, screening, or preparing sand and gravel for construction or industrial uses. “Quarrying or mining” shall exclude grading of a lot in preparation for the construction of a structure or associated appurtenances for which a building permit or other similar permit has been issued by the town; provided, however, that the removal of over 3,000 cubic yards will require a

variance granted by the Zoning Board of Appeals pursuant to Section 6.2.2.2.a.4 of the Protective Bylaws of the Town.

Article 47, Chapter 63-6 Submission and Plan Requirements, by adding the following sentence to the end of the section:

The rules and regulations for application for an earth removal permit require that the PGA will only consider applications that document adherence to Chapter 63-7 Earth Removal Operation Criteria; and Chapter 63-8 Site Standards, Requirements and Operations.

MAJORITY VOTE

Motion did not carry, Article 2 defeated as declared by the Moderator

ARTICLE 3. CITIZENS PETITION - EXPANDING SELECT BOARD

To see if the town will vote, in accordance with Massachusetts General Laws Chapter 41, Section 2, to amend General Bylaws, Establishment of Board, as follows:

Article IV, Section 1-10, Establishment of Board

There shall be a Select Board composed of five members elected for terms of three years each. **MAJORITY VOTE**

Submitted at the request of Susan E. Aldrich and others

Before entertaining a motion, the Moderator deferred to Town Counsel for a legal position of Article 3 as written. Brian Maser, Town Counsel, explained that there were two statutes at play: MGL c.41 §2 which generally allows a Town to increase the number of elected boards but not the number of individuals on a Select Board; and MGL c.43B §13 which states that the composition of the Select Board can only be changed by Charter or a Special Act of Legislation.

Motion Made to indefinitely postpone Article 3. **MAJORITY VOTE**

Motion Made to Move the Question by Michael Pineo, 41 Tuttle Road **TWO THIRDS VOTE**

Motion to move the question did not carry discussion returned to the original Article

Robert Dumont, 7 Great Pond Way, submitted an amendment to the motion to request that the Select Board petition the General Court to increase the number of Select Board members from three to five.

Motion to Amended Article 3 passed by majority vote as declared by the Moderator

-----**END OF CITIZENS PETITIONS**-----

Finance Committee Chair, Everett Heller, gave a brief overview of the budget describing it as prudent and responsible.

----- GENERAL FUND OMNIBUS BUDGET -----

ARTICLE 4. FY2023 TOWN OPERATING BUDGET

Motion Made that the Town vote to **raise and appropriate** the sum of **\$12,084,259.62** and to transfer the additional sum of **\$735,744.38** from the additional sources identified in the Warrant under Article 4 for a total appropriation of **\$12,820,004** to be expended as shown in the municipal operating and Omnibus Budget as printed at the back of the Warrant. **MAJORITY VOTE**

Motion passed by majority as declared by the Moderator

ARTICLE 5. WACHUSETT REGIONAL SCHOOL DISTRICT ASSESSMENT

Motion Made that the Town vote to **raise and appropriate** the sum of **\$12,524,610** to be expended as printed in the Warrant under Article 5 and as shown in the municipal operating and Omnibus Budget as printed at the back of the Warrant. **MAJORITY VOTE**

Motion passed by majority as declared by the Moderator

ARTICLE 6. MONTACHUSETT VOCATIONAL REGIONAL SCHOOL ASSESSMENT

Motion Made that the Town vote to **raise and appropriate** the sum of **\$975,792** to be expended as printed in the Warrant under Article 6 and as shown in the municipal operating and Omnibus Budget as printed at the back of the Warrant. **MAJORITY VOTE**

Motion passed by majority as declared by the Moderator

VOTE FOR CONSENT CALENDAR:

Motion Made that the Town vote by unanimous consent to combine the Articles 7 through 16 into a Consent Calendar and to approve those Articles that have not been requested “held” in one vote as shown in the Warrant; and further, to fund any transfers from **Free Cash** in the dollar amount specified and as printed in the Warrant. **MAJORITY VOTE**

7. Snow & Ice Deficit
8. Elected Officers Compensation
9. Municipal Light Board Compensation
10. Wachusett Greenways & Sterling Land Trust
11. East Lake Waushacum
12. Stabilization Fund
13. Repurpose Article
14. OPEB Trust Fund
15. Reserve Fund
16. Prior Years Warrant Article

No holds were requested by the voters

Motion passed by majority as declared by the Moderator

******* CONSENT AGENDA - ARTICLES 7 THROUGH 16 *******

***ARTICLE 7. SNOW & ICE DEFICIT** *(Consent)*

It was voted, by Consent Calendar, that the Town transfer from Free Cash, **\$174,616.82** or any other sum, to the Snow and Ice Account to cover any deficit in the snow and ice budget for the current fiscal year.

***ARTICLE 8. ELECTED OFFICERS COMPENSATION** *(Consent)*

It was voted, by Consent Calendar, that the Town fix the salaries and compensation of all elected officers of the Town as provided by Chapter 41, Section 108 of the General Laws [MGL Ch. 41 §108] as follows and as presented in Article 4 of the Warrant.

Select Board Member:	\$1,500 per year
Board of Assessors Member:	\$1,500 per year
Board of Health Member:	\$300 per year
Planning Board Member:	\$300 per year
Department of Public Works Board Member:	\$600 per year
Town Moderator:	\$500 per year

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***ARTICLE 9. MUNICIPAL LIGHT BOARD COMPENSATION** *(Consent)*

It was voted, by Consent Calendar, that the Town set the salary of the Sterling Municipal Light Board members as provided by Chapter 41, Section 108 of the General Laws [MGL Ch. 41 §108], as follows: Chairman \$1,500; Clerk \$1,500; Third member \$1,500; said sum to be an expense of the Sterling Municipal Light Department.

***ARTICLE 10. WACHUSETT GREENWAYS & STERLING LAND TRUST** *(Consent)*

It was voted, by Consent Calendar, that the Town raise and appropriate or transfer from Free Cash, or from other available funds, \$2,700 or any other sum, with \$1,400 to be used for the Wachusett Greenways, and with \$1,300 to be used by the Sterling Land Trust for Fiscal Year 2023 expenses to be administered and expended by Wachusett Greenways and the Sterling Land Trust, respectively.

