

**2009 ANNUAL TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS
MOTIONS**

FRANKLIN, SS:

To either of the Constables of the **Town of Sunderland** in the County of Franklin, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in the elections and in town affairs, to meet at SUNDERLAND ELEMENTARY SCHOOL in said SUNDERLAND on Friday this TWENTY-FOURTH day of April, TWO THOUSAND AND NINE at 7:00 p.m. and act on the following articles:

All articles on this warrant require a simple majority unless otherwise indicated or required by the motion.

**The meeting was called to order at 7:04pm by Moderator, Robert T. Duby.
The Constables' Return was read by Town Clerk, Wendy Houle
Robert T. Duby led the Pledge of Allegiance.
Robert T. Duby introduced officials and acknowledged Annual Town Report dedication to Shirley Graves who served for 38 years as a Library Trustee and served on the Veterans' Memorial Committee. Mr. Duby acknowledged the "Spirit of Sunderland" honorees Carolyn and Tom Herrick for their many years of dedicated service to the Town of Sunderland.
A moment of silence was observed for Ernest Hofer, Sidney Lyford, Jr., Mary Mileski, Jarrod Weston and John Yokubaitis, Sr., as all had given of their time for the Town of Sunderland and will be fondly remembered by the citizens of Sunderland.**

Robert T. Duby, Moderator, called the adjourned session of Annual Town Meeting to order at 7:24pm on June 12, 2009. Wendy Houle, Town Clerk, swore in tellers Amy Barker, Russ Cranshaw, Peter Gagarin, and Elizabeth Sillin.

**Motion was made and seconded to take the articles (Articles 2, 3, 15, 16, and 22) off the table.
Passed Unanimous**

ARTICLE 1: Move that the Town vote to hear the reports of the Selectmen, the Sunderland School Committee and all other Town Officers, Boards, Committees and Commissions.

Majority Vote (no statutory reference)

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0

**Seconded Passed Unanimous
(Voted 4.24.09)**

Reports were given by Lorin Starr, Library Trustee, Michael Zeoli, Finance Committee and Scott Bergeron, Board of Selectman. Given Sunderland's financial situation and State revenues not yet determined it was recommended to wait until final numbers came in from the State to determine the financial impact to the residents of Sunderland.

ARTICLE 2: Move to table Article 2 for consideration at a continued session of Town Meeting to be held on June 12, 2009 at 7:00 p.m. here at the Sunderland Elementary School.

Seconded Passed Moderator declared passed by 2/3 vote.
(Voted 4/24/09)

On June 12, 2009 it was unanimously voted to take off the table.

Move that the Town vote, under the provisions of M.G.L. Chapter 41, Section 108, to set the salaries and compensation of all its elected officials connected therewith for Fiscal Year 20108, as follows:

Assessors: Chairman \$3,269.00 annually Clerk \$3,269.00 annually Member \$3,269.00 annually

Moderator: \$200.00 annually

Planning Board: Chairman \$750.00 annually Clerk \$750.00 annually Members each \$500.00 annually

Town Clerk: \$39,930.00 annually

Selectmen: Chairman \$3,500.00 annually Vice Chairman \$3,000.00 annually Clerk \$3,000.00 annually

Majority Vote-G.L. c.41, §108

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 6-0

Seconded Passed Unanimous
(Voted 6.12.09)

ARTICLE 3: Move to table Article 3 for consideration at a continued session of Town Meeting to be held on June 12, 2009 at 7:00 p.m. here at the Sunderland Elementary School.

Seconded Passed Moderator declared passed by 2/3 vote.
(Voted 4/24/09)

On June 12, 2009 it was unanimously voted to take off the table.

Move that the Town vote to raise and appropriate \$7,099,717, appropriate from Ambulance Reserve the sum of \$87,966, appropriate from Town Fund 318 - Comcast PEG Access Fund the sum of \$11,211, appropriate from School Building Assistance Funds the sum of \$212,000, appropriate from School Building Assistance Investment Income the sum of \$90,000, appropriate from Assessors Overlay Surplus the sum of \$16,500, appropriate from Town Fund 419 - Title V the sum of \$5,120, for the **sum total of \$7,522,514** for town and general municipal purposes connected therewith for Fiscal Year 2010, as set forth in the handout entitled, Town of Sunderland FY 2010 Budget, provided however, that \$770,854 of the amounts to be raised and appropriated for the purposes set forth herein shall be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½ override question pursuant to the provisions of G.L. c.59, §21C(g)

Majority Vote -G.L. c. 40, §5, G.L. c.59, §21C, and G.L. c.71, §16B (Note: unless borrowing is contemplated as a funding source, in which case a 2/3 vote will be required and reference should be made to G.L. c. 44, §7 and/or transfer from stabilization is contemplated, then 2/3 vote-G.L. 40, §5B)

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 6-0

Seconded
(Voted 6.12.09)

Passed

Majority

ARTICLE 4: Move that the Town vote to increase the exemption allowed by 100%, from \$500 to \$1,000 for qualified senior citizens under M.G.L. Chapter 59, Section 5, Clause 41C, to be effective in the Fiscal Year commencing on July 1, 2009.

