

**TOWN OF STURBRIDGE  
ANNUAL TOWN MEETING WARRANT**



**TANTASQUA REGIONAL HIGH SCHOOL  
MONDAY, JUNE 4, 2012 @ 7:00 P.M.**

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**ARTICLE 1  
TOWN REPORTS**

To hear the reports of the several Boards and Town Officials and any other Committee that may be ready; 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 7 – 0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary: This article accepts all reports included in the Annual Town Report. The Town Meeting usually defers the actual reading of the reports as they are provided in a printed format.*

**VOTE OF THE TOWN MEETING:** The vote of the town meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 2**

**COMMUNITY PRESERVATION COMMITTEE REPORT**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013; and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition and preservation of historic resources, and a sum of a money for the creation, preservation and support of community housing, or take any action in relation thereto.

Sponsor: Community Preservation Committee

**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.*

**RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:**

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

*Summary: The CPA Committee is required to submit a report to Town Meeting on the proposed use of CPA Funds. The CPA Committee Report is Appendix B to this Finance Committee Report.*

**VOTE OF THE TOWN MEETING:** The vote of the town meeting was to approve the article as written as declared by the Moderator.

At this time there was a motion to move Article 30 forward by Barbara Search. The motion was seconded and after an explanation by the Moderator and some discussion, the vote of the town meeting was to defeat this motion.

There was then a motion made to advance Article 4 ahead of Article 3. This motion was seconded and the vote of the Town Meeting was to deal with Article 4 before Article 3, passed by a simple majority as declared by the Moderator.

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### **ARTICLE 3 TOWN BUDGET**

To see if the Town will vote to raise and appropriate a sum of money as may be necessary to pay the Town charges for the fiscal year beginning July 1, 2012 and vote to fix salary and compensation of all elected officials of the Town in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 108, effective July 1, 2012; 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 7 – 0.*

#### **RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary: This article approves the Town and School operating budgets for Fiscal Year 2013. The budgets are voted on separately and are categorized using the Uniform Massachusetts Accounting System (UMAS). Sturbridge votes all appropriations by line item.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

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### **ARTICLE 4 CITIZEN PETITION – FY13 BUDGET**

To see if the Town of Sturbridge will limit the fiscal year 2013 budget, as approved by the voters, to a sum not to exceed the fiscal year 2012 budget of \$25,578,124; or take any action in relation thereto.

Sponsor: Citizen Petition

#### **RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on this article. Voted 7 – 0.*

*The Finance Committee recommends the Town take no action on this article. Our rationale appears on Page iii of this Finance Committee Report in the section entitled Article 4 – What is its impact on Town services?*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town take no action on this article. Voted 5 – 0.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made by Donald Miller to “amend Article 4 to a FY13 budget not exceeding \$26,164,522.00” This motion was seconded. Lengthy discussion followed both pro and con on this motion. When discussion was exhausted, the vote of the Town Meeting was to defeat the article as amended as declared by the Moderator. At this time, the proponents of Article 4 became boisterous and unruly. The Moderator conversed with Town Counsel and decided to let this group present yet another substitute motion. There was a motion made to approve the article as originally written. This motion was seconded. The vote of the Town Meeting was to defeat this article as declared by the Moderator.

**ARTICLE 5**

**COMMUNITY PRESERVATION-ADMINISTRATION**

To see if the Town will vote to appropriate from the Community Preservation Fund, Undesignated Fund Balance, the sum of FOURTEEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$14,500.00) to be allocated for the purpose of operating and administrative expenses in FY 2013 for the Community Preservation Committee (CPC); or take any action in relation thereto.

Sponsor: Community Preservation Committee

**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.*

**RECOMMENDATION OF THE COMMUNITY PRESERVATION COMMITTEE:**

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

*Summary: These funds provide operating and administrative expenses for the Community Preservation Committee. The proposed budget includes: legal expenses (\$3,000); appraisal reports (\$5,000); CPA Coalition Dues (\$1,500); and an informational brochure and postage relating to locations, features and uses of CPA parcels (\$5,000). Any unused funds appropriated automatically revert back to the CPA Undesignated balance at the close of the fiscal year.*

**VOTE OF THE TOWN MEETING:** The vote of the town meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 6**

**WATER DEPARTMENT**

To see if the Town will vote to raise and appropriate, through the fixing and collection of just and equitable prices and rates set by the Board of Selectmen (acting as Water Commissioners), the sum of ONE MILLION SIXTY-NINE THOUSAND SIXTY AND 00/100 DOLLARS (\$1,069,060.00), and by transferring the sum of ONE HUNDRED NINETY-FIVE THOUSAND AND 00/100 DOLLARS (\$195,000.00) from Water Reserve Fund Balance, for a total sum of ONE MILLION TWO HUNDRED SIXTY-

FOUR THOUSAND SIXTY AND 00/100 DOLLARS (\$1,264,060.00), for the expenses of the Water Department as follows:

Contract Operations	\$	465,495.00
Electricity	\$	106,138.00
Chemicals, Testing and Propane	\$	20,480.00
DPW Director	\$	10,749.00
Meter Maintenance	\$	15,000.00
Billing Expense	\$	4,900.00
Legal/Administrative Expense	\$	5,000.00
Debt Service	\$	605,798.00
Miscellaneous Equipment	\$	12,000.00
Short-term Interest	\$	0.00
Capital Replacement	\$	18,500.00
Total:	\$	1,264,060.00

or take any action in relation thereto.

Sponsor: Board of Selectmen/DPW Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8 – 0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary: This budget represents an increase from the FY12 budget of \$108,993, primarily due to debt service for the DEP-mandated water treatment facility upgrade. The approval of this article results in an increase in the water rate from \$4.41 per 100 cubic feet to \$4.98 per 100 cubic feet (increase of \$0.57 per 100 cubic feet, or 12.9%). The rate also reflects the use of \$195,000 from the Water Fund Reserve to ease the impact of the rate increase.*

**THE VOTE OF THE TOWN MEETING:** There as a substitute motion made by Donald Miller that read, “To increase the amount in this article by \$40,177. The \$40,177 is the cost of a utility truck which is included in Article 14, “Capital Improvement Plan”. The truck is for the use of the water department, and, therefore, should be paid for with water fees, not property taxes.” The vote of the Town Meeting was to approve the amount of \$1,304,237.00 as declared by the Moderator.