***ARTICLE 11. EAST LAKE WAUSHACUM** *(Consent)*

It was voted, by Consent Calendar that the Town raise and appropriate or transfer from Free Cash, or from other available funds, **\$18,000** or any other sum, to be used for the study and treatment of the lake, which is projected to cost \$24,000 during Fiscal Year 2023; The remaining costs is expected to be funded by the East Lake Waushacum Association.

***ARTICLE 12. STABILIZATION FUND** *(Consent)*

It was voted, by Consent Calendar that the Town transfer **\$225,000**, or any sum of money from Free Cash to the Stabilization Fund, in accordance with the provisions of Chapter 40, Section 5B of the General Laws [MGL Ch. 40 §5B], as amended.

***ARTICLE 13. REPURPOSE ARTICLE** *(Consent)*

It was voted, by Consent Calendar, that the Town amend the vote taken under Article 18 at the June 14, 2021 Annual Town Meeting, to change the purpose of the appropriation in Article 16A of the table from “DPW Road Resurfacing and Crack-Sealing” to, “Local Roads/Sidewalks Maintenance and Repair”.

***ARTICLE 14. OPEB TRUST FUND** *(Consent)*

It was voted, by Consent Calendar, that the Town transfer **\$202,500**, or any sum of money from Free Cash to the Town’s Other Post-Employment Benefits (“OPEB”) Trust Fund, in accordance with the provisions of Chapter 32B, Section 20 of the General Laws [MGL Ch.32B §20], as amended.

***ARTICLE 15. Reserve Fund for FY23 (Consent)**

It was voted, by Consent Calendar that the Town appropriate from Free Cash the sum of \$100,000, or any other sum, for the Reserve Fund for Fiscal Year 2023 in accordance with the provisions of Chapter 40, Section 6 of the General Laws [MGL Ch. 40:06] as amended; or take any action in relation thereto.

***ARTICLE 16. PRIOR YEAR WARRANT ARTICLES (Consent)**

It was voted, by Consent Calendar that the Town transfer remaining funds from previous Town Meeting warrant articles or other active accounts listed below, to the FY23 Operating Budget.

01999-58021	FY22 ATM #16H Land Use Records System	\$29,000.00
01999-58046	FY22 ATM A#18C Town Assets & Facilities Study	\$ 5,242.38
01999-58052	FY22 ATM A#21 Personnel Mgmt System	\$48,900.00
01999-58054	FY22 AM A#23 Reserve Salary Account	\$25,000.00
		\$108,142.38

***** END OF CONSENT AGENDA *****

----- **WATER ENTERPRISE FUND** -----

ARTICLE 17. FY2023 WATER OPERATING BUDGET

Motion Made that the Town vote to appropriate \$1,321,939, or any other sum, from Water Department Revenue, and further to appropriate \$40,000 from Water Enterprise Retained Earnings, for a Water Department Reserve Fund for extraordinary or unforeseen expense as determined by the Department of Public Works (“DPW”) Board and approved by the Finance Committee, for a total appropriation of **\$1,321,939** to operate the Water Enterprise Fund for Fiscal Year 2023 under the provisions of Chapter 44, Section 5F1/2 of the General Laws [MGL Ch. 44 §53F1/2], as follows:

Salaries/Wages:	\$ 280,161	
Employee Benefits:	\$ 102,549	
Expenses:	\$ 774,376	
Principle & Interest:	<u>\$ 124,853</u>	
	Subtotal:	\$ 1,281,939 <i>from FY23 water charges and fees</i>
Reserve Fund	<u>\$ 40,000</u>	<i>from Retained Earnings</i>
Total:	\$ 1,321,939	

MAJORITY VOTE

Motion passed by majority as declared by the Moderator

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ARTICLE 18. WATER METER REPLACEMENT

Motion Made that the Town vote to appropriate **\$200,000** or any other sum from Water Retained Earnings, to upgrade the current water meter system by purchasing and installing new meters and associated equipment and anything incidental or related thereto, and to authorize the Town to enter into such agreement and take other action as necessary to effectuate the purposes of this article, said sum to be expended by the Department of Public Works Board with the approval of the Select Board and Town Administrator/Chief Procurement Officer.

Majority Vote

Motion passed by majority as declared by the Moderator

ARTICLE 19. NEW WATER SOURCE

Motion Made that the Town vote to appropriate **\$150,000** or any other sum from Water Retained Earnings, to fund planning, engineering, drilling, installation, pumping, analysis and permitting of a new water supply well on Town-owned land off Crowley Road, and anything incidental or related thereto and to authorize the Town to enter into such agreement and take other action as necessary to effectuate the purposes of this article, said sum to be expended by the Department of Public Works Board with the approval of the Select Board and Town Administrator/Chief Procurement Officer. **Majority Vote**

Motion passed by majority as declared by the Moderator

ARTICLE 20. WATER CORROSION UPDATES

Motion Made that the Town vote to appropriate **\$50,000** or any other sum from Water Retained Earnings, to update the Water Corrosion report or anything incidental or related thereto, and to authorize the Town to enter into such agreement and take other action as necessary to effectuate the purposes of this article, said sum to be expended by the Department of Public Works Board with the approval of the Select Board and Town Administrator/Chief Procurement Officer. **Majority Vote**

Motion passed by majority as declared by the Moderator

ARTICLE 21. WATER MAIN REPLACEMENT

Motion Made that the Town appropriate \$1,300,000 to be expended for the replacement of certain Town water mains as recommended by the Finance Committee and the Capital Planning Board, including all costs incidental and related thereto; and that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow said sum under G.L. c.44, §8(5) or any other enabling authority; and that the Treasurer and the Select Board are authorized to execute all documents and take such actions as may be necessary to effectuate the purposes of this vote, and to contract for and expend any federal or state aid available for the project.

TWO THIRDS VOTE

Motion passed by two thirds vote as declared by the Moderator

----- **END OF WATER ENTERPRISE ARTICLES** -----

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----- **CAPITAL IMPROVEMENT PLAN** -----

The Fiscal Year 2023 Capital Improvement Plan was presented as two (2) warrant articles. Based on the respective funding sources, the articles were grouped to provide Town Meeting with a complete picture of the Town's capital expenditures.

