

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF STERLING  
ANNUAL TOWN MEETING  
MAY 12, 2008**

**Worcester, ss.**

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

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

**MONDAY EVENING, THE TWELFTH DAY OF MAY, 2008**

at seven (7:00) o'clock in the evening, then and there to act on the following articles:

**ARTICLE 1.** To see if the Town will vote to raise by taxation and appropriate the sum of \$ 8,509,986 or any other sum, and to further appropriate, from the EMS Receipts Account, the sum of \$ 284,815 or any other sum, for a total appropriation of \$ 8,794,801 , 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, 2008 and ending June 30, 2009, or take any action in relation thereto.

**Submitted by:** Finance Committee

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

**Summary:** This is the general budget article that funds the Town departments for the coming fiscal year. A breakdown of the Town Department budgets can be viewed on the preceding spreadsheets.

**ARTICLE 2.** To see if the Town will vote to fix the salaries and compensation of all elected officers of the Town as provided by Section 108 of Chapter 41 of the General Laws, as amended, and as voted in Article #1 of this warrant, or take any action in relation thereto.

**Submitted by:** Finance Committee

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

**Summary:** This article fixes the salaries and compensation for all elected officials as presented in the general budget.

**ARTICLE 3.** To see if the Town will vote to raise and appropriate the sum of \$100,000, or any other sum, to fund the Reserve Fund for fiscal year 2009 in accordance with the provisions of General Law Chapter 40, Section 6, as amended, or take any action in relation thereto.

**Submitted by:** Finance Committee

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

**Summary:** This article funds the Reserve Fund, which is used by the Finance Committee to cover unexpected shortfalls in department budgets.

**ARTICLE 4.** To see if the Town will vote to raise and appropriate \$ 8,016,802 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.

**Submitted by:** Wachusett Regional School Committee

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

**Summary:** This article funds the Town's portion of the Wachusett Regional School District's annual budget equal to the net minimum contribution (\$ 7,452,992), as directed by the State, plus the costs for transportation (\$160,012), debt and interest for the high school (\$ 396,376), and debt and interest for oil remediation (\$7,422).

**ARTICLE 5.** To see if the Town will vote to raise and appropriate \$ 1,183,687 , or any other sum, above the net minimum contribution as requested by the Wachusett Regional School District, or take any action in relation thereto.

**Submitted by:** Wachusett Regional School Committee

**Recommendation:** The Finance Committee supports the passage of this article at an amount up to \$ 949,477, which represents Sterling's share of the WRSD budget with a 4% increase, consistent with our approach to Town operating budgets.

**Summary:** This article funds the Town's portion of the Wachusett Regional School District's annual budget that is above the amount voted in Article 4 for fiscal year 2009. The Finance Committee does not support the dollar amount originally requested by WRSD, which would have funded a 5.9% increase to the WRSD budget. Instead, the Finance Committee recommends the entire WRSD budget grow by no more than 4%. At that level of growth, Sterling's total assessment would be \$ 8,966,279, which is \$ 949,477 above the amount funded in Article 4.

**ARTICLE 6.** To see if the Town will vote to raise and appropriate \$ 579,517 , in accordance with Section 16B of Chapter 71 of 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 \$ 5,897 , or any other sum, for the purpose of paying the Town's portion of the debt and interest for the Montachusett Regional High School Building Project for a total appropriation of \$585,414, or take any action in relation thereto.

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

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

**Summary:** This article funds the Town's portion of the Montachusett Regional Vocational School District's annual budget and debt service.

**ARTICLE 7.** To see if the Town will vote to raise and appropriate the sum of \$863,921 , or any other sum, to operate the Water Department, as follows:

Salaries/Wages	\$ 180,507
Expenses	\$ 253,300
Principal & Interest	\$ 324,098
Indirect Costs	<u>\$ 106,016</u>
Total	\$ 863,921

The total of \$ 863,921 to come from water revenue with \$ 106,016 of that amount to be appropriated to the general fund, or take any action in relation thereto.

**Submitted by:** Department of Public Works Board

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

**Summary:** This article funds the Water Department budget solely from water revenue for fiscal year 2009.

**ARTICLE 8.** To see if the Town will vote to amend the Personnel Bylaws as follows:

Amend Section 2, Personnel Board, D. Authority, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> line, from “Compensation Plan” to “Compensation Schedule”

Amend Section 2, Personnel Board, D. Authority, 4th paragraph, 3rd line, from “Compensation Plans” to “Compensation Schedules”

Amend Section 2, Personnel Board, D. Authority, 4th paragraph, to insert after the last sentence, “The report shall include:

1. A listing of all non-Union position titles, classified by grade
2. A notation of which positions have been added, deleted, or changed in salary grade during the previous year
3. A recommended percentage increase, or a recommendation not to increase, the Compensation Schedule for the following fiscal year, and the basis for such recommendation, such as cost of living, market survey, etc.”

Amend Section 2, Personnel Board, to add a new Section E. as follows:

*E. Human Resources Officer (HRO)*

*The Board of Selectmen shall appoint a Human Resources Officer to provide staff assistance to the Personnel Board and to administer the day to day aspects of the Town’s relationship with its employees. The authority of the HRO shall include any matters delegated by the Personnel Board as well as any specified in this By-law.*

Amend Section 4. Definitions, Employee, 3<sup>rd</sup> line, from “Police Department employees” to “Police Department and contractual Dispatch employees”

Amend Section 5. C. Allocation and New Positions, 1<sup>st</sup> paragraph, 1<sup>st</sup> line, to read at the beginning of the sentence, “The HRO, subject to review by the Personnel Board,”

Amend Section 5. C. Allocation and New Positions, 3rd paragraph to read, “The HRO and, if the employee is not satisfied, the Personnel Board shall afford reasonable opportunity to be heard to any employee or any Department Head affected by such a new position or change in classification.”

