



Town of Sterling

Special Town Meeting Minutes

Tuesday

November 14, 2017 6:30pm

FY2018 Special Town Meeting

Chocksett Middle School Gymnasium

40 Boutelle Road

Approved by Attorney General – n/a
Uploaded to the website on 13 February 2018

A true copy

Attest: _____

Dawn E. Michanowicz, Town Clerk

Town of Sterling Special Town Meeting 14 November 2017

At 6:30pm on Tuesday November 14, 2017, the Town Moderator, Amrith Kumar, opened the Special Town Meeting held in the Chocksett School on 40 Boutelle Road in said Town of Sterling. There was a quorum present; 285 voters attended the meeting.

Town Moderator Kumar mentioned those who have recently passed and have served the Town in various capacities, to include:

- (William) Doug Day, Capt. at Sterling Fire Department
- Donald Myles Mitchell, Medical Doctor at the school
- Mary Louise Higgins, Senior Center volunteer and dedicated worker
- Peter Tosi, Volunteer Service for the Town
- Marilyn Morgan, retained a retail business in Town for 33 years

The Moderator requested a moment of silence to honor them as well as those who have served in the Armed Forces and passed away within this year.

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

Joe Curtin, Member Municipal Light Board
Ryan Ferguson
Jan Gottsman, The Item
Sean Hamilton, General Manager Sterling Municipal Light Department
Brian Johnson
Chris LeBreck, Principal Chocksett School
Dawn Michanowicz, Town Clerk
Steve Mucci
Sachin Patel
Michelle Randazzo, Esq. Town Counsel, Kopelman and Paige
Josh Teigiser, Origis Energy
Tara Turley
Ross Perry, Town Administrator
Joseph Scanlon, Director of Business and Finance, Wachusett Regional School District
Mary Vocino
Jeff Willman

The following tellers were appointed and sworn in by the Town Clerk:

Jim French, 19 Johnson Road
Tim Tunney, 9 Olde Parish Lane
Ron Furmaniuk, 3 James Road

Moderator Kumar, citing the Town bylaw Ch. 180-12, anything that requires a 2/3 vote, the count need not be taken [voted Art. 16 on 4Aug1997].

Moderator Kumar noted the receipt of the posting of the Warrant for the Special Town Meeting by Constable, Michael Pineo.

MOTION MADE to dispense with the reading of the Warrant.
MOTION PASSED AS DECLARED BY THE MODERATOR

Town of Sterling
Special Town Meeting 14 November 2017

ARTICLE 1. Approve Payment in Lieu of Taxes for Solar Company

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into Structured Tax Agreements or agreements for payments-in-lieu-of-taxes (PILOT) pursuant to Massachusetts General Laws Chapter 59, Section 38H (b), and Chapter 164, Section 1, or any other enabling authority, for a term of years for both real property and/or personal property, as applicable, associated with solar photovoltaic facilities, including but not limited to facilities to be located on land known as 15-23 Chocksett Road and shown as parcel 21-22 on Assessors' map 66, upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town, and to take all action necessary to implement such agreements; or take any other action relative thereto.

Submitted by: Sterling Municipal Lighting Department

Recommendation: The Board of Selectmen supports this article

Finance Committee: will report at town meeting/Finance Committee voted to recommend this article

Summary: Origis Energy is entering into a Lease agreement with Rock Breakers, LLC (i.e. Vincent Campobasso) to place solar panels on the roof of the warehouse building. Origis has entered into a 25-year Power Purchase Agreement with the Sterling Municipal Light Department for the capacity and energy from the one (1) megawatt (MW) Solar Array plus 1 MW/2MWH Energy Storage System.

The PILOT agreement covers the solar and battery equipment. It does not change the tax payments for the land and buildings.

MOTION MADE: that the Town vote to authorize the Board of Selectmen to negotiate and enter into Structured Tax Agreements or agreements for payments-in-lieu-of-taxes (PILOT) pursuant to Massachusetts General Laws Chapter 59, Section 38H (b), [MGL Ch 59:38H(b)] and Chapter 164, Section 1, [MGL Ch 164:1] or any other enabling authority, for a term of years for both real property and/or personal property, as applicable, associated with solar photovoltaic facilities, including but not limited to facilities to be located on land known as 15-23 Chocksett Road and shown as parcel 21-22 on Assessors' map 66, upon such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town, and to take all action necessary to implement such agreements.

MOTION CARRIES UNANIMOUSLY as declared by the Moderator.

ARTICLE 2. Fund Police Union Contract

To see whether the Town will vote to raise and appropriate or transfer from available funds the sum of \$300,701 or any other sum to fund and implement certain provisions of the new collective bargaining agreement between the Town of Sterling and the Sterling Police Union, FOP, Lodge 44, for Fiscal Years 2016-2018, including retroactive pay increases; or take any other action relative thereto.

Submitted by: Board of Selectmen

Recommendation: The Board of Selectmen supports this article.

The Finance Committee will report at town meeting

Summary: The labor contract with the Police expired on June 30, 2015. Before and after the expiration there were several negotiations and mediation sessions. On the day of the arbitration, the Union and the Town reached an agreement. This article funds the agreed changes for a three-year period retroactive to July 1, 2015 through June 30, 2018. The contract settlement also includes a one-year extension for FY 19, thus avoiding new contract negotiations in a few months. The funding for the extension to FY19 will be voted in May 2018 annual town meeting.

Town of Sterling
Special Town Meeting 14 November 2017

REQUIRES 2/3 VOTE

MOTION MADE: that the Town transfer from Free Cash the sum of \$300,701 to fund and implement the cost provisions of the collective bargaining agreement between the Town of Sterling and the Sterling Police Union, FOP, Lodge 44, for Fiscal Years 2016-2018, including retroactive pay increases.

