

Attention – Voters and Taxpayers



Town of Sterling
Warrants, Summary
and Recommendations

May 16, 2011

FY 2011 Special Town Meeting 6:30pm

FY 2012 Annual Town Meeting 7:00pm

Chocksett Middle School Gymnasium

40 Boutelle Road

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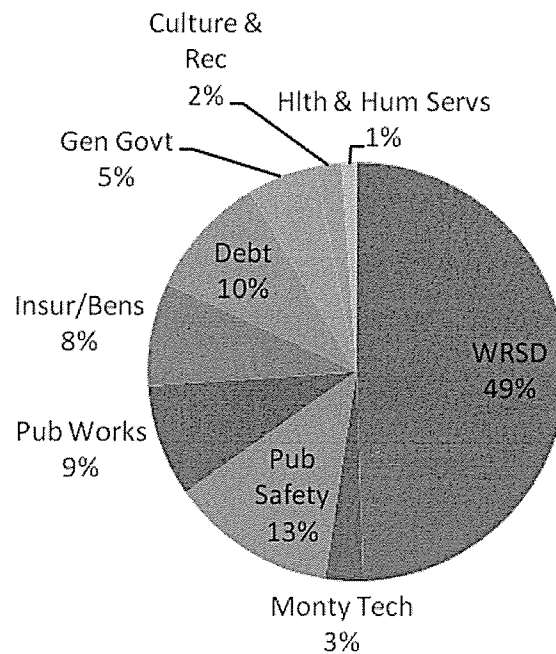
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**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STERLING
SPECIAL TOWN MEETING
MAY 16, 2011**

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 SIXTEENTH DAY OF MAY, 2011

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

ARTICLE 1. Transfer Free Cash to Capital Fund

To see if the Town will vote to transfer the sum of \$ 200,000 , or any other sum, from Free Cash to the Capital Investment Fund, as allowed by the bylaws of Sterling; or take any action relative thereto.

Submitted by: Finance Committee

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

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

ARTICLE 2. Transfer Free Cash to Stabilization Fund

To see if the Town will vote to transfer the sum of \$ 347,471 , or any other sum, from Free Cash to the Stabilization Fund in accordance with the provisions of Chapter 40, Section 5B, General Laws, as amended, or take any action in relation thereto.

Submitted by: Finance Committee

Recommendation: The Finance Committee recommends passage of this article.

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

ARTICLE 3. Fund Deficit due to Snow and Ice

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

Submitted by: DPW Board / Town Administrator

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

Summary: At the time this warrant went to press, we do not anticipate needing this article, however we will do a budget transfer under Article 5. In the event of another major snow/ice storm, this article will be utilized to transfer money from the Stabilization Fund into the DPW Snow and Ice Account to cover the deficit in the account caused by the snow and ice storms of this past winter and spring.

ARTICLE 4. Bills from Prior Fiscal Years

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

Submitted by: Town Administrator

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

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

Summary: At the time this Warrant was published, the following prior year bills were outstanding:

Ground Control	\$ 4,400.00
Sovereign Bank	\$ 2,886.44
Complete HT/AC Systems, LLC	\$ 1,314.00
Total:	\$ 8,600.44

ARTICLE 5. Transfers within FY11 Operating Budget

To see if the Town will vote to transfer funds within the FY11 Operating Budget, from one account to another, or take any action in relation thereto.

Submitted by: Town Administrator

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

Summary: At the time this Warrant went to Press, the following transfers were known:

From: Snow & Ice Overtime To: Snow & Ice Expenses Approximately \$10,000

ARTICLE 6. Purchase Server for Public Safety

To see if the Town will vote to transfer \$12,000 from the Capital Fund to fund the purchase of a public safety server, said sum to be expended by the Police Chief, or take any other action in relation thereto.

Submitted by: Police Chief

Recommendation: The Finance Committee recommends passage of this article.

Recommendation: The Capital Committee recommends passage of this article.

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

Summary: These funds will allow the town to replace the critical computer server at the Police Department. The current server is over 8 years old, out of warranty and will no longer support the software application used by the Police and Fire departments to track, manage and report their public safety operations.

ARTICLE 7. Union contract approval – Dispatch

To see whether the Town will vote to transfer a sum of money from the Stabilization Fund, to fund the FY11 salaries and other costs associated with the new FY11 thru FY13 collective bargaining agreement with the Dispatch Union, or take any other action in relation thereto.

Submitted By: Board of Selectmen

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

Recommendation: The Finance Committee recommends passage of this article.

Summary: This article will fund the first year of a new collective bargaining agreement with the Dispatch Union, including retroactive pay for the fiscal year 2011. This is a 3-year agreement, from July 1, 2010 thru June 30, 2013. Salaries for FY12 under this agreement are included in the Annual Town Meeting general budget article 2.

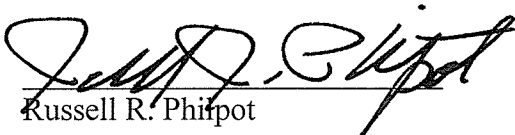
And you are directed to serve this warrant by posting up attested copies thereof, one at the Mary Ellen Butterick Municipal Building and one at the Conant Public Library in Sterling, fourteen (14) days at least before the time for holding said meeting.

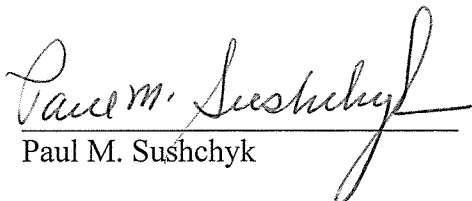
Hereof fail not and make due return of this warrant with your doings thereto to the Town Clerk at the time and place of meeting as aforesaid.

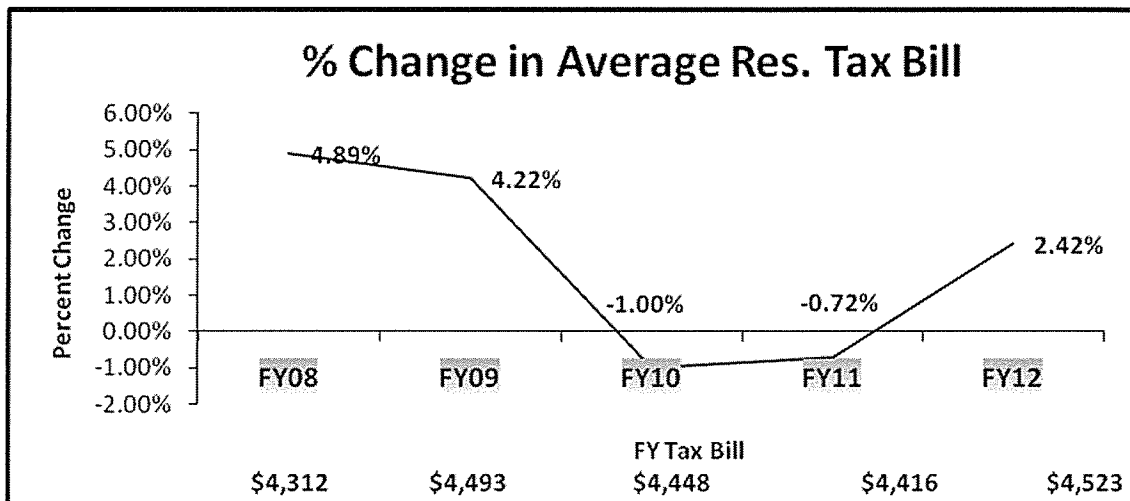
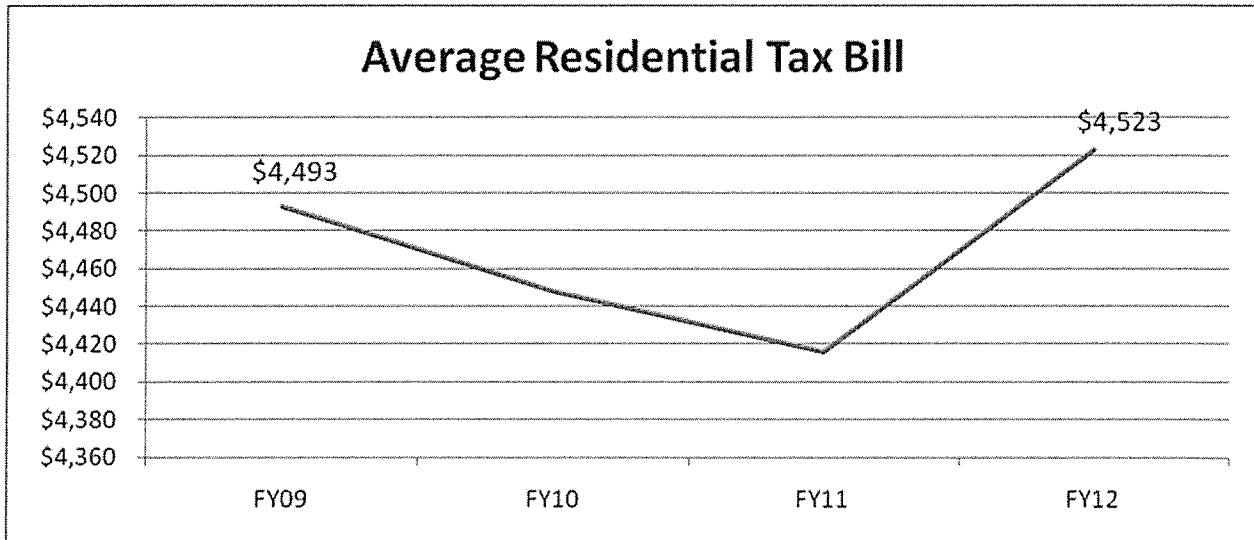
Given under our hands this 13th day of April 2011.

Sterling Board of Selectmen


Richard A. Sheppard, Chairman


Russell R. Philpot


Paul M. Sushchuk



Finance Committee Report

To The Voters of Sterling,

Your Finance Committee respectfully submits its report, the Departments' requests and our town budget recommendations for the Fiscal Year 2012, beginning July 1, 2011 and ending June 30, 2012.

As in past years, the Finance Committee has spent the time since the last Annual Town Meeting focused on preparing the coming fiscal year's (FY2012) budget as well as looking towards the years ahead. The Finance Committee continues to deal with the on-going fiscal challenges presented to the Town of Sterling given the current economic situation. We have and continue to work in an excellent relationship with various town boards, committees and departments to jointly address the fiscal side of the town's operations.

In response to the challenging economic climate the Finance Committee has, for the past two years, set a goal of keeping the average real estate tax bill level from one year to the next. What we have actually accomplished is to slightly lower the average real estate tax bill in each of those years while avoiding layoffs and significant reductions in services provided by the town. The average bill in FY2009 was \$4,493 and was reduced to \$4,448 in FY2010 and further reduced to \$4,416 in FY2011. This was accomplished despite the continued reduction in state aid over the same timeframe. State aid to Sterling in FY2009 was \$959,371 and is estimated to be \$625,851 in FY2012, a reduction of \$333,520 or 35%! We have continued to seek out any and all available funds to fill this gap. This has included use of unused monies from old warrant articles, overlay surpluses, etc. It has also required the use of Stabilization Account monies which, for the most part, we had avoided in previous years. The good news is we are using this source (Stabilization) for one of the key purposes it was established (tax stabilization).

Our challenge going forward is to not rely so heavily on this source in the on-going funding of the town's operations. The primary source for funding the Stabilization Account is Free Cash which has gone from well over \$1M to the current \$547,471. We anticipate Free Cash will continue to become a smaller number going forward. In FY2009 we used \$262,025 from Stabilization, in FY2010 we used \$218,429 and in FY2011 we used \$441,832. The proposed budget for FY2012 uses \$487,000 from the Stabilization Account. In a sense, we are using Stabilization Funds to offset the reduction in state funds. This will leave a balance of \$ 980,947. We also continue to use a portion of Free Cash for funding the Capital Fund and continue to make use of this fund for various capital needs of the town. This has become an excellent source of funding for such purposes and has allowed the town to anticipate and plan, through the five year capital plan, such expenditures while keeping them out of and impacting on-going department operating budgets. We propose adding \$200,000 from Free Cash to the

Capital Fund and using \$416,875 from the Capital Fund in this proposed budget. This would leave a balance of \$ 4,789,645 in the Capital Fund.

