

**2010 ANNUAL TOWN WARRANT**  
**April 30, 2010**  
**COMMONWEALTH OF MASSACHUSETTS**

Meeting called to order by Robert T. Duby at 7:15pm.

Moderator Robert T. Duby led the Pledge of Allegiance.

Moderator introduced town officials.

James "Jim" Williams, Sr. was acknowledged as the dedication for the 2009 Annual Town Report. Jim's tireless efforts to the town span over 50 years. A big thank you Jim!

Marilyn Munn who has showed exemplary efforts most notably for library service received the very well deserved "Spirit of Sunderland."

With sadness we note the passing of Gordon "Rich" Morse in 2009. Rich brought expertise to the library and his smiling will be missed.

Mike Wissemann was recognized for his two terms on the Board of Selectmen.

Tellers Brenda Russo, Elizabeth Sillin, Dan VanDalsen, and Jim Williams, Jr. were sworn in by Wendy Houle, Town Clerk.

184 registered voters attended.-

The Constables Return was read by Wendy Houle, Town Clerk.

Motion to dispense of the reading of the article and allow moderator to declare 2/3 vote.

Seconded

Passed

Unanimously

**MOTIONS**

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)

Seconded

Passed

Unanimously

(Voted 4/30/2010)

ARTICLE 2: 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 2011.

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: \$37,050.00 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

Seconded

Passed

Unanimously

(Voted 4/30/2010)

ARTICLE 3: Move that the Town vote to raise and appropriate \$6,366,129, appropriate from Ambulance Reserve the sum of \$30,000, appropriate from Town Fund 318-Comcast PEG Access Fund the sum of \$12,813, appropriate from School Building Assistance Funds the sum of \$212,000, appropriate from School Building Investment Income the sum of \$90,000, appropriate from Town Fund 419-Title V the sum of \$5,120, appropriate from Free Cash the sum of \$70,452, for the **sum total of \$6,786,514** for town and general municipal purposes connected therewith for Fiscal Year 2011, as set forth in the handout entitled, Town of Sunderland FY 2011 Budget.

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)

**Seconded**

Amendment: Motion to reduce Total Library budget request to equal \$96,949. and reduce appropriation from Free Cash by \$4,300 for new budget total of \$6,782,214.

**Seconded**

**Amendment Lost by a Majority**

Amendment: Move that the Town vote to decrease the amount raised and appropriated by \$30,000 to equal \$6,336,129, and increase the amount appropriated from Free Cash by \$30,000 to equal \$100,452. to read: Move that the Town vote to raise and appropriate \$6,336,129, appropriate from Ambulance Reserve the sum of \$30,000, appropriate from Town Fund 318-Comcast PEG Access Fund the sum of \$12,813, appropriate from School Building Assistance Funds the sum of \$212,000, appropriate from School Building Investment Income the sum of \$90,000, appropriate from Town Fund 419-Title V the sum of \$5,120, appropriate from Free Cash the sum of \$100,452 for the **sum total of \$6,786,514** for town and general municipal purposes connected therewith for Fiscal Year 2011, as set forth in the handout entitled, Town of Sunderland FY 2011 Budget.

**Seconded**

**Amendment: Passed Unanimously**

**Main Motion with Amendment:**

**Amendment: Move that the Town vote to raise and appropriate \$6,336,129, appropriate from Ambulance Reserve the sum of \$30,000, appropriate from Town Fund 318-Comcast PEG Access Fund the sum of \$12,813, appropriate from School Building Assistance Funds the sum of \$212,000, appropriate from School Building Investment Income the sum of \$90,000, appropriate from Town Fund 419-Title V the sum of \$5,120, appropriate from Free Cash the sum of \$100,452 for the sum total of \$6,786,514 for town and general municipal purposes connected therewith for Fiscal Year 2011, as set forth in the handout entitled, Town of Sunderland FY 2011 Budget**

**Passed**

**Unanimously**

(Voted 4/30/2010)

ARTICLE 4: Move that the Town vote to amend the Code of Sunderland by inserting:  
**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 G.L., c.44B, Section 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

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 MGL .c. 40, section 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

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

Seconded  
(Voted 4/30/2010)

Passed

Majority

ARTICLE 5: Move that the Town vote to transfer from Free Cash **the sum of \$4,100** to pay the additional costs for tax collection software to comply with the Community Preservation Act. This article will be contingent on passage of the related ballot question at the May 1, 2010 town election.