**ARTICLE 7  
SEWER DEPARTMENT**

To see if the Town will vote to raise and appropriate, through the fixing and collection of just and equitable prices and rates set by the Board of Selectmen (Acting as Sewer Commissioners), the sum of ONE MILLION EIGHT HUNDRED EIGHTY-THREE THOUSAND AND 00/100 DOLLARS (\$1,883,000.00), and by transferring the sum of TWO HUNDRED THIRTY-SIX THOUSAND FOUR HUNDRED FIFTEEN AND 00/100 DOLLARS (\$236,415.00) from Sewer Reserve Fund Balance, for a total sum of TWO MILLION ONE HUNDRED NINETEEN THOUSAND FOUR HUNDRED FIFTEEN AND 00/100 DOLLARS (\$2,119,415.00), for the expenses of the Sewer Department as follows:

Contract Operations	\$	386,192.00
Electricity	\$	300,000.00
Chemicals and Testing	\$	263,454.00

DPW Director	\$	10,749.00
Billing Expense	\$	4,900.00
Legal/Administrative Expense	\$	5,000.00
Debt Service	\$	753,688.00
Southbridge Fees	\$	150,000.00
Short-Term Interest	\$	0.00
Liquid Sludge Handling	\$	182,432.00
Miscellaneous Equipment	\$	38,000.00
Capital Replacement	\$	25,000.00
Total:	\$	<u>2,119,415.00</u>

or take any action in relation thereto.

Sponsor: Board of Selectmen/DPW Director

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8 – 0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary: This budget is a decrease from the FY12 budget of \$16,452 due to debt service reduction and modest cuts to sludge, short-term interest and capital replacement. However, the decreased budget is offset by decreased flows, which prevent rates from being reduced. The approval of this article results in the sewer rate remaining the same as FY12 at \$7.97 per 100 cubic feet (a 0% percent increase). The rate reflects the use of \$236,415 from the Sewer Fund Reserve to maintain a stable rate for FY13. The balance of debt service borrowing for the Wastewater Treatment Plant Upgrade will show in the FY14 budget.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 8  
SEWER PROJECT DEBT**

To see if the Town will vote to transfer:

- TWO HUNDRED FIFTEEN THOUSAND FOUR HUNDRED SEVENTY-SIX AND 00/100 DOLLARS (\$215,476.00) from the F/B Reserved for Phase II Betterment Account #28440-35825 to the Phase II Sewer Debt Account #28440-59100;
- THREE HUNDRED NINE THOUSAND SEVEN HUNDRED FIFTY AND 00/100 DOLLARS (\$309,750.00) from the F/B Reserved for Phase III Betterment Account #28440-35826 to the Phase III Sewer Debt Account #28440-59300;
- ONE HUNDRED FIFTEEN THOUSAND TWO HUNDRED TWENTY AND 00/100 DOLLARS (\$115,220.00) from the F/B Reserved for Cedar Lake Betterment Account #28440-35827 to the Cedar Lake Sewer Debt Account #28440-59200;
- TWO HUNDRED SIXTY-SIX THOUSAND THREE HUNDRED NINETY AND 00/100 DOLLARS (\$266,390.00) from the F/B Reserved for Big Alum Betterment Account #28440-35823 to the Big Alum Sewer Debt Account #28440-59220; and

- SIXTY SEVEN THOUSAND ONE HUNDRED NINETY-EIGHT AND 00/100 (\$67,198.00) from the F/B Reserved for Woodside/Westwood Betterment Account #28440-35829 to the Woodside/Westwood Sewer Debt Account #28440-59230

for the purpose of paying the debt service due on these sewer projects for FY13, 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: This article appropriates the funds necessary to pay debt service on the several sewer projects the Town of Sturbridge has undertaken over the past decade. These debt service payments are repaid through betterment assessments from the property owners within the specific sewer projects and are not supported by either general property taxes nor other sewer customers through the sewer rate.*

**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 9  
COMMUNITY PRESERVATION DEBT SERVICE**

To see if the Town will vote:

- to appropriate from the Community Preservation Fund the sum of SIXTY-FOUR THOUSAND THREE HUNDRED SIXTY AND 00/100 DOLLARS (\$64,360.00), with SIXTY-ONE THOUSAND AND 00/100 DOLLARS (\$61,000.00) from CPC Fund Balance - Reserved for Open Space, and THREE THOUSAND THREE HUNDRED SIXTY AND 00/100 DOLLARS (\$3,360.00) from CPC – Undesignated Fund Balance, for the purpose of paying the debt service for the Heins Farm Acquisition;
- to appropriate from the Community Preservation Fund – Undesignated Fund Balance, the sum of ONE HUNDRED TEN THOUSAND NINE HUNDRED TWENTY FIVE AND 00/100 DOLLARS (\$110,925.00) for the purpose of paying the debt service for the OSV Land Acquisition;
- to appropriate from the Community Preservation Fund – Undesignated Fund Balance, the sum of ONE HUNDRED FOURTEEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$114,500.00) for the purpose of paying the debt service for the Stallion Hill/Holland Road Land Acquisition; and
- to appropriate from the Community Preservation Fund the sum of ONE HUNDRED TWENTY-FOUR THOUSAND EIGHT HUNDRED FIFTY-SEVEN AND 00/100 DOLLARS (\$124,857.00), with EIGHTY-NINE THOUSAND AND 00/100 DOLLARS (\$89,000.00) from Fund Balance Reserved for Historic Resources, and THIRTY-FIVE THOUSAND EIGHT HUNDRED FIFTY-SEVEN AND 00/100 DOLLARS (\$35,857.00) from CPC – Undesignated Fund Balance, for the purpose of paying debt service on the Town Hall/Center Office renovation project; or take any action in relation thereto.

Sponsor: Finance Director and 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:**

*Recommendation to be provided at Town Meeting.*

*Summary: This article appropriates from the Community Preservation Fund to pay for previously approved debt issuances for the acquisition of separate open spaces known as the Heins Farm, OSV parcels, Stallion Hill/Holland Road parcels and the renovation of the Town Hall and Center Office Building.*

**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 10  
REVOLVING FUNDS**

To see if the Town will vote to re-establish the following Revolving Funds as provided for in Massachusetts General Laws, Chapter 44, Section 53E½:

<u>Revolving Fund</u>	<u>Purpose</u>	<u>Funds to be Deposited From</u>	<u>Authorized to Expend</u>	<u>Maximum Expenditure</u>
Recreation	Tennis league, volleyball league, Concerts on the Common, Summer Recreation Program, teen recreation programs and Table Tennis Club	Program fees, donations, gifts, private sponsorship, facilities fees	Recreation Committee	\$20,000.00
HazMat Cleanup	To address hazardous materials spills and provide the Fire Department the means to bill insurance companies and refurbish supplies used in HazMat spills.	Insurance proceeds and other proceeds received by the HazMat Team for services	Fire Chief	\$10,000.00
Board of Health	Payment for staff required to service large events such as festivals and fairs, initial restaurant consultations and restaurant	Temporary permits and licenses, fines levied by the BOH and fees for initial restaurant consultations	Board of Health	\$10,000.00

	inspections beyond two per year and public health inspections and emergencies.	and excess food service inspections.		
BOH: Pay-As-You-Throw Program	All and any costs associated with the planning, promoting or implementing the PAYT Program, or the operational expenses, equipment or supplies of the PAYT Program.	Program fees including, but not limited to, receipts for Program bags, stickers or other fees that may be established from time to time by the Board of Health and donations.	Board of Health	\$10,000.00
Senior Center	Payment to instructors, presenters, service providers, supplies for special programs and repairs.	Program fees, private sponsorship, donations and participation fees	Council on Aging	\$10,000.00
Planning Department	GIS support services	Mapping services	Town Planner	\$10,000.00
Public Lands	Development and implementation of forestry management plans, trail development & maintenance, signage, trail maps, construction of foot bridges, purchase of supplies and development of access for public use, educational purposes and general maintenance of open space parcels owned by the Town.	Forestry management and donations.	Conservation Commission	\$20,000.00
Sturbridge Tourist Association	All and any costs associated with planning, promoting or implementing Sturbridge tourist related events; a portion of the operating costs associated with the Tourist Information Center.	Grants for tourism, revenue generated through tourist events and promotions; program fees and donations.	Sturbridge Tourist Association	\$20,000.00

Or take any action in relation thereto.