ARTICLE 22. SPECIAL PROJECTS – TRANSFER FROM FREE CASH

Motion Made that the Town vote to transfer from free cash or any other available funds, **\$489,423** or any other sum, to be expended for the items listed below, as recommended by the Finance Committee and the Capital Budget Committee:

<i>Article:</i>	<i>Description:</i>	<i>Amount:</i>
22A	1835 Old Town Hall Rehabilitation, Improvements and Maintenance	62,200
22B	Butterick Masonry	19,000
22C	Compensation Study Increase	75,000
22D	DPW Brush Removal / Tree Removal	9,500
22E	DPW Cemetery Roads	12,000
22F	DPW Equipment Trailer	10,200
22G	DPW Facilities Study	12,000
22H	DPW Portable Radios	7,100
22I	Fire Oil Transfer Pump Replace	30,000
22J	Fire SCBA Air Pack Replacement	16,600
22K	Fire SUV/Pickup Additional Costs	21,000
22L	Historical Headstones	8,000
22M	Historical School House	11,000
22N	IT Various Projects, Replace Servers, Fiber	85,000
22O	Pegs Pond	55,823
22P	Police HVAC	40,000
22Q	Police Computers	5,000
22R	Police Radio Licenses	10,000
	TOTAL:	\$489,423

Said amounts shall be for the purposes stated and all costs incidental or related thereto. Appropriated funds to be administered under the direction of the requesting department.

Majority Vote

Motion passed by majority as declared by the Moderator

ARTICLE 23. SPECIAL PROJECTS - TRANSFER FROM THE CAPITAL FUND

To see if the Town will vote to transfer from the Capital Investment Fund, or any other available funds, **\$516,000** or any other sum, to be expended for the items listed below, as recommended by the Finance Committee and the Capital Budget Committee:

<i>Article:</i>	<i>Description:</i>	<i>Amount:</i>
23A	Butterick Roof Repairs	100,000
23B	DPW 6 Wheel Drive Vehicle, purchase and equip	45,000
23C	DPW Campground Road Culverts	29,000
23D	DPW Pick Up with Plow, purchase and equip	55,000
23E	Fire SCBA Bottles	35,000
23F	Police Vehicle, purchase and equip	52,000
23G	School Houghton Flooring	100,000
23H	School Chocksett Flooring	100,000
	<i>Sub-Total Town Assets & Facilities Improvements:</i>	
	TOTAL:	\$516,000

Said amounts shall be for the purposes stated and all costs incidental or related thereto. Appropriated funds to be administered under the direction of the requesting department; or take any action in relation thereto. **TWO THIRDS VOTE**

Motion passed by two thirds vote as declared by the Moderator

----- **END OF CAPITAL IMPROVEMENT PLAN** -----

----- **PERSONNEL & HUMAN RESOURCES** -----

ARTICLE 24. ACCEPT CREDITABLE SERVICES REGULATION - CALL FIREFIGHTERS

Motion Made that the Town vote to accept the provisions of the third sentence of G.L. c. 32, § 4(2)(b) allowing a reserve or permanent-intermittent or call fire fighter retiring from the Town to receive, in addition to the five years of credit allowed pursuant to the preceding sentence of the statute, one day of full-time service credit for each day in any year which is subsequent to the fifth year following said appointment and on which a reserve or permanent-intermittent or call fire fighter assigned to and actually performed duty as a reserve or permanent-intermittent or call fire fighter; provided, however, that such service as a reserve or permanent-intermittent or call fire fighter shall be credited only if such fire fighter was later appointed as a permanent member of the fire department. **MAJORITY VOTE**

Motion passed by majority as declared by the Moderator

-----GENERAL AND PROTECTIVE ZONING BYLAW UPDATES -----

ARTICLE 25. CHAPTER 18 ANIMAL CONTROL GENERAL BYLAW

Motion Made that the Town vote to amend the Town's Animal Control Bylaws: Chapter 18-3 Licensing and Rabies Vaccination, Chapter 18-4 Special Permits and Kennel Licenses, and Chapter 18-6 Owner Responsibility, relative to Penalties for Violations, with deletions shown in ~~striketrough~~ and additions shown in **bold/underline**, or take any action in relation thereto.

§ 18-3 Licensing and rabies vaccination.

H. Fees.

(1) For each individual dog in the Town of Sterling, over the age of six months, an annual fee will be charged by the Town for the issuance of dog licenses as follows:

- (a) Spayed females: \$8.
- (b) Neutered males: \$8.
- (c) Companion pet license: \$6 per dog.
- (d) Intact females: \$12.
- (e) Intact males: \$12.

(f) Late Fee for dog licensed after April 15 or more than 30 days after establishing residence or dog reaching six months of age: \$25.

I. Penalties for violation(s) of § 18-3 shall be:

(1) ~~Fine for failure to vaccinate for rabies: \$25 per dog (may be in addition to other fines).~~

~~(2) Fine for late licensing (after April 15): \$25 per dog (may be in addition to other fines and fees).~~ **Fine for the first offense committed by a person shall be \$50.**

~~(3) Fine for unlicensed dog: \$25 per dog, per week (may be in addition to other fines and fees).~~ **Fine for a second offense shall be \$100.**

(4) Fine for a third offense shall be \$300.

(5) For a fourth or subsequent offense, the fine shall be \$500.

§ 18-4 Special permits and kennel licenses.

C. A kennel license and/or kennel renewal license, respectively, shall be issued upon receipt of a completed kennel application, accompanied by payment of applicable license fees, not including other fees. No fee to license a kennel shall be charged to any kennel owner(s) age 70 years old or older.

[Amended 5-3-2014 ATM by Art. 38, approved 8-20-2014]

(1) Kennel I: up to and including four dogs (initial and renewal application): \$40.

(2) Kennel II: five and up to 10 dogs (initial and renewal application): \$50.

(3) Kennel III: 11 or more dogs (initial and renewal application): \$60.

(4) Late Fee for initial or renewal application after April 15: \$25.

G. Penalties for violations of § 18-4 shall be:

(1) ~~Fine for failure to obtain a kennel license (after April 15): \$25.~~

(2) ~~Fine for unlicensed kennel: \$50 per week.~~ **The fine for the first offense committed by a person shall be \$50.**

(3) ~~Fine for failure to maintain, on-site, current rabies documentation for each dog: \$25 per dog.~~ **The fine for a second offense shall be \$100.**

(4) The fine for a third offense shall be \$300.

(5) For a fourth or subsequent offense, the fine shall be \$500

§ 18-6 Owner responsibility.