Majority Vote-G.L. c.59, §5, cl. 41C

SUBMITTED BY: Treasurer/Collector
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 6-0-1

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 5: Move that the Town vote to increase the gross receipt limits to \$20,000 for single and \$30,000 for married to determine eligibility requirements for seniors under M.G.L. Chapter 59, Section 5, Clause 41C (Current limits are \$13,000 for single and \$18,000 for married), to be effective in the Fiscal Year commencing on July 1, 2009.

Majority Vote-G.L. c.59, §5, cl. 41C

SUBMITTED BY: Treasurer/Collector
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 6-0-1

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 6: Move that the Town vote to increase the whole estate limit to \$40,000 for single and \$55,000 for married to determine eligibility requirements for seniors under M.G.L. Chapter 59, Section 5, Clause 41C (Current limits are \$28,000 for single and \$30,000 for married), to be effective in the Fiscal Year commencing on July 1, 2009.

Majority Vote-G.L. c.59, §5, cl. 41C

SUBMITTED BY: Treasurer/Collector
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 6-0-1

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 7: Move that the Town vote to reduce the eligibility age from 70 years to 65 years for senior citizen exemptions allowed under M.G.L. Chapter 59 Section 5 Clause 41C, to be effective in the Fiscal Year commencing on July 1, 2009.

Majority Vote-G.L. c. 59, §5, cl. 41C

SUBMITTED BY: Treasurer/Collector
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 6-0-1

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 8: Move that the Town vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under M.G.L. Chapter 59, Section 5, Clause 41A from \$20,000 to \$40,000 with such increases to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2009.

Majority Vote-G.L. c.59, §5, cl. 41A

SUBMITTED BY: Treasurer/Collector
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 6-0-1

Seconded
(Voted 4.24.09)

Passed

Vast Majority

ARTICLE 9: Move that the Town vote to amend the vote taken under Article 19 of the April 27, 2001 Annual Town Meeting by changing the HISTORY OF SUNDERLAND VOL. III end date from 2018 to 2010.

Majority Vote – (no statutory reference)

SUBMITTED BY: Volume III Steering Committee
SELECTMEN RECOMMENDATION: 3-0

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 10: Move that the Town vote to transfer from Free Cash **the sum of \$64,105** to the Stabilization Fund.

Requires a 2/3 vote, according to M.G.L. 40, §5B

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 7-0

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 11: Move that the Town vote to amend the Code of the Town of Sunderland, Chapter 125, Zoning Bylaws: The proposed zoning revisions include: (1) changes to the Definitions (Section 125-2.); (2) updates to the Use Regulations (Section 125-4.) and Dimensional Schedule (Section 125-5 E.) related to the proposed changes; (3) changes to the existing Flexible Development Bylaw (Section 125-5 G.) including using Site Plan Review rather than a Special Permit process and a density bonus for provision of affordable housing; (4) changes to the Major Residential Development Bylaw (Section 125-13.) including the submission of Conventional and Flexible Development Plans and minimum requirements for the provision of affordable housing; and (5) changes to the Site Plan Review Bylaw (Section 125-17 B.), as detailed in the handout entitled, "Sunderland 2009 Annual Town Meeting, Article 11, Changes to the Code of Sunderland, Chapter 125, Zoning Bylaws".

Requires a 2/3 Vote, according to MGL Chapter 40A § 5

SUBMITTED BY: Planning Board
SELECTMEN RECOMMENDATION: 3-0

William Sillin of the Planning Board gave an oral report to the voters of Sunderland.

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 12: Move that the Town vote to amend the Code of the Town of Sunderland by inserting a new bylaw titled, "**Right to Farm Bylaw**", as detailed in the handout entitled, "Sunderland 2009 Annual Town Meeting, Article 12 - Changes to the Code of Sunderland, **Right to Farm Bylaw**".