Sponsors: Recreation Committee, Fire Department, Board of Health, Council on Aging, Town Planner and Conservation Commission

**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 article re-establishes and provides spending authority for the Town's Revolving Funds. The annual accounting and balance of the revolving funds is included as Appendix A in this Finance Committee Report.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

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**ARTICLE 11  
STURBRIDGE TOURIST ASSOCIATION**

To see if the Town will transfer and appropriate from the Hotel/Motel Special Account to the Sturbridge Tourist Association Account sum of ONE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED SIXTY AND 88/100 DOLLARS (\$142,360.88) for the following items:

Commercial Tourism Dist. Revitalization Plan	\$ 35,000.00
Welcome Information Center	\$ 17,000.00
Special Events	\$ 28,360.88
Advertising and Marketing	\$ 25,000.00
275 <sup>th</sup> Sturbridge Anniversary Celebration	\$ 20,000.00
Route 20 Restrooms	\$ 7,000.00
Community Support	10,000.00
<b>Total</b>	<b><u>\$ 142,360.88</u></b>

Or take any action in relation thereto.

Sponsor: Sturbridge Tourist Association

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8 – 0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary: The revenues come from a 6% hotel/motel tax which is split with 67.5% going to the General Fund, 16.25% used for funding the Sturbridge Tourist Association and 16.25% used for the Betterment Committee. This budget is used in marketing the community for tourism.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

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**ARTICLE 12  
BETTERMENT COMMITTEE**

To see if the Town will vote to transfer and appropriate from the Hotel/Motel Special Account to the Betterment Account the sum of ONE HUNDRED FORTY-TWO THOUSAND THREE HUNDRED SIXTY AND 00/100 DOLLARS (\$142,360.00) for the following items:

Flower Barrels	\$ 3,000.00
Plantings (Bloom Committee)	\$ 3,000.00
Landscaping at Senior Center	\$ 500.00
DPW Lawn Equipment (Tractor/Mower)	\$ 4,617.00
Landscaping at Library	\$ 2,500.00
Commercial Tourism District Plan	\$ 25,000.00
Tree Maintenance	\$ 6,800.00
Town Common Tree Maintenance	\$ 3,500.00
Tree Planting / Arbor Day Programming (Burgess)	\$ 2,500.00
Street Landscaping	\$ 750.00
Rt. 20 Public Restroom Maintenance	\$ 5,000.00
Sidewalk Maintenance	\$ 6,000.00
LUCAS Chest Compression System (Fire Dept./EMS)	\$ 14,000.00
Fire Dept. Special Event Overtime	\$ 5,000.00
Fire Dept. Air Compressor	\$ 3,899.00
Public Safety Complex Phone System	\$ 13,920.00
Police Dept. Evidence Bar-Code System	\$ 2,700.00
Police Dept. Special Event Overtime	\$ 10,000.00
Police Dept. LIDAR Unit	\$ 3,000.00
Cedar lake Water Treatment	\$ 1,700.00
Parking Design at Cedar Lake Rec. Area	\$ 2,800.00
Crack Fill and Texture Coat Tennis & Basketball Courts	\$ 14,885.00
Town Common Summer Concert Series	\$ 4,000.00
Recreation Dept. Sign Sleeves	\$ 213.00
Tree Lights on Town Common	\$ 1,050.00
Gateway Signage Account	\$ 2,026.00
<b>TOTAL:</b>	<b><u>\$ 142,360.00</u></b>

Or take any action in relation thereto.

Sponsor: Betterment Committee

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 7 – 0 – 1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written. Voted 4 – 1.*

*Summary: The revenues come from a 6% hotel/motel tax which is split with 67.5% going to the General Fund, 16.25% used for funding the Sturbridge Tourist Association and 16.25% used for the Betterment Committee. Betterment Committee funds are utilized for public safety, recreation and the beautification of the community.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made to reduce the amount of the article to \$57,519.00. This was seconded and defeated. Returning to the

main motion, the vote of the Town Meeting was to approve the article as written as declared by the Moderator.

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**ARTICLE 13  
COMMERCIAL TOURISM DISTRICT PLAN**

To see if the Town will vote to raise and appropriate the sum of ONE HUNDRED TWENTY THOUSAND AND 00/100 DOLLARS (\$120,000) to complete a Commercial Tourism District Improvement Plan; or take any action in relation thereto.

Sponsor: Town Administrator; Town Planner

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To amend the article by changing the amount to raise and appropriate to SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) and to otherwise approve the article as written. Voted 7 – 0 – 1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*To amend the article by changing the amount to raise and appropriate to SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) and to otherwise approve the article as written. Voted 5 – 0.*

*Summary: The total cost for this project is estimated at \$120,000. If both Articles No. 11 STA and No. 12 Betterment pass, the amount requested in this article will be amended down to \$60,000. The funds will allow completion of concept plans for Commercial Tourism District Improvements along Main St. (Rt. 20) between the intersection with Brookfield Rd. (Rt. 148) and the intersection with New Boston Rd. From these conceptual plans, shovel-ready engineering plans will be developed. The engineering plans are necessary to seek and secure federal, state and/or other funds to begin implementing sidewalk, parking, streetscape, aesthetic and safety improvements throughout the district.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made by Linda Cocalis that no action be taken on this article. The Moderator explained that people should just vote “NO” and the article would be defeated. Long, drawn out discussion ensued. Finally, Angeline Ellison made a motion to move the question; this was seconded. The vote of the Town Meeting was to approve the article as recommended by the Finance Committee to read, *“To amend the article by changing the amount to raise and appropriate to SIXTY THOUSAND AND 00/100 DOLLARS (\$60,000.00) and to otherwise approve the article as written.”* This vote was declared by the Moderator.