Amend Section 5. D. Hiring and Re-Classification, to read as follows:

1. *A job description agreed to by both the hiring department head or Board Chairman and the HRO, must be completed prior to the announcement of the job opening.*
2. *The hiring rate and pay rate for the job must be in accord with the Classification and Compensation Plans or be developed with and agreed to by the HRO prior to the announcement of the job opening.*
3. *The job opening must be printed in the Worcester Telegram and Gazette and any other publication appropriate as designated by the HRO and must be posted on the Town Hall bulletin board at least ten (10) days prior to the job being filled.*

Amend Section 5. E. Job Descriptions and Interpretations, to read as follows:

*The HRO, on behalf of the Personnel Board, shall maintain written descriptions of the jobs or positions in the Classification Plan. These descriptions shall be written by the department supervisor and approved by the HRO on behalf of the Personnel Board. The descriptions should include definitions describing the essential nature of the work, distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate. The Personnel Board, at the recommendation of the HRO, may amend such job descriptions from time to time at its discretion.*

Amend Section 5. G. Work Week, 4th line, to read "...and of the HRO on behalf of the Personnel Board, will establish..."

Amend Section 6, Compensation Plan, B.1., 4<sup>th</sup> line, to insert at the start of the first sentence, "The HRO on behalf of the Personnel Board may..."

Amend Section 6, Compensation Plan, B.2., end of the sentence to read "... copy thereof to the HRO for the files of the Personnel Board."

Amend Section 6. C. Transfers and Promotions of Employees, item 3, to delete the last sentence: "No employee, having satisfactorily served a six month probationary period, shall be removed or lowered in rank without the approval of the Personnel Board."

Amend Section 6. F. Physical Examination, 1st line, to begin with, "The Department Head and/or the HRO on behalf of the Personnel Board,..."

Amend Section 6. F. Physical Examination, 4<sup>th</sup> line, to insert, "...appointed by the HRO on behalf of the Personnel Board,"

Amend Section 6. F. Physical Examination, 5<sup>th</sup> line, to start with, "The examining physician shall advise the Hiring Authority as to whether..."

Amend Section 6. H. Overtime, item 4. first sentence to specify, "...the Town has adopted a 207-k exemption..."

Amend Section 7, Step 2, to delete the words "depending upon the severity of the offense committed."

Amend Section 7, Step 4, to the following, "Continued infraction will result in the notification to the HRO on behalf of the Personnel Board that the employee will be terminated."

Amend Section 7, 2<sup>nd</sup> paragraph to read, "At any step in the disciplinary procedure, an employee may, at his/her discretion, appeal to the HRO and if not satisfied with the result, may appeal to the Personnel Board."

Amend Section 10, Section C. Vacation Pay, 3<sup>rd</sup> paragraph, 5<sup>th</sup> line, to delete the words “and from the Personnel Board”

Amend Section 10, Section C. Vacation Pay, to delete the last 2 paragraphs of this section.

Amend Section 10, Section H. Other Leave, 1<sup>st</sup> line, from “days per year may” to “days per year will”

Amend Section 10, Section I. Disability 8<sup>th</sup> line, to read “...the discretion of the Department Head and their appointing authority to determine...”

Amend Section 10, Section K. Unauthorized Leave, 1<sup>st</sup> line, from “working days shall” to “working days may”

Amend Section 14 to read as follows:

*The Compensation Schedule consists of two parts: Grades and Steps. The Grade reflects a grouping of positions of similar skill levels or levels of responsibility. The Step refers to increases in the compensation for such work based on an assumption that an employee’s ability to do the job improves over time.*

*Periodically, the Town Meeting may adjust the Compensation Schedule to reflect changes in such things as the so-called “Cost of Living” or other considerations, including but not limited to the amount of compensation paid for similar positions in area communities. With this in mind, from time to time an employee may receive both a Step increase and an increase resulting from an across-the-board adjustment by the Town Meeting of the Compensation Schedule in the same year.*

*The HRO shall assist the Personnel Board in making its annual January 15 report described in Section 2D. On or before December 31 of each year, the HRO shall recommend in writing a specific percentage increase, or no increase, to the Compensation Schedule, as well as any change in grade to any specific position(s) on the Classification Schedule. The HRO shall utilize market research, surveys, employee interviews, consumer price index, and any other statistics or tools needed to make such report.*

*The following Position Description Classification Grades and Compensation Schedules constitute the classification and compensation plans of the Town. Following completion of one year of continuous service, advancement from one step to the next higher step shall occur every year, on July 1, starting with the second year of their employment, unless their appointing authority determines that such increase is not merited based on the employee’s performance.*

**Submitted by:** Board of Selectmen

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

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

**Summary:** These proposed amendments to the Personnel Bylaw include several wording clarifications as recommended by the Personnel Board, as well as new sections proposed by Labor Counsel which clarify the process for salary increases and describe the duties of the Human Resources Officer being proposed in Article 9.

**ARTICLE 9.** To see if the Town will vote to create a regular Part Time Human Resources Officer position and to raise and appropriate the sum of \$30,000 for pay for the first year of salary for this position, or take any action in relation thereto.

**Submitted by:** Board of Selectmen

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

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

**Summary:** The Human Resources Officer will help establish and implement an equitable compensation system, keep the compensation updated to market rates, administer health insurance and other benefits, keep abreast of changing legal requirement and license requirements for individual positions, help arbitrate disputes between supervisors and employees, and many other related duties. We anticipate this will be a part time benefited position, with additional costs for benefits of up to \$15,000, which are contained in the Employee benefits section of the Operating Budget.

**ARTICLE 10.** To see if the Town of Sterling will vote to create the casual part time position of the Alternate Animal Control Office (AACO) with funding provided from the existing salary budget of the Animal Control Officers, (ACO), or take any action in relation thereto.

**Submitted by:** Animal Control Advisory Board and Police Chief

**Recommendation:** The Personnel Board recommends passage of this Article.

**Summary:** This article will create, as required by the personnel bylaw, a new position for an Alternate Animal Control Officer. The existing budget line item, as voted in Article 1, contains sufficient funding for this purpose.