MOTION CARRIES UNANIMOUSLY as declared by the Moderator.

ARTICLE 3. Marijuana Establishments

To see if the Town will vote to amend the Town's Protective Bylaws by adding a new Section 4.9B, **MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section 4.9B, "Marijuana Establishments".:

Section 4.9B Marijuana Establishments

Consistent with General Laws, Chapter 94G, Section 3(a)(2), all types of non-medical "marijuana establishments" as defined in General Laws, Chapter 94G, Section 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Sterling.

Or take any other action relative thereto.

Submitted by: Planning Board

Recommendation: The Finance Committee will report at town meeting

Summary: The Planning Board recommended article will prohibit non-medical marijuana establishments from coming to Sterling.

MOTION MADE: to take no action on article 3.

MOTION CARRIES by MAJORITY VOTE as declared by the Moderator.

ARTICLE 4. 1835 Town Hall Septic Design

To see if the Town will vote to raise and appropriate, or transfer from available funds \$2,020, or any other sum, and transfer the sum of \$3,580.35 from the Article 10 of the May 16, 2011 annual town meeting warrant to an 1835 Town Hall Septic Design Account. The total sum of \$5,600.35, or any other sum, to fund the Phase II 1835 Town Hall Septic Design. Said sum to be expended by the 1835 Town Hall Committee with the advice and consent of the Board of Selectmen; or take any other action relative thereto.

Submitted by: The 1835 Town Hall Committee

Recommendation: The Finance Committee will report at town meeting/Finance Committee voted to support this article.

Summary: The 1835 Town Hall requires an engineering design to complete the connection between the 1835 Town Hall septic and the Fire House leaching area as planned when the Fire House was built in 2001. A circa 1945 drainage pipe was put in by the Town of Sterling between Maple Street and Waushacum Avenue. The total project will survey the route and furnish the design, construction layout, construction observation and construction as-built services for a proposed sewer force main running from the 1835 Town Hall Building to the existing Town absorption field off Waushacum Ave. in accordance with Sterling Board of Health and Mass Department of Environmental Protection Regulations.

Town of Sterling

Special Town Meeting 14 November 2017

Phase I was completed in 2016 and provided a horizontal control survey along the proposed route and a search to locate easement documents. Phase II of this three phase engineering plan will yield profile plans that will utilize the path of this drainage pipe to be used for the design of the proposed force main, including property lines and easements and preparation of recordable easement sketch plans & easement legal descriptions for proposed easement acquisitions. Phase III will provide the actual layout of the force main components for construction and furnish construction observation as required and make as built measurements of the system components along with as-built plans of the system.

Completion of phase II at a total cost of \$5,580 will permit the Town to seek easements for the land that the 1945 drainage pipe occupies. Such easements for the specified property have not been found to exist.

REQUIRES 2/3 VOTE

MOTION MADE: that the Town transfer from Free Cash the sum of \$2,020, and to transfer the sum of \$3,580.35 from Article 10 of the May 16, 2011 annual town meeting warrant, for a total appropriation of \$5,600.35, to the 1835 Town Hall Septic Design Account, for the purpose of funding the Phase II 1835 Town Hall Septic Design, such sum to be expended by the 1835 Town Hall Committee with the advice and consent of the Board of Selectmen.

MOTION CARRIES UNANIMOUSLY as declared by the Moderator.

ARTICLE 5. Butterick Building Lower level Office Space Build Out

To see if the Town will vote to raise and appropriate or transfer from available funds \$20,000, or any other sum, to be used to continue the conversion of the basement in the Butterick Building to new office space; or take any other action relative thereto.

Submitted by: Town Administrator

Recommendation: The Selectmen support this article

The Finance Committee will report at town meeting/Finance Committee supports this article

Summary: Multiple offices in the Town Hall are very cramped and in need of more space. The plan is to finish dividing the former Council On Aging area in the basement and move the Board of Health, the Facilities Manager, and Recreation Director into the refurbished offices. This will enable with minimal disruption, the Town Clerk's and Building Commissioner's offices on the first floor to expand laterally. The initial estimate for this project approved at the May 1, 2017 Annual Town Meeting included funds to build one large office in the basement. These plans changed and now the plan is to build one medium sized office and 4 smaller offices to provide more overall space and more flexibility.

REQUIRES 2/3 VOTE

MOTION MADE: that the Town transfer the sum of \$20,000 from Free Cash, for the purpose of continuing the conversion of the basement in the Butterick Building to new office space.

MOTION PASSED BY 2/3 VOTE as declared by the Moderator.

ARTICLE 6. Repairs to the Houghton Playground Structure

To see if the Town will vote to raise and appropriate or transfer from available funds \$4500, or any other sum, to be used to repair the playground climbing structure at the Houghton School. Said sum to be

Town of Sterling
Special Town Meeting 14 November 2017

expended by the Town Administrator with the consent of the Board of Selectmen; or take any other action relative thereto.

Submitted by: Board of Selectmen

Recommendation: The Board of Selectmen supports this article.

The Finance Committee will report at town meeting/Finance Committee supports this article

Summary: This structure was purchased several years ago. There are two sections, tunnel slide and chain ladder, that need replacement. If approved, the Town will purchase the replacement components and the Department of Public Works will handle the installation.

2/3 VOTE REQUIRED

MOTION MADE: that the Town transfer from the sum of \$4,500 from Free Cash for the purpose of funding repairs to the playground climbing structure at the Houghton School, said sum to be expended by the Town Administrator with the consent of the Board of Selectmen.

MOTION PASSED BY 2/3 VOTE as declared by the Moderator.

At 7:05pm motion made and passed to dissolve Special Town Meeting in record time.