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**ARTICLE 14  
CAPITAL IMPROVEMENT PLAN**

To see if the Town will vote to transfer from free cash and appropriate the sum of ONE HUNDRED NINETY-NINE THOUSAND EIGHT HUNDRED SEVENTEEN AND 00/100 DOLLARS (\$199,817.00) to the Capital Improvement Account for the purpose of funding the following items from the capital improvement plan to be undertaken for the Fiscal Year beginning July 1, 2012:

Annual Computer Replacement Program	\$	12,283.00
Two Police Patrol Vehicles (w/ video)	\$	74,000.00
Fire Chief Command Vehicle	\$	40,725.00
Library Youth Department Carpet	\$	14,556.00
DPW-Water 1-ton Utility Truck	\$	40,177.00
Library Gutter Replacement / Repairs	\$	10,576.00
Municipal Bldg. Code / Capital Review	\$	7,500.00

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**Total**

**\$ 199,817.00**

Or take any action in relation thereto.

Sponsor: Capital Planning Committee

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town vote to approve the article as written. Voted 8 – 0.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written. Voted 4 – 1.*

*Summary: This budget funds a portion of the highest rated capital needs of the Town. The Town uses a ten-factor rating system where each capital request is rated between 0 and 100. The ten factors are: (1) public safety and health, (2) infrastructure needs, (3) quantity of use, (4) efficiency of services, (5) legal requirements, (6) public support, (7) personnel impacts, (8) service impacts, (9) budgetary constraints and (10) administrative needs. The Capital Plan as presented is consistent with the Town's Comprehensive Fiscal Policies. Under this policy, capital expenditures rated as high priorities but costing under \$5,000 are included in department budgets; capital expenditures over \$5,000 and under \$100,000 are included in this article to be funded using free cash; and capital expenditures over \$100,000 are included and recommended as short-term borrowing articles.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion to eliminate the \$40,177.00 already approved in Article 6, leaving the new total at \$159,640.00; this motion was seconded. The vote of the Town Meeting was to approve the article as amended as declared by the Moderator.

**ARTICLE 15**

**CAPITAL RAISE ARTICLE – DPW: DUMP TRUCK w/ PLOW**

To see if the Town will vote to raise and appropriate ONE HUNDRED SIXTY-NINE THOUSAND TWENTY-TWO AND 00/100 DOLLARS (\$169,022.00) to purchase a heavy-duty dump truck with plow for the Dept. of Public Works; or take any action in relation thereto.

Sponsor: Capital Planning 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.*

*Summary: Based upon the rating criteria used for Article 14, the Capital Planning Committee rated the replacement of a heavy-duty dump truck with sander and plow assembly as a priority need. This purchase is recommended from available revenue and no borrowing is required.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

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**ARTICLE 16**  
**AMBULANCE STABILIZATION FUND**  
*(2/3 Vote Required)*

To see if the Town will vote to raise and appropriate THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) to the Ambulance Stabilization Fund for the purpose of reserving funds for the future purchase of an ambulance; or take any action in relation thereto.

Sponsor: Fire Chief and 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: Each year, the Town sets funds aside to assist in replacing ambulances on a seven-year schedule. Due to the cost of new ambulances, the amount of funds set aside increases in this article from \$25,000 to \$30,000 on an annual basis beginning in FY 13. These funds will be set aside until a new ambulance is purchased. Since Town purchased a new ambulance in FY12, the current balance in this account is \$1,162.03.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article by a 2/3rds majority as declared by the Moderator.

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**ARTICLE 17**  
**OPEB TRUST FUND**

To see if the Town will vote to raise and appropriate TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00) to the Other Post Employment Benefits Liability Trust Fund Account; or take any action in relation thereto.

Sponsor: Finance Director, 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: The Government Accounting Standards Board (GASB) has determined that Other Post Employment Benefits (OPEB) are part of the compensation that employees earn each year even though such benefits become available only upon each employee's retirement. These benefits include health insurance, dental, prescription or other related benefits provided to eligible retirees. GASB-45 mandates that municipalities account for and, eventually, fund these benefits. The fund was established and capitalized with \$100,000 at the 2011 Annual Town Meeting. In accordance with the Town's financial policies, an annual contribution of not less than \$10,000 should be allocated to the fund until such time as the actuarially calculated annual contribution of \$1.25 million can begin. Sturbridge remains proactive relative to other municipalities in addressing this obligation.*

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

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**ARTICLE 18**  
**STABILIZATION FUND**  
*(2/3 Vote Required)*

To see if the Town will vote to raise and appropriate the sum of ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$150,000.00), or such other sum or sums to be determined, to the Stabilization Fund; 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 4 – 0 – 1.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary: The appropriation would bring the Stabilization Fund balance to \$1,245,429. Having cash reserves (general fund, stabilization fund) of 7%-10% of the annual operating budget is considered fiscally responsible by the Town's Comprehensive Fiscal policies.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article by a 2/3rds majority as declared by the Moderator.

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**ARTICLE 19**  
**TAX RATE RELIEF**

To see if the Town will vote to authorize the Board of Assessors to use the amount of TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) from free cash in determining the tax rate for the fiscal year beginning on July 1, 2012; or take any action in relation thereto.

Sponsor: Board of Selectmen; Town Administrator

**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: The Town has historically utilized available free cash to reduce the tax rate when finances have allowed.*

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

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**ARTICLE 20**  
**PROPOSED ZONING AMENDMENT - HISTORIC COMMERCIAL DISTRICT**  
*(2/3 Vote Required)*

To see if the Town will vote to amend Chapter 13 of the Town's Zoning Bylaws by deleting existing Chapter 13 in its entirety and inserting the following:

**CHAPTER THIRTEEN**  
**USE REGULATIONS – HISTORIC COMMERCIAL DISTRICT (HC)**

The purpose of the Historic Commercial District (“HC”) is to allow for a mixture of residential and limited service, retail and cultural uses, while maintaining the integrity of the character of the nearby National Register Historic District<sup>1</sup> (“NRHD”). The HC District is defined on the Sturbridge Zoning Map and contains properties both within and surrounding the NRHD. It is the goal of this Section to preserve and protect the distinctive and/or historical characteristics of buildings and places through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith. Site layout and design should be done in a manner that respects the scale and design of existing neighborhoods and to fit into the streetscape.

### 13.01 PERMITTED USES

- (a) Single Family Dwelling
- (b) General Retail shops with a floor area of not greater than 6,000 square feet per structure including antique shops; retail art galleries; art supply shops including framing services; artisan shops; books, magazines and newspaper shops; camera and photographic supply shops; clothing, shoes and accessories shops; collectibles (cards, coins, stamps, comics, etc.); fabric and sewing supply shops; florists; gift and souvenir shops; hobby shops; handicraft shops; and other specialty boutiques provided that such uses are conducted entirely within the building.