**ARTICLE 11.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000, or any other sum, 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, or take any action in relation thereto.

**Submitted by:** Board of Assessors

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

**Summary:** This article raises money needed to provide for the ongoing operation and revaluation work that is needed to be accomplished on an annual basis.

**ARTICLE 12.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$ 26,675 for hydrant rental, or any other sum, said sum to be paid to the Department of Public Works and used as revenue for the Water Department, or take any action in relation thereto.

**Submitted by:** Department of Public Works

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

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

**ARTICLE 13.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$11,500 to fund the Senior Citizen Work-Off Abatement Program for fiscal year 2009, or take any action in relation thereto.

**Submitted by:** Board of Selectmen

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

**Summary:** This program has been a great success, allowing seniors to work in various Town departments and receive an abatement on their taxes. The maximum amount that a household can earn in abatements is \$750. Due to the success of this program, Town officials recommend an expansion from ten participants to fifteen participants each year. The amount appropriated would allow for fifteen individuals if each earns the maximum amount; more people could be allowed to work but their total earned could not exceed the \$11,500 appropriated in the article.

**ARTICLE 14.** To see if the Town will vote 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, or take any action in relation thereto.

**Submitted by:** Sterling Municipal Light Department

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

**Summary:** This article sets and funds the salary for the Municipal Light Board Members for FY2009.

**ARTICLE 15.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$ 35,000, or any other sum, for electricity used for street lights, 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 if this 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 or take any action in relation thereto.

**Submitted by:** Sterling Municipal Light Department

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

**Summary:** This article funds the Town's streetlights for fiscal year 2009.

**ARTICLE 16.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$5,000, or any other sum, to fund the maintenance of the 1835 Town Hall for fiscal 2009, said sum to be expended by the 1835 Town Hall Committee, or take any action in relation thereto.

**Submitted by:** 1835 Town Hall Committee

**Recommendation:** The Finance Committee will make its report at Town Meeting.

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

**ARTICLE 17.** (Withdrawn.)

**ARTICLE 18.** To see if the town will vote to transfer the sum of \$65,000, or any other sum, from the Capital Fund for the purpose of purchasing 30 sets of Structural Firefighting Protective Clothing, or take any action in relation thereto.

**Submitted by:** Fire Chief

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

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

**Summary:** This will replace and update four generations of structural firefighting protective clothing for all firefighters. Due to several compliance upgrades over the years, some of the current gear is no longer meets NFPA standards. Some gear is worn and/or has deteriorated due to age or damaged received in fires.

**ARTICLE 19.** To see if the Town will vote to transfer from the Capital Fund the sum of \$84,365, or any other sum, to the General Fund to offset the cost of the Fire Truck debt and interest for fiscal 2009, or take any action in relation thereto.

**Submitted by:** Capital Fund Committee

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

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

**Summary:** This article takes money out of the Capital Fund to pay the debt and interest payments associated with the Fire Truck for fiscal year 2009. The Town approved the purchase of the new truck at the May 2004 Town Meeting and it was explained at that time that the truck would be paid for out of the Capital Fund.

**ARTICLE 20.** To see if the Town will vote to transfer from the Capital Fund the sum of \$40,000, or any other sum, for the replacement, refurbishment, and repairs of the boiler, HVAC system, oil fill pipe, and any related equipment at the Butterick Municipal Building, or take any action in relation thereto.

**Submitted By:** Board of Selectmen and Building Needs and Utilization Committee

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

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

**Recommendation:** The Building Needs and Utilization Committee recommends passage of this article.

**Summary:** The boiler and HVAC system at the Butterick Municipal Building are old and inefficient. Temperatures are frequently too hot or too cold, wasting energy and dollars. The boiler came close to failing once in 2007 and again in 2008. If it fails, town offices would have to be moved until repairs are made, at considerable inconvenience and cost. A more prudent solution is to replace or repair the boiler and HVAC system over the next several months, in advance of the 2008-09 heating season.



**ARTICLE 21.** To see if the Town will vote to transfer from the capital fund the amount of \$ 15,000, or any other sum, to fund a comprehensive Engineering study of the Butterick Municipal Building, The 1835 Town Hall, the Conant Public Library, the Police Station, and the Fire Station, and further to be used to upgrade, refurbish, repair, and/or improve the air quality control and HVAC system within the Sterling Police Station, or take any action in relation thereto.

**Submitted By:** Police and Fire Chiefs after consultation with Building Needs Committee

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

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

**Recommendation:** The Building Needs and Utilization Committee recommends passage of this article.

**Summary:** Although the Library has a new boiler, the HVAC system needs adjustment in order to function efficiently. At the Police Station, additional mandated emergency 911 equipment was installed rendering prior A/C unit insufficient to regulate cooling of the computer room of the E-911 equipment. Failure of the HVAC equipment will cause failure of the 911 system. HVAC issues at the new Fire Station have also surfaced, which we believe can be corrected at a relatively low cost. Before proceeding with any of these repairs, however, an Engineering study needs to be conducted, ensuring that taxpayer dollars are used most wisely.

**ARTICLE 22.** To see if the Town will vote to transfer from the capital fund the sum of \$ 38,030, or any other sum, for the purpose of purchasing information technology hardware, software, and licenses for Town Offices, or take any action in relation thereto.