In looking beyond FY2012, we continue to be concerned with the increases in the WRSD budget. Although our portion of the total assessment has gone up 1.7%, the overall budget increase requested is a 3.5% increase over FY2011. Heavy reliance has been made of Federal Stimulus monies over the past three years to cover education costs in the state. These will no longer be available going forward. With the State budget in its present shape, local aid continually targeted for cuts, and continued lobbying efforts to raise the school foundation budgets, we see a looming concern in this area for FY2013.

For FY2012, we do anticipate the need for a slight rise in the average tax bill despite the heavy use of the Stabilization Account. With numbers still in flux, (state budget far from finalized, awaiting final assessment letter from WRSD, etc.) the final numbers may change right up until Town Meeting and when the actual tax rates are set towards the end of the calendar year, but we have projected the average tax bill to increase \$107 from FY2011. Taking the recent two previous year reductions this is only a \$30 increase over the average tax bill in FY2009. We have searched high and low for available revenue sources over the past three years and exhausted many onetime opportunities (unused article balances, tax overlay account, etc.). Should state aid continue to be cut and significant budget increases be sought from the WRSD we anticipate yet another challenging budget year for FY2013.

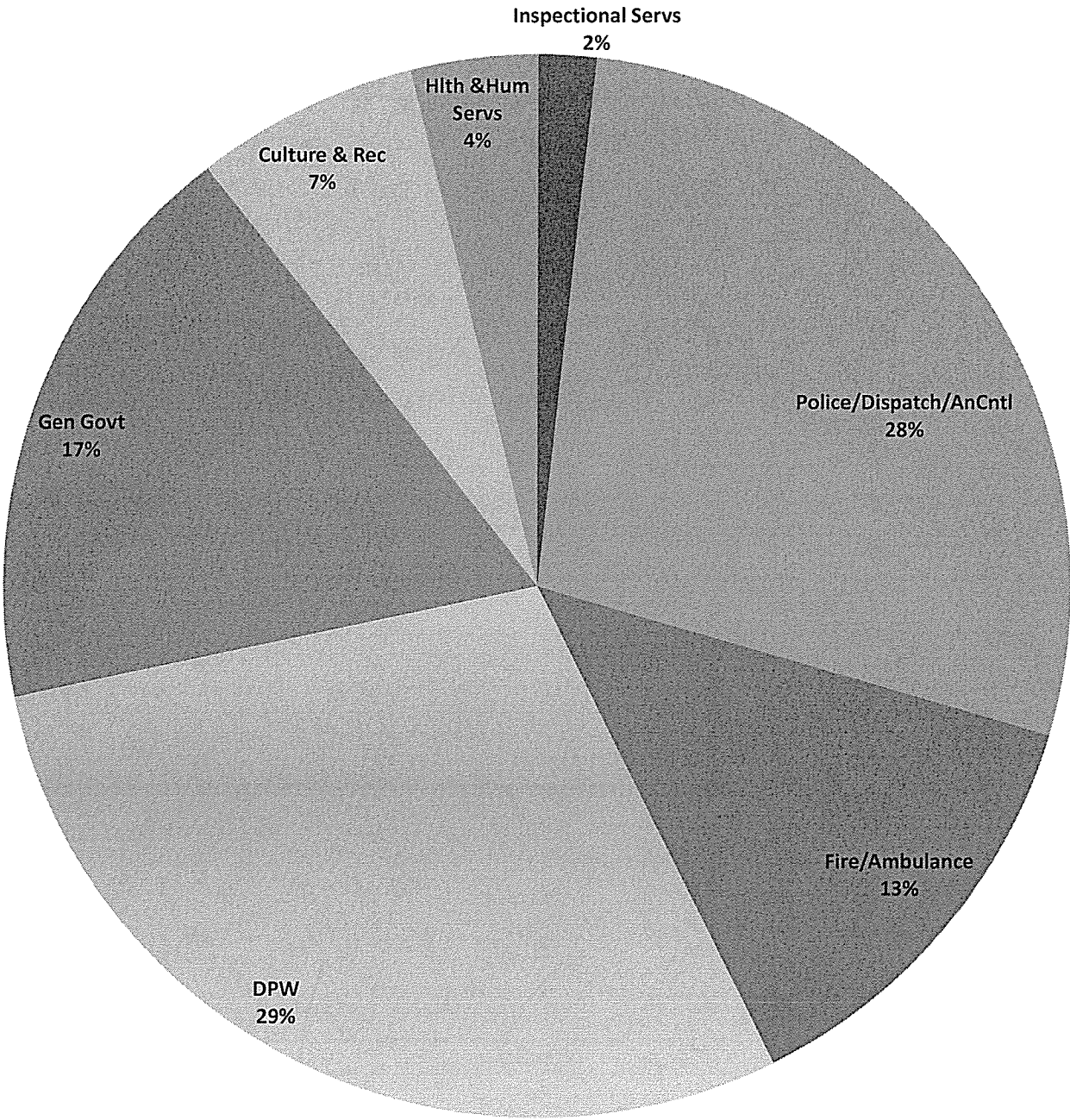
We would like to thank the voters, departments, boards and committees of the town for their continued support in our efforts to provide a balanced and sufficient budget to meet the needs of the Town of Sterling.

Respectfully Submitted by,
The Town of Sterling Finance Committee

Larry Pape, Chairman
Matt Emsley, Vice Chairman
Mike Murphy, Secretary
Lisa Call

Frank Heinemann
Bob Brown
John Kilcoyne

FY12 Town Operations



TOWN OF STERLING
FY12 Budget Summary Sheet

	Expend. FY09	Expend. FY10	Approp. FY11	Dept Req FY12	Fin Com Rec FY12
Wachusett Regional School Dist.	8,969,742	9,104,094	9,315,395	9,474,108	9,474,108
Montachusett Technical School	585,414	493,214	538,144	564,643	564,643
TOTAL SCHOOLS	9,555,156	9,597,308	9,853,539	10,038,751	10,038,751
	Expend. FY09	Expend. FY10	Approp. FY11	Dept Req FY12	Fin Com Rec FY12
General Government	827,118	853,519	960,268	1,038,198	1,019,037
Public Safety	2,215,088	2,259,208	2,387,322	2,477,700	2,454,237
Public Works	1,548,334	1,498,183	1,577,777	1,662,159	1,662,159
Health and Human Services	160,353	170,877	181,433	230,817	221,817
Culture & Recreation	382,864	376,582	389,406	399,169	388,616
Insurance / Employee Benefits	1,278,955	1,181,310	1,592,293	1,542,100	1,542,100
Debt Service	2,053,435	1,963,220	1,902,528	1,832,963	1,832,963
Subtotal Town Operating Budget	8,466,147	8,302,899	8,991,027	9,183,106	9,120,929
Water Enterprise Fund	863,921	867,061	840,424	813,710	813,710
TOTAL TOWN	9,330,068	9,169,960	9,831,451	9,996,816	9,934,639
TOTAL OPERATING BUDGET	18,885,224	18,767,268	19,684,990	20,035,567	19,973,390
Snow & Ice/Dec 11 Storm Deficits	178,271	324,429	26,878	10,000	-
May STM Articles	692,712	1,009,280	787,466	569,471	569,471
Large Capital Items	448,792	169,697	310,008	501,396	391,196
Other Monied Articles	433,329	400,709	259,166	218,344	213,344
TOTAL ARTICLES	1,753,104	1,904,115	1,383,518	1,299,211	1,174,011
TOTAL APPROPRIATIONS	20,638,328	20,671,383	21,068,508	21,334,778	21,147,401
	Expend. FY09	Expend. FY10	Approp. FY11	Dept Req FY12	Fin Com Rec FY12
Cherry Sheet Chgs.& Underest.	67,467	63,023	56,951	56,951	56,951
Cherry Sheet Offsets	10,625	38,182	7,210	7,210	7,210
Overlay	109,563	101,785	98,854	100,000	100,000
TOTAL CHARGES	187,655	202,990	163,015	164,161	164,161
TOTAL TO BE RAISED	20,825,983	20,874,373	21,231,523	21,498,939	21,311,562
	Expend. FY09	Expend. FY10	Approp. FY11	Dept Req FY12	Fin Com Rec FY12
STM Avail. Funds/Abate. Surplus		496,147			
Cherry Sh.Receipts & Overest.	959,371	672,309	655,517	625,851	625,851
Local Receipts	2,134,648	2,112,722	2,112,722	2,112,722	2,200,722
Enterprise Fund Receipts/Ret. Earr	873,921	886,480	981,754	883,844	883,844
Ambulance Receipts	287,378	200,000	200,000	180,000	190,000
SBA Reimbursement	1,034,230	1,034,230	1,034,230	1,034,230	1,034,230
Capital Fund Applied	513,994	181,536	323,247	416,875	416,875
Transfer from old articles			20,000		
Other Available Funds	663,975	81,720	166,611	5,000	5,000
Free Cash Applied	728,253	753,133	589,572	547,471	547,471
Stabilization Fund Applied	262,025	218,429	441,832	484,000	484,000
Abatement Surplus Applied		60,000	100,000	60,188	60,188
TOTAL RECEIPTS&REVENUE	7,457,795	6,696,706	6,625,485	6,350,181	6,448,181
REQUIRED TAX LEVY	13,368,188	14,177,667	14,606,038	15,148,758	14,863,381
Previous Limit +2.5%	13,406,474	13,935,885	14,433,817	14,958,128	14,958,128
New Growth	189,512	145,887	159,480	100,000	150,000
Subtotal LEVY LIMIT	13,595,986	14,081,773	14,593,297	15,058,128	15,108,128
Debt Exclusion	1,342,601	1,354,797	1,272,467	1,221,027	1,221,027
Total LEVY LIMIT	14,938,587	15,436,570	15,865,764	16,279,155	16,329,155
FY09-FY12					
Average Tax Increase est. at ATM				4.96%	2.42%
Tax Increase on Average House		\$ (45)	\$ (32)	\$ 219	\$ 107
Tax Bill: Av. House (\$311,300 in FY10)	\$ 4,493	\$ 4,448	\$ 4,416	\$ 4,635	\$ 4,523
					\$ 30

**TOWN OF STERLING
FY12 OPERATING BUDGET**

	Expended FY2009	Expended FY2010	Approp. FY2011	Dept Req. FY2012	Fin Com FY2012
<u>GENERAL GOVERNMENT</u>					
<i>Moderator</i>					
Salary	400	400	400	500	500
Expense	-		150	150	150
TOTAL	400	400	550	650	650
<i>Selectmen</i>					
Salary	4,500	4,500	4,500	4,500	4,500
Expense	2,932	10,042	4,200	4,200	4,200
TOTAL	7,432	14,542	8,700	8,700	8,700
<i>Town Administrator</i>					
Salary	83,028	84,875	88,084	90,728	90,728
Wages *	53,076	58,632	49,423	50,810	49,810
Expense *	78,856	87,246	53,367	63,500	63,500
TOTAL	214,960	230,753	190,874	205,038	204,038
* \$27,800 Cleaning Service moved to Facilities Mgmt budget.					
<i>Accountant</i>					
Salary and Wages	50,063	47,379	49,581	52,039	52,039
Expense	3,242	3,750	3,750	3,900	3,900
TOTAL	53,305	51,129	53,331	55,939	55,939
<i>Financial Audit</i>					
Expense	18,250	19,250	19,250	19,250	19,250
TOTAL	18,250	19,250	19,250	19,250	19,250
<i>Treasurer/Collector</i>					
Salary	61,155	62,216	64,053	65,944	65,944
Wages	81,829	74,559	80,128	82,494	82,494
Tax Title	4,672	1,255	5,000	5,000	5,000
Expense	36,519	35,657	37,225	38,595	37,225
TOTAL	184,175	173,687	186,406	192,033	190,663
<i>Assessors</i>					
Salary	4,500	4,500	4,500	4,500	4,500
Wages	39,338	34,173	49,102	44,094	44,094
Expense *	7,754	9,383	45,570	49,900	49,900
TOTAL	51,592	48,056	99,172	98,494	98,494

* Includes \$20,000 previously contained in separate article for Revaluation.