Areas for the production of goods shall be limited to no more than 35% of total floor areas.
- (c) Restaurants; bakeries; delicatessens; candy nut and confectionary stores; dairy and specialty food and beverage stores; and other places serving food for consumption on the premises. Total floor area shall not exceed 6,000 square feet per store.
- (d) Professional Offices including facilities occupied by businesses that provide professional services and/or are engaged in the production of intellectual property. Total floor area shall not exceed 6,000 square feet per structure. Examples of these include: accounting, auditing and bookkeeping services; advertising agencies; attorneys; commercial art and design services; counseling services; design services including architecture, engineering, landscape architecture, urban planning; education, scientific and research organizations; financial management and investment counseling; management and public relations services; media postproduction services; news services; photographers and photography studios; secretarial, stenographic, word processing, and temporary clerical employee services; security and commodity brokers; and writers and artists offices.
- (e) Hotel, Motel or Inn not to exceed 125 rooms.
- (f) Libraries, Museums, Galleries
- (g) Religious, educational or governmental use.
- (h) Walking, hiking, bicycling, roller skating, cross country skiing, and snow shoeing through the establishment of trails and outdoor recreation, nature study, boating, fishing, swimming, hunting and picnicking where otherwise legally permitted.
- (i) Accessory uses customarily incidental to a permitted main use on the same premises including one or more accessory dwelling units located above the first

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<sup>1</sup> The Sturbridge Town Common National Register Historic District is the historic civic, religious and commercial center of the Town of Sturbridge. This area is comprised of 138.15 acres including the town’s original six-acre Town Common. It is further defined as the area along Main Street (Route 131) between Hall Road on the east and the I-84 overpass on the west, containing 47 public and privately owned properties. The area was designated a National Register Historic District in 1977.

story of the structure containing a primary use permitted herein under Section 13.01 (b), Section 13.01 (c), or Section 13.01 (e).

- (j) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, provided that said facilities comply with the requirements of G.L. c. 40A, s.3.

13.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this Bylaw.

- (a) Bed & Breakfast, not to exceed 4,000 square feet.
- (b) Youth Center, not to exceed 6,000 square feet unless constructed within a building existing at the time of adoption of this bylaw in which case the Youth Center may occupy the entirety of the building.

13.03 The following regulations shall be applicable in the Historic Commercial District (HC).

**13.03.1 Guidelines for preservation and adaptive reuse of existing structures within the District for all projects requiring Site Plan Review.**

Purpose: The purpose of this Section is to provide standards to be applied through site plan review for change of use of any existing property or structure within the District (“adaptive reuse projects”). Structures shall be re-used whenever possible and/or practicable. In general, preservation and rehabilitation efforts for these structures shall aim towards protecting the essential architectural features of a structure that help identify its individual style and thereby further its contribution to the historic character of the surrounding neighborhood. Adaptive reuse projects within the Historic Commercial District shall retain a residential character, scale and style although the property is being utilized or is proposed to be utilized for commercial purposes and shall to the extent practicable follow the General Rehabilitation Principles below:

- a) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided if possible.
- b) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
- c) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- d) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

**13.03.2 Guidelines for additions to existing structures for all projects requiring Site Plan Review.**

Purpose: The purpose of this Section is to provide standards to be applied through site plan review for the reuse of structures within the District and the incorporation of alterations and/or the construction of additions to those structures. Additions to historically valuable structures may be necessary to ensure their continued use. Modifications (e.g., additions, new entrances and exits, parking facilities, handicap facilities, and other code improvements) shall be made with care so as not to compromise a structure’s historically valuable features, finishes or materials. As with the Adaptive Reuse Section, it is preferred that structures having potential historical value within the



Town be re-used whenever possible and/or practicable and that any additions to these structures be done in a manner that minimizes changes in the appearance of the structure from the public right of way. In general, preservation and rehabilitation efforts for these structures shall aim towards protecting the essential architectural features of a structure that help identify its individual style and thereby further its contribution to the historic character of the surrounding neighborhood. Projects that include the reuse of existing structures including the incorporation of additions and or modifications within the Historic Commercial District shall retain a residential character, scale and style although the property is being utilized or is proposed to be utilized for commercial purposes and shall to the extent practicable follow the General Principles below:

- a) Additions shall be carefully placed to minimize changes in the appearance of the structure from the public right-of-way. Whenever possible, additions should be placed to the side or rear of the structure and should not obstruct the appearance of the structure from the public right of way.
- b) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- c) Additions to structures should incorporate the distinctive architectural features of the original structures including:
  - i. Door and window shape, size and type;
  - ii. Exterior materials;
  - iii. Roof material, pitch and style; and
  - iv. Trim and decoration.
- d) Second story additions will always change a structure's proportions; therefore, such additions shall be carefully designed to follow similar two story examples of the particular style that may be found in the surrounding neighborhood.
- e) Integrating a new second story addition into the original design of the structure may be easier if the addition is set back from the front façade so that it is less noticeable from the public right-of-way.
- f) New additions and adjacent or related new construction will be undertaken in a manner that, if removed in the future, would not impair the essential form and integrity of the historic property or its environment.

### **13.03.3 Guidelines for Infill Development for all projects requiring Site Plan Review.**

Purpose: The purpose of this Section is to provide standards to be applied through site plan review for the construction of new structures within the Historic Commercial District. These Guidelines are intended to encourage new infill development within the District that is compatible in scale and treatment with the existing, older development and to maintain the overall historic character and integrity of the area. At the same time these guidelines are intended to promote the visual variety that is characteristic of Sturbridge and to provide for reasonable flexibility in accommodating personal style and preferences of applicants proposing new construction. Projects that include the construction of new structures within the Historic Commercial District shall retain a residential character, scale and style although the property is proposed to be utilized for commercial purposes and shall to the extent practicable follow the General Principles below:

- a) New structures should support the distinctive architectural characteristics of development within the existing Historic Commercial District and nearby NRHD, including building mass, scale, proportion, decoration/detail, door and window spacing, exterior materials, porches and roof pitch and style.

- b) The height of new structures should be considered within the context of their surroundings. Structures with greater height should consider providing greater setbacks at the second story level, to reduce impacts (e.g. blocking or screening of air and light, privacy, etc) on adjoining story structures.
- c) The incorporation of design elements that break up large facades and add human scale to the structures is encouraged.
- d) The proper use of building materials can enhance desired neighborhood qualities (e.g., compatibility, continuity, harmony, etc). The design of new structures should incorporate an appropriate mixture of the predominant materials in the surrounding neighborhood whenever possible.
- e) Building forms that reduce energy may be much different than traditional architectural types. Careful design is required to insure that such modern and commonly used features are integrated within the design. Solar panels and other sustainable construction features should be fully integrated into the design of new construction, rather than applied at the conclusion of the design process.

13.04 The following shall be applicable in the Historic Commercial District:

- a. All parking, loading and service areas shall be located to the rear of the principal structure wherever possible.
- b. Site Plan Review - See Chapter Twenty-Five
- c. Design Review pursuant to General Bylaws Section 1.30, et seq. shall be required for all adaptive reuse projects, additions to existing structures, and infill development.

