

**2011 ANNUAL TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS**

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 NINTH day of April, TWO THOUSAND AND ELEVEN 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.

ARTICLE 1: To see if the Town will vote to hear the reports of the Selectmen, the Sunderland School Committee and all other Town Officers, Boards, Committees and Commissions, or take any vote or votes in relation thereto.

Majority Vote (no statutory reference)

SUBMITTED BY: Board of Selectmen

ARTICLE 2: To see if the Town will 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 2012, or take any vote or votes in relation thereto.

Assessors: Chairman \$2,700.00 annually Clerk \$2,700.00 annually Member \$2,700.00 annually

Moderator: \$200.00 annually

Planning Board: Chairman \$630.00 annually Clerk \$630.00 annually Members each \$380.00 annually

Town Clerk: \$37,791.00 annually

Selectmen: Chairman \$3,150.00 annually Vice Chairman \$2,700.00 annually Clerk \$2,700.00 annually

Majority Vote-G.L. c.41, §108

SUBMITTED BY: Board of Selectmen

ARTICLE 3: To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum or sums of money for the Town and general municipal purposes connected therewith for Fiscal Year 2012, or take any vote or votes in relation thereto.

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:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: To see if the Town will vote to accept MGL c. 59, §57C for the purpose of establishing a semi-annual preliminary tax payment system to be effective beginning Fiscal Year 2012, or take any vote or votes in relation thereto.

Majority Vote -G.L. c. 59 § 57C

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: To see if the Town will vote to amend the Code of Sunderland by inserting a new bylaw entitled "Community Preservation Committee Bylaw," to provide as follows:

Community Preservation Committee By-law

1. Membership of the Committee.

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to the provisions of M.G.L. c.44B, §5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:

One member of the Conservation Commission as designated by said Commission;
One member of the Historical Commission as designated by said Commission;
One member of the Planning Board as designated by said Board;
One member of the Recreation Committee as designated by the Committee;
One member of the Housing Committee as designated by the Committee;
Two residents to be appointed by the Board of Selectmen.

The initial term for the first appointed and designated Community Preservation Committee members by the Conservation Commission, the Historical Commission and the Planning Board shall be for a period of one year and for three year terms thereafter. The term for the first appointed and designated members by the Recreation Committee and Housing Committee shall be for an initial term of two years and for three years thereafter. The initial term of members first appointed and designated by the Board of Selectmen shall be for a period of three years and for three year terms thereafter.

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 Annual or Special 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, 2012 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

This Bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL c.40, §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: Board of Selectmen

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PERMANENT BUILDING COMMITTEE RECOMMENDATION:

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide **the sum of \$3,300** to pay the additional costs for tax collection software to comply with the Community Preservation Act., or take any vote or votes in relation thereto.

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:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 7: To see if the Town will vote to amend the Code of the Town of Sunderland, Chapter 125, Zoning By-Laws, by deleting certain underlined text and inserting *italicized* text, as set forth in the document entitled "Amendments to Chapter 125 of the Code of Sunderland, Zoning By-law, Spring 2011" on file with the Town Clerk. The proposed zoning revisions include: (1) changes to Section 125-5 G. Flexible Development Bylaw to modify the density bonus provisions and to add a requirement for affordable housing; (2) changes to Section 125-13 Major Residential Development to remove the requirement for a Special Permit and to add a requirement for the provision of affordable housing; (3) changes to the Definitions Section 125-2; (4) changes to Section 125-17 B. Site Plan Review Bylaw to remove site plan review requirements for Major Residential Development; (5) changes to Section 125-19 Special Permits to add a criteria for drainage or stormwater; (6) changes to the Special Resource Districts Section 125-16 B. to remove certain submittal requirements for Major Residential Development; (7) changes to Section 125-16 C. Watershed District to update and improve water resource protection requirements; (8) updates to the Use Regulations (Section 125-4) and Dimensional Schedule (Section 125-5 E.) related to the proposed changes; and (9) changes to Section 125-11 Earth Removal to address additions of sand, gravel, topsoil or other similar materials.

Or take any vote or votes in relation thereto.

2/3 Vote - G.L. c. 40A, § 5

SUBMITTED BY: Planning Board

SELECTMEN RECOMMENDATION:

ARTICLE 8: To see if the Town will vote to amend the Code of the Town of Sunderland, Chapter 31, Personnel Bylaws, by deleting certain text in ~~strike through~~ and inserting *italicized* text, as set forth in the document entitled "Amendments to Chapter 31 of the Code of Sunderland, Personnel By-law, Spring 2011" on file with the Town Clerk. Personnel Bylaws with proposed revisions include: Section 31-12. Town Property; Section 31-13. Town Vehicles; Section 31-16. Sick Leave; Section 31-18. Federal Family and Medical Leave Act; Section 31-19. Holidays; Section 31-21. Benefits; and Section 31-25. Standards of Conduct.

Or take any vote or votes in relation thereto.