TOWN OF STERLING
FY12 OPERATING BUDGET (continued)

	Expended FY2009	Expended FY2010	Approp. FY2011	Dept Req. FY2012	Fin Com FY2012
<i>Town Clerk</i>					
Salary	50,781	55,130	56,484	57,702	57,702
Wages	31,153	32,722	39,744	40,361	40,361
Training	2,082	1,578	2,500	2,500	2,500
Expense	9,800	9,471	11,400	10,900	10,900
TOTAL	93,816	98,901	110,128	111,463	111,463
<i>Elections & Registration</i>					
Wages	7,600	5,300	9,750	9,490	9,490
Expense	11,093	7,500	8,000	7,500	7,500
TOTAL	18,693	12,800	17,750	16,990	16,990
<i>Information Technology</i>					
Professional services	30,000	33,600	35,040	38,400	38,400
Expenses	6,698	8,960	7,150	8,225	8,225
Web Site Maintenance	2,440	3,500	3,700	3,700	3,700
TOTAL	39,138	46,060	45,890	50,325	50,325
<i>Professional Services</i>					
Wages					
Expense	63,391	34,704	50,000	50,000	40,000
TOTAL	63,391	34,704	50,000	50,000	40,000
<i>Finance Committee</i>					
Expense	173	173	300	300	300
TOTAL	173	173	300	300	300
<i>Human Resources</i>					
Salary		13,745	21,391	22,399	22,399
Expense		-	500	500	500
TOTAL	-	13,745	21,891	22,899	22,899
<i>Personnel Board</i>					
Expenses	-	-	-	500	500
TOTAL	-	-	-	500	500
<i>ADA Committee</i>					
Stipend				1,500	1,500
TOTAL	-	-	-	1,500	1,500
<i>Facilities Management</i>					
Wages	10,416	21,737	24,276	52,233	25,003
Expense *	13,293	19,737	48,937	63,061	90,911
TOTAL	23,709	41,474	73,213	115,294	115,914
* \$27,800 Cleaning Service moved to Facilities Mgmt. budget in FY10.					
<i>Planning Board</i>					
Salary	300	300	500	500	500
Wages	15,793	16,439	16,903	17,414	17,414
MRPC & Expense	1,997	2,047	2,100	2,160	2,160
TOTAL	18,090	18,786	19,503	20,074	20,074

TOWN OF STERLING
FY12 OPERATING BUDGET (continued)

	Expended FY2009	Expended FY2010	Approp. FY2011	Dept Req. FY2012	Fin Com FY2012
<i>Board of Appeals</i>					
Wages	9,251	10,330	13,143	13,538	13,538
Expense	12,200	18,196	23,370	28,000	22,739
TOTAL	21,451	28,526	36,513	41,538	36,277
<i>Conservation Commission</i>					
Wages	14,709	15,592	19,413	20,577	20,577
Expense	1,578	1,400	1,734	1,734	1,734
TOTAL	16,287	16,992	21,147	22,311	22,311
<i>Agricultural Commission</i>					
Expenses			750	750	750
TOTAL	-	-	750	750	750
<i>Open Space Committee</i>					
Expenses	2,256	3,541	4,900	4,150	2,000
TOTAL	2,256	3,541	4,900	4,150	2,000
TOTAL GENERAL GOVERNMENT	827,118	853,519	960,268	1,038,198	1,019,037

PUBLIC SAFETY

<i>Police Department</i>					
Salary **	82,400	84,872	109,674	112,965	112,965
Wages	957,642	1,005,097	1,002,499	1,024,583	1,024,583
Cruiser	32,000	31,673	33,000	32,000	32,000
Expense	82,433	72,015	83,896	108,243	92,780
TOTAL	1,154,475	1,193,657	1,229,069	1,277,791	1,262,328

** Beginning in FY11, a new Chief's contract incorporates career incentive and longevity directly into the base salary.

<i>Dispatch</i>					
Wages	184,015	198,607	213,479	225,031	225,031
Expense	70,394	75,055	86,700	87,785	87,785
TOTAL	254,409	273,662	300,179	312,816	312,816

<i>Fire Department</i>					
Salary **	76,047	74,970	76,389	84,600	84,600
Wages ***	260,740	259,954	281,710	284,525	284,525
Expense	86,675	81,793	74,875	84,700	77,200
Emergency Management Stipend				10,000	10,000
Emergency Management Expense	944	1,000	1,500	1,500	1,500
<i>Subtotal</i>	424,406	417,717	434,474	465,325	457,825
<i>EMS/Ambulance Service</i>					
Salary	12,200	12,200	12,200	12,200	12,200
Wages	179,108	179,215	197,466	202,401	202,401
Expense	96,070	88,491	95,234	85,515	85,515
<i>Subtotal</i>	287,378	279,906	304,900	300,116	300,116
TOTAL	711,784	697,623	739,374	765,441	757,941

***This authorizes payment of the first year cost items in the newly negotiated collective bargaining agreement for the fire department, which runs from FY12 through FY14.

** Beginning in FY12, Chief's salary incorporates longevity directly into base salary. (Previously in wages line item.)

TOWN OF STERLING
FY12 OPERATING BUDGET (continued)

	Expended FY2009	Expended FY2010	Approp. FY2011	Dept Req. FY2012	Fin Com FY2012
<i>Animal Control</i>					
Wages	13,500	13,944	15,000	15,000	15,000
Expense	4,968	3,176	5,000	5,000	5,000
TOTAL	18,468	17,120	20,000	20,000	20,000
<i>Inspectional Services</i>					
Bldg Inspector Contracted Servs.	41,789	42,375	47,300	47,300	47,300
Salary/Wages			14,023	16,252	16,252
Wire Inspector	12,705	11,847	14,750	14,750	14,750
Plumbing Inspector	10,000	9,944	10,000	10,000	10,000
Gas Inspector	5,500	5,455	5,500	5,500	5,500
Sealer of Weights & Measures	1,200	1,200	1,200	1,200	1,200
Expense	4,758	6,325	5,927	6,650	6,150
TOTAL	75,952	77,146	98,700	101,652	101,152
TOTAL PUBLIC SAFETY	2,215,088	2,259,208	2,387,322	2,477,700	2,454,237
Offset: Ambulance Receipts	287,378	200,000	200,000	180,000	190,000
NET PUBLIC SAFETY (for information only)	1,927,710	2,059,208	2,187,322	2,297,700	2,264,237

HEALTH & HUMAN SERVICES

<i>Board of Health</i>					
Salary	309	206	309	309	309
Inspector(s)	60,514	65,915	69,523	71,559	71,559
Expenses	3,794	3,105	2,300	4,050	4,050
TOTAL	64,617	69,226	72,132	75,918	75,918
<i>Mental Health</i>					
Expense	-	4,500	6,370	-	-
TOTAL	-	4,500	6,370	-	-
<i>UMass Memorial Home Health & Hospice</i>					
Expense	1,500	1,500	1,500	1,500	1,500
TOTAL	1,500	1,500	1,500	1,500	1,500
<i>Animal Inspector</i>					
Salary	820	820	820	1,000	1,000
Expense	144	227	900	900	900
TOTAL	964	1,047	1,720	1,900	1,900

TOWN OF STERLING
FY12 OPERATING BUDGET (continued)

	Expended FY2009	Expended FY2010	Approp. FY2011	Dept Req. FY2012	Fin Com FY2012
<i>Council on Aging</i>					
Wages	59,154	61,148	66,313	74,089	74,089
Home Care	400	400	400	400	400
Mini Van	755	962	0	0	0
Title VII Nutrition/WHEAT	4,500	4,500	4,500	4,500	4,500
Senior Tax Workoff Program	(Previously in separate article)			15,000	15,000
Expense	14,796	11,544	11,988	12,200	12,200
TOTAL	79,605	78,554	83,201	106,189	106,189
<i>Veteran's Services</i>					
Benefits	8,894	11,021	11,000	39,000	30,000
Wages	3,208	3,500	3,500	3,900	3,900
Expense	1,055	1,019	1,500	1,900	1,900
TOTAL	13,157	15,540	16,000	44,800	35,800
<i>Extension Service</i>					
Expense	510	510	510	510	510
TOTAL	510	510	510	510	510
TOTAL HEALTH/HUMAN SERVS	160,353	170,877	181,433	230,817	221,817
 <u>CULTURE AND RECREATION</u>					
<i>Conant Public Library</i>					
Salary	57,703	61,216	63,053	64,944	64,944
Wages	143,861	149,480	153,169	157,782	157,782
Expense	97,971	94,176	93,189	94,594	94,594
TOTAL	299,535	304,872	309,411	317,320	317,320
<i>Recreation</i>					
Salary/Wages	68,360	58,946	61,845	63,699	59,146
Expense	11,963	10,052	12,000	12,000	6,000
TOTAL	80,323	68,998	73,845	75,699	65,146
<i>Historical Commission</i>					
Expense	714	179	750	750	750
TOTAL	714	179	750	750	750
<i>Memorial Day/Veterans Day</i>					
Expense	2,590	2,533	5,400	5,400	5,400
TOTAL	2,590	2,533	5,400	5,400	5,400
TOTAL CULTURE / RECREATION	383,162	376,582	389,406	399,169	388,616

TOWN OF STERLING
FY12 OPERATING BUDGET (continued)

	Expended FY2009	Expended FY2010	Approp. FY2011	Dept Req. FY2012	Fin Com FY2012
<u>DEPT. OF PUBLIC WORKS</u>					
Board Salary	1,800	1,800	1,800	1,800	1,800
Salary **	69,395	70,274	72,382	74,553	74,553
Wages	483,121	488,175	534,533	553,569	553,569
Expense	278,708	279,601	297,401	297,401	297,401
Hydrant Rental	(Previously in separate article)			26,675	26,675
Street Lights	(Previously in separate article)			36,500	36,500
Trash Pickup	461,525	478,900	495,661	495,661	495,661
TOTAL	1,294,549	1,318,750	1,401,777	1,486,159	1,486,159

** Does not include overtime, which is included in Wages.

(NOTE: \$5,000 in Perpetual Care revenue will be utilized to offset DPW expenses, starting in FY10)

<i>Snow and Ice Overtime</i>	71,405	40,055	60,000	60,000	60,000
<i>Snow and Ice Expense</i>	182,380	139,378	116,000	116,000	116,000
TOTAL	253,785	179,433	176,000	176,000	176,000

TOTAL PUBLIC WORKS	1,548,334	1,498,183	1,577,777	1,662,159	1,662,159
<i>Offset: Cemetery Fund</i>		5,000	5,000	5,000	5,000
NET PUBLIC WORKS (for information only)	1,548,334	1,493,183	1,572,777	1,657,159	1,657,159

INSURANCE & EMPLOYEE BENEFITS

<i>Workers Comp/Medicare/ Liability, Group Insurances and Unemployment</i>					
Expense	988,149	867,701	1,241,660	1,121,314	1,121,314
TOTAL	988,149	867,701	1,241,660	1,121,314	1,121,314

<i>Worcester County Retirement Assessment</i>					
Expense	290,806	313,609	350,633	420,786	420,786
TOTAL	290,806	313,609	350,633	420,786	420,786

TOTAL INSURANCE & BENEFITS	1,278,955	1,181,310	1,592,293	1,542,100	1,542,100
<i>Offset: Stabilization Fund</i>		95,000	383,000		
<i>Offset: Abatement Surplus</i>			100,000		
NET INSURANCE & BENEFITS	1,278,955	1,086,310	1,109,293	1,542,100	1,542,100
(For information only)					