With respect to Design Review, applicants shall note the following:

- i. Per the Planning Board's direction, Design Review shall take place prior to or concurrently with the Site Plan Review Process in the Town of Sturbridge, and shall inform that process.
- ii. Property owners and designers shall use the Design Review Guidelines when applying for and undergoing the Design Review Process, which may include architectural review and/or sign review.
- iii. Applicants are encouraged to discuss their projects with the Planning Department if they have any questions regarding the Design Review Guidelines.

or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*To amend the article in section 13.01 (c) to read:*

*“Restaurants; bakeries; delicatessens; candy, nut and confectionary stores; dairy and specialty food and/or beverage stores; and other places serving food for consumption on the premises. Total floor area shall not exceed 6,000 square feet per store.”*

*And otherwise approve the article as written. Voted 4 – 0 – 1.*

**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.

*Summary: This article reconstructs Chapter 13 – Historic Commercial District. The Bylaw as proposed expands and/or better defines permitted uses within the District and provides guidelines for preservation and reuse of existing structures, additions to existing structures and infill development for all projects requiring Site Plan Review. The Guidelines provide certainty of requirements for those proposing changes within the District as well as for Planning Board members and staff reviewing applications. The changes proposed are consistent with the Master Plan recommendation that the regulations be revised while providing appropriate protections for the historic nature of the area.*

**VOTE OF THE TOWN MEETING:** The Finance Committee recommended “To amend the article in section 13.01 (c) to read: “*Restaurants; bakeries; delicatessens; candy, nut and confectionary stores; dairy and specialty food and/or beverage stores; and other places serving food for consumption on the premises. Total floor area shall not exceed 6,000 square feet per store.*” And otherwise approve the article as written. The Finance Committee’s recommendation is always the main motion and is automatically seconded. The vote of the Town Meeting was to approve the article as amended by the Finance Committee by a 2/3rds majority as declared by the Moderator.

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**ARTICLE 21**  
**PROPOSED ZONING AMENDMENT – AMEND CHAPTER TWO:**  
**DEFINITIONS**  
***(2/3 Vote Required)***

To see if the Town will vote to amend Chapter 2 of the Town’s Zoning Bylaws as follows:

1. Insert New Definition:

Boutique – A small retail shop that specializes in gifts, fashionable clothes, accessories, or food, for example.

2. Delete Current Definition for “Professional Office” and Insert New Definition as follows:

Professional Office - Professional Offices including facilities occupied by businesses that provide professional services and/or are engaged in the production of intellectual property. Examples of these include: accounting, auditing and bookkeeping services; advertising agencies; attorneys; commercial art and design services; counseling services; design services including architecture, engineering, landscape architecture, urban planning; education, scientific and research organizations; financial management and investment counseling; management and public relations services; media postproduction services; news services; photographers and photography studios; secretarial, stenographic, word processing, and temporary clerical employee services; security and commodity brokers; and writers and artists offices.

3. Delete Current Definition for “Museum” and Insert New Definition as follows:

Museum - Public or quasi-public facilities including aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums and planetariums, with no retail sales activities other than an accessory gift/book shop and accessory food sales. Does not include retail art galleries where artworks on display may be purchased by patrons.

4. Delete Current Definition for “Hotel/Motel” and Insert New Definition as follows:

Hotel/ Motel/Inn: facilities with guest rooms or suites provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Inns are commonly distinguished from a hotel or motel by its size and purportedly more personal atmosphere. Inns are often contained in whole or in part in buildings that were previously private residences. May include accessory guest facilities such as swimming pools, tennis courts, indoor athletic/fitness facilities, and accessory retail uses.

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 4 – 0 – 1.*

**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.*

*Summary: The amendment as proposed would insert a new definition for boutique, would delete the existing definition for professional office and insert a new one in its place, would delete the existing definition of museum and insert a new one in its place, and would delete the existing definitions for hotel/motel and motel and replace that with a new definition for hotel/motel/inn.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was unanimous in attaining the necessary 2/3rds majority vote to approve the article as declared by the Moderator.

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**ARTICLE 22**  
**PROPOSED ZONING MAP AMENDMENT**  
*(2/3 Vote Required)*

To see if the Town will vote to amend the Town of Sturbridge Zoning Map by changing property located at 271, 275, 293, 307, 308, 310, 315, 316, and 320 Main Street from Suburban Residential District to Historic Commercial District, and to change 277 and 283 from part Suburban Residential and part Historic Commercial District to all Historic Commercial District as shown on the map attached in the appendix, 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 4 – 0 – 1.*

**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.*

*Summary: This article expands the bounds of the Historic Commercial District in a manner that is consistent with recommendations contained in the Master Plan. The proposal is to expand the District to the northwest to include the properties from the Publick House property to the overpass on the South side of Main Street and the properties on the north side of Main Street between the Town Hall to the I-84 overpass. All properties currently zoned HC District are proposed to remain within that zoning district. If this article passes, the zoning map will conform to the changes contained in Articles No. 19 and 20, if both articles are approved.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written by a 2/3rds majority as declared by the Moderator.

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### ARTICLE 23

#### **GENERAL BYLAW: REGULATION OF COLLECTION RECEPTACLES**

To see if the Town will vote to amend the General Bylaws to add the following as Section 2.40:

#### 2.40: Collection Receptacles

- A. Every person, organization, corporation or partnership or other entity who places a receptacle for the purpose of collecting articles of used clothing, furnishings, books, or other goods within the Town of Sturbridge shall obtain a permit to maintain such a receptacle on an annual basis. The annual permit shall be issued by the Board of Selectmen. The annual fee shall be \$100.00 and shall be waived for non-profit entities.
- B. The receptacle shall not be placed so that it is visible from the public way. The receptacle shall not be placed in any parking spaces, landscaped areas or otherwise designated open areas as shown on any site plan approved by the Town of Sturbridge. In the case of properties without an approved site plan receptacles shall not be placed in any of those areas noted above.
- C. There shall be no more than one receptacle permitted per property.
- D. All items collected shall be completely contained within the receptacle.
- E. Every person, organization, corporation or partnership or other entity owning the land upon which said receptacle is maintained in addition to the owner of the receptacle shall be responsible to maintain the receptacle in a neat, clean and orderly fashion.
- F. All such receptacles shall conspicuously display the name, address, website and telephone number of the permit holder and the person(s) responsible for maintaining the receptacle.
- G. A violation of this section shall result in a penalty of \$50.00 for the first offense, \$100.00 for the second offense and \$150.00 for the third offense. Three offenses within one permit year shall result in the revocation of the permit.
- H. The Building Inspector shall have the jurisdiction to enforce this section of the bylaw.

and further to amend Section 9.02 of the General Bylaws to add the following:

Violation of General Bylaw - Chapter 2.40 - "Collection Bins"

Enforcing Agent: Building Inspector  
Penalty: First, Second and Subsequent Offense: \$50.00/\$100.00/\$150.00

Or take any action in relation thereto.

Sponsor: Board of Selectmen

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on this article. Voted 7 – 0 – 1.*

*The Finance Committee believes the intent of this article is beneficial to the Town. However, we cannot recommend it in its current form. We believe the article needs refinement, such as providing definitions and size limits. For instance, does a receptacle under this article include a bottle return machine or a DVD rental machine? Should this bylaw be a zoning one rather than a general one?*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

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

*Summary: The article would provide a mechanism to manage placement, maintenance and tracking of collection receptacles throughout the community.*

**VOTE OF THE TOWN MEETING:** Tom Creamer made a substitute motion to approve the article as written. This motion was seconded. After much discussion, the substitute motion was defeated. The vote of the Town Meeting was to defeat the article as written as declared by the Moderator.