F. Enforcement; penalties for violation.

[Amended 5-7-2018 ATM by Art. 33, approved 8-13-2018]

(1) The Animal Control Officer of the Town shall be empowered to enforce provisions of this bylaw.

(2) In addition to the remedies set forth in this bylaw and in MGL c. 140, §§ 136A to 174E, inclusive, including but not limited to MGL c. 140, § 157A, or any other applicable provision of law, this section may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21D. If noncriminal disposition is elected, then any person who violates any provision of this section shall be subject to the following penalties **for offenses for which no specific penalty is prescribed elsewhere in this bylaw:**

(a) ~~Penalties for violation and repeat offenders.~~ Any person violating the terms of this ~~section~~ **bylaw** or rules and regulations promulgated pursuant thereto shall be subject to the following fine schedule:

[1] ~~For offense not involving incidence of biting by a canine first offense, \$10; second offense, \$30; third and subsequent offenses, \$60.~~ **The fine for the first offense shall be \$50.**

[2] ~~For offense involving incidence of biting by a canine first offense, \$30; second offense, \$50; third and subsequent offenses, \$100.~~ **The fine for a second offense shall be \$100.**

[3] ~~For all other citations deemed necessary by the Animal Control Officer which occur, first offense, \$10; second offense, \$30; third and subsequent offenses, \$60.~~ **The fine for a third offense shall be \$300.**

[4] For a fourth or subsequent offense, the fine shall be \$500.

(b) Each day or portion thereof may constitute a separate offense. If more than one, each condition violated may constitute a separate offense. A separate offense is not limited to an offense within a calendar year from the first offense.

(3) The Town may enforce this section or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

(4) The Animal Control Advisory Board may review all incidents subsequent to the third offense at a duly noticed public meeting for which the offender shall be provided with notice at least seven days prior thereto and an opportunity to appear before the Board and explain the circumstances of the repeated violations. The Animal Control Advisory Board may make recommendations concerning actions that can be taken to prevent future violations. Nothing in this bylaw is intended to limit or restrict the authority of the Select Board to act in accordance with MGL c. 140, § 157. **MAJORITY VOTE**

Motion passed by majority as declared by the Moderator

ARTICLE 26. STORMWATER – GENERAL BYLAW

Motion Made that the Town vote to amend the General Bylaws, Chapter 164 Stormwater Water Management, as shown below with additions in **bold/highlight** and deletions in ~~striketrough/highlight~~; or take any action in relation thereto.

Chapter 164 Stormwater Management

§ 164-1 Purpose.

- A. The purpose of this bylaw is to protect the public health, safety, environment and general welfare by establishing requirements and procedures to manage stormwater runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment. This bylaw seeks to meet that purpose through the following objectives:
- (1) Establish regulations for land development activities that preserve the health of water resources;
 - (2) Require that the amount and quality of stormwater runoff from new development is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to aquatic life;
 - (3) Establish stormwater management standards and design criteria to control the quantity and quality of stormwater runoff;
 - (4) Encourage the use of low-impact development practices, such as reducing impervious cover and preserving greenspace and other natural areas;
 - (5) Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;

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- (6) Establish procedures for the Town's review of stormwater management plans and for the Town's inspection of approved stormwater treatment practices.
- B. Nothing in this bylaw is intended to replace the requirements of the Town of Sterling Floodplain District, the Stillwater River Protection District, the Aquifer and Water Resource Protection District or any other bylaw that may be adopted by the Town of Sterling. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each.

§ 164-2 Definitions.

Definitions of this bylaw shall apply in the interpretation and implementation of the bylaw. Terms not defined shall be understood according to their customary and usual meaning. Additional definitions may be adopted by separate regulation.

ALTER

Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns.

BETTER SITE DESIGN

Site design techniques that can reduce environmental impacts, such as protecting existing vegetation, reducing impervious areas, and using natural drainage ways for stormwater management.

COMMON PLAN OF DEVELOPMENT

A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

HOTSPOT-LAND USES with HIGHER POTENTIAL POLLUTANT LOADS

Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high-intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas. **Land uses with higher potential pollutant loads are defined in the DEP Stormwater Handbook (see Ch.1 V.1 Standard 5 for definition), which definition, as may be amended from time-to-time, is incorporated herein.**

IMPERVIOUS AREA/IMPERVIOUS COVER

A material or a structure that prevents water from entering the underlying soil, such as paved parking lots, paved roads, sidewalks, and buildings.

LOW-IMPACT DESIGN

Low-impact practices allow for the reduction of impervious areas that result in smaller volumes required for stormwater storage. These site design techniques can reduce the size and costs of stormwater collection systems and detention basins.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY

The policy issued by the State Department of Environmental Protection, which provides performance standards to prevent water pollution and control the amount of runoff from new development.

PERSON

Any individual, group of individuals, association, partnership, corporation, company, trust, estate, a political subdivision of the commonwealth or the federal government, to the extent subject to the bylaws of the Town of Sterling.

POLLUTANT

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, construction wastes and residues including discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes and industrial, municipal and agricultural waste discharged into water.

POST-DEVELOPMENT

The conditions that reasonably may be expected after completion of the land development activity on a specific site or tract of land. Post-development does not refer to the construction phase of a project.

PRE-DEVELOPMENT

The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Planning Board. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

REDEVELOPMENT

Any construction, alteration, or improvement exceeding land disturbance of 10,000 square feet, where the existing land use is commercial, or institutional.

STORMWATER MANAGEMENT PERMIT (SMP)

A permit issued by the Conservation Commission, which protects the streams, lakes and water supplies in the Town from the adverse effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT PRACTICES

Structures and techniques that prevent flooding, reduce pollution, and protect local rivers, streams, lakes and water supplies.

§ 164-3 Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

§ 164-4 Administration.

- A. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B. Stormwater regulations. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed revisions. Such hearing

dates shall be advertised twice at intervals of at least seven days prior to the hearing date in a newspaper of general local circulation. After public notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

- C. Stormwater management handbook. The Conservation Commission will utilize the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Department of Environmental Protection Stormwater Handbook for execution of the provisions of this bylaw. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. This Mass DEP Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Sterling bylaw regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- D. Actions by the Conservation Commission. The Conservation Commission may take any of the following actions as a result of an application for a stormwater management permit as more specifically defined as part of stormwater regulations promulgated as a result of this bylaw: approval, approval with conditions, disapproval, or withdrawal without prejudice.
- E. Appeals of action by the Conservation Commission. A decision of the Conservation Commission shall be final. Further relief of a decision by the Conservation Commission made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with MGL c. 249, § 4.
- F. Stormwater credit system. The Conservation Commission may adopt, through the regulations authorized by this Stormwater Management Bylaw, a stormwater credit system. This credit system will allow applicants the option, if approved by the Conservation Commission, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the criteria section of the regulations. Failure by the Conservation Commission to promulgate such a credit system through its regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

§ 164-5 Applicability; stormwater management permit.