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)

Seconded Passed Majority  
(Voted 4/30/2010)

ARTICLE 6: Move that the Town vote to amend §125-3.A(3) of the Zoning By-law (Chapter 125) by deleting the same and substituting therefore the following language in accordance with the map dated April 20, 2010 that has been distributed to Town Meeting as follows:

§125-3.A(3) The boundaries of these districts are defined and bounded as shown on the map entitled "Zoning Map," dated September 28, 1974, as revised through April 20, 2010, which map is on file with the Town Clerk's Office. The map, as revised, and all explanatory matter therein are made a part of this Zoning Bylaw.

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

Seconded

William Sillin from the Planning Board gave an oral report to town meeting.

Vote: Moderator declared passed by 2/3 vote.  
(Voted 4/30/2010)

ARTICLE 7: Move that the Town vote to add the Town of Leverett as a member of the Franklin County Solid Waste Management District ("District") and therefore amend Article 1 Paragraph 4 of the Franklin County Solid Waste Management District Agreement pursuant to Article 7 of said Agreement by adding "Leverett" to the list of District member municipalities, subject to the following terms:

The Town of Leverett shall be admitted as a member of the District, effective July 1, 2010, by paying a one-time membership fee to the District of \$4,550 plus an annual assessment of \$4,624 for Fiscal Year 2011 and all future assessments based upon the same assessment formula applied to all other District member municipalities and shall comply with all other provisions of the District Agreement.

Majority Vote - Franklin County Solid Waste Management District Agreement

Seconded Passed Unanimously  
(Voted 4/30/2010)

ARTICLE 8: Move that the Town vote to amend the Frontier Regional School District Agreement as follows:

**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 Whately, 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 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 two years; and the Town of Sunderland shall elect one additional member to serve for a period of two years. 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 town's 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 Selectboard 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 - Frontier Regional School District Agreement

Seconded Passed Unanimously  
(Voted 4/30/2010)

ARTICLE 9: Move that the Town vote to authorize the Frontier Regional School District to establish a stabilization fund in accordance with M.G.L. c. 71, Section 16G ½.

Majority Vote -G.L. c. 71 § 16G½

Seconded Passed Unanimously  
(Voted 4/30/2010)

ARTICLE 10: Move that the Town vote to appropriate **the sum of \$672,625** to be expended under the direction of the Board of Selectmen for the relining of 4800 LF of 10-inch and 12-inch AC sewer line on Old Amherst Road as well as an additional 1000 LF of 10-inch and 12-inch AC sewer line on South Main Street, associated project costs and all other costs incidental and related thereto; that to meet said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said sum of money under and pursuant to Chapter 44, Sections 7 and 8, Chapter 29C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore; and that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Board of Selectmen is authorized to apply for, accept and expend such funds; and, further, to authorize the Town to assess one hundred percent of the project costs upon those who benefit from the project, such assessments to be made by the Uniform Unit method as provided by General Laws Chapter 83, Section 15.

