

**SPECIAL TOWN MEETING
TANTASQUA REGIONAL HIGH SCHOOL
TOWN WARRANT
APRIL 28, 2008
7:00 PM**

**ARTICLE 59
ROUTE 131 PROJECT LAND ACQUISITION
(2/3 Vote Required)**

To see if the Town will vote to authorize the Board of Selectmen to acquire a portion of lot 55 Main Street, shown as Assessor's Map 39, Lot 55 and further described in the Worcester Registry of Deeds, Book 9023, Page 269, the portion of land to be acquired described as follows:

A parcel of land supposed to be owned by Regep Enterprises LLC adjoining the southerly location line of the 1931 State Highway Layout of Main Street (Route 131) and the westerly location line of the County Layout of Wallace Road bounded as follows: northerly by said southerly location line about 20 feet; easterly by said westerly location line about 20 feet and; southerly by land now or formerly of Regep Enterprises LLC about 27 feet; containing 191 square feet;

and to authorize the Board of Selectmen to hold such land for general municipal purposes for the purpose of ensuring Wallace Road is wholly within the Town Right-of-Way; or taken any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

<p><i>Summary – As part of the Route 131 Reconstruction project there are several easements that need to be acquired by the Massachusetts Highway Department and this 191 square foot acquisition is to ensure that Wallace Road is wholly within the Town's right-of-way.</i></p>
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VOTE OF THE TOWN MEETING: The vote of the Town Meeting was to approve the article as written.

**ARTICLE 60
WELL #4 ADDITIONAL APPROPRIATION**

To see if the Town will vote to transfer and appropriate from the Water Fund Reserve the sum of TWO HUNDRED THIRTY FOUR THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$234,500.00) to the Well #4 Replacement Account #32800-54000; for the purpose of funding additional costs estimated for the construction of Well #4; or take any action in relation thereto.

Sponsor: DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

Summary – This project was originally approved in September 2001. It has taken several years to obtain approval from the MADEP and during that time, two issues have affected the total cost for this project. The first is inflation of seven years. The second is that the original project included a pump house and water lines to the existing water treatment plant; the project as it is now proposed includes a second (smaller) water treatment plant at the Shattuck Road site and water lines to the existing line that crosses I-84 at Shattuck Road.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 61
PLASTIC BAG REDUCTION BYLAW**

To see if the town will vote to amend the General Bylaws, Chapter Eight, Miscellaneous by adding the following Section:

8.60 Plastic Bag Reduction Bylaw

8.61 Definitions.

Affected retail establishment – Any retail establishment, excluding restaurants, located within the geographical limits of the Town of Sturbridge which sells dry grocery, canned goods, non-foods or perishable items which occupies a total, gross square footage floor area of retail, storage and non-retail space of 35,000 square feet or more.

Customer – Any person purchasing food, goods or other items from an affected retail establishment.

Operator – A person in control of having daily responsibility for, the daily operation of an affected retail establishment, which may include, but is not limited to, the owner of the affected retail establishment.

Person – An individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

Plastic carry-out bag – A light weight high density polyethylene plastic bag, provided by a store to a customer at the point of sale, often referred to as “T-shirt” bags.

Recyclable paper bag – A paper carry-out bag provided by an affected retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable, and (3) contains a minimum of forty percent (40%) post-consumer recycled content.

Reusable bag – A bag that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other machine washable fabric, or (2) made of other durable material suitable for re-use.

8.62 Prohibitions and requirements.

(A) Affected retail establishments are prohibited from providing plastic carryout bags to their customers at the point of sale. Reusable bags and recyclable paper bags are allowed alternatives.

- (B) Nothing in this section shall be read to preclude affected retail establishments from making reusable or recyclable paper bags available for sale or free to customers.

8.63 Liability and enforcement.

- (A) The Board of Health will have primary responsibility for enforcement of this bylaw. The Board of Health shall have the authority to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this bylaw, including, but not limited to, entering the premises of any affected retail establishment to verify compliance.
- (B) An affected retail establishment that is operated in violation of any of the requirements of this bylaw is deemed a public nuisance and any person who causes or permits such violations shall be subject to the civil penalties authorized herein.
- (C) The Board of Health may seek legal, injunctive, or other equitable relief to enforce this bylaw.