**TOWN OF STERLING
FY12 OPERATING BUDGET (continued)**

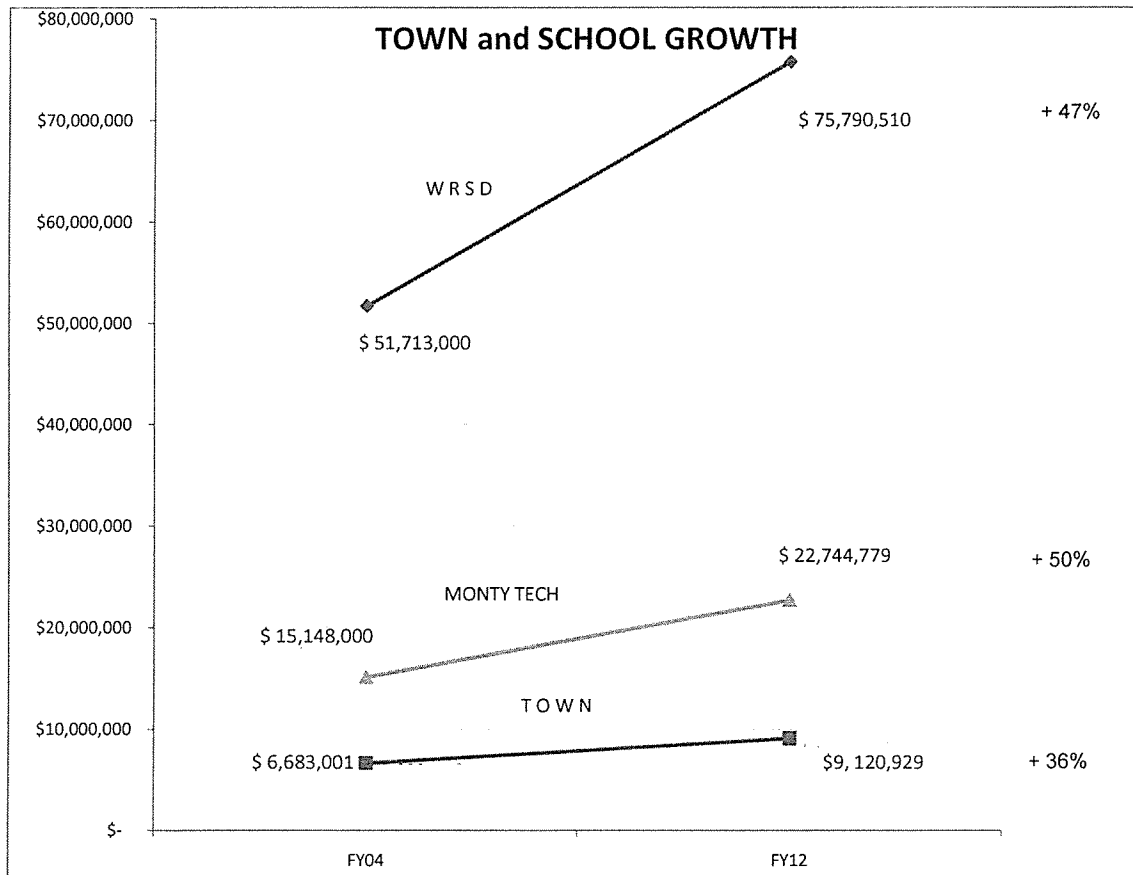
	Expended FY2009	Expended FY2010	Approp. FY2011	Dept Req. FY2012	Fin Com FY2012
<u>DEBT SERVICE</u>					
Principal	1,341,000	1,316,000	1,320,000	1,320,000	1,320,000
Interest	712,434	647,220	582,528	512,963	512,963
TOTAL DEBT SERVICE	2,053,434	1,963,220	1,902,528	1,832,963	1,832,963
(Not including Fire Truck or Ambulance Lease/Purchase)					

TOTAL Appropriation in Article 2	8,466,444	8,302,899	8,991,027	9,183,106	9,120,929
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Water Enterprise (Article 7)	863,921	867,061	840,424	813,710	813,710
	9,330,365	9,169,960	9,831,451	9,996,816	9,934,639

TOTAL OPERATING BUDGET	9,330,365	9,169,960	9,831,451	9,996,816	9,934,639
Minus Water Enterprise revenue	863,921	867,061	840,424	813,710	813,710
Minus Ambulance receipts	287,378	200,000	200,000	180,000	190,000
Minus Stabilization Fund		95,000	383,000	(Applied in Article 49)	
Minus Cemetery Perpetual Care	0	5,000	5,000	5,000	5,000
Minus Abatement Surplus	0	0	100,000	60,188	60,188
NET OPERATING BUDGET	8,179,066	8,002,899	8,303,027	8,937,918	8,865,741

(Amount raised by taxation, shown for information only)



**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF STERLING
ANNUAL TOWN MEETING
MAY 16, 2011**

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 SIXTEENTH DAY OF MAY, 2011

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

ARTICLE 1. Compensation for Elected Officers

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 #2 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, except the Light Board, as presented in the general budget.

ARTICLE 2. FY12 Town Operating Budget

To see if the Town will vote to raise and appropriate the sum of \$ 8,865,741 or any other sum, and to further appropriate, from the EMS Receipts Account, the sum of \$ 190,000 or any other sum, and to further appropriate, from the Cemetery Perpetual Care Account, the sum of \$ 5,000 or any other sum, and to further appropriate, from Abatement Surplus, the sum of \$ 60,188 or any other sum, for a total appropriation of \$ 9,120,929 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, 2011 and ending June 30, 2012, 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. Beginning in FY12, 3 new line items have been added to these articles which were previously contained in separate warrant articles: Senior tax work program, Hydrant rental, and Street Lights. The Finance Committee has determined that these 3 recurring operating expenses are appropriated each year and properly belong in the town's general operating budget article.

ARTICLE 3. Reserve Fund for FY12

To see if the Town will vote to raise and appropriate the sum of \$100,000 into the Reserve Fund for fiscal year 2012 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. WRSD Net Minimum Contribution, Debt, & Interest

To see if the Town will vote to raise and appropriate \$ 8,741,912 , or any other sum, 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 (\$ 7,770,676), as directed by the State, plus the costs for transportation (\$ 514,128), debt and interest for the high school (\$ 439,498), and debt and interest for oil spill remediation (\$ 17,610).

ARTICLE 5. WRSD Above Net Minimum Contribution

To see if the Town will vote to raise and appropriate \$ 732,196 , or any other sum, above the net minimum contribution as requested by the Wachusett Regional School District, as Sterling's share of the WRSD annual budget, provided said budget does not exceed \$75,790,510 for the fiscal year 2012, or take any action in relation thereto.

Submitted by: Wachusett Regional School Committee / Finance 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 operating budget that is above the amount voted in Article 4 for fiscal year 2012. The Finance Committee feels strongly that the **WRSD TOTAL GENERAL FUND** budget number should be included in this article.

ARTICLE 6. Monty Tech Regional School Assessment

To see if the Town will vote to raise and appropriate \$ 550,964 , or any other sum, 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 \$ 13,679 , 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 \$ 564,643, or take any action in relation thereto.

Submitted by: Montachusett Regional Vocational School Committee

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

Recommendation: The Capital Committee recommends the 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. Water Dept. Operation Enterprise Fund

To see if the Town will vote to raise and appropriate the sum of \$ 773,710, or any other sum, from water department revenue, and further to appropriate \$40,000 from Water Enterprise Retained Earnings, for extraordinary or unforeseen expense as determined by the DPW Board and approved by the Finance Committee, for a total appropriation of \$ 813,710 to operate the Water Department, as follows:

Salaries/Wages	\$ 164,262
Expenses	\$ 313,102
Principal & Interest	<u>\$ 296,346</u>
Subtotal	\$ 773,710 from FY12 water charges and fees
Reserve Fund	<u>\$ 40,000</u> from Retained Earnings
Total Approp.	\$ 813,710

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 including charges, fees, and retained earnings; none is from taxation. This article includes a Reserve Fund for extraordinary or unforeseen expense. Use of this reserve fund will be only upon recommendation of the DPW Board and approval by the Finance Committee.

The Water Enterprise will raise an additional \$ 70,134 from the ratepayers to reimburse the General Fund for indirect costs such as insurance. Total FY12 water revenue needed is \$843,844 plus \$ 40,000 from Retained Earnings, for a total of \$ 883,844.

ARTICLE 8. Senior Center/Community Center

To see if the Town will vote to raise and appropriate, borrow, or transfer from Capital Fund, \$2,500,000, or any other sum, in order to purchase, design, engineer, renovate, construct, furnish and equip a Senior Center/ Community Center at a cost not to exceed \$2,500,000, said sum to be expended by the Board of Selectmen, and further to authorize said Board to negotiate and enter into such contracts as may be necessary to implement this article, or take any action in relation thereto.

Submitted by: Council on Aging

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

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

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

Summary: For over 10 years, the Council on Aging has been attempting to locate a new Senior Center. Citizens over 60 years of age represent 20% of the Town's population, and that share is growing. Our current space in the Butterick basement is totally inadequate. We have drafted a space needs analysis, investigated 20 potential sites, collected data, and made recommendations.

ARTICLE 9. Designate 1835 Town Hall as Community Center

To see if the Town will vote to designate the 1835 Town Hall a community center, with open meeting space for use of Town Groups, with any income from such uses to be used to partially defray the cost of operation, or take any action in relation thereto.

Submitted by: 1835 Town Hall Committee

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

Summary: In 2003, the Board of Selectmen designated the Old Town Hall as a Community Center. The designation has not been acknowledged by some groups. This article asks the voters of Sterling to confirm the designation of the building as a Community Center to be used primarily for meetings and cultural events.

ARTICLE 10 . Design/Engineer Plans for 1835 Town Hall

To see if the Town will vote to raise and appropriate or transfer the sum of \$75,000 from the Stabilization Fund or Capital Fund, for final design of accessibility improvements, restoration and renovation of the 1835 Town Hall said sum to be expended by the 1835 Town Hall Committee, with the advice and consent of the Board of Selectmen, or take any action in relation thereto.

Submitted by: 1835 Town Hall Committee

Recommendation: The Finance Committee does not support the passage of this article.

Recommendation: The Capital Committee does not support the passage of this article.

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

Summary: The 1835 Town Hall Committee has been working toward accessibility for the building for over 10 years. In searching for a source of funding to ease the burden on the Town of Sterling we have diligently been working to locate grants. We have met with a grant consultant from MRPC, and are eligible for a Community Development Block Grant (CDBG) of up to \$800,000 to cover the costs of handicapped accessible issues. This \$75,000 article will enable us to get complete plans drawn up so we can apply for the funding for accessibility. The 2005 report, funded in part by a grant from Massachusetts Historical Commission, included preliminary overall plans at a 10% level. To apply for the CDBG grant, design plans must be 100% complete.

ARTICLE 11. Regionalization of Dispatch

To see if the Town will vote to amend the General By-Law, by inserting the following new section to TOWN CONTRACTS By-law, :

“ The Board of Selectman, before entering into any inter-municipal agreement providing for regional emergency or 911 dispatch services to the Town, shall obtain the approval of said inter-municipal agreement by a majority vote of the Town at an annual or special town meeting.”

Submitted by: Board of Selectmen

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

Summary: The object of this Amendment is to prevent this Town from making commitments that would result in dispatch service being managed, controlled and/or provided from outside of this Town, unless approved in advance by vote taken at a legally-held Town Meeting.

ARTICLE 12. Fund Legal Costs to Determine Town Common Ownership

To see if the Town will vote to: a) designate the Finance Committee as agents of the town in lieu of the Selectmen, pursuant to Sterling’s General By-Law entitled SELECTMEN, Section 3; and b) raise and appropriate, the sum of \$35,000 for use by the Finance Committee to determine the legal title to the parcel of land identified on Sterling Map No. 93 (Revised to January 1, 2010) as Lot No. 68 labeled as “Town of Sterling”, commonly referred to as the “Town Common” (the “Purpose”). Such sum to be used only for payment of all legal fees for services retained for the Purpose, fees for any expert witnesses called or consulted on behalf of the Town in connection with that Purpose, their reimbursable costs and expenses, court costs payable by the Town, and any other like fees, costs and expenses incurred by the Finance Committee in preparation for those proceedings as well as its attempts to resolve ownership of the Town Common outside such proceedings.