**Submitted by:** Capital Committee

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

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

**Summary:** This article will provide funding for Phase 2 of incorporating our receivables and collections with the existing financial software creating and integrated financial package. In addition, it will fund 25 software licenses (to upgrade 7-year old version) and replace the current server, which is unreliable and too old to be compatible with the new required operating system. The cost breakdown by item is as follows:

Purchase new software licenses for Town Offices	\$ 6,030
Purchase a new server for Butterick Municipal Building	\$ 12,000
Phase II of software upgrades to the Treasures receipts/reconciliation	\$ 20,000
Capital Total	\$ 38,030

**ARTICLE 23.** To see if the Town will vote to transfer from the Capital Fund the sum of \$25,397, or any other sum, for the purchase of the following capital items:

COA stove	\$2,200
Library computers	\$2,952
Communications IMC software	\$5,250
Police computer	\$500
Fire Dept. new equipment	\$14,495
Capital Total	\$25,397

**Submitted By:** Capital Committee

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

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

**Summary:** Fire equipment includes 2 nozzles (\$1,980), Blitzfire monitor (\$2,900), computers (\$4,000), portable radios (\$2,400) pagers (\$1,290), and miscellaneous valves and adapters (\$1,925). The other items are self explanatory.

**ARTICLE 24.** To see if the Town will vote to transfer from the Capital Fund the sum of Ten thousand Dollars (\$10,000) for the purpose of stabilizing and solidifying the brick north wall of the 1835 building at School Street occupied by Hiram O. Taylor Post 189, American Legion, to which building the Town has a right of reversion by deed, to prevent that wall's impending collapse; for re-mortaring and re-pointing that building's other brick walls; for re-mortaring the joints in the building's granite foundation; for performing other needed structural and exterior repairs; and for qualifying Hiram O. Taylor Post 189, American Legion and the Town, for a matching grant from the Massachusetts Historical Commission to complete all needed work on the building, or take any action related thereto.

**Submitted By:** Petition

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

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

**Summary:** This article creates matching funds for a study because complete design plans are required to apply for grants to aid in the construction of accessibility additions.

**ARTICLE 25.** To see whether the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the salary and other costs associated with a new collective bargaining agreement with the firefighters' union, or take any other action in relation thereto.

**Submitted By:** Board of Selectmen

**Recommendation:** The Finance Committee will make its report at Town Meeting.

**Summary:** This article will fund a collective bargaining agreement with the firefighters in the event such an agreement is reached prior to action at the Town Meeting.

**ARTICLE 26.** To see if the town will vote to continue a revolving Account as allowed by Chapter 44, Section 53E ½ of the General Laws, as amended, for the purpose of Recycling, and further the amount spent from this account is not to exceed \$80,000 within the fiscal year, with said account to be under the control of the Department of Public Works, or take any action thereto.

**Submitted by:** Department of Public Works

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

**Summary:** This article must be voted on each year to maintain a revolving recycling account for the purposes of operating the drop off recycling facility at the Department of Public Works yard. Money is collected at the facility for various drop-off items and disposal of these items and is paid for out of this account.

**ARTICLE 27.** To see if the town will vote 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, and further the amount spent from this account is not to exceed \$50,000 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 DPW, or take any action thereto.

**Submitted by:** Fire Department

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

**Summary:** This article must be voted on each year to maintain a revolving fuel account for the purpose of operating a fuel delivery system at the Department of Public Works yard for all Town vehicles. Money is paid into this account by the various Town departments utilizing the fuel. Fuel purchases and fuel system maintenance expenses are paid out of this account.

**ARTICLE 28.** To see if the Town will vote 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 said amount to be under the control of the Treasurer/Collector, or take any action in relation thereto.

**Submitted By:** Treasurer/Collector

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

**Summary:** This article would continue a revolving fund for the collection and payment of fees collected by the Town's Deputy Tax Collector.

**ARTICLE 29.** To see if the Town will vote 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 within the fiscal year, with said account to be under the control of the Town Hall Committee, or take any action in relation thereto.

**Submitted by:** 1835 Town Hall Committee

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

**Summary:** This article provides for funds generated by the use of the 1835 Town Hall to be used for the maintenance of the 1835 Town Hall.

**ARTICLE 30.** To see if the Town will vote 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 within the fiscal year, with said account to be under the control of the Planning Board, or take any action in relation thereto.

**Submitted by:** Planning Board

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

**Summary:** This article continues a revolving fund for the support of Planning Board operations.

**ARTICLE 31.** To see if the Town will vote 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 \$45,000 within the fiscal year, with this account to be under the control of the Council on Aging, or take any action in relation thereto.

**Submitted by:** Council on Aging

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

**Summary:** This article continues a revolving fund for the support and funding of Council On Aging related programs.

**ARTICLE 32.** To see if the Town will vote 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 \$125,000 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, or take any action in relation thereto.

**Submitted by:** Fair Committee

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

**Summary:** This article continues a revolving fund that is used to fund the Town fair.

**ARTICLE 33.** To see if the town will vote to continue a Revolving Account as allowed by Chapter 44, Section 53E½ 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 \$50,000, or take any action in relation thereto.

**Submitted by:** Fire Chief

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

**Summary:** Chapter 44, Section 53E½ of the Massachusetts General Laws authorizes the Sterling Fire Department to maintain a revolving fund account for the purposes enumerated in this Article.

**ARTICLE 34.** To see if the Town will vote to authorize the Board of Selectmen to enter into a contract with Wachusett Earthday, Inc., pursuant to Mass. Gen. Laws Chapter 40, Section 4, and with the towns of Boylston, Holden, Paxton, Princeton, Rutland, West Boylston and any other municipality who joins said contract, pursuant to Mass. Gen. Laws Chapter 40, Section 4A, for planning, development and operation of a household hazardous waste and recycling collection site; and, further, to vote to raise and appropriate, or transfer from available funds, the sum of \$15,000, or any other sum, to satisfy the Town's financial obligation under the contract for the Fiscal Year 2009; and, further, that the contract is to include but not be limited to the following terms: the planning and development phases are expected to be completed by the end of the calendar year 2008; operation will commence upon completion of planning and development and will continue for the duration of the contract; the term of the contract shall be for an initial period of five years, renewable every five years for a maximum term of twenty-five years, or take any other action relative thereto.

**Submitted by:** Board of Selectmen

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

**Summary:** Sterling residents will have the opportunity to bring recycling and household hazardous materials to a permanent year round collection center for proper disposal. Phase I development cost for Sterling totals \$15,000. Phase II establishment of buildings for the collection site cost is \$10,000 and thereafter an annual assessment for operations, currently anticipated at \$1,500.