8.64 Violations—Penalties.

- (A) If the Board of Health determines that a violation of this bylaw occurred, it shall issue a written warning notice to the operator of an affected retail establishment that a violation has occurred.
- (B) If the affected retail establishment has subsequent violations of this bylaw, the following penalties will apply:
 - (1) A fine, payable by the owner of the affected retail establishment or the corporation itself, not exceeding one hundred dollars (\$100.00) for the first violation after the warning notice is given.
 - (2) A fine not exceeding two hundred dollars (\$200.00) for the second violation after the warning notice is given.
 - (3) A fine not exceeding three hundred dollars (\$300.00) for the third and any future violations after the warning notice is given.
- (C) Affected retail establishments may request an administrative hearing to adjudicate any penalties issued under this bylaw by filing a written request with the Board of Health. The Board of Health, after public hearing, will promulgate standards and procedures for requesting and conducting an administrative hearing under this bylaw. Any determination from the administrative hearing on penalties issued under this bylaw will be final and conclusive.

8.65 Exemptions.

This bylaw applies only to light weight high density polyethylene carry-out plastic bags provided at the point of sale, otherwise known as “t-shirt” bags. The provisions of this bylaw do not apply to single-use plastic bags exclusively used to transport produce such as apples, oranges, grapes, carrots and other similar fruits or vegetables to the point-of-sale counter of the affected retail establishment.

8.66 No conflict with federal or state law.

Nothing in this bylaw shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

8.67 Effective Date

All of the requirements set forth in this bylaw shall become operative six (6) months after its effective date.

Or take any action in relation thereto.

Sponsor: Board of Selectmen

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 5-2.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

Summary – This article has been submitted by two “Dynamics in Democracy” Program students from Tantasqua Regional High School. It would ban the use of disposable plastic bags at the checkout counters at larger retail stores such as Shaws, Stop N Shop and WalMart.

VOTE OF THE TOWN MEETING: After a lengthy discussion on this article, a motion was made to move the article. This was seconded and passed. The vote of the Town Meeting was to defeat the article as written.

ARTICLE 62

CAMP ROBINSON CRUSOE BRIDGE PROJECT – CPA

To see if the Town will vote to appropriate from the Community Preservation Act (CPA) undesignated funds, the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) for the purpose of designing and constructing two bridges to span Hamant Brook on the Camp Robinson Crusoe area of the land the Town purchased from Old Sturbridge Village; or take any action in relation thereto.

Sponsor: Student Submission & CPA Committee

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

Summary – A student that was volunteering for the Public Lands Advisory Committee developed this idea for the Dynamics in Democracy Program and has worked with the Technical Division at Tantasqua Regional High School, the Conservation Commission and Community Preservation Committee to get this project designed and constructed by the Technical Division of the High School and with the DPW’s assistance in installing the bridges over the summer. The costs associated are for supplies and materials.

VOTE OF THE TOWN MEETING: A substitute motion was presented by Mr. Thomas Chamberland which was seconded and passed. The substitute motion read, “to

delete the word “Hamant” and add an “s” to brook = brooks. To read, “To see if the Town will vote to appropriate from the Community Preservation Act (CPA) undesignated funds, the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000) for the purpose of designing and constructing two bridges to span brooks on the Camp Robinson Crusoe area of the land the Town purchased from Old Sturbridge Village.” The vote of the Town Meeting was to approve the article as amended.

ARTICLE 63
UNCLASSIFIED – GROUP INSURANCE

To see if the Town will vote to transfer from Free Cash and appropriate the sum of EIGHTY FIVE THOUSAND AND 00/100 DOLLARS (\$85,000.00) to the Group Insurance Account #19102-51700 for the purpose of paying additional costs associated with group health insurance in FY08; or take any action in relation thereto.

Sponsor: Finance Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

Summary – During this fiscal year the Town has seen more employees joining the Town’s health insurance program which has increased the total cost associated with this account. For FY08 the Town planned on 59 family participants and 49 individual participants and the actual figures were 65 and 57 respectively.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 64
FIRE DEPARTMENT OVERTIME

To see if the Town will vote to transfer from Free Cash and appropriate the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) to the Fire Department Overtime Account #112201-51300 for the purpose of paying additional costs associated with Fire Department Overtime in FY08; or take any action in relation thereto.