Submitted by: Finance Committee

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

Summary: The Finance Committee would like to permanently resolve the ownership of the Town Common. Our preference is to do so at no cost to the Town of Sterling, however, in the event that ownership is not able to be resolved without expending funds, this article provides funding.

Article 13. Fund Legal costs for Common Ownership

To see if the Town will vote to:

1. authorize the Finance Committee, in lieu of the Selectmen, pursuant to Sterling's General By-Laws, SELECTMEN, Section 3, "to employ counsel to institute and prosecute suits in the name of the Town, [and] to appear for and defend suits bought against it", when such legal proceedings are to determine, or resolve disputes regarding, ownership of the parcel of land identified on Sterling Map No. 93 (Revised to January 1, 2010) as Lot. No. 68 Town of Sterling, and known as the Town Common (the "Purpose"); and.
2. raise and appropriate, or transfer from available funds, up to \$35,000.00 (the "Sum") to be used exclusively for payment of all legal fees for services of counsel so employed by the Finance Committee, fees for any expert witnesses used by such counsel on behalf of the Town, the reimbursable costs and expenses incurred by such counsel and witnesses, court costs payable by the Town, and any other fees, costs and expenses incurred in preparation for those proceedings if authorized in advance by the Finance Committee.

If and when this Article is passed, no other actions or commitments of any kind may be continued, initiated, or otherwise undertaken by or on behalf of the Town, if doing so could undermine or interfere with the purpose and objective of this Article, unless the Town votes to approve any such actions or commitments at any legally-held Town Meeting in the future. If there is any balance remaining in the Sum appropriated or transferred hereunder as of May 16, 2016, the full amount of that balance will revert to the Town's General Treasury.

Submitted by: Voters' Petition

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

Summary: Since legal title to land can only be determined by a court having jurisdiction to do so, the successful passage of this article will allow ownership of the Town Common to be determined. It has been estimated that this could cost the Town as much as \$35,000.00. However, the attorney retained by the Town to perform the Title Examination represented that most of the research needed for ownership of the Common to be tried in court, has already been performed. That said, the Sum requested may be an over-estimate of how much this will actually cost.

14. Fund Town Common Repairs

To see if the Town will vote to raise and appropriate, or transfer \$12,500 or any other sum, from available funds or the Stabilization Fund, for the purpose of design, revitalization, cleaning, refurbishing, painting, installation of new materials, and related repairs, all for the purpose of maintaining the Town Common, contingent on the Town having rightful ownership of the Town Common or a signed Memorandum of Understanding with the owner, 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 will report at Town Meeting on this article.

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

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

Summary: These costs are best estimates: Solid white oak rails and installation \$2511, Granite posts, materials & labor \$7500, Painting materials \$500, Tree removal \$1675

ARTICLE 15. Extend Timeframe for Government Study

To see if the Town will vote to amend the action taken on Article 12 of the warrant for the May 11, 2009 annual town meeting, as amended by the action taken on Article 8 of the warrant for the May 17, 2010 annual town meeting, relative to the establishment of the 2009 Sterling Town Government Study Committee (the "Committee") by further extending for a period of twelve (12) months (i.e., through March 31, 2012) the term of appointment of the current members of the Committee and the time for the Committee to prepare its detailed report as to its findings, conclusions, and recommendations, or take any action relative thereto.

Submitted by: Government Study Committee

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

Summary: The 2009 Annual Town Meeting established a Sterling Government Study Committee. Seven members were appointed by the Board of Selectmen on September 30, 2009. The committee has been working diligently and thoroughly to understand Sterling's governmental structure, possible alternative arrangements, and structures of other comparable towns in the region. In order to produce a report of high quality for the citizens of Sterling, an extension of time may be necessary.

ARTICLE 16. Amend Personnel Bylaw, Attachment A

To see if the Town will vote to amend the Personnel Bylaw by replacing in its entirety "Attachment A – Position Description Classification Grades" with the new "Attachment A - Position Description Classification Grades", as shown at the end of this warrant, and to authorize appropriate step increases in accordance with the Personnel Bylaw and Town of Sterling personnel policies, or take any action in relation thereto.

Submitted by: Personnel Board

Recommendation: The Personnel Board supports the passage of this article.

Summary: The proposed amendments to the Personnel By-Law will update "Attachment A – Position Description Classification Grades" with a new Classification Plan that has been approved by the Personnel Board. The proposed amendment will remove the position of Library Page from the Classification Plan and will add the positions of Head Dispatcher, Dispatcher, Program Assistant to the Recreation Department, and Administrative Assistant to the Board of Appeals. The Administrative Assistant to the Board of Appeals and the Program Assistant to the Recreation Department were inadvertently left off of previous Classification Plans. The positions of Head Dispatcher and Dispatcher are being included again in the Classification Plan as part of a renegotiated and executed collective bargaining agreement.

ARTICLE 17. Amend Personnel Bylaw, Attachment B

To see if the Town will vote to amend the Personnel Bylaw by replacing its “Attachment B – Compensation Schedule” with the new “Attachment B – Compensation Schedule”, as shown at the end of this warrant, to authorize appropriate step increases in accordance with the Personnel Bylaw and Town of Sterling personnel policies, or take any action in relation thereto.

Submitted by: Personnel Board

Recommendation: The Personnel Board supports the passage of this article.

Summary: The proposed amendments to the Personnel By-Law will update “Attachment B – Compensation Schedule” with a new Compensation Plan that has been approved by the Personnel Board. The proposed amendments will change the Compensation Plan from a 15 step grid to a 13 step grid, thus streamlining the grid and removing unused steps. In addition, the Board approved the inclusion of a number of existing and filled positions in Schedules D, " Seasonal/Part-time Employees" and the addition of a Schedule E, "Stipend Employees" for stipend positions. The Board also included three new stipend positions, ADA Coordinator, Emergency Management Director, and Parking Clerk in Schedule E.

ARTICLE 18. Amend Personnel Bylaw, Technical Amendments

To see if the Town will vote to amend the Personnel Bylaw as follows:

By inserting the following language at the end of section 6 (D).

All offers of employment and individual employment agreements shall be in accordance with the provisions of the Personnel Bylaw unless any provision is waived by a vote of the Personnel Board and all such offers and agreements shall not be effective until reviewed by the Human Resources Administrator and approved by the Personnel Board.

or take any action in relation thereto.

Submitted by: Personnel Board

Recommendation: The Personnel Board supports the passage of this article.

Summary: The Personnel Board, in submitting an amendment to Section 6 (D) of the Personnel By-Law, is seeking to further restrict any hiring authority from entering into any offers of employment or individual employment agreements that do not comply with the Town's Personnel By-Law and to provide for review of any offers of employment or individual employment agreements by the Human Resources Administrator and the Personnel Board.

ARTICLE 19. Amend Personnel Bylaw, Hiring, Promotion

To see if the Town will vote to amend the Personnel Bylaw as follows:

By deleting the following sections:

SECTION 6. COMPENSATION PLAN

B. PAY RATE FOR NEW AND CONTINUING PERSONNEL

The hiring rate shall be the minimum of the rate range of the job for which the new employee is hired. An appointing authority may assign a new employee, only for the purposes of pay, to a higher rate up to step 5 without prior approval of the Personnel Board where the employee's prior work experience, training, or education warrants such action. The Board may approve any request for a higher salary step after investigating such requests for assignment to a higher salary step, and conferring with the Human Resources Administrator, and the immediate supervisor or the department head relative to any assignment to a higher rate. An appointing authority must request approval from the Personnel Board prior to assigning any new employee to a rate higher than step 5.

The head of each department of which an employee occupying a position in the Classification Plan is assigned shall include in his/her estimates, required by provisions of Section 59 of Chapter 41 of the General Laws, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing fiscal year, and shall furnish a copy thereof to the Personnel Board.

C. TRANSFERS AND PROMOTIONS OF EMPLOYEES

An employee receiving a promotion to a vacant position or to a new position shall, upon assignment, receive the rate in the compensation grade of the vacant or new position next above his existing rate. If the resulting adjustment does not equal \$4.00 per week or \$.10 per hour for a position class assigned to the Compensation Plan, the adjustment shall be to the next step.

The employee receiving a promotion and adjustment in rate pursuant to the provisions of subsection 6 (C) shall be eligible for recommendation for the next increment of his compensation grade effective July 1 following completion of twelve months at the rate resulting from the promotion.

If an employee is transferred to a lower rate job, he/she shall enter it at his/her own rate or at the maximum rate for the job, whichever is the lower. The employee shall have the right of appeal to the Personnel Board and to be heard thereon.

Before a step rate increase or promotion change is initiated by the Department, there must be adequate funds available in the Department's budget to cover the requested increase.

Any classification in the Compensation Plan for which only one rate is indicated shall not be eligible for step rate increases.

During a probationary period, an appointing authority may terminate any employee whose performance is not satisfactory.

...and by inserting the following sections:

SECTION 6. COMPENSATION PLAN

B. PAY RATE FOR NEW AND CONTINUING PERSONNEL

The hiring rate shall be the minimum of the rate range of the job for which the new employee is hired. An appointing authority may assign a new employee, only for the purposes of pay, to a higher rate up to step 3 without prior approval of the Personnel Board where the employee's prior work experience, training, or education warrants such action. The Board may approve any request for a higher salary step after investigating such requests for assignment to a higher salary step, and conferring with the Human Resources Administrator, and the immediate supervisor or the department head relative to any assignment to a higher rate. An appointing authority must request approval from the Personnel Board prior to assigning any new employee to a rate higher than step 3.

The head of each department of which an employee occupying a position in the Classification Plan is assigned shall include in his/her estimates, required by provisions of Section 59 of Chapter 41 of the General Laws, a pay adjustment section setting forth in detail the amounts which will be required for anticipated pay adjustments during the ensuing fiscal year, and shall furnish a copy thereof to the Personnel Board.

C. TRANSFERS AND PROMOTIONS OF EMPLOYEES

An employee receiving a promotion to a vacant position or to a new position shall, upon assignment, receive the rate in the compensation grade of the vacant or new position next above his existing rate. If the resulting adjustment does not equal \$4.00 per week or \$.10 per hour for a position class assigned to the Compensation Plan, the adjustment shall be to the next step.

No employee shall receive an increase to the next increment of his compensation grade for successfully completing his/her probationary period.

Any employee who has successfully completed his/her probationary period or has received a promotion and adjustment in rate pursuant to the provisions of this sub-section shall be eligible for recommendation for the next increment of his compensation grade effective July 1 following completion of his/her probationary period.

If an employee is transferred to a lower rate job, he/she shall enter it at his/her own rate or at the maximum rate for the job, whichever is the lower. The employee shall have the right of appeal to the Personnel Board and to be heard thereon.

Before a step rate increase or promotion change is initiated by the Department, there must be adequate funds available in the Department's budget to cover the requested increase.

Any classification in the Compensation Plan for which only one rate is indicated shall not be eligible for step rate increases.

During a probationary period, an appointing authority may terminate any employee whose performance is not satisfactory.

or take any action in relation thereto.

Submitted by: Personnel Board

Recommendation: The Personnel Board supports the passage of this article.

Summary: The Personnel Board, in submitting an amendment to Section 6 (B) of the Personnel By-Law, is seeking to further restrict the discretion of department heads to assign recruitment rates of pay. This change is to correspond with the change in the "Step" system in the "Compensation Plan" (from 15 Steps to 13 Steps).

The Board is also submitting an amendment to Section 6 (C) of the Personnel By-Law to clarify certain provisions relating to promotions and pay rates.

ARTICLE 20. Chapter 90 Funding

To see if the Town will vote to accept Chapter 90 funds in the amount of \$ 420,694, or any other sum, as funded 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 Plan Committee, or take any action in relation thereto.

Submitted by: Department of Public Works

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

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

Recommendation: The Board of Selectmen recommends the 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. The Governor has filed preliminary Chapter 90 numbers calling for Sterling to receive \$420,694 in this program during FY12.