- A. This bylaw shall apply to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, land grading applications, or land use conversion applications. This bylaw shall also apply to other activities that will increase the amount of stormwater runoff or pollutants from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to **§ 164-5D** of this bylaw. All new development and redevelopment under the jurisdiction of this bylaw as prescribed in this bylaw shall be required to obtain a stormwater management permit.
- B. At the discretion of the Conservation Commission, redevelopment projects **within non-MS4 areas** are presumed to meet the stormwater regulations of the Town of Sterling if the total impervious cover is reduced from existing conditions. Where site conditions prevent the reduction in impervious cover, stormwater management practices shall be implemented for the site's impervious area. This combination of impervious area reduction and stormwater management practices will be used for redevelopment projects to improve existing site conditions.
- C. An alteration, redevelopment, or conversion of land use to a **Land Use with Higher Potential Pollutant Loads**, ~~such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots and other land uses with higher potential pollution loads~~ shall require a stormwater management permit.

- D. This Bylaw shall apply to all construction activity or land disturbance that individually or as a part of a Common Plan of Development results in disturbance of land in excess of 10,000 square feet.**
- E. Exemptions. No person shall alter land within the Town of Sterling without having obtained a stormwater management permit (SMP) for the property with the following exceptions:
- (1) Any activity that will disturb an area less than 10,000 square feet, **unless it is part of a larger Common Plan of Development.**
 - (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL c. 40A, § 3;
 - (3) Timber harvesting under an approved forest cutting plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL c. 132, §§ 40 through 46.
 - (4) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family or two-family dwelling;
 - (5) Repair or replacement of an existing roof of a single-family or two-family dwelling;
 - (6) Construction of a single-family or two-family dwelling **that will disturb an area less than 1 acre (43,560 square feet)**, where "approval is not required" (ANR), as defined in the Subdivision Control Act. Persons constructing a single-family or two-family dwelling are encouraged to use the stormwater practices and site planning methods, which will be described in the Town of Sterling Best Development Practices Guidebook;
 - (7) Repair or replacement of an existing septic system;
 - (8) The construction of any fence, stone wall or property boundary demarcation that will not alter existing terrain or drainage patterns;
 - (9) Construction of appurtenances to a single-family or two-family dwelling **that will disturb and area less than 1 acre (43,560 square feet)**, including a deck, patio, retaining wall, shed, swimming pool, tennis or basketball court;
 - (10) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
 - (11) Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Conservation Commission;
 - (12) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

§ 164-6 Procedures.

Permit procedures and requirements shall be defined and included as part of any rules and regulations promulgated as permitted under **§ 164-4** of this bylaw.

§ 164-7 Enforcement.

The Conservation Commission or an authorized agent of the Conservation Commission shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any stormwater regulations promulgated as permitted under **§ ~~134-4~~ 164-4** of this bylaw.

§ 164-8 Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued. **MAJORITY VOTE**

Motion passed by majority as declared by the Moderator

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ARTICLE 27. PROTECTIVE BYLAW – KENNEL DEFINITIONS

Motion Made that the Town will vote to amend the Town's Protective Zoning Bylaws, Article 5, Section 301-5.4, Definitions, relative to kennels, as set forth below, with deletions shown in ~~strike through~~ and additions shown in **bold/underline**.

Delete:

~~KENNEL, COMMERCIAL – 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 very 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 purposes for which they are maintained or kept.~~

Add:

ANIMAL BUSINESS – Any pet shop, grooming shop, or boarding facility, animal day-care facilities, pet sitting enterprise, except this term shall not include animal shelter, veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provision of US Public Laws 89544 and 91579.

ANIMAL CLINIC OR VETERINARY HOSPITAL– A facility where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the clinic or hospital use.

APPROVED ANIMAL FACILITY– Any animal facility published by the Massachusetts Departments of Agricultural Resources (MDAR) as a “Massachusetts approved shelter and resource organization” and listed as “out of states,” meaning facilities listed as such have approved isolation facilities.

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 MGL c. 129, 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.

COMMERICAL 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.

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.

PERSONAL KENNEL – A pack or collection of more than four dogs, three 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.

PET SHOP – Every place or premises where birds, mammals or reptiles are kept for the purpose of sale at either wholesale or retail, import, export or barter, exchange or gift.

RESEARCH INSTITUTE – An institution operated in the United States or by the commonwealth or a political subdivision thereof, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory or biological laboratory, hospital or other educational or scientific establishment within the commonwealth above the rank of secondary school, which, in connection with any of its activities, investigates or gives instruction concerning the structure or functions of living organisms or the cause, prevention, control or cure of disease or abnormal conditions of human beings or animals.

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. TWO THIRDS VOTE

Motion passed by two thirds vote as declared by the Moderator

ARTICLE 28. PROTECTIVE BYLAW – KENNELS – TABLE OF USES

Motion Made that the Town vote to amend the Town's Protective Zoning Bylaws, Article 2, Section 2.3.1, Table of Principal Uses, Commercial Uses, relative to kennels, as set forth below, with deletions shown in ~~striketrough~~ and additions shown in **bold/underline**.