Sponsor: Fire Chief

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

Summary – Due to one firefighter attending the Mass. Firefighting Academy for 12 weeks and another on an extended injury for 10 weeks during FY08 there was a need to fill shifts at times when only full-time firefighters were available which resulted in increased overtime costs.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 65
FIRE DEPARTMENT OTHER CHARGES**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of TWO THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$2,900.00) to the Fire Department Other Charges Account #122202-57000 for the purpose of paying additional costs associated with training for Fire Department Personnel in FY08; or take any action in relation thereto.

Sponsor: Fire Chief

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

<p><i>Summary – This article will provide funding necessary for mileage and meal reimbursements for a full-time firefighter attending the Massachusetts Firefighting Academy for 12 weeks.</i></p>
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VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 66
JOSHUA HYDE LIBRARY PURCHASED SERVICES**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of FIVE THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$5,900.00) to the Joshua Hyde Library Purchase of Services Account #11962-52000 for the purpose of paying additional costs associated with electricity and gas in FY08; or take any action in relation thereto.

Sponsor: Joshua Hyde Library

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

<p><i>Summary – This appropriation will provide funding for shortfalls due to higher than budgeted costs for electricity and gas.</i></p>

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 67
LIVERY IN COMMERCIAL ZONE
(2/3 Vote Required)

To see if the Town will vote to amend the Zoning Bylaws, Chapter Seven – Commercial District, Section 7.01 Permitted Uses (c) by inserting the bold-type language below:

- (c) Retail store or shop, barber shop, beauty salon, shop for the repair of personal or household items, laundromat, health and fitness center, artisan's or craftsman's shop, **livery or taxi service licensed by the Board of Selectmen**, wholesale and retail sales not involving the manufacture on the premises except of products the major portion of which are sold on the premises by the producer.

Or take any action in relation thereto.

Sponsor: Planning Board

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

RECOMMENDATION OF THE PLANNING BOARD:

That the Town vote to approve the article as written. Voted 7-0.

<p><i>Summary – This bylaw would allow taxi and livery (limousine) services in the commercial zone in town.</i></p>

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

ARTICLE 68
LAUREN LANE ACCEPTANCE

To see if the Town will accept a certain way in the Town of Sturbridge, and the identification of said way, as a public way of the Town of Sturbridge being Lauren Lane, as same is shown on a plan of land entitled 'Plan of Property Surveyed for C.M.G. Development Corp. located on Clarke Road, Sturbridge, Massachusetts' dated January 10, 1995 by Jalbert Engineering, Inc. recorded with Worcester District Registry of Deeds, Plan Book 689, Plan 105 and on a plan of land entitled "Definitive Subdivision Plan of Lauren Trust & Alison Trust, Clarke Road, Sturbridge, Massachusetts" dated June 8, 1998 and recorded with Worcester District Registry of Deeds, Plan Book 752, Plan 42 and on the as-built plans dated February 7, 2005 by Jalbert Engineering, Inc. as provided to the Planning Board and further bounded and described as follows:

Beginning at an angle point in the easterly line of Clarke Road, said point being located S. 3 34' 13" E. 3.50 feet from the northerly line of the "Future Road" as shown on Plan in Plan Book 689, Plan 105, which road is now known as Lauren Lane;

THENCE N. 3° 34' 13" W. 23.06 feet along Clarke Road to a point;
THENCE in a general southerly and southeasterly direction along a curve having a radius of 20.00 feet, a length of 30.97 feet to a point in the northerly line of said Lauren Lane;
THENCE N. 87° 42' 48" E. along said Lauren Lane, 185.51 feet to a point designated on plan in Plan Book 689, Plan 105 as "iron pin to be set";
THENCE S. 02° 17' 12" E. along Lauren Lane, 2.64 feet to a point;