ARTICLE 21. Fund DPW 6 Wheel Truck

To see if the town will vote to raise and appropriate, borrow, or transfer from available funds or Capital Fund the sum of \$90,000 to purchase a new 42,000 GVW cab and chassis with any other pertinent Attachments and equipment and authorize the payment of the purchase price, said sum to be expended by the Department of Public Works, or take any action in relation thereto.

Submitted by: Department of Public Works

Recommendation: The Finance Committee recommends the passage of this article

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

Summary: This truck will replace a 21 year old vehicle. This truck is one of 6 main sanders that service the Town during sanding events. The DPW will utilize an existing dump body and sander to complete the vehicle.

ARTICLE 22. Fund Various Capital Items

To see if the Town will vote to transfer the sum of \$ 146,550 or any other sum, from the Capital Fund, for the purchase of the following capital items, or take any action in relation thereto:

Library	Paving repairs	\$ 2,870
	Repaint 2 nd floor	\$ 4,950
	3 computers-public access	\$ 1,500
Police	Duty weapons	\$ 5,330
	Painting interior	\$ 3,900
Fire Dept	Equipment	\$ 6,800
	Roof heat panels/gutters	\$21,000
	Old Fire House	\$ 1,000
DPW	Wastewater protection	\$25,000
	Ice fence	\$ 8,000
COA	Refrigerator	\$ 2,500
Info Technology	Replace workstations	\$ 5,000
	Replace notebooks	\$ 3,000
	Server	\$12,000
	Online GIS	\$ 8,500

Subtotal Capital Committee Recommendation \$111,350
at the time the warrant went to press

The Capital Committee will Report at Town Meeting on the following items:

1835 Town Hall	Brick masonry	\$ 16,700
	Replace windows	\$ 18,500 or \$8,000 to repair windows

Total Capital Request: \$146,550

Submitted By: Capital Committee

Recommendation: The Capital Committee and Finance Committee recommend the items that subtotal to \$111,350 and will report at Town Meeting on the remaining 2 items.

Summary: This article is self-explanatory

ARTICLE 23. Drainage for Kendall Hill Rd and Chace Hill Road

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds or the Capital Fund the sum of \$10,000 , for the purpose of making drainage improvements on Kendall Hill Road and Chace Hill Road, said sum to be expended by the Department of Public Works, or take any action in relation thereto.

Submitted by: Department of Public Works

Recommendation: The Finance Committee recommends the passage of this article

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

Summary: This article will allow the DPW to replace aged and inadequate drainage culverts at Kendall Hill and Chace Hill Road. The area is frequented by heavy flooding and replacement is necessary prior to the reconstruction of Chace Hill Road.

ARTICLE 24. Replace Water Line on Maple Street

To see if the Town will vote to transfer from the Water Enterprise Retained Earnings, \$75,000, or any other sum, for the repair of water service lines on Maple Street, said sum to be expended by the Department of Public Works, or take any action in relation thereto.

Submitted by: Department of Public Works

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

Summary: This is the original water main line for this area of town. The water main has been in constant need of repair. This repair would include temporary water service, all necessary parts for 1500 feet of 10-inch water main, and the rental of an excavator. The DPW will provide sand, trucks, and labor.

ARTICLE 25. (Withdrawn)

ARTICLE 26. Fund Firefighters Gear and Equipment

To see if the town will vote to transfer the sum of \$40,000 from the Capital Fund for the purpose of purchasing structural firefighting protective clothing, portable radios and pagers for call firefighters or take any action in relation thereto.

Submitted by: Fire Chief

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

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

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

Summary: This will outfit new call firefighters with structural firefighting gear, portable radios and voice pagers based on current standards and in compliance with current fire department equipment. Most of the currently issued gear is worn and/or has deteriorated due to age or damage and some does not meet current NFPA safety standards.

ARTICLE 27. Fund Alum Treatment for East Lake Waushacum

To see if the town will vote to raise and appropriate \$26,000 for the use of alum in East Lake Waushacum for the maintenance of water quality, said sum to be expended by the Conservation Commission, or take any action in relation thereto.

Submitted by: Conservation Commission

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

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

Summary: This funding has been historically provided every 5 years by the residents of this community to maintain this valued resource. Data maintained by the Lake Association clearly shows that the treatments are non intrusive and effective. The Commission administers oversight under the Wetland Protection Act and has proper permitting on this project and has maintained such with the association over the years.

ARTICLE 28. Fund Study for Lake Treatments / Abatements

To see if the town will vote to raise and appropriate the sum of \$5,000, or any other sum, to fund a study of the watershed issues of East Lake Waushacum and evaluate modern treatments or abatement procedures, said sum to be expended by the Conservation Commission, or take any action in relation thereto.

Submitted by: Conservation Commission

Recommendation: The Finance Committee recommends passage of this article.

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

Summary: The Conservation Commission has evaluated the current alum treatment methods on the lake and finds them economic and effective. However the last watershed study is over 25 years old and the evaluation of the sources of pollution should be re-evaluated to find out what has been effectively removed and if any new sources previously not documented have appeared within the watershed. It will also show the progress of what sources of pollution have been removed and what is left to be dealt with. Dealing with all sources of pollution is the most effective way to control the quality of the lake and in the long term, could lessen the need for further chemical treatments such as alum or find newer alternative technologies that may be more economical and effective.

ARTICLE 29. Fund Principal and Interest for 2004 Fire Truck

To see if the Town will vote to transfer from the Capital Fund the sum of \$ 75,688, or any other sum, to the General Fund to offset the cost of the Fire Truck principal and interest for fiscal 2012, or take any action in relation thereto.

Submitted by: Capital Fund Committee

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

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

Summary: This article takes money out of the Capital Fund to pay the principal and interest payments associated with the Fire Truck for fiscal year 2012. The Town approved the purchase of the new truck at the May 2004 Town Meeting. At that time, it was explained that the truck would be paid for out of the Capital Fund.

ARTICLE 30. Fund Lease –Purchase Payment for Ambulance

To see if the Town will vote to transfer \$21,011.69 from the Capital Fund and \$ 14,404.00 from the Wachusett Fund to offset the cost of the Ambulance lease payment for FY12, or take any action in relation thereto.

Submitted by: Capital Fund Committee

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

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

Summary: This article takes money out of the Capital Fund to pay the FY12 lease payment for the ambulance. The Town approved the lease-purchase of the new ambulance at the Special Town Meeting in November 2008. At that time, it was explained that this lease-purchase would be paid partially from the Capital Fund and partially from the Wachusett Fund. For FY12 the total payment is \$ 35,415.69, with \$ 14,404.00 coming from Wachusett Fund and \$ 21,011.69 coming from Capital Fund. This is the third payment of a 5-year lease-purchase.

ARTICLE 31. Fund Lease-Purchase Payment for 2010 Pumper Tanker

To see if the Town will vote to transfer from the Capital Fund the sum of \$ 43,146, or any other sum, to the General Fund to offset the cost of the Pumper Tanker lease payment for FY12, or take any action in relation thereto.

Submitted by: Capital Fund Committee

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

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

Summary: This article takes money out of the Capital Fund to pay the lease payment associated with the Pumper Tanker for fiscal year 2012. The Town approved the purchase of the new truck at the May 2010 Town Meeting. At that time, it was explained that the truck would be paid for out of the Capital Fund.

ARTICLE 32. Fund Wachusett Regional Recycling Center (Earthday)

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$ 2,244, or any other sum, to satisfy the Town's financial obligation under the contract with Wachusett Earthday, Inc. for the Fiscal Year 2012, or take any other action relative thereto.

Submitted by: Board of Selectmen

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

Summary: Sterling residents have the opportunity to bring recycling, reuse and household hazardous materials to a permanent year round collection center for proper disposal. This article funds Sterling's share of annual operating costs for the center. In 2008, Town Meeting voted 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. The term of the contract is for an initial period of five years, renewable every five years for a maximum term of twenty-five years.

ARTICLE 33. Fund Wachusett Greenways Expenses

To see if the Town will vote to raise and appropriate the sum of \$ 1,300 , 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 the 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 34. Fund Sterling Land Trust Expenses

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$ 1,300 , 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 the 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 35. Fund Maintenance for 1835 Town Hall

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 annual maintenance of the 1835 Town Hall for fiscal 2012, 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 does not support the passage of this article, because maintenance funds for the 1835 Town Hall are included in the Facilities Manager portion of the budget in Article 2.

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

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

ARTICLE 36. Authorize Treasurer to Borrow Money

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, 2011, 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 the passage of this article.

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

ARTICLE 37. Compensating Balance Agreements

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 FY2012, or take any action in relation thereto.

Submitted by: Treasurer/Collector

Recommendation: The Finance Committee recommends the 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. A compensating balance is a way of paying for the services the bank provides by maintaining a specified, minimum balance in a non-interest or low interest bearing account.

ARTICLE 38. Set Salary of Municipal Light Board

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

Summary: This article sets and funds the salary for the Municipal Light Board Members for FY2012.

ARTICLE 39. Revolving Accounts

To see if the town will vote to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2011, or take any action relative thereto.

Revolving Fund	Authorized To Spend from Fund	Revenue Source	Use of Fund	FY2012 Spending Limit	Disposition of FY2011 Fund Balance	Spending Restrictions Or Comments
Recycling	DPW	Fees	Expenses, supplies and contracted services to run the recycling center	\$80,000	Balance available for expenditure	
Fuel	DPW	Fuel charges	Fuel charges for the Light Dept and Water Enterprise Fund	\$60,000	Balance available for expenditure	
Deputy Collector	Treasurer	Fees	Fees collected by the Deputy Collector	\$18,000	Balance available for expenditure	
1835 Town Hall	1835 Committee	Fees	Expenses, supplies and contracted services for the 1835 Old Town Hall	\$15,000	Balance available for expenditure	
Planning Board	Planning Board	Fees	Expenses, supplies and contracted services for the Planning Board	\$25,000	Balance available for expenditure	
Council On aging	Council on Aging	Fees	Expenses, supplies and contracted services for the Senior Center	\$50,000	Balance available for expenditure	
Fair Committee	Fair Committee	Fees	Expenses, supplies and contracted services to run the Sterling Fair	\$135,000	Balance available for expenditure	
Hazardous Materials	Fire Chief	Fees	Costs associated with hazardous material incidents	\$55,000	Balance available for expenditure	
Agricultural Commission	Agricultural Commission	Fees	Expenses and supplies for the Commission	\$5,000	Balance available for expenditure	
Recreation Committee	Recreation Committee	Fees	Salaries, expenses, supplies and contracted services to run the Recreation Programs	\$145,000	New Fund	

Submitted by: Town Accountant

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

Summary: At the recommendation of the Department of Revenue, this year's Revolving Fund authorization has been consolidated into one article. Revolving funds allow receipts of one or more specific board, committee or department to be spent without further appropriation, subject to the provisions of the town meeting approval. Therefore consolidating into one article does not limit the voter's ability to discuss, amend or reject individual revolving funds.

ARTICLE 40. Amend Animal Control By-law Section 1, Terms and Definitions

To see if Town of Sterling will vote to amend the General Bylaws, specifically the Animal Control Bylaw, by adding new terms and definitions to section 1. Definitions as follows:

Section 1. Definitions

Non-resident shall mean (1) a person who is a resident of Massachusetts but who resides in a city or town other than Sterling; (2) a person who is a resident of another state, or (3) both.

Rabies Vaccination – shall mean the inoculation of an animal against rabies in accordance with State law and the “Compendium of Animal Rabies Prevention and Control”.

Abandonment – means the willful and intentional leaving behind or desertion of an animal causing such animal to become a public charge.

Animal Clinic or Veterinary Hospital- means 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

Feral Cat - means a cat which currently lives in the “wild” and fends for itself, sometimes previously domestic.

Domestic Charitable Corporation means a facility operated, owned or maintained by a domestic charitable corporation registered with the MA. Department of Agriculture, 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 may operate for the above purpose in addition to providing medical treatment and care to animals.

Service dog/animal - shall mean any guide dog, signal dog, or other animal trained to provide assistance to an individual with a disability.

Dog Waste - solid wastes defecated by said dog on any property, other than the property of the dog owner.