Borrowing Authorization- 2/3 vote required - G.L. c. 44, §7 (1)(1A)

Seconded Passed Unanimously  
(Voted 4/30/2010)

ARTICLE 11: Move that the Town vote to transfer from the Sewer Reserve Fund **the sum of:**  
**\$15,000 to sand blast and repaint clarifiers at the Wastewater Treatment Plant,**  
**\$3,000 for bar grates at the Warner Drive and Old Amherst Road pump stations,**  
**\$7,000 for an automatic transfer switch at the Old Amherst Road pump station,**  
**\$3,000 for blades for Aerator #2 at the Wastewater Treatment Plant,**  
**\$10,000 to replace the Wastewater Treatment Plant furnace; for the sum total of \$38,000.**

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)

Seconded Passed Unanimously

(Voted 4/30/2010)

**ARTICLE 12:** Move that the Town vote to transfer from the Stabilization Fund the sum of \$50,000 for **Agricultural Preservation Restrictions (APR).**

2/3 vote required-G.L. 40, §5B

Seconded

Motion to Indefinitely Passover article

Seconded                      Passed                      Unanimously

(Voted 4/30/2010)

**ARTICLE 13:** Move that the Town vote to transfer from Free Cash the sum of \$15,000 for Fiscal Year 2011 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)

Seconded                                      Passed                                      Unanimously

(Voted 4/30/2010)

**ARTICLE 14:** Move that the Town vote to transfer from Free Cash the sum of \$1,500 for HISTORY OF SUNDERLAND VOLUME III editing work.

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)

Seconded                                      Passed                                      Majority

(Voted 4/30/2010)

**ARTICLE 15:** Move that the Town vote to transfer from the Stabilization Fund the sum of \$4,000 to install a **gas monitoring well at the old Sunderland landfill.**

2/3 vote required-G.L. 40, §5B

Seconded                                      Passed                                      Unanimously

(Voted 4/30/2010)

**ARTICLE 16:** Move that the Town vote to transfer from the Stabilization Fund the sum of \$3,000 for the **replacement of municipal computers and associated software.**

2/3 vote required-G.L. 40, §5B

Seconded                                      Passed                                      Unanimously

(Voted 4/30/2010)

**ARTICLE 17:** Move that the Town vote to transfer from the Stabilization Fund the sum of \$5,000 to purchase and install equipment necessary to transmit power from a diesel generator to the Sunderland Public Library and Town Office Building.

2/3 vote required-G.L. 40, §5B

Seconded  
(Voted 4/30/2010)

Passed

Unanimously

**ARTICLE 18:** Move that the Town vote to transfer from the Stabilization Fund the sum of \$29,000 to purchase and equip a police cruiser.

2/3 vote required-G.L. 40, §5B

Seconded  
(Voted 4/30/2010)

Passed

Unanimously

**ARTICLE 19:** Move that the Town vote to transfer from the Stabilization Fund the sum of \$9,000 to replace a thermal imaging camera for the Sunderland Fire Department.

2/3 vote required-G.L. 40, §5B

Seconded  
(Voted 4/30/2010)

Passed

Unanimously

**ARTICLE 20:** Move that the Town vote to transfer from the Stabilization Fund the sum of \$10,000 to replace fire hoses and nozzles for the Sunderland Fire Department.

2/3 vote required-G.L. 40, §5B

Seconded  
(Voted 4/30/2010)

Passed

Unanimously

**ARTICLE 21:** Move that the Town vote to transfer from the Stabilization Fund the sum of \$10,000 to purchase and install four (4) bucket loader tires for the Sunderland Highway Department.

2/3 vote required-G.L. 40, §5B

Seconded  
(Voted 4/30/2010)

Moderator Declared Passed by 2/3 vote



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. Or take any vote or votes in relation thereto.

Majority Vote-G.L. c. 44, 53E ½

Seconded Passed Unanimously  
(Voted 4/30/2010)

ARTICLE 27: 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)

Seconded Passed Unanimously  
(Voted 4/30/2010)

ARTICLE 28: 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)

Seconded Passed Unanimously  
(Voted 4/30/2010)

ARTICLE 29: 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

Seconded Passed Unanimously  
(Voted 4/30/2010)

ARTICLE 30: 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)

Seconded Passed Unanimously  
(Voted 4/30/2010)