THENCE along Lauren Lane by a curve having a radius of 169.94 feet, a length of 150.00 feet to a point;
 THENCE S. 38° 46' 51" E. along Lauren Lane, 17.74 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 120.00 feet, a length of 90.00 feet to a point;
 THENCE S. 78° 43' 19" E. along Lauren Lane, 42.25 feet to a point;
 THENCE S. 78° 43' 19" E. along Lauren lane, 73.75 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 109.99 feet, a length of 76.25 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 109.99 feet, a length of 96.54 feet to a point;
 THENCE S. 11° 16' 41" W. along Lauren Lane, 82.75 feet to a point;
 THENCE S. 11° 16' 41" W. along Lauren Lane, 151.04 feet to a point;
 THENCE S. 11° 16' 41" W. along Lauren Lane, 116.74 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 150.00 feet, a length of 38.30 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 150.00 feet, 73.91 feet to a point;
 THENCE S. 54° 08' 27" W. along Lauren Lane, 76.09 feet to a point;
 THENCE S. 54° 08' 27" W. along Lauren Lane, 89.24 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 30.00 feet, a length of 9.15 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 57.50 feet, a length of 51.61 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 57.50 feet, a length of 150.00 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 57.50 feet, a length of 69.17 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 30.00 feet a length of 37.88 feet to a point
 THENCE N. 54° 08' 27" E. along Lauren Lane, 108.23 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 100.00 feet to a point, said point being located at the intersection of the northerly line of Lot 10 as shown on plan in Plan Book 752, Plan 42 with the northwesterly line of Lauren Lane;
 THENCE along Lauren Lane by a curve having a radius of 100.00 feet, a length of 39.89 feet to a point;
 THENCE N. 11° 16' 41" E. along Lauren Lane, 110.81 feet to a point;
 THENCE N. 11° 16' 41" E. along Lauren Lane, 150.00 feet to a point;
 THENCE N. 11° 16' 41" E. along Lauren Lane, 89.74 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 60.00 feet, a length of 94.25 feet to a point;
 THENCE N. 78° 43' 19" W. along Lauren Lane, 116.00 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 170.00 feet, a length of 45.01 feet to a point;
 THENCE along Lauren Lane by a curve having a radius of 170.00 feet, a length of 23.62 feet to a point;

 THENCE along Lauren Lane by a curve having a radius of 170.00 feet, a length of 58.87 feet to a point
 THENCE along Lauren Lane by a curve having a radius of 120.33 feet, a length of 118.47 feet to a point designated on plan in Plan Book 689, Plan 105 as "iron pin to be set";
 THENCE S. 87° 42' 48" W. along the southerly line of Lauren Lane, 191.51 feet to a point;
 THENCE in a general southerly and southwesterly direction along a curve having a radius of 20.00 feet, a length of 27.52 feet to a point on the easterly line of Clarke Road;
 THENCE N. 8° 52' 13" B. along Clarke Road to the point of beginning.

Being a portion of the premises conveyed to Edmond A. Neal, III, Trustee of Mildred Realty Trust by deed of Roman Catholic Bishop of Worcester dated July 15, 1994 and recorded 'with Worcester District Registry of Deeds, Book 16436, Page 1 and being a portion of the premises conveyed to C.M.G-. Development Corporation by deed of Y & R Enterprises, Inc. dated March 15, 1993 and recorded with Worcester District Registry of Deeds, Book 15094, Page 180; or take any action relative thereto.

Sponsor: DPW Director

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 5-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

Summary – This article was submitted by petition for the 2007 Annual Town Meeting and no action was taken due to the DPW Director’s position that the developer had not met all of the requirements for the road to be accepted as a public way. At this time, the DPW Director has indicated the developer and property owners have taken the necessary steps to bring the road up to standards that it may be accepted by Town Meeting.

VOTE OF THE TOWN MEETING: The vote of the Town Meeting was unanimous in approving the article as written as declared by the Moderator.

**ARTICLE 69
TOWN COUNSEL**

To see if the Town will vote to transfer from Free Cash and appropriate the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) to the Town Counsel Account #11512-52012 for the purpose of paying additional costs associated with legal representation in FY08; or take any action in relation thereto.

Sponsor: Town Administrator

RECOMMENDATION OF THE FINANCE COMMITTEE:

That the Town vote to approve the article as written. Voted 7-0.

RECOMMENDATION OF THE BOARD OF SELECTMEN:

That the Town vote to approve the article as written. Voted 5-0.

Summary – This account is tracking to be within budget, but with the Town’s present involvement with the Southbridge Landfill siting issues, this new issue, which was not accounted for previously will need to be funded so that the Board of Health will have legal representation during the proceedings.

VOTE OF THE TOWN MEETING: A substitute motion made by the Board of Selectmen read, “That the Town vote to transfer from Free Cash and appropriate the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000) to the Town Counsel Account #11512-52012 for the purpose of paying additional costs associated with legal representation in FY08.” The motion was seconded and the vote of the Town Meeting was to approve the article as amended.