Submitted by: Animal Control Advisory Board

Summary: Amends the General bylaws, specifically the Animal Control bylaw; Section 1 by adding new terms and definitions.

ARTICLE 41. Amend Animal Control By-law, Edit Term definition

To see if Town of Sterling will vote to amend the General Bylaws, specifically the Animal Control Bylaw, by adding new wording to an existing term definition as follows:

Existing wording

Section 1. Definitions

Nuisance: shall mean repetitive domestic animal behavior documented by the ACO to constitute an ongoing violation of section 5 of this bylaw and demonstrated by the animal(s) with any of the following action(s):

1. frequently running at large, or
2. causing constant disturbance by excessive barking or other noise making; or
3. chasing vehicles or bicycles, or
4. it molests, attacks, or interferes with persons or other domestic animals on public property

Amended wording

Section 1. Definitions

Nuisance: shall mean repetitive, domestic, animal behavior documented by the ACO to constitute an ongoing violation of Section 5 of this bylaw and demonstrated by the animal(s) with any of the following action(s):

1. frequently running at large, or
2. causing constant disturbance by excessive barking or other noise making; or
3. chasing vehicles or bicycles, or
4. it molests, attacks, or interferes with persons or other domestic animals on public property, or
5. recurring deposits of dog waste.

Submitted by: Animal Control Advisory Board

Summary: Amends the General bylaws, specifically the Animal Control bylaw, Section 1, by adding new wording to an existing term definition.

ARTICLE 42. Amend Animal Control By-law, Licensing and Vaccination

To see if the town will vote to amend the Sterling Animal Control bylaw by editing wording and replacing it with amended wording in specified sections only of the bylaw.

EXISTING

SECTION 2. LICENSING AND RABIES VACCINATION

(g). 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:

Spayed Females	\$ 8.00	Females	\$ 12.00
Neutered Males	\$ 8.00	Males	\$ 12.00
Companion Pet License	\$ 6.00 per dog.		

No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided, that the Massachusetts commission for the blind certifies that such dog is so trained and actually in the service of a blind person. No fee shall be charged for a license for a dog owned by a person aged 70 years or over. No fee shall be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person; provided, that the director of the office of deafness certifies that such dog is so trained and actually in the service of the deaf person.

AMENDED

SECTION 2. LICENSING AND RABIES VACCINATION

(g). 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:

Spayed Females	\$ 8.00	<u>Intact</u> Females	\$ 12.00
Neutered Males	\$ 8.00	<u>Intact</u> Males	\$ 12.00
Companion Pet License	\$ 6.00 per dog.		

No fee to license a dog or other animal shall be charged to the owner(s) of a service dog/animal, as defined in this bylaw or any dog owner(s) age 70 years old or older. In order to apply the lower fee to license a spayed or neutered dog, the owner must provide, to the Town Clerk, a certificate of spay or neuter from a registered veterinarian for said dog(s) being licensed.

Submitted by: Animal Control Advisory Board

Summary: Amends the General bylaws, specifically the Animal Control bylaw, Section 2 (g), by adding new wording to the existing wording in Section 2 (g).

ARTICLE 43. Amend Animal Control By-law, New Section 7: Complaints

To see if the town will vote to amend the Sterling Animal Control bylaw by inserting a new section 7 (this section was deleted at the 2009 TM) which will also include new section wording as follows:

Section 7 – Animal Control Complaints

Any person may register or file a complaint to the Animal Control Officer (ACO) stating a dog owned or kept in the Town of Sterling is a nuisance dog, as defined in Section 1 of this bylaw. The ACO shall investigate the complaint, or request the investigation thereof, including an examination under oath of the complainant, be conducted by the Animal Control Advisory Board to determine whether the dog is a nuisance as alleged.

There are two types of Animal Control complaints; formal and informal. A formal complaint will require a signed, detailed explanation of the complaint in writing and filed with the ACO on an approved complaint form.

Registering an Informal Complaint:

- A. Any person may inform the Animal Control Officer by telephone through Police dispatch, or by letter, of any animal control violation with the following information to be included:
 - 1. Identifying him/herself with name and address, and
 - 2. Describing the dog situation in detail (dog breed, owner's name, actual complaint, etc.), and
 - 3. Describing the exact location of said dog situation at the time violation occurred.
- B. The ACO shall make a log of all information received.
- C. Follow-up action by the Animal Control Officer to all informal complaints shall be recorded in the ACO monthly report(s)

Filing a Formal Animal Control Complaint:

- A. Official formal complaint forms shall be readily available upon request from the ACO and/or the Police Department. Formal complaint forms **MUST** be signed or they will not be acted upon. Official Complaint forms shall be filed in person or by mail at the: Sterling Police Station c/o ACO, 135 Leominster Road, Sterling MA 01564.
- B. Follow-up will be within ten (10) work days of dated receipt of any formal complaint by the ACO who shall make a progress report in writing to the complainant and retain a file copy.
- C. If the complainant remains unsatisfied, he/she may re-file the original complaint with the Animal Control Advisory Board, 1 Park Street, Sterling, MA. 01564 to request an informational meeting be scheduled.

Submitted by: Animal Control Advisory Board

Summary: Amends the General bylaws, specifically the Animal Control bylaw, by adding a new section to the bylaw which will establish an approved process for making all Animal Control Complaints.

ARTICLE 44. Approve Association Contract- Fire

To see whether the Town will vote to accept the new collective bargaining agreement with the Firefighter's Association, which will run from July 1, 2011 to June 30, 2014 , or take any other action in relation thereto.

Submitted By: Board of Selectmen

Recommendation: The Finance Committee recommends passage of this article.

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

Summary: This contract, which will run from July 1, 2011 to June 30, 2014, has no new net costs. All operating costs are already included in the Fire and Ambulance budgets shown in the line item budget and voted in Article 2.

ARTICLE 45. Fund Landfill monitoring

To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$30,000, or any other sum, to cover 2 years 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 46. Amend Procurement Bylaw

To see if town will vote to delete Sections 1 and 2 of the Town General Bylaw entitled Town Contracts

And to insert in its place the following:

Section 1. All town contracts for the procurement of supplies and services, disposition of surplus supplies, and the acquisition and disposition of real property shall comply with the provisions of Massachusetts General Laws Chapter 30B.

The Procurement Officer and designee(s) shall obtain vendor pricing and will first attempt to solicit prices from vendors with whom the Town has established a positive working relationship. Whenever possible, preference shall be given to Sterling based vendors.

Submitted by: Board of Selectmen

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

Summary: This article is intended to amend Sterling's local by-law to conform to state statutes, while preserving preference for Sterling-based vendors.

ARTICLE 47. Amend Bylaw-Stagger Constable terms

To see if the Town will vote to amend the General Bylaws by adding a new article entitled CONSTABLES as follows:

CONSTABLES: There shall be two constables elected for three year terms, which shall be arranged so that the terms do not expire the same year. At the first election for constable following the date this bylaw takes effect pursuant to the provisions of Chapter 40, Section 32 of the Massachusetts General Laws, one constable position shall be for a term of two years and one constable position shall be for a term of three years; thereafter, both constable positions shall be for terms of three years.

or take any action relative thereto.

Submitted by: Town Clerk

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

Summary: This article is intended to stagger the three year terms of the Town's two elected constable positions so that they do not expire the same year, as is currently the practice. Staggered terms will result in the Town's always having one experienced constable on the election floor at annual town elections.

ARTICLE 48 Amend Bylaw-Solicitors and Peddlers

To see if the Town will vote to approve a new General By-law pertaining to the regulation of solicitors and peddlers, as follows:

1. SOLICITORS AND PEDDLERS

PURPOSE:

It is the purpose of this by-law to regulate persons or organizations engaged in soliciting or peddling in the Town of Sterling through the issuance of licenses and imposition of other limitations on such conduct for the purpose of protecting the Town's residents from disruption of the peaceful enjoyment of their residences and from crime and fraud, and further, to allow reasonable access to residents in their homes by persons or organizations who wish to engage in commercial solicitation.

SECTION ONE: DEFINITION

A solicitor or peddler is defined as any individual, whether a resident of the Town of Sterling or not, traveling either by foot, motor vehicle, or any other type of conveyance, from place to place, house to house, taking or attempting to take orders for sale of goods, wares, merchandise, personal property of any nature for immediate or future delivery or for services to be furnished or performed immediately or in the future and whether or not he or she collects advance payments on such sales.

SECTION TWO: LICENSE REQUIRED

It shall be unlawful for any solicitor or peddler as defined in SECTION ONE of this by-law to engage in such business in the Town of Sterling without first obtaining a license in compliance with the provisions of this by-law. Any person who is not properly licensed under this by-law shall be ordered to immediately cease and desist all solicitation in the town until they attain a proper license.

SECTION THREE: LICENSE EXEMPTION

Nothing in this by-law shall be construed to impose any license requirement or otherwise restrict or in any way regulate any activity for non-commercial purposes, including but not limited to any activity for religious, charitable, civic or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting.

SECTION FOUR: APPLICATION & FEE

- A. Each individual applicant for a license under this by-law shall submit to the Chief of Police or his/her designee an application along with a fee of \$25.00 (per individual applicant) payable to the Town of Sterling which will be used to cover the cost of processing permits and conducting the investigation of the application.
- B. Each applicant must complete a sworn application in writing at least 10 working days prior to the requested starting date for solicitation, on a form provided by the Police Department. Said form shall include the following information:
 - a. Name, physical description, and date of birth;
 - b. Social security number of the applicant (optional);
 - c. Permanent home address as well as full local address of the applicant;
 - d. A brief description of the nature of the business and/or goods to be sold;
 - e. If employed, name and address of employer, including credentials which establish the exact relationship;
 - f. The length of time for which the license is desired (not to exceed 90 days);
 - g. Names of manufacturer, of source of merchandise, proposed method of delivery;
 - h. Two photographs of the applicant, taken within the past 60 days prior to filing of the application, showing only the head and shoulders of the applicant in a clear and distinguishing manner
 - i. A statement as to whether or not the applicant has been convicted of any crime listed in Section Five of the By-law or is a Level 2 or Level 3 Sex Offender required to register with the Sex Offenders Registry Board.

SECTION FIVE: INVESTIGATION & ISSUANCE

- A. If after an investigation into the facts contained in the license application the Police Chief is satisfied the applicant is of suitable character, the Police Chief, or his designee shall grant the requested license.
- B. The Police Chief or his designee shall refuse to issue a license to any organization or individual whose license has been revoked for violation of this by-law within the previous two-year period or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, felony assault, or larceny over \$250, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to grant a license to a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

SECTION SIX: IDENTIFICATION CARD

The Police Department, after a review of the information contained in the license application, but in no event more than ten (10) working days after receipt of a fully-completed application, shall issue to each successful applicant an identification card which shall contain the words "Licensed Solicitor", the individual's picture, identification and expiration date of the license. Persons engaged in solicitation or peddling as defined in this By-law must carry the registration card while soliciting or peddling and present the card to any police officer or person solicited upon request.

SECTION SEVEN: DUTY OF POLICE TO ENFORCE

It shall be the duty of any police officer of the Town to require any person seen soliciting or peddling and who is not known by such officer to be duly licensed, to produce his or her solicitor's license and to enforce the provisions of this by-law against any person found to be violating the same.

SECTION EIGHT: SOLICITATION HOURS

A properly licensed solicitor or peddler may solicit between the following hours:

Monday through Friday:	8 a.m. through 9 p.m.
Saturday, Sunday & Holidays:	9 a.m. through 9 p.m.

SECTION Nine: RECORDS

The Chief of Police shall maintain all pertinent records of licenses issued and violations recorded.