Principal Uses		Districts				
		RR	NR	C	TC	LI
10.	Commercial Kennel, animal hospital, veterinarian's office	SP	N	SP	SP	N
10. a.	<u>Animal Business, Animal Clinic or Veterinary Hospital, Approved Animal Facility, Commercial Boarding or Training Kennel, Commercial Breeder Kennel, Domestic Charitable Corporation Kennel, Pet Shop, Research Institute, Veterinary Kennel.</u>	<u>SP</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>
10. b.	Personal Kennel	<u>Y</u>	<u>SP</u>	<u>Y</u>	<u>N</u>	<u>Y</u>

Motion Made by Anne Marie Catalano to add personal kennel type 3. **MAJORITY VOTE**

Motion to Amend Article 28 passed by majority vote as declared by the Moderator

Discussion on Article 28 as Amended **TWO THIRDS VOTE**

Motion did not carry, Article 28 defeated as declared by the Moderator

-----ZONING BYLAWS-----

ARTICLE 29. AMEND ZONING MAP: PERFORMANCE ZONE TO COMMERCIAL ZONING DISTRICT

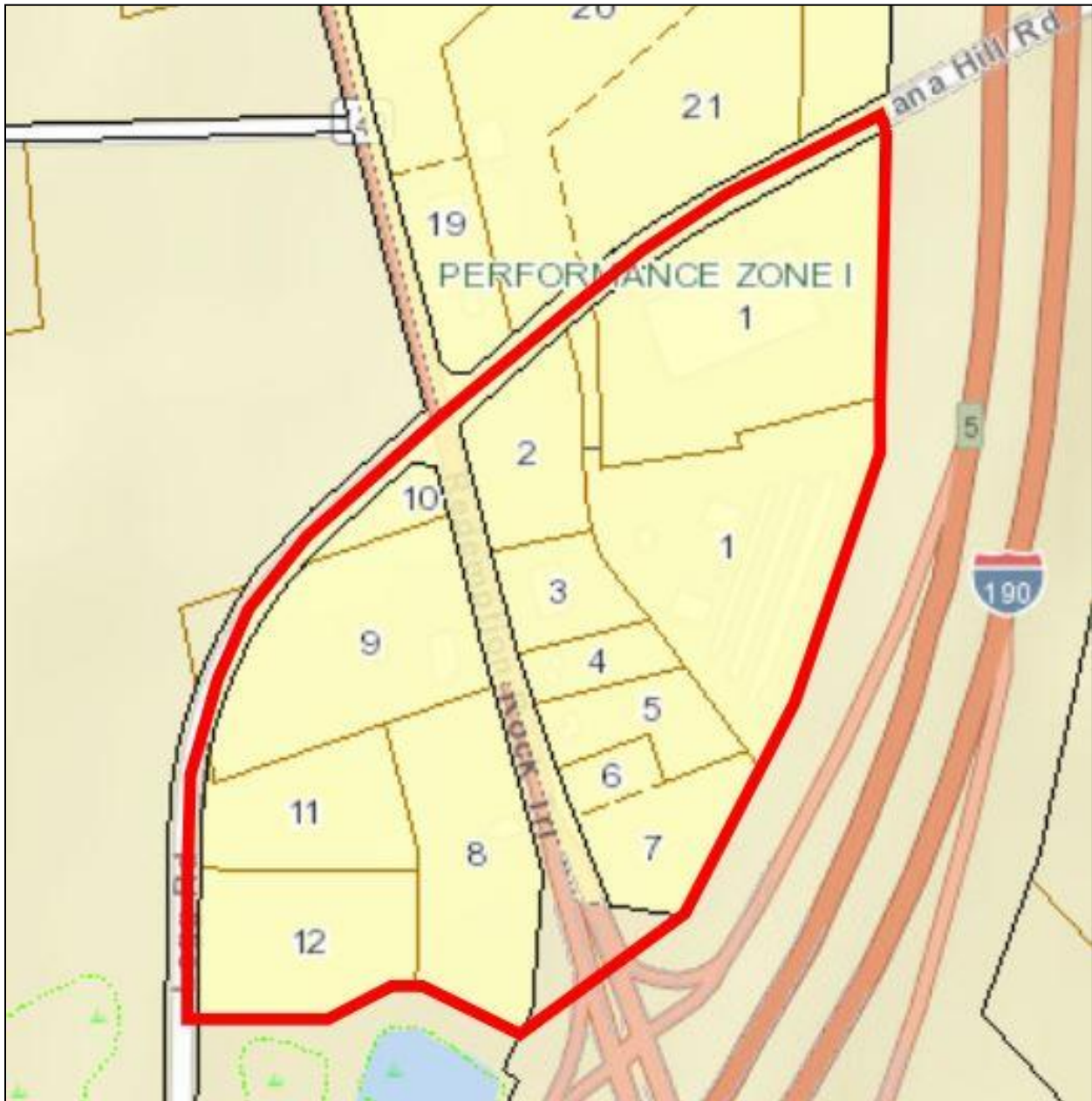
Motion Made that the Town vote to amend the Protective Bylaws and Zoning Map by rezoning the following 13 parcels, currently zoned Performance Zone 1, to be included entirely within the Commercial (C) zoning district:

Parcel #	Address	Area
144-1	11 Dana Hill Road	5.24 acres
159-1	9 Dana Hill Road	5.45 acres
159-2	43 Redemption Rock Trail (Cemetery)	1.6 acres
159-3	41 Redemption Rock Trail	1.0 acres
159-4	37 Redemption Rock Trail	0.65 acres
159-5	35 Redemption Rock Trail	1.1 acres
159-6	Redemption Rock Trail	0.42 acres
159-7	Redemption Rock Trail	1.4 acres
159-8	32 Redemption Rock Trail	3.091 acres
159-9	44 Redemption Rock Trail	3.6 acres
159-10	0 Redemption Rock Trail	0.44 acres
159-11	4 Legg Road	2 acres
159-12	6 Legg Road	2.58 acres
Total Parcels: 13		28.57 acres* exclusive of road centerline

TWO THIRDS VOTE

Motion did not carry, Article 29 defeated as declared by the Moderator

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ARTICLE 30. PARKING & LOADING

Motion Made that the Town will vote to amend Town's Protective Zoning Bylaws, relative to parking and loading requirements, as set forth in this article, with deletions shown in ~~striketrough~~ and additions shown in **bold/underlining**, or take any action in relation thereto.