Majority Vote -G.L. c. 40, §21

SUBMITTED BY: Board of Selectmen

PERSONNEL COMMITTEE RECOMMENDATION: 5-0

SELECTMEN RECOMMENDATION:

ARTICLE 9: To see if the Town will vote to amend the Frontier Regional School District Agreement as follows or take any other vote or votes in relation thereto:

Amendments to the Frontier Regional School District Agreement

Amend Section 1 of the Frontier Regional School District Agreement by deleting Section 1 A. – D.; replacing those paragraphs with the following paragraphs A. – C.; re-lettering paragraphs E to D, F to E, G to F and H to G; adding to the newly re-lettered paragraph D “The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.” and deleting paragraph H and replacing it with the following paragraph G.

Section I

The Regional District School Committee shall consist of eleven members: two each from Conway and Whatley, three members from Sunderland and four members from Deerfield.

A. Composition

The Regional District School Committee, hereinafter referred to as the Committee, shall consist of eleven members: four from the Town of Deerfield, three from the Town of Sunderland, two from the Town of Whately and two from the Town of Conway. As hereinafter provided, four of the eleven members shall be appointed by the local school committees and seven shall be elected by the annual town elections.

B. Appointed Members

Immediately after each annual town election, the local school committee of each member town shall appoint from its own membership one member to serve on the Committee for a term of one year.

An appointed member’s vote shall count as one vote cast on any issue.

C. Elected Members

Of the seven elected members, there shall be three from the Town of Deerfield, two from the Town of Sunderland and one from each of the Towns of Conway and Whately. At the annual town elections next following the Amendment to the Regional School District Agreement, the Town of Deerfield shall elect one additional member to serve on the Committee for a term of one year; and the Town of Sunderland shall elect one additional member to serve for a term of one year. Thereafter, at every succeeding annual town election when a member town is required to elect a member, each such town shall elect such member to serve for a term of three years.

An elected member’s vote shall be weighted so that each member’s vote represents the towns population as a percentage of the population of the whole district divided by the number of elected members from that Town. The calculations for weighted votes shall be based on the United States census and recalculated when new census figures are reported.

Delete paragraph D. Interim Committee

D. Change E to D. Vacancies and add final sentence

If a vacancy occurs among the appointed members, the local school committee of the member town involved shall appoint a member from its own membership to serve for the remainder of the unexpired term. If a vacancy occurs among the elected members, the selectmen of the member town involved shall appoint a member to serve until the next annual town election, at which election a successor shall be elected to serve for the remainder of the unexpired term, if any. The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.

E. Change F. Organization to E. Organization

F. Change G. Powers and Duties to F. Powers and Duties

G. Change H. Quorum to G. Quorum and replace with the following:

G. Quorum

A quorum for the transaction of business shall be a majority of the committee and greater than 50% of the weighted vote membership, but a number less than a majority may adjourn any meeting. Passage of any measure shall require a majority of the committee and greater than 50% of the weighted vote as counted.

Majority Vote – G.L. c.71, §14B - Frontier Regional School District Agreement

SUBMITTED BY: Frontier Regional School Committee

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum or sums of money necessary for implementation of an Emergency Medical Technician call stipend program for the Sunderland Fire Department's ambulance service in Fiscal Year 2012, or take any vote or votes in relation thereto.

Majority Vote -G.L. c. 40, §5 and G.L. c.59, §21C (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:
FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide **the sum of \$10,000** for Fiscal Year 2012 legal and consultant expenses associated with the Sugarbush Meadows 40B project, or take any vote or votes in relation thereto.

Majority Vote -G.L. c. 40, §5 (Note: unless a transfer from stabilization is contemplated, then 2/3 vote-G.L. 40, §5B)

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide **the sum of \$5,000 to replace original valves, and the sum of \$30,000 to sand blast and repaint the clarifiers at the Wastewater Treatment Plant, for the sum total of \$35,000,** or take any vote or votes in relation thereto.

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:
FINANCE COMMITTEE RECOMMENDATION:
PERMANENT BUILDING COMMITTEE RECOMMENDATION:

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide **the sum of \$3,000 for replacement of municipal computers and associated software, and the sum of \$1,000 for replacement of a library computer and associated software, for the sum total of \$4,000,** or take any vote or votes in relation thereto.

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: Library Trustees
SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide **the sum of \$30,000 to purchase and install hot water pumps and drivers at the Sunderland Elementary School,** or take any vote or votes in relation thereto.

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: Sunderland Elementary School Committee
SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide **the sum of \$20,000 for the replacement or repair of storm drains**, or take any vote or votes in relation thereto.

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:
FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide **the sum of \$1,000 to purchase two self-contained breathing apparatus cylinders, and the sum of \$10,000 to purchase turnout gear for the Sunderland Fire Department, for the sum total of \$11,000**, or take any vote or votes in relation thereto.