SECTION Ten: ENFORCEMENT AND PENALTIES

- A. The provisions of this by-law shall be enforce by Police Officers of the Town of Sterling by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to Section 21D of Chapter 40 of the General Laws and Article XVI of the General By-laws. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for each violation shall be \$300.00.
- B. Whoever continues to solicit in the town in willful violation of this by-law, by continuing to solicit after being informed by a police officer to cease and desist, may be arrested without a warrant by a police officer in accordance with the provisions of Mass. Gen. Laws ch. 272, § 59 and subject to a penalty of \$300.00.
- C. Notwithstanding the above licensing procedures, no licensee may enter private property after being forbidden to do so either directly by the person in charge of the property or by a conspicuously posted Notice of "No Trespassing" or "No Soliciting." Such Trespass violations are controlled by Mass. Gen. Laws ch. 266, § 120, which authorizes the arrest (without a warrant) of a person found committing such a trespass in the presence of a police officer.
- D. After investigation by a police officer, licenses issued under the provisions of this by-law may be revoked by the Chief of Police or his designee after notice and hearing, provided however, that a license may be suspended immediately, without notice and a hearing, if the public safety or welfare so requires, for any of the following causes:
 - 1. Fraud, misrepresentation, or false statement contained in the license application;
 - 2. Fraud, misrepresentation or false statements made in the course of carrying on the business of solicitation;

3. Any violation of this by-law;
4. Conviction of any crime listed in Section Five of this By-law or classification as a Level 2 or Level 3 Sex Offender;
5. Conducting the business of soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to health, safety, or the general welfare of the public; and
6. High-pressure tactics, harassment, or a refusal to accept a refusal as an answer, when verified in writing.

If a license is suspended under the provisions of this section, notice of a hearing with regard to the same shall be given forthwith in accordance with the following subsection.

- E. Notice of hearing for revocation or suspension of a license shall be given in writing, setting forth specifically the grounds of the complaint and a time and place of the hearing. Such notice shall be hand delivered to the licensee or forwarded by certified mail to the licensee at his or her last known address at least five days prior to the hearing date.

SECTION ELEVEN: EXPIRATION OF LICENSE

All licenses for soliciting in the town are valid only for the particular dates or time period specified thereon, and in no case for longer than 90 days.

SECTION TWELVE: APPEALS

Any person or organization who is denied a license or whose license has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within five (5) days after receipt of the notice or denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within thirty (30) days after the filing of the appeal, the license shall be deemed granted or reinstated, as the case may be.

SECTION THIRTEEN: SEVERANCE CLAUSE

The provisions of this by-law are declared to be severable, and if any section, sentence, clause or phrase of this by-law shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this by-law and they shall remain in effect, it being the legislative intent that this by-law shall stand, notwithstanding the invalidity of any part.

Submitted by: Police Chief

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

Recommendation: The Planning Board recommends passage of this article.

Summary: This by-law will regulate persons through a permitting process administered by the police department to specified regulations. The by-law will require the issuance of a permit with identification allowing residents to know that the person (s) soliciting are registered. A fee will be set that will be used to cover the cost associated with the permitting requirements. A penalty of \$300 for each violation will be assessed and refusal to comply with the requirements will be an arrestable offense.

ARTICLE 49. Apply Stabilization Fund to Reduce the Tax Rate

To see if the Town will vote to transfer \$484,000, or any other sum, from Stabilization Fund, to stabilize the tax rate, or take any action relative there to.

Submitted by: Finance Committee

Recommendation: The Finance Committee recommends passage of this article.

Summary: The purpose of this article is to keep the tax increase minimal. After the passage of this article, the Stabilization Fund will have a balance in excess of \$ 980,000.

ARTICLE 50. Accept Kathleen Lane as a Public Way

To see if the Town will vote to accept Kathleen Lane as a public way, in its entirety, 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 State DEP and the As-Built Plan, Roadway Layout Plan, and the Deed(s) to the aforesaid have been recorded in the Worcester South District Registry of Deeds at the expense of the Applicant/Developer and duly delivered to the Board of Selectmen, or take any action in relation thereto.

Submitted by: Planning Board

Recommendation: The Planning Board recommends passage of this article.

Summary: This article is self explanatory.

ARTICLE 51. Purchase Property on Hardscrabble Road

To see if the Town will vote to raise and appropriate or transfer from Capital or Stabilization Fund, the sum of \$185,000, or any other sum, for the purchase, including appraisals, costs, and expenses associated with said purchase, of an approximately 9 acre parcel of real estate located at 19 Hardscrabble Road, including any buildings and fixtures located thereon, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, said property to be placed under the care, custody and control of the Board of Selectmen, or take any action in relation thereto.

Submitted by: Conservation Commission

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

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

Summary: The purpose of this article is to obtain permission to purchase a 9 acre property currently owned by Jonathan Gaylord at 19 Hardscrabble Road. This property would abut a five acre piece previously purchased and other open space previously acquired by the town for conservation purposes, amounting to 30 acres, all of which is currently landlocked. This purchase would open access to the other town owned lands. The Town would retain the right to subdivide the land for sale as a single family lot to recover money expended. The Town has a standing offer to purchase this property for \$185,000 which is well below the current assessed value of \$216,000.

ARTICLE 52. Annual Town Election

To elect by ballot on Monday, May 23, 2011, at 7:00 AM at the Houghton School on 32 Boutelle Road, the following officers:

Board of Selectmen (1) for 3 year term
Board of Assessors (1) for 3 year term
Board of Assessors (1) for 2 year term
Board of Health (1) for 3 year term
Board of Library Trustees (2) each for 3 year terms
Department of Public Works Board (1) for 3 year term
Planning Board (1) for 5 year term
Sterling Municipal Light Board (1) for 3 year term
Sterling Housing Authority (1) for 5 year term
Wachusett Regional School District Committee (2) each for 3 year terms

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

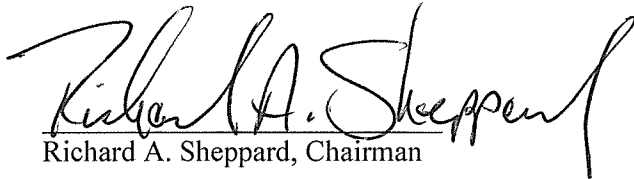
The polls shall be opened on Monday, May 23, 2011 at seven (7:00) o'clock in the forenoon and shall remain open until eight (8:00) o'clock in the evening.

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.

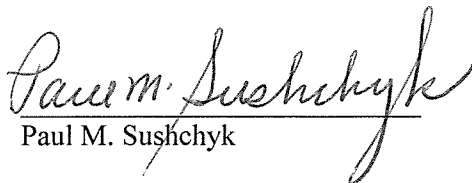
Hereof fail not and make due return of this warrant with your doings thereto to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this 13th day of April 2011.

Sterling Board of Selectmen


Richard A. Sheppard, Chairman


Russell R. Philpot


Paul M. Sushchyk

Attachment A
FY 12 CLASSIFICATION PLAN
Proposed to be effective 7/01/2011

Grade	Position	Department
2	Library Technician I	Library
	Program Assistant	Recreation
3	Van Driver	Council on Aging
	Clerk Typist	Police
	Library Technician II	Library
4	Animal Control Officer	Police
	Town Custodian	Bd. Of Selectmen
	Library Associate I	Library
	Administrative Secretary	Building Dept.
	Asst. Town Clerk	Town Clerk
5	Asst. Collector	Town Treasurer/Collector
	Asst. Treasurer	Town Treasurer/Collector
	Administrative Assistant	Board of Appeals; DPW; Water; Planning Board
	Assistant to Assessors	Assessors
	Library Associate II	Library
	Dispatcher	Police
	6A Firefighter/EMS	Fire
	Firefighter/Mechanic	Fire
6B	Company Officer	Fire
	Facilities Manager	Board of Selectmen
	Assoc. Health Agent	Health Dept.
	Asst. Director/Head of Children Services	Library
7A	Firefighter/Paramedic	Fire
	Company Officer/Fire Inspector	Fire
	Head Dispatcher	Police
7B	Director	Recreation; Council on Aging
	Conservation Agent	Conservation
8	Town Clerk	Town Clerk
	Library Director	Library
	Human Resources Administrator	Board of Selectmen
	Health Agent	Health Dept.
	Building/Zoning Officer	Building
	Town Treasurer/Collector	Treasurer/Collector
	Town Accountant	Accounting
9	Deputy Fire Chief	Fire
10	Superintendent	DPW
	Town Administrator	Board of Selectmen
11	Police Chief	Police
	Fire Chief	Fire

ATTACHMENT "B"

FY 12 COMPENSATION SCHEDULE

Proposed to be effective 7/1/2011

GRADE	STEPS												
	1	2	3	4	5	6	7	8	9	10	11	12	13
1	8.99	9.25	9.53	9.81	10.11	10.41	10.72	11.04	11.38	11.72	12.07	12.43	12.80
2	10.33	10.64	10.95	11.28	11.63	11.97	12.33	12.70	13.08	13.47	13.88	14.29	14.72
3	11.88	12.24	12.61	12.98	13.37	13.77	14.18	14.61	15.05	15.50	15.96	16.44	16.94
4	13.67	14.08	14.49	14.93	15.38	15.84	16.32	16.80	17.31	17.83	18.36	18.91	19.48
5	15.72	16.19	16.68	17.18	17.69	18.22	18.77	19.33	19.91	20.51	21.12	21.76	22.41
6A	18.06	18.60	19.16	19.74	20.33	20.93	21.56	22.20	22.87	23.56	24.26	24.99	25.74
7A	20.78	21.40	22.04	22.71	23.38	24.08	24.80	25.55	26.31	27.10	27.92	28.75	29.62
6B	37,702	38,833	39,998	41,198	42,434	43,707	45,018	46,369	47,760	49,193	50,669	52,189	53,754
7B	43,351	44,651	45,991	47,370	48,792	50,255	51,763	53,316	54,915	56,563	58,260	60,007	61,808
8	49,774	51,268	52,806	54,390	56,022	57,702	59,433	61,216	63,053	64,944	66,893	68,900	70,967
9	55,747	57,420	59,142	60,917	62,744	64,626	66,565	68,562	70,619	72,738	74,920	77,167	79,482
10	62,437	64,310	66,240	68,227	70,274	72,382	74,553	76,790	79,094	81,467	83,911	86,428	89,021
11	69,930	72,028	74,189	76,415	78,707	81,068	83,500	86,005	88,586	91,243	93,980	96,800	99,704

All employees, who are not on probationary or suspended status, or subject to pending discipline, and have been employed by the Town for at least one (1) year, shall move up one (1) step within their respective Grade as of July 1, 2011.

ATTACHMENT "B" cont.

FY 12 COMPENSATION SCHEDULE

Proposed to be effective 7/1/2011

Schedule C	Call Fire Personnel	Step 1	Step 2	Step 3	Schedule D	Seasonal/Part-time Employees (hourly)
F-3	Assistant FF & EMT Recruit	12.17			Police Special	8.25 to 9.61
F-4	Firefighter	14.21	14.83	15.75	Constable	9.25
F-4	EMT	14.21	14.83	15.75	Matron	12.73
F-4	EMT - Paramedic	16.27	16.89	17.81	Election Worker	8.25
F-5	Firefighter / EMT	15.41	16.04	16.93	Registrar of Voters	8.50
F-5	Firefighter / EMT-P	17.47	18.10	18.99	Asst. Registrar of Voters	8.25
F-6	Company Officer (EMT)	17.33	17.98	18.62	Recycling Attendant	9.25 to 10.25
F-7	Deputy Chief (EMT)	19.27	19.92	20.55	Seasonal Laborer	9.25 to 10.25
					Seasonal Truck Driver	17.00 to 20.00
					Lifeguard	10.00 to 14.00
					Seasonal Recreation	8.50 to 14.00
					Van Driver/COA – Spare	9.46
					Food Inspector	30.00

Schedule E Stipend Employees

ADA Coordinator	\$1500.00
Animal Inspector	\$1000.00
Emergency Management Director	\$10,000.00
Parking Clerk	\$25.00/Hour
Assistant Building Inspector	\$25.00/Inspection
Gas Inspector	\$5,500.00
Plumbing Inspector	\$10,000.00
Asst. Plumbing Inspector	\$25.00/Inspection
Sealer	\$1200.00
Veterans Agent	\$3900.00
Wire Inspector	\$35.00/Inspection
Asst. Wire Inspector	\$35.00/Inspection