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**ARTICLE 24  
ACCEPTANCE OF MGL c. 41, §81U**

To see if the Town will vote to accept the following provisions of G.L. c.41, s.81U:

In any town which accepts the provisions of this paragraph, the proceeds of any such bond or deposit shall be made available to the town for expenditure to meet the cost and expenses of the municipality in completing the work as specified in the approved plan. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under section fifty-three of chapter forty-four; provided, however, that such expenditure is approved by the board of selectmen. The provisions of this paragraph shall not apply to cities or to towns having town councils.

or take any action relative 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 6 – 0.*

*Summary: Acceptance of the provisions of this section would allow the Town, through its Planning Board, to use funds the Town holds for subdivision surety, in order to complete subdivisions as per the approved plan, if deemed necessary due to non-completion of ways and services.*

**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 25  
RE-AUTHORIZE LEASE OF LANDFILL LAND – SOLAR POWER  
AGREEMENT**

To see if the Town will vote to re-authorize the Board of Selectmen to lease all or any portion of the four (4) parcels of land described below, from time to time by one or more leases for a term not exceeding 30 years and for such consideration as the Board of Selectmen shall determine, for the purpose of installing and operating thereon a solar array for electric power generation and distribution, and to authorize the Board of Selectmen to grant such easements in, on, under and across over said parcels for utility and access purposes, as reasonably necessary to install and operate such a solar array, and further to authorize the Board of Selectmen to enter into a power purchase agreement with any lessee of such parcels to purchase all or a portion of the electricity production of the solar array and to enter into an agreement with the local utility to participate in the Net Metering program pursuant to the Acts of 2008, c. 169, §78, the so-called Green Communities Act, as the same may be amended, which parcels are described as follows

- Parcel 1 - 154 Breakneck Road - Map 50, Parcel 154 - 24.80 Acres
- Parcel 2 - 9 Cross Road - Map 47, Parcel 9 - 12.71 Acres
- Parcel 3 - 12 Cross Road - Map 47, Parcel 12 - 0.97 Acres
- Parcel 4 - 19 Cross Road - Map 47, Parcel 19 - 5.40 Acres

Such authority to expire on June 30, 2013, or take any action in relation thereto.

Sponsor: Board of Selectmen, Energy Advisory 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.*

*Summary – This article would re-authorize the Board of Selectmen to negotiate a long-term lease of a portion of the landfill and a solar power purchase agreement under terms and conditions that the Board of Selectmen would approve. The intent is to provide low cost, clean power for the Town’s municipal operations for up to 30 years. The article does not force the Board of Selectmen to enter into any agreement, and the authority to enter any such agreement would be extended from June 30, 2012 to June 30, 2013.*

**VOTE OF THE TOWN MEETING:** The vote of the Town Meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 26**

**AMEND REGIONAL SCHOOL DISTRICT AGREEMENT**

To see if the Town will vote to approve the following change in the Tantasqua Regional School District bylaws:

Replace current “Section d. Vacancies – How filled” with the following:

Section d. Vacancies – How filled.

Vacancies occurring in the Regional District School Committee shall be filled as follows: in the case of members appointed by the School Committee of a Participating Town, by such School Committee; in the case of those elected at an annual town election, by the selectmen and the remaining Committee members from the town concerned to serve until the next annual town election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any.

Or take any action in relation thereto.

Sponsor: Tantasqua Regional School Committee

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on this article. Voted 5 – 2.*

*The Finance Committee believes this article is not in the best interests of the Town. The procedure introduced in this article weakens the ability of the Board of Selectmen to select an individual they deem as best representing the interests of Sturbridge on the Tantasqua Regional School Committee.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town take no action on this article. Voted 3 – 2.*

*Summary – This article allows the remaining members of an affected town’s school committee to vote with the affected town’s board of selectmen when filling vacancies in elected positions.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made by Bill Haggerty “To approve the article as written”. This motion was seconded. After some discussion, the vote of the Town Meeting was to approve the article as written as declared by the Moderator.

**ARTICLE 27  
ACCEPTANCE OF REGEP LANE**

To see if the Town will vote to accept as a public way the roadway known as “Regep Lane,” as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “As-Built Road Layout, The Spaho Corporation (Owner), Regep Lane, Sturbridge, Massachusetts,” bearing a latest revision date of February 17, 2012, prepared by Jalbert Engineering, Inc., on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee to or easements in said roadway and any drainage, utility and other easements and/or parcels related thereto, or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on this article. Voted 8 – 0.*

*At the time of its vote, the Finance Committee did not have enough information as to whether or not the road conformed to the Town’s standards. We recommend the Town Planner, DPW Director and Conservation Committee provide their respective opinions on the acceptance at Town Meeting.*



**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town vote to approve the article as written. Voted 4 – 0 – 1.*

**RECOMMENDATION OF THE PLANNING BOARD:**

*That the Town vote to approve the article as written contingent upon punch list items being completed. Voted 6 – 0.*

*Summary: Approval of this article would accept Regep Lane as a public way in the Town of Sturbridge.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made by Tom Creamer to approve the article as written. This motion was seconded. After some discussion, the vote of the Town Meeting was to defeat the article as written.

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**ARTICLE 28  
ACCEPTANCE OF PUBLIC WAYS – HUNTER LANE AND EVERGREEN LANE**

To see if the Town will accept as public ways the roadways known as “Hunter Lane” and “Evergreen Lane,” as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “The Sanctuary”, prepared by Thompson Liston Associates Inc., dated June 13, 2002, bearing a latest revision of September 3, 2002, and recorded with the Worcester District Registry of Deeds, Plan Book 789, Plan 63, and on a plan of land entitled “Acceptance Plan of Evergreen Lane and Hunter Lane in Sturbridge, Massachusetts, Prepared for Sanctuary Homes, LLC,” prepared by Thompson-Liston Associates, Inc., dated March 16, 2012 and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee to or easements in said roadways and any drainage, utility and other easements and/or parcels related thereto, or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on this article. Voted 8 – 0.*

*At the time of its vote, the Finance Committee did not have enough information as to whether or not the road conformed to the Town’s standards. We recommend the Town Planner, DPW Director and Conservation Committee provide their respective opinions on the acceptance at Town Meeting.*

**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 contingent upon punch list items being completed. Voted 6 – 0.*

*Summary: Approval of this article would accept Hunter Lane and Evergreen Lane as public ways in the Town of Sturbridge.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made “To approve the article as written” which was seconded. After some discussion, the vote of the Town Meeting was to approve the article as written as declared by the Moderator.