1. Amend Article 3.2.3 Table of Parking Requirements by deleting the row starting with "Restaurant, drive-in" and replacing with a new row "Restaurant, Fast Food, Drive-in"

Establishment” and by changing the calculation for the number of parking spaces required for such establishments. Additionally, add a footnote below the table for minimum parking requirements for “Restaurant, Fast Food, Drive-in Establishment”, all as shown below:

Principal Use	Minimum Number of Parking Spaces
Restaurant, drive-in	1 per 100 sf of gross floor area, plus stacking lane spaces as required in §301-3.2.4, Subsection 7
<u>Restaurant, Fast Food, Drive-in Establishment*</u>	<u>1 per 75 sf of gross floor area, plus 1 per 2 employees on largest shift, plus stacking lane spaces as required in §301-3.2.4, Subsection 7</u>

Add below Table 3.2.3 the following:

***Restaurant, Fast Food, Drive-in Establishments which do not provide indoor seating for at least 20 customers shall be required to have a minimum of 10 parking spaces, plus at least one space for each two employees**

2. Amend the first sentence of Article 3, Section 3.2.3, Subsection 6, to update the reference to the Architectural Access Board, so that the sentence reads: “Parking facilities shall provide specially designated parking stalls for the physically handicapped in accordance with the Rules and Regulations of the Architectural ~~Barriers~~ **Access** Board of the Commonwealth of Massachusetts ~~Department of Public Safety~~ or any agency superseding such agency.”
3. Amend Article 3, Section 3.2.7, Subsection 1, to add the words “expansion of” so that the section reads: “Adequate off-street loading facilities and space shall be provided to service all needs created by construction whether through additions, change **or expansion** of use, or new structures. **TWO THIRDS VOTE**

Motion did not carry, Article 30 defeated as declared by the Moderator

----- LOCAL ACCEPTANCE STATUTES -----

ARTICLE 31. MUNICIPAL CHARGES LIEN

Motion Made that the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 40, Section 58 with respect to unpaid fines assessed in connection with the following types of violations: (1) the Town's General Bylaws; (2) the Town's Zoning Bylaws; (3) Regulations and Orders of the Board of Health; (4) Regulations and Orders of the Conservation Commission; (4) building code violations and (5) fire code violations; and further to accept the provisions of Massachusetts General Laws, Chapter 40, Sections 42A through 42F, with respect to unpaid water system usage fees, so as to establish a lien on real estate of any property owner who does not pay the types of charges specified and authorizing the collection of such unpaid fines and fees as part of the real estate tax bills for subject properties; and further, to direct the Town Clerk to file a certificate of such acceptance in the Registry of Deeds.

MAJORITY VOTE

Motion passed by majority as declared by the Moderator

----- REAL ESTATE -----

ARTICLE 32. 1835 TOWN HALL SEWER LINE

Motion Made that the Town vote to authorize the Select Board to acquire, by gift, purchase or eminent domain, permanent easements for a sewer line and related appurtenances, said easements shown as Easement Parcel #1, containing 3,068 square feet, more or less, Easement Parcel #2, containing 333 square feet, more or less, and Easement Parcel #3, containing 1,838 square feet, more or less, on a plan entitled "Easement Acquisition Plan Proposed 1835 Town Hall Sewer Project Sterling, MA," dated December 26, 2018, said plan on file with the Town Clerk; and, further, to authorize the Select Board to sign all documents and take all actions necessary or convenient to carry out the purpose of this article. **MAJORITY VOTE**

Motion passed by majority as declared by the Moderator

ARTICLE 33. NITROGEN LOADING RESTRICTION

Motion Made the Town vote to change the purpose of a certain parcel of land (the "Credit Land") from general municipal purposes to general municipal purposes and the purpose of providing nitrogen credit land for the improvements at the 1835 Town Hall, which Credit Land is a 1.181 acre portion of the Town-owned property located off Clinton Road and described in a deed recorded with the Worcester South Registry of Deeds in Book 6050, Page 84 (Assessor's Parcel 92-86), and to authorize the Select Board to grant a Title 5 nitrogen loading restriction and easement on the Credit Land for said purposes; or take any action in relation thereto.

TWO THIRDS VOTE

Motion passed by two thirds as declared by the Moderator

Article 34. Weighted Vote/Attrition Model Amendment for WRSD Agreement

To see if the Town will vote to approve the Wachusett Regional School District Committee's proposed amendment to Section 1 of the Amended Wachusett Regional School District Agreement, in accordance with Massachusetts General Law Chapter 71, Section 14E, changing the language of Section 1 from the following:

Section 1 MEMBERS OF THE REGIONAL DISTRICT SCHOOL COMMITTEE

- 1.1.1 The Wachusett Regional District School Committee, hereinafter referred to as "the Committee", shall consist of members from each Member Town, each such member to be a registered voter of the town such member represents. The Member Town with the smallest population as determined in accordance with paragraph I. shall be entitled to elect two members to the committee, and the other Member Towns shall be entitled to elect members to the Committee on the following basis:

Proportion of Town's Population Number of Committee to that of Smallest Town Members

1.0 to 1,499	2
1.5 to 2.599	4
2.6 to 3.699	6
3.7 to 4.799	8
4.8 to 5.999	10
6.0 to 6.999	12
7.0 to 7.999	14
8.0 to 8.999	16
9.0 to 9.999	18

For every digit after 9.999, a Member Town shall be entitled to elect one additional member to the Committee. In 1994 and every year thereafter, members shall be elected to serve on the Committee at the annual town meeting of the Member Towns. The method of nomination and election of the members to the Committee from a particular Member Town, shall be the same as if they were candidates for an elective office in such Member Town.

- 1.1.2 All members elected thereafter, except as provided in paragraph 1.1.4, shall be elected for a three (3) year term.
- 1.1.3 The population of the Member Towns shall be determined every five (5) years in accordance with the towns' annual census with the next five (5) year review to be conducted in calendar 2021 and certified by the respective town clerks. Any increase in membership resulting from population changes shall be elected at the annual town meeting following the review year.
- 1.1.4 In the event of a population change in a Member Town resulting in an increase in the number of members to be elected to the Committee, such increase shall be effective at the annual town meeting following the certification of the census. Initial terms of office shall be established by the Committee so as to equalize the number of expirations for each Member Town per year and secondarily, to equalize the number of expirations each year on the Committee.
- 1.1.5 In the event of a population change in a Member Town resulting in a decrease in the number of members to be elected to the Committee from a Member Town, such decrease shall be effective upon the earliest expiration of the term of office of the Member Town's representation of the Committee.
- 1.1.6 If a vacancy occurs on the Committee, or if there is a failure to elect, the Select board of the Member Town to which the vacancy relates shall fill such 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 a successor is qualified; at such annual meeting a successor shall be elected to fill the balance of the unexpired term.