**ARTICLE 35.** To see if the Town will vote to accept Stephanie Anne Lane together with all easements, as laid out and shown on a plan on file with the Town Clerk's Office. Such acceptance will not be final until the Title for the road has been cleared of all outstanding Orders of Conditions as may have been issued by the Sterling Conservation Commission or the DEP and the As-Built Plan, Roadway Layout Plan and the Deed(s), to the aforesaid have been recorded in the Worcester Registry of Deeds at the expense of the Applicant/Developer and duly delivered along with clear title to the Board of Selectmen, or take any action in relation thereto.

**Submitted by:** Planning Board

**Recommendation:** The Planning Board will make its report at Town Meeting.

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

**ARTICLE 36.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$50,000, or any other sum, to fund contracted services and materials for building maintenance, or take any action in relation thereto.

**Submitted by:** Building Needs and Utilization Committee and Board of Selectmen

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

**Recommendation:** The Building Needs and Utilization Committee recommends passage of this article.

**Summary:** The newly formed Building Needs and Utilization Committee is working toward a comprehensive town-wide maintenance program for all town-owned buildings. Over the last few months, they have hired contractors to perform maintenance tasks and improve efficiency of town buildings, saving thousands of taxpayer dollars. This article continues funding for those contractors during FY09, after which it is anticipated that the committee will request the creation of a part-time or full-time Facilities Manager position.

**ARTICLE 37.** To see if the Town will vote to transfer from the Capital Fund the sum of \$100,000, or any other sum, for the purpose of designing, constructing, and installing a fireproof records archive vault at the Butterick Municipal Building, or take any action in relation thereto.

**Submitted by:** Town Clerk and Selectmen

**Recommendation:** The Capital Committee and Finance Committee both recommend passage of this article, in an amount not to exceed \$100,000.

**Recommendation:** The Building Needs and Utilization Committee recommends passage of this article.

**Summary:** This article provides funding for a fireproof vault for the safe keeping of public records of the Town, as required by Massachusetts General Law, Chapter 66: Section 11. This law mandates that this vault protect all permanent records that the town is required to maintain, many of which are irreplaceable and need to be protected.

**ARTICLE 38.** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2008, 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, or take any action in relation thereto.

**Submitted by:** Treasurer/Collector

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

**Summary:** This article allows the Treasurer with the approval of the Board of Selectmen to borrow money as needed.

**ARTICLE 39.** To see if the Town will vote pursuant to Chapter 44, Section 53F of the General Laws, as amended, to authorize the Town Treasurer/Collector to enter into compensating balance agreements, for FY2009, or take any action in relation thereto.

**Submitted by:** Treasurer/Collector

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

**Summary:** This article allows the Treasurer/Collector to enter into compensating balance agreements with banking institutions as needed for the operation of the department.

**ARTICLE 40.** To see if the Town will vote to amend the Protective (Zoning) Bylaw of the town in the following manner, or take any action thereto.

To add following new subsection immediately following subsection 2.3.4

“2.3.5 Accessory Apartment Use

By special permit from the Board of Appeals a group of rooms substantially within a single family residence may be used as a separate apartment with its own bathroom and kitchen facilities, provided that:

- (a) The group of rooms is not within, or attached to, a detached or attached accessory building.

- (b) The single family residence is being used by the owner as a principal residence, and has been used lawfully as principal residence by present or previous owners for a continuous period of at least five years immediately preceding the date of application for the special permit.
- (c) The apartment shall have its own separate entrance from the outside.
- (d) The apartment shall have its own kitchen facilities and its own interior toilet facilities.
- (e) Evidence, verified in writing, by the Board of Health (or its qualified agent) submitted with, and as part of, the application for special permit, that there is available on the lot an adequate supply of drinking water and adequate provision for sewage disposal.
- (f) The outside appearance of the premises shall remain that of a single family residence.
- (g) The rooms shall have heat that is adequately supplied and controlled by their own thermostat(s).

“The special permit shall be issued only if it contains the following limitations and precautions:

- (h) The number of residents of the apartment is limited to a number not exceeding 3.
- (i) The premises continue to be used as principal residence by an owner.
- (j) All turnaround and parking areas shall be provided on the lot.
- (k) Only one accessory apartment is allowed in any single family residence.
- (l) All dimensional controls in Section 2.5 for a single family residence must be adhered to.

“Also to add the words ‘single family with accessory apartment,’ to the first entry in the subsection 3.2.3 **Table of Parking Requirements** so it reads:

“ ‘Single-family, single family with accessory apartment, two-family or multifamily dwelling’

“Also to change the definition, in Article 5 Definitions, of ‘Accessory Apartment shall mean a separate, complete dwelling unit which is; (a) contained substantially within the structure of a one-family dwelling unit, is served by a separate entry/exit and can be isolated from the principal one family dwelling unit or (b) contained entirely within an accessory building located on the same lot as a one family dwelling.’ by deleting ‘:(a)’ , replacing the second occurrence of ‘dwelling unit’ by the word ‘residence’ and by deleting all the words following the third occurrence of ‘dwelling unit’, so that it will read:

“ ‘**Accessory Apartment** shall mean a separate, complete dwelling unit which is contained substantially within the structure of a one-family residence, is served by a separate entry/exit and can be isolated from the principal one-family dwelling unit.’

“Also to add the words ‘,neither of which is an accessory apartment.’ to the end of the definition of ‘**Dwelling, Two-Family**’ so that it will read:

“ ‘**Dwelling, Two-Family** shall mean a single building containing two (2) dwelling units, neither of which is an accessory apartment.’ ”

**Submitted by:** Planning Board and Zoning Board of Appeals

**Recommendation:** The Planning Board will make its report at Town Meeting.

**Summary:** The Sterling Planning Board and Zoning Board of Appeals have prepared this Article to amend the Protective (Zoning) Bylaw of the Town, in order to reduce the confusion and subjectivity that the ZBA has encountered in interpreting the current zoning bylaw provisions dealing with the issuance of Special Permits for Accessory Apartments.