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: Fire Chief
SELECTMEN RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION:

Articles 17 through 23 (7 articles), inclusive, are so called Consent Articles

- SELECTMEN RECOMMENDATION to Consent Articles
- FINANCE COMMITTEE RECOMMENDATION to Consent Articles

ARTICLE 17: To see if the Town will vote to authorize the Treasurer/Collector to enter into compensating balance agreements during Fiscal Year 2012, as permitted by M.G.L. Chapter 44 Section 53F, or take any vote or votes in relation thereto.

Majority Vote-G.L. c.44, §53F

SUBMITTED BY: Treasurer/Collector

ARTICLE 18: To see if the Town will 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 shall be credited to the fund and shall be used to support inspection services. Expenditures from this fund will not exceed \$5,500.

Plumbing Inspector

Fees for services rendered shall be credited to the fund and shall be used to support inspection services. Expenditures from this fund will not exceed \$3,000.

Board of Health

Fees and fines for services rendered shall be credited to the fund and shall be used to support provision of Board of Health services. Expenditures from this fund shall not exceed \$6,000.

Ambulance Intercepts

Fees for services rendered shall be credited to the fund and shall be used to support ambulance services. Expenditures from this fund shall not exceed \$20,000.

Fall Festival Committee

Receipts from the Annual Fall Festival shall be credited to the fund and shall 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 shall be credited to the fund and shall be used for maintenance of the Library Community Room and related expenses. Expenditures from this fund shall not exceed \$5,000.

Or take any vote or votes in relation thereto.

Majority Vote-G.L. c. 44, §53E ½

SUBMITTED BY: Board of Selectmen

ARTICLE 19: To see if the Town will 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, or take any vote or votes in relation thereto.

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

SUBMITTED BY: Board of Selectmen

ARTICLE 20: To see if the Town will 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, or take any vote or votes in relation thereto.

Majority Vote (no statutory reference; see G.L. c. 44, §53A and G.L. c.90)

SUBMITTED BY: Board of Selectmen and Highway Superintendent

ARTICLE 21: To see if the Town will vote under the provisions of M.G.L. Chapter 40, Section 4A to authorize the Board of Selectmen to enter into inter-municipal agreements, or take any vote or votes in relation thereto.

Majority Vote-G.L. c. 40, §4A

SUBMITTED BY: Board of Selectmen

ARTICLE 22: To see if the Town will 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), or take any vote or votes in relation thereto.

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

SUBMITTED BY: Board of Selectmen

ARTICLE 23: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2011 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, or take any vote or votes in relation thereto.

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

SUBMITTED BY: Treasurer/Collector

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

You are hereby directed to warn the inhabitants of said Sunderland qualified to vote in Town elections to bring in and cast their votes for the following offices to be filled for the year 2011 on Saturday, the Seventh of May, 2011 at the Sunderland Elementary School at 1 Swampfield Drive, Sunderland from 10:00 a.m. to 5:00 p.m.

<u>Office</u>	<u>Term</u>	
• MODERATOR	1 FOR	1 YEAR
• SELECTMAN	1 FOR	3 YEAR
• ASSESSOR	1 FOR	3 YEAR
• BOARD OF HEALTH	1 FOR	3 YEAR
• RIVERSIDE CEMETERY TRUSTEE	1 FOR	3 YEAR
• PLANNING BOARD	1 FOR	5 YEAR
• LIBRARY TRUSTEES	3 FOR	3 YEAR
• ELEMENTARY SCHOOL COMMITTEE	2 FOR	3 YEAR
• ELEMENTARY SCHOOL COMMITTEE REPRESENTATIVE TO TOWN		
• PARK TRUSTEES	1 FOR	1 YEAR
• FRONTIER REGIONAL SCHOOL COMMITTEE	1 FOR	3 YEAR

QUESTION 1

Shall the Town of Sunderland be allowed to assess an additional \$281,655 in real estate and personal property taxes for the purpose of funding the Town's municipal and elementary school operating budgets for the fiscal year beginning July 1, 2011?

QUESTION 2

Shall the Town of Sunderland be allowed to assess an additional \$57,000 in real estate and personal property taxes for the purpose of funding the Town's municipal capital stabilization fund for the fiscal year beginning July 1, 2011?

You are directed to serve this Warrant by posting up attested copies thereof at the Town Office Building, the Sunderland Public Library and the Sunderland Post Office in said Sunderland seven days, at least, before the holding of said Meeting.

Hereof fail not and make due return of this Warrant, with your doings thereon to the Town Clerk at the time and place of Meeting as aforesaid.

Given under our hands this ____ day of April 2011.

SUNDERLAND BOARD OF SELECTMEN

Thomas D. Fydenkevez

Scott A. Bergeron

David J. Pierce
Sunderland Board of Selectmen

A True Copy ATTEST:

Constable of Sunderland

Date and Time:

FRANKLIN, SS:

Pursuant to the within Warrant, I have notified and warned the Inhabitants of the Town of Sunderland by posting up attested copies of the same at the Town Office Building, the Sunderland Public Library and the Sunderland Post Office seven days, at least, before the date hereof, as within directed

Constable of Sunderland

Date and Time