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**ARTICLE 29  
ACCEPTANCE OF PUBLIC WAYS  
HIGHLAND LANE and MEADOW VIEW LANE**

To see if the Town will accept as public ways the roadways known as “Highland Lane” and “Meadow View Lane,” as heretofore laid out by the Board of Selectmen and shown on a plan of land entitled “The Highlands”, prepared by Thompson Liston Associates Inc., dated August 16, 2002, bearing a latest revision of January 2, 2003, and recorded with the Worcester District Registry of Deeds, Plan Book 808, Plan 29, and on a plan of land entitled “Acceptance Plan of Highland Lane and Meadow View Lane in Sturbridge, Massachusetts, Prepared for Sanctuary Homes, LLC,” prepared by Thompson-Liston Associates, Inc., dated March 16, 2012 and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee or easements in said roadway and any drainage, sewer, utility and other easements and/or parcels related thereto, or take any action in relation thereto.

Sponsor: Planning Board

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on this article. Voted 8 – 0.*

*At the time of its vote, the Finance Committee did not have enough information as to whether or not the road conformed to the Town’s standards. We recommend the Town Planner, DPW Director and Conservation Committee provide their respective opinions on the acceptance at Town Meeting.*

**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 contingent upon punch list items being completed. Voted 6 – 0.*

*Summary: Approval of this article would accept Highland Lane and Meadow View Lane as public ways in the Town of Sturbridge*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made to approve the article as written. This motion was seconded. The vote of Town Meeting was to approve the article as written as declared by the Moderator.

At this time, Kevin Smith made a motion to revoke the town meeting rule to end the meeting at 10:30 p.m. This motion was seconded and the vote of the Town Meeting was to continue on with the meeting.

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**ARTICLE 30  
CITIZEN PETITION – TIME OF TOWN MEETINGS  
GENERAL BYLAW AMENDMENT – DAY OF ANNUAL TOWN MEETING**

To see if the Town will vote to amend Chapter 1.00 of the Town of Sturbridge General Bylaws by deleting Section 1.01 and replacing it as follows:

“1.01 – The Annual Town Meeting for the election of Town Officers shall be held on the second Monday in April. The Annual Town Meeting for the transaction of business shall be held on the first Saturday in May,”

**GENERAL BYLAW AMENDMENT – TIME OF ANNUAL TOWN MEETING**

To see if the Town will vote to amend Chapter 1.00 of the Town of Sturbridge General Bylaws by deleting Section 1.04 and replacing it as follows:

“1.04 – All Town Meetings for the transaction of business shall be called to order at 9:00 AM on a Saturday, and shall be held at a suitable place designated by the Board of Selectmen. Any Special Town Meeting held on the same day as the Annual Town Meeting shall start immediately following the adjournment of the Annual Town Meeting

**GENERAL BYLAW AMENDMENT – WARRANT ARTICLE TIMELINE**

To see if the Town will vote to amend Chapter 1.00, Section 1.07 of the Town of Sturbridge General Bylaws to read as follows:

1.07 Town Meeting Requirements – All town officers, boards, committees, commissions, employees and all other parties submitting warrant articles for consideration at Town Meeting shall be required to comply with the following:

(a) The Planning Board shall prepare all Zoning Bylaw articles, hold a public hearing and forward the Planning Board’s recommendations on said amendments to the Town Administrator no later than the last day of January of the year in which the Annual Town Meeting will consider the proposed articles.

(b) All other warrant articles to be considered by the Annual Town Meeting shall be submitted to the Town Administrator no later than January 15th of the year in which the Annual Town Meeting will consider said articles.

(c) The Town Administrator shall draft and prepare the warrant for the Board of Selectmen’s consideration no later than the last day of January of the year in which the Annual Town Meeting will consider said warrant.

(d) The Board of Selectmen shall close the warrant at their second meeting in February of the year in which the Annual Town Meeting will consider said articles. Petitioned warrant articles will be accepted until the Board of Selectmen closes said warrant.

(e) Articles to be submitted for a Special Town Meeting held on the same date as the Annual Town Meeting shall be submitted to the Town Administrator no later than the end of the second week of February of the year in which the Special Town Meeting will consider said articles. The Town Administrator shall prepare a Special Town Meeting warrant and forward it to the Board of Selectmen no later than the Selectmen’s first meeting in March of the year in which the Special Town Meeting will consider the said warrant. The Selectmen shall close said Special Town Meeting warrant at their first meeting in March preceding said Special Town Meeting.

(f) The Board of Selectmen shall conclude their deliberations and include their recommendations to the Annual Town Meeting on both the Annual and Special Town Meeting warrants no later than the third Monday of March of the year in which the Annual Town Meeting will consider said warrant.

(g) The Finance Committee shall conclude their deliberations and include their recommendations to the Annual Town Meeting on both the Annual and any Special Town Meeting (if one is scheduled the same day as the Annual Town Meeting) warrants no later than the last day of March of the year in which the Annual Town Meeting will consider said warrant.

(h) The Board of Selectmen may, by majority vote, re-open the Town Meeting warrant at any time to add or remove articles until such time that the warrant is posted.

Or take any other action in relation thereto.

Sponsor: Citizen Petition

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on this article. Voted 5 – 0.*

*The Finance Committee considered a similar article at Town Meeting last year. Although we are willing to experiment with changing the Town Meeting day, we think it is better to meet in June because the Finance Committee will receive more reliable figures the state government regarding Town revenues. In addition, because of the use of the Tantasqua auditorium, we also recognize that moving the meeting to a Saturday conflicts with many longstanding annual events such as SAT testing in May and graduation preparations in June.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*Recommendation to be provided at Town Meeting. Voted 5 – 0.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made to approve the article as written. This motion was seconded. After much discussion, Angie Ellison made a motion to move the question. This motion was seconded and passed. The vote of the Town Meeting was to defeat the article as written as declared by the Moderator.

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**ARTICLE 31**

**CITIZEN PETITION – PURCHASE 310 MAIN ST.**

To see if the Town will vote to transfer from Free Cash the sum of THREE HUNDRED FIFTEEN THOUSAND AND 00/100 DOLLARS (\$315,000.00) to purchase property and buildings located at 310 Main Street in Sturbridge; or take any action in relation thereto.

Sponsor: Citizen Petition

**RECOMMENDATION OF THE FINANCE COMMITTEE:**

*That the Town take no action on this article. Voted 5 – 0 – 2.*

*Although the Finance Committee recognizes the long term importance the acquisition of this property offers to the Town, we cannot support it at this purchase price. The price requested in the article exceeds that of similar properties on the market by at least \$25,000. We suggest the Town investigate acquiring a “right of first refusal” to purchase the property for a nominal sum.*

**RECOMMENDATION OF THE BOARD OF SELECTMEN:**

*That the Town take no action on this article. Voted 4 – 0 – 1.*

**VOTE OF THE TOWN MEETING:** There was a substitute motion made by Bill Smith to approve the article, funded by free cash in the amount of \$285,000.00. This motion was seconded. After discussion on this article, the vote of the Town Meeting was to defeat this article which required a 2/3rds majority as declared by the Moderator.