**ARTICLE 41.** To see if the town will vote to amend the zoning map of the Town of Sterling by rezoning the following parcels from Rural Residence and Farming to Performance Zone I. The parcels are listed in the Assessors’ Map Plan Book as map 159 parcels 8, 11 and 12 being 32 Redemption Rock Trail, 4 Legg Road, 6 Legg Road; recorded in Worcester South District Registry of Deeds Book 10151 Page 248, Book 22379 Page 1, Book 22378 Page 398; owners Sullivan, Robert V. and Jane E., Sullivan Robert V. and Crozier, Rachel M. and Sullivan, Jane E. and Lisa B. respectively. The total area to be rezoned is +/- 7.67 acres; or take any action thereto.

**Submitted by:** Petition

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

**Summary:** The Article is self explanatory.

**ARTICLE 42.** To see if the Town will vote to establish the fee of \$20.00 for an annual stable license in accordance with M.G.L. Chapter 111, Section 155, or take any action thereon.

**Submitted by:** Board of Health

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

**Summary:** This article establishes a new fee to fund a portion of the cost associated with stable inspection, and to comply with the requirements pertaining to stable inspections which are state mandated regulations.



**ARTICLE 43.** To see if the Town will vote to amend, the General Bylaws Agricultural Districts section, by deleting “Agricultural Districts” and replacing with “Agricultural Commission” and by deleting section 2 and replace with the following wording or take any action thereon,

## Section 2. AGRICULTURAL COMMISSION

An Agricultural Commission is hereby created, comprising of a minimum of three and maximum of seven members and three numbered alternates to be appointed by the Selectmen for terms of three years (except that initial terms shall be of lengths so that no more than three expire in any one year). A majority of the membership shall be substantially engaged in the pursuit of agriculture. The Committee shall elect a Chairman, Vice-Chairman and a Clerk. All decisions shall require a positive vote of the majority of members present. Alternates may be used by the order of their assigned number to form a quorum and to vote in the absence of regular members. The Agricultural Commission once appointed shall develop a work plan to guide its activities as charged by the Board of Selectmen. Such activities include, but are not limited to, the following: encouraging the pursuit of agriculture in Sterling; promoting agricultural based economic opportunities in town; mediating, advocating, educating and/or negotiating on farming issues; working for preservation of agricultural lands; pursuing all initiatives appropriate to retaining farming in Sterling; and pursuing all initiatives appropriate to creating a sustainable agricultural community and preserving the rural character of Sterling.

**Submitted by:** Agricultural District Committee

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

**Summary:** This article amends the old Agricultural District Committee to meet present day standards set by the State for committees now known as Agricultural Commissions.

**ARTICLE 44.** To see if the Town will vote to amend the General Bylaws by adding the following “Right to Farm” bylaw or take any action thereon,

## Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1: Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A.

We the citizens of Sterling restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”)

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Sterling by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This By-law shall apply to all jurisdictional areas within the Town.

## **Section 2 Definitions**

The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto. The words “farming” or “agriculture” or their derivatives shall include, but not be limited to the following:

- farming in all its branches and cultivation and tillage of the soil;
  - dairying;
  - production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
  - growing and harvesting of forest products upon forest land, and any other forestry of lumbering operations;
  - raising of livestock including horses;
  - keeping of horses as a commercial enterprise;
  - keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur bearing animals.
- “Farming” shall encompass activities including, but not limited to the following:
- operation and transportation of slow-moving farm equipment over roads within the Town;
  - control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
  - application of manure, fertilizers and pesticides;
  - conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
  - processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
  - maintenance, repair or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
  - on-farm relocation of earth and the clearing of ground for farming operations.

## **Section 3 Right to Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Sterling. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others though the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this By-law are intended to apply to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

## **Section 4 Disclosure Notification**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Sterling, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

*“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”*

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

## **Section 5 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

## **Section 6. Severability Clause**

If any part of the By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of the By-law. The Town of Sterling hereby declares the provisions of this By-law to be severable, or to take any other action in relation thereto.

**Submitted by:** Agricultural District Committee

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

**Summary:** This article promotes agriculture within Sterling, and gives the Town home rule power regarding agricultural matters, by setting up a dispute resolution process as an alternative to lengthy court proceedings. In addition, the Right to Farm Declaration increases the chances that the Town will receive a higher State contribution toward agricultural land purchases in Sterling.

**ARTICLE 45.** To see if the Town will vote to appropriate the sum of \$317,484 , or any other sum, 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, with approval of the Board of Selectmen, and in accordance with the DPW's 5-year Capital Plan reviewed annually by the Capital Budget Committee, or take any action in relation thereto.

**Submitted by:** Department of Public Works

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

**Summary:** This article allows the Town to expend money under the guidelines of Chapter 90 for road maintenance, equipment purchases, and other Public Works projects which are then reimbursed by the Commonwealth.

**ARTICLE 46.** To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$35,000, or any other sum, to replace the failing roof on the old DPW barn adjacent to the new facility, or take any action in relation thereto.

**Submitted by:** Department of Public Works

**Recommendation:** The Capital Committee defers recommendation of this article to Town Meeting.

**Recommendation:** The Finance Committee defers recommendation of this article to Town Meeting.

**Summary:** This money would be spent to replace the roof which leaks in the mechanics bay. Several repairs have been attempted and a new roof is now necessary.

**ARTICLE 47.** To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$50,000 , or any other sum, to cover cost overruns on the new DPW building/renovation project, said sum to be expended by the Department of Public Works or take any action in relation thereto.