Majority Vote -G.L. c. 40, §21

SUBMITTED BY: Agricultural Commission
SELECTMEN RECOMMENDATION: 3-0

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 13: Move that the Town accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community

The term for the first appointed and designated Community Preservation Committee members shall begin on the effective date of this bylaw and shall end on June 30, 2010. Thereafter, each member of the Committee shall serve for a term of one year or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards, or committees who have appointing authority under this by law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

2. *Duties*

The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

3. *Recommendations to the Town*

The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

4. *Set Aside Recommendations*

The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

5. *Annual revenues; open space, historic resources and community housing*

In every fiscal year, the community preservation committee must recommend either that the Town Meeting spend, or set aside for later spending, not less than 10 % of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use), not less than 10 % of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10 % of the annual revenues in the Community Preservation Fund for community housing.

6. *Requirement for a quorum and cost estimates*

The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

7. *Amendments*

The Community Preservation Committee shall, from time to time, review the administration of this by-law, making recommendations, as needed, for changes in the by-law and in administrative practice to improve

the operations of the Community Preservation Committee. The first review shall be completed no later than January 1, 2011 and subsequent reviews shall be completed in no more than five-year intervals.

This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L. c.44B.

8. *Severability*

In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

9. *Effective Date*

Provided that the Community Preservation Act is accepted by the voters at the May 1, 2010 annual town election, this Bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of M.G.L. Chapter 40, Section 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

Or take any vote or votes in relation thereto.

Majority Vote -G.L. c. 40, §21; G.L. c.44B, §5

SUBMITTED BY: Community Preservation Act Advisory Committee

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PERMANENT BUILDING COMMITTEE RECOMMENDATION:

Seconded

Passed

Unanimous to Withdraw

(Voted 4.24.09)

ARTICLE 15: Move to table Article 15 for consideration at a continued session of Town Meeting to be held on June 12, 2009 at 7:00 p.m. here at the Sunderland Elementary School.

Seconded

Passed

Moderator declared passed by 2/3 vote.

(Voted 4/24/09)

On June 12, 2009 it was unanimously voted to take off the table.

Move that the Town vote pursuant to M.G.L. c. 40, §5B, to establish a special purpose stabilization fund, to be known as the Capital Stabilization Fund, for municipal capital purposes included in MGL c. 44, §§7 & 8.

Requires a 2/3 vote, according to M.G.L. 40, §5B

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 2-1

FINANCE COMMITTEE RECOMMENDATION: 6-0

Seconded

Passed

Moderator declared passed by 2/3 vote.

(Voted 6/12/09)

ARTICLE 16: Move to table Article 16 for consideration at a continued session of Town Meeting to be held on June 12, 2009 at 7:00 p.m. here at the Sunderland Elementary School.

Seconded Passed Moderator declared passed by 2/3 vote.
(Voted 4/24/09)

On June 12, 2009 it was unanimously voted to take off the table.

Move that the Town vote to raise and appropriate the sum of \$50,000 to the Capital Stabilization Fund, such sum to be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½ override question pursuant to the provisions of M.G.L Chapter 59, §21C(g)

Requires a 2/3 vote, according to M.G.L. 40, §5B

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 6-0 (on \$100,000)

Seconded

Amendment: Move that the Town vote to raise and appropriate the sum of \$100,000 to the Capital Stabilization Fund, such sum to be expressly contingent upon approval by the voters of the Town of a Proposition 2 ½ override question pursuant to the provisions of M.G.L Chapter 59, §21C(g)

Seconded Yes: 51 No: 73 **Amendment Failed**

MAIN MOTION Passed Moderator declared passed by 2/3 vote
(Voted 6/12/09)

ARTICLE 17: Move that the Town vote to authorize the Treasurer/Collector to enter into compensating balance agreements during fiscal year 2010, as permitted by M.G.L. Chapter 44, Section 53F.

Majority Vote-G.L. c.44, §53F

SUBMITTED BY: Treasurer/Collector
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 7-0

Seconded Passed Unanimous
(Voted 4.24.09)

ARTICLE 18: Move that the Town vote to authorize the Town Treasurer to charge for each written demand issued by the collector a fee of \$10.00 to be added to and collected as part of the tax, as authorized by M.G.L. Chapter 60, Section 15, effective as of July 1, 2009.

Majority Vote-G.L. c.60, §15

SUBMITTED BY: Treasurer/Collector
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 7-0

Seconded
(Voted 4.24.09)

Passed

Vast Majority

ARTICLE 19: Move that the Town vote to transfer from Free Cash, **the sum of \$10,000** for fiscal year 2010 legal and consultant expenses associated with the Sugarbush Meadows 40B project.