To the following:

Section 1. MEMBERS OF THE REGIONAL DISTRICT SCHOOL COMMITTEE

1.1 The Wachusett Regional District School Committee, hereinafter referred to as "the Committee," shall consist of a total of sixteen (16) members, each member hereinafter referred to as a "Member." Each Member shall be elected at their respective Member Town elections as detailed in Section 1.1.1. below, and in accordance with M.G.L. c. 71, s. 14E (4). Six (6) Members of the Committee shall be residents of the Town of Holden, three (3) Members of the Committee shall be residents of the Town of Rutland, three (3) Members of the Committee shall be residents of the Town of Sterling, two (2) Members of the Committee shall be residents of the Town of Paxton, and two (2) Members of the Committee shall be residents of the Town of Princeton. As used in this Agreement, a person shall be deemed to be a "resident" and/or to meet the "residency" requirement for a particular Member Town only if such person is properly registered to vote in the respective Member Town.

1.1.1 The decreasing of the size of the School Committee shall occur as follows, commencing at the 2023 town elections. Just one (1) Member from the town of Sterling whose term is to expire in 2023 shall have their seat abolished at the conclusion of their term in 2023. The two (2) Members from the town of Holden whose terms are to expire in 2023 and who have received the least, and second-to-least elective votes shall have their seats abolished at the conclusion of their terms in 2023. The two (2) Members from the town of Holden whose terms are to expire in 2024 and who have received the least, and second-to-least elective votes shall have their seats abolished at the conclusion of their terms in 2024. The Member from the town of Rutland whose term is to expire in 2024 and who received the least elective votes shall have their seat abolished at the conclusion of their term in 2024. The Committee shall recalculate the weight of each Member's vote, pursuant to Section 1.2, every time the number of Members on the Committee changes at any time for any reason.

1.2 To ensure compliance with federal, state, and regulatory laws, the weighted vote of all Members shall be recalculated by the Committee every five (5) years, or recalculated every time the number of members on the Committee changes, based upon Member Town population data taken from most recent Member Town census data, as certified by the Member Town Clerks, and shall be, as nearly as possible, in direct proportion to the population of the member town compared to the population of all member towns combined so that the actual weighted vote of each individual member is as nearly equal to one (1) as possible.

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- 1.3. Commencing at the Reorganizational Meeting occurring on or after May 2023, all individual Committee votes, including Subcommittee votes, shall be based upon the allocation of proportional (weighted) votes of individual Committee Members, as detailed in Section 1.7.
- 1.4 Each Member must reside in the Member Town which she or he represents, as described in Section 1.1. Each Member must be elected consistent with the process for the election of Member Town officials in said Member Town and will be elected to open seats during the annual election or a special election in said town. The term of each elected member will begin on the first business day after their election and after being sworn in by the respective Town Clerk. A member who has not otherwise vacated their seat will continue to serve until their successor is elected and sworn.
- 1.5 Except as otherwise stated in Section 1.1.1. in the year first following the acceptance of this Amended Regional Agreement by all Member Towns and the Commissioner of Elementary and Secondary Education, hereinafter referred to as the "Commissioner," each member will serve a three (3) year term after being duly elected to a three-year seat at the Member Town's Annual Election.
- 1.6 If a vacancy on the Committee occurs for any reason, the Select board from the Member Town involved shall appoint a Member to serve until the next annual town election, at which election a successor shall be elected to serve the balance of the unexpired term, if any. This Section 1.6 shall apply to all Member seats, including those Member seats that are vacated prior to being abolished pursuant to Section 1.1.1.
- 1.7 Commencing at the Reorganizational Meeting occurring on or after May 2023, each Member's vote shall be weighted, as nearly as possible, in direct proportion to the population of the member town compared to the population of all member towns combined so that the actual weighted vote of each individual member is as nearly equal to one (1) as possible. For example, and for illustrative purposes only, if the 2020 Town census figures were used in calculating weighted voting for the sixteen (16) Member Committee, this 2020 data would result in the following weighted voting factors:

Individual Member Weighted Factor per Member Town	Census Population	Percentage of Combined Population	Committee Members	Total Voting Weight
Total 5 Towns	45,438	100%	16	16
HOLDEN	19,905	43.81%	6	7.01
1.16/Member				
PAXTON	5,004	11.01%	2	1.76
0.88/Member				
PRINCETON	3,495	7.69%	2	1.23
0.62/Member				
RUTLAND	9,049	19.92%	3	3.18
1.06/Member				
STERLING	7,985	17.57%	3	2.82
0.94/Member				

- 1.8 The quorum for the transaction of Committee business shall be a majority of the total vote value (i.e., 16.0) of all of the Committee Members as defined in Section 1.7 above. A weighted vote total less than a majority may adjourn but may take no other action.
- 1.9 The quorum for the transaction of each Subcommittee's business shall be a majority of the total vote value of all of the appointed Members to the respective Subcommittee. A weighted vote less than a majority as defined in this Section may adjourn but may take no other action.

1.10 Except where otherwise provided by statute, regulation, or by the terms of this Agreement, actions by the Committee will be taken by the weighted vote pursuant to Roberts Rules of Order's protocols that correspond to the particular type of vote being taken.

1.10.1 In order to approve the District's annual budget, to approve the incurring of debt, or to apportion among the Member Towns the amounts necessary to be raised in order to support the budget, or any other vote requiring a two-third majority vote by statute or regulation, a combined total of weighted votes equal to or exceeding 66.67% of the weighted vote of the entire Committee (i.e., not merely two thirds of the weighted vote of those present) shall be required.

1.11 Except where otherwise provided by statute, regulation, or by the terms of this Agreement, actions by a Subcommittee will also be taken by weighted vote total pursuant to "Roberts Rules of Order's" protocols that correspond to the particular type of vote being taken. For these purposes, a majority vote shall mean an affirmative vote by more than half of the weighted vote total of the Members present at a properly called meeting of the respective Subcommittee for which a quorum is present.

MAJORITY VOTE

Motion passed by majority as declared by the Moderator

ARTICLE 35. ANNUAL TOWN ELECTION

Motion Made by Maureen Cranson that the Town vote to elect by ballot on Monday, June 21, 2020 from 12:00pm to 7:00pm at the Houghton Elementary School Gym on 32 Boutelle Road, the officers as listed and printed in the Warrant under Article 35.

MAJORITY VOTE

Motion passed by majority as declared by the Moderator

8:19pm Annual Town Meeting Adjourned