**Submitted by:** Department of Public Works

**Recommendation:** The Capital Committee defers recommendation of this article to Town Meeting.

**Recommendation:** The Finance Committee defers recommendation of this article to Town Meeting.

**Summary:** This article provides funding for the cost overruns on the DPW building/renovation project.

**ARTICLE 48.** To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$71,000 , or any other sum, to purchase a new backhoe 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 a 1997 John Deere 410E backhoe and the balance in cash out of said appropriation, said sum to be expended by the Department of Public Works, or take any action in relation thereto.

**Submitted by:** Department of Public Works

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

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

**Summary:** This new backhoe would replace the backhoe being traded, which is 11 years old and has over 6,000 hours on it. The existing backhoe is used extensively and will require major work if it is kept too much longer. We would like to replace it while it still has a decent trade-in value and before it starts costing us a lot of money for maintenance.

**ARTICLE 49.** To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$23,024, or any other sum, to cover a portion of the cost of the Landfill Implementing Monitoring Program as required by DEP, with said money to be spent by the DPW, or take any action in relation thereto.

**Submitted by:** DPW Board

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

**Summary:** This article funds 2 more years of monitoring and lab testing at the closed municipal landfill, finishing out the current contract. Since the closing of the old town landfill, the Town has been under a DEP Consent Order to implement a monitoring program, which includes annual lab testing.

**ARTICLE 50.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,500, or any other sum, to be used for expenses for The Sterling Land Trust, an organization dedicated to the preservation of various parcels of land within the Town, said funds to be administered and expended by the Trust, or take any action in relation thereto.

**Submitted By:** Board of Selectmen

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

**Summary:** This article would provide financial assistance to the Sterling Land Trust which maintains various parcels of land within the Town for the passive recreational use of the residents.

**ARTICLE 51.** To see if the Town will vote to raise and appropriate the sum of \$1,500, or any other sum, to be used for expenses for Wachusett Greenways, a six Town collaborative, said funds to be administered and expended by Wachusett Greenways, or take any action in relation thereto.

**Submitted by:** Board of Selectmen

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

**Summary:** This article would provide financial assistance to the six Town collaborative working on the Wachusett Greenways project, including the Rail Trail in Sterling.

**ARTICLE 52.** To see if the town will vote to accept MGL. Chapter 41, section 108P, Additional compensation for Treasurer / Collector, and further, to raise and appropriate the sum of \$1,000 in order to fund said compensation for FY09.

**Submitted by:** Treasurer/Collector

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

**Summary:** This article accepts a chapter of the Mass General Laws which allows for additional compensation in the amount of \$1,000 per year for Treasurer / Collectors who have completed certification requirements as set forth by the Mass department of Revenue and The Mass Collectors and Treasurers Association.

**ARTICLE 53.** To see if the town will vote to accept MGL. Chapter 41, section 19K, additional compensation for Town Clerk, and further, to raise and appropriate the sum of \$1,000 in order to fund said compensation for FY09.

**Submitted by:** Town Clerk

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

**Summary** In any town, that accepts this section, a town clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. In order to qualify for such additional compensation, a town clerk shall submit to the Board of Selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. Such additional compensation shall discontinue when certification is discontinued or withdrawn.

**ARTICLE 54.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$19,692 , to pay for tuition of a Sterling student attending the Norfolk County Agricultural School in Walpole, said sum to be expended by the Board of Selectmen, or take any action in relation thereto.

**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee recommends passage of this article, in accordance with State law.

**Summary:** A Sterling student has been attending to Norfolk County Agricultural School in Walpole. Under MGL Chapter 74 Sections 7C and 8A, the Town of Sterling is obligated to provide both transportation and tuition for this student. The Town will be reimbursed on the Cherry Sheet the following year for transportation only. This article funds FY09 tuition for this student; Article 55 funds transportation.

**ARTICLE 55.** To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement with an area town under the provisions of M.G. L. CH. 40 Sec. 4A for the purposes of providing transportation to a Sterling student attending the Norfolk County Agricultural School in Walpole; and further to transfer \$38,000 from the Stabilization Account, or from available funds, to pay for transportation of said student, said sum to be expended by the Board of Selectmen and reimbursed by the Commonwealth of Massachusetts, or take any action in relation thereto.

**Submitted by:** Board of Selectmen

**Recommendation:** The Finance Committee recommends passage of this article, in accordance with State law.

**Summary:** A Sterling student has been admitted to Norfolk County Agricultural School in Walpole. Under MGL Chapter 74 Section 8A, the Town of Sterling is obligated to provide transportation for this student. The Town will be reimbursed on the Cherry Sheet the following year. This article funds FY09 transportation for this student. In FY08, another student from Rutland attended the same school, allowing the students to ride together with Sterling and Rutland sharing the cost. If a student in the Sterling area attends this school in FY09, we will again share the transportation costs with that student's home town, saving approximately half the cost.

**ARTICLE 56.** To see if the Town will vote to accept the following Non-Binding resolution:

We, the citizens of Sterling, wish to express our displeasure and concern at the recent decision of the Wachusett Regional School District to change the grade configuration at the Chocksett Middle School and the Houghton Elementary School. This decision was made without the knowledge or consent of the citizens of Sterling.

We strongly urge Wachusett Regional School District officials to actively seek input from parents and citizens of Sterling on this and all future decisions regarding significant changes to the Chocksett Middle and Houghton Elementary Schools.

**Submitted by:** Petition

**Summary:** The proponents of this article believe this resolution will enable the citizens of Sterling to have a voice in protecting our children from unsound and ill-conceived decisions made by the Wachusett Regional School District Administration. The resolution calls for a "sense of the Town" and is not binding.

**ARTICLE 57.** To see if the Town will vote to approve the amendment of Section 7. ADMISSION OF ADDITIONAL TOWNS of the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, or act or do anything relative thereto.