Majority Vote -G.L. c. 40, §5 (Note: unless borrowing is contemplated as a funding source, in which case a 2/3 vote will be required and reference should be made to G.L. c. 44, §7 and/or transfer from stabilization is contemplated, then 2/3 vote-G.L. 40, §5B)

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 7-0

Seconded

Motion to Table Article 19 and seconded. Motion to table Article 19 **FAILED**.

Main Motion:
(Voted 4.24.09)

Passed

Majority

ARTICLE 20: Move that the Town vote to transfer from Ambulance Reserve Fund, **the sum of \$5,500** to purchase and install a ruggedized EMS laptop computer with vehicle mounts and portable printer for the Town's ambulance.

Majority Vote -G.L. c. 40, §5 (Note: unless borrowing is contemplated as a funding source, in which case a 2/3 vote will be required and reference should be made to G.L. c. 44, §7 and/or transfer from stabilization is contemplated, then 2/3 vote-G.L. 40, §5B)

SUBMITTED BY: Ambulance Director
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-2-1

Seconded
(Voted 4.24.09)

Passed

Majority

ARTICLE 21: Move that the Town vote to transfer from the Sewer Reserve Fund, **the sum of \$25,000** to rebuild or replace two RAS Pumps at the Wastewater Treatment Plant.

Majority Vote -G.L. c. 40, §5 (Note: unless borrowing is contemplated as a funding source, in which case a 2/3 vote will be required and reference should be made to G.L. c. 44, §7 and/or transfer from stabilization is contemplated, then 2/3 vote-G.L. 40, §5B)

SUBMITTED BY: WWTP Project Manager
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 7-0

ARTICLE 24: Move that the Town vote to amend the Code of the Town of Sunderland Bylaws, by inserting in Chapter 89, the following new bylaw, **§89-5. Public Consumption of Marijuana or Tetrahydrocannabinol:**

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This bylaw may be enforced through any lawful means including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. Chapter 40, Section 21, or by noncriminal disposition pursuant to M.G.L. Chapter 40, Section 21D, by the Board of Selectmen, their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and three hundred dollars (\$300.00) for a third or subsequent offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.

Majority Vote -G.L. c. 40, §§21, 21D

SUBMITTED BY: Police Chief

SELECTMEN RECOMMENDATION: 3-0

Motion to Table Article 24 did not receive a second so motion to table Article 24 **FAILED**.

Motion to move question:

Seconded

Declared **passed by 2/3 vote** by Moderator

Main Motion:
(Voted 4.24.09)

Passed

Majority

ARTICLE 25: Move that the Town vote to amend the Code of the Town of Sunderland by inserting the following new bylaw titled, **“False Burglar and Fire Alarms”**:

Upon the response by the Police Department to false burglar alarms at a premises or the Fire Department to false fire alarms at a premises, a penalty may be imposed on the party or parties responsible for the alarm according to the following schedule:

- A. For the fourth false alarm within a twelve (12) month period, a one hundred dollar \$100.00 fine shall be imposed. For the fifth false alarm within the twelve (12) month period, a two hundred dollar (\$200.00) fine shall be imposed. For the sixth and all subsequent false alarms within the twelve (12) month period, a three hundred dollar (\$300.00) fine shall be imposed. For purposes of this bylaw, the twelve (12) month period shall begin with the first false alarm and extend for 11 months thereafter. After the expiration of such twelve (12) month period, a new twelve (12) month period shall begin with the occurrence of a false alarm.
- B. Appeals shall be made to the Police Chief for false burglar alarms, and to the Fire Chief for false fire alarms. Appeals must be submitted in writing to the Police or Fire Chief within fourteen (14) days after

the issuance date of the citation. A hearing shall be conducted by the Police Chief or the Fire Chief within fourteen (14) days after receipt of the written appeal.

- C. The provisions of this bylaw shall be enforced by the Sunderland Police Chief with regard to burglar alarms, or by the Sunderland Fire Chief with regard to fire alarms, or their respective designees, or by any police officer of the Town, through any lawful means including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D.

Majority Vote -G.L. c. 40, §§21, 21D

SUBMITTED BY: Police Chief/Fire Chief
SELECTMEN RECOMMENDATION: 3-0

Seconded
(Voted 4.24.09)

Passed

Majority

ARTICLE 26: Move that the Town vote to amend the Code of the Town of Sunderland Chapter 89, Peace and Good Order, by revising **§89-4. Violations and penalties**, by deleting the strike-through text and inserting the underlined text, as follows:

~~Whoever violates any of the provisions or requirements of the bylaws set forth in Article 27 shall be punished by fines of not more than two hundred dollars (\$200) for each offense. Violations of any of the provisions or requirements of Chapter 89 may be enforced through any lawful means including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 41, §21, or by non-criminal disposition pursuant to M.G.L. c. 40, §21D, by the Board of Selectmen, their duly authorized agents, or any police officer of the Town. The fine for any violation of this chapter shall be one hundred dollars (\$100.00) for the first offense. The second violation of this by-law within twelve (12) months after the first violation shall be punished by a fine of two hundred dollars (\$200.00). Further violations within twelve (12) months after the last violation shall be punished by a fine of three hundred dollars (\$300.00). In addition, whoever violated any of the provisions or requirements of the bylaws set forth in §§ 89-1, 89-2 and 89-3 shall be subject to arrest. All prosecutions of any such violations shall be begun within six (6) months from the date of the offense. As authorized by state law, prosecutions may be entered by any citizen, and it shall be the duty of the Board of Selectmen, police officers and constables employed by the town to prosecute violations of any such bylaws which come to their attention.~~

Majority Vote -G.L. c. 40, §§21, 21D

SUBMITTED BY: Police Chief
SELECTMEN RECOMMENDATION: 3-0

Seconded
(Voted 4.24.09)

Passed

Majority

- Articles 27 through 32, inclusive are so called Consent Articles
- SELECTMEN RECOMMENDATION TO CONSENT ARTICLES: 3-0
- FINANCE COMMITTEE RECOMMENDATION TO CONSENT ARTICLES: 7-0

ARTICLE 27: Move that the Town vote to re-authorize the establishment of the following revolving funds pursuant to the provisions of Massachusetts General Laws Chapter 44, section 53E ½, in order to allow fees and/or fines to be spent without further appropriation for services rendered by:

Wiring Inspector

Fees for services rendered. Expenditures from this fund will not exceed \$5,500.

Plumbing Inspector

Fees for services rendered. Expenditures from this fund will not exceed \$3,000.

Board of Health

Fees and fines for services rendered. Expenditures from this fund shall not exceed \$3,000.

Ambulance Intercepts

Fees for services rendered. Expenditures from this fund shall not exceed \$25,000.

Fall Festival Committee

Receipts from the Annual Fall Festival to be used for operating the Annual Fall Festival and related expenses. Expenditures from this fund shall not exceed \$4,000.

Sunderland Public Library Community Room (Library Trustees)

Receipts from the rental of the Sunderland Public Library Community Room to be used for maintenance of the Library Community Room and related expenses. Expenditures from this fund shall not exceed \$5,000.

Majority Vote-G.L. c. 44, 53E ½

SUBMITTED BY: Board of Selectmen

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 28: Move that the Town authorize the Board of Selectmen to apply for, accept and expend any grants or donations from State or Federal governments or private agencies, individuals or institutions.

Majority Vote (no statutory reference; see G.L. c. 44, §53A)

SUBMITTED BY: Board of Selectmen

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 29: Move that the Town vote to accept and expend any sum or sums of money which may be available from the State for Chapter 90 work for road improvement and equipment expense.

Majority Vote (no statutory reference; see G.L. c. 44, §53)

SUBMITTED BY: Board of Selectmen and Highway Superintendent

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 30: Move that the Town vote under the provisions of M.G.L. Chapter 40, Section 4A to authorize the Board of Selectmen to enter into inter-municipal agreements.

Majority Vote-G.L. c. 40, §4A

SUBMITTED BY: Board of Selectmen

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 31: Move that the Town vote to authorize the Board of Selectmen to enter into contracts for goods and services with duration in excess of three years under the provisions of M.G.L. Chapter 30B, Section 12, paragraph (b).

Majority Vote (no statutory reference; see G.L. c. 30B, §12)

SUBMITTED BY: Board of Selectmen

Seconded
(Voted 4.24.09)

Passed

Unanimous

ARTICLE 32: Move that the Town vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2009 in accordance with the provisions of M.G.L. Chapter 44, Section 4 and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with M.G.L. Chapter 44, Section 17.

Majority Vote-G.L. c.44, §4; G.L. c.44, §17

SUBMITTED BY: Treasurer/Collector

Seconded
(Voted 4.24.09)

Passed

Unanimous

Thomas Fydenkevez made a MOTION TO ADJOURN UNTIL JUNE 12, 2009 AT 7:00 P.M. AT THE SUNDERLAND ELEMENTARY SCHOOL seconded by Scott Bergeron, PASSED. Unanimously at 10:23pm on April 24, 2009

Thomas Fydenkevez made a MOTION TO DISSOLVE, seconded by Scott Bergeron, Passed, Unanimously at 9:42pm on June 12, 2009.

Respectfully submitted,

Wendy Houle, MMC/CMMC
Sunderland Town Clerk