**Submitted by:** Wachusett Regional School District Committee

**Recommendation:** The Capital Committee will make its report at Town Meeting.

**Recommendation:** The Finance Committee will make its report at Town Meeting.

**Summary:** The proposed amendment deletes the words "Regional School", deletes the word "state" and substitutes therefor the word "Massachusetts", deletes the words "Regional District School", deletes the words "the State Emergency Finance Board" and substitutes at the end of the Section the words "in accordance with Massachusetts General Laws", a copy of the proposed Amendment is on file at the office of the Town Clerk in a report entitled "Wachusett Regional School District Committee Recommendations for Changes to Regional Agreement Annual Town Meetings 2008."

**ARTICLE 58.** To see if the Town will vote to approve the various amendments to the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, consisting of non-substantive changes of the wording in the following Sections:

Opening Paragraph

Section 1. Members of the Regional District School Committee.

Section 2. Location.

Section 3. Type of Regional School District.

Section 4. Method of Apportioning Costs of the Regional School District.

Section 5. Payments to the Regional District School Treasurer.

Section 6. Transportation.

Section 8. Withdrawal of Member Towns - Pre-Kindergarten-Grade 12.

Section 9. Annual Report.

Section 10. Budget.

Section 12. Powers and Duties of the Regional District School Committee.

Section 13. Organization of the Regional District School Committee.

Section 14. Amendments.

Section 17. Lease of Schools.

Section 18. Professional Staff/Personnel.

Section 19. Effective Date and Jurisdiction.

or act or do anything relative thereto.

**Submitted by:** Wachusett Regional School District Committee

**Recommendation:** The Capital Committee will make its report at Town Meeting.

**Recommendation:** The Finance Committee will make its report at Town Meeting.

**Summary:** The changes in wording consist of describing Towns as "Member Towns" rather than participating Towns, refers to the Wachusett Regional School District as the "District" and to the Wachusett Regional District School Committee as the "Committee", deletes references to State laws and inserts Massachusetts General Laws and deletes the word "selectmen" and inserts therefor the word "Selectboard", a copy of the proposed amendments to the above Sections are on file at the office of the Town Clerk in a report entitled "Wachusett Regional School District Committee Recommendations for Changes to Regional Agreement Annual Town Meetings 2008."



**ARTICLE 59.** To see if the Town will vote to approve the amendment of Section 11. ASSIGNMENT OF STUDENTS of the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, or act or do anything relative thereto.

**Submitted by:** Wachusett Regional School District Committee

**Recommendation:** The Capital Committee will make its report at Town Meeting.

**Recommendation:** The Finance Committee will make its report at Town Meeting.

**Summary:** The proposed amendment to Section 11.2 deletes the words "Regional School" before the word "Committee", deletes the words "students in grades six through eight", substitutes therefor the words "middle school students" and deletes the word "only" after the word "residence" and deletes the word "towns" and substitutes therefor the words "Member Towns".

The amendment to Section 11.3 deletes the words "Regional School" before "Committee", deletes the word "elementary" and inserts therefor the words "pre-kindergarten through grade eight (8)" before the word "pupils".

The amendment to Section 11.4 deletes the words "which is" before the word "subject" and deletes the word "town" and substitutes therefor the words "Member Towns".

A copy of the proposed Amendment is on file at the office of the Town Clerk in a report entitled "Wachusett Regional School District Committee Recommendations for Changes to Regional Agreement Annual Town Meetings 2008."

**ARTICLE 60.** To see if the Town will vote to approve the amendment of Section 15, INCURRING OF INDEBTEDNESS of the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, or act or do anything relative thereto.

**Submitted by:** Wachusett Regional School District Committee

**Recommendation:** The Capital Committee will make its report at Town Meeting.

**Recommendation:** The Finance Committee will make its report at Town Meeting.

**Summary:** The proposed amendment to Section 15 capitalizes the letter "M" in the word "member" and the letter "T" in "town" or "towns" throughout the Section, amends Section 15.2 by deleting the words "participating towns" and inserting the words "Member Towns" and by inserting the fraction (2/3) after the words "two thirds", amends Section 15.3 and Section 15.6 by deleting the words "Regional District School" where they precede the word "Committee", amends Section 15.5 by deleting the figure "\$50,000" and inserting therefor the figure "\$100,000", a copy of the proposed Amendment is on file at the office of the Town Clerk in a report entitled "Wachusett Regional School District Committee Recommendations for Changes to Regional Agreement Annual Town Meetings 2008."

**ARTICLE 61.** To see if the Town will vote to approve the amendment of Section 16. CAPITAL EXPENDITURES FROM SURPLUS of the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, or act or do anything relative thereto.

**Submitted by:** Wachusett Regional School District Committee

**Recommendation:** The Capital Committee will make its report at Town Meeting.

**Recommendation:** The Finance Committee will make its report at Town Meeting.

**Summary:** The proposed amendment deletes the words ""Regional District School" where they precede the word "Committee", deletes the clause after "Section 16" which reads: "not to exceed \$250,000 in any fiscal year or for any single project, and", and by inserting the fraction (2/3) after the words "two thirds", a copy of the proposed Amendment is on file with the Town Clerk in a report entitled "Wachusett Regional School District Committee Recommendations for Changes to Regional Agreement Annual Town Meetings 2008."

**ARTICLE 62.** To elect by ballot on Monday, May 19, 2008, at 7:00 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 Trustees to serve for three years
- One Public Works Board Member to serve for three years
- One Public Works Board Member to serve for two years
- One Light Board Member to serve for three years
- One Planning Board Member to serve for five years
- One Housing Authority Member to serve for five years
- One Housing Authority Member to serve for four years
- Two Wachusett School Committee Members to serve for three years

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

The polls shall be opened on Monday, May 19, 2008 at seven (7:00) o'clock in the forenoon and shall remain open until eight (8:00) o'clock in the evening.

And you are directed to serve this warrant by posting up attested copies thereof, one at the Mary Ellen Butterick Municipal Building and one at the Conant Public Library in Sterling, seven (7) days at least before the time for holding said meeting.

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

Given under our hands this tenth day of April 2008.

**Sterling Board of Selectmen**

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Donlin K. Murray, Chairman

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Richard A. Sheppard

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Paul M. Sushchyk