

**2019 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 the SUNDERLAND ELEMENTARY SCHOOL at ONE SWAMPFIELD DRIVE in said SUNDERLAND on Friday this TWENTY SIXTH day of April, TWO THOUSAND AND NINETEEN 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

SELECTMEN RECOMMENDATION: 3-0

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 2020, or take any vote or votes in relation thereto.

Assessors: Chairman \$2,907.00 annually Clerk \$2,907.00 annually Member \$2,907.00 annually

Moderator: \$200.00 annually

Planning Board: Chairman \$660.00 annually Clerk \$660.00 annually Members each \$410.00 annually

Town Clerk: \$44,175.00 annually

Selectmen: Chairman \$3,275.00 annually Vice Chairman \$2,850.00 annually Clerk \$2,850.00 annually

Majority Vote - G.L. c.41, §108

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the Town and general municipal purposes connected therewith for Fiscal Year 2020, or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 40, §5, and G.L. c.71, §16B (NOTE: 2/3 vote required if: borrowing pursuant to G.L. c. 44, §§7 or 8 and G.L. c.59, §21C; or transfer from stabilization pursuant to G.L. 40, §5B)

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4. To see if the Town will vote to transfer a sum of money from Free Cash to the Stabilization Fund, or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 40, §5B

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 0-3

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5. To see if the Town will vote to transfer a sum on money from Free Cash to the Capital Stabilization Fund, or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 40, §5B

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 6. To see if the Town will vote to appropriate a sum or sums of money for the Fiscal Year 2020 Capital Budget, specifically for the capital equipment, buildings, facilities and other capital projects as shown on a document entitled, "FY20 CAPITAL BUDGET BY FUNDING SOURCE" on file with the Town Clerk and as may be necessary in connection therewith, to authorize one or more lease purchase agreements for terms of up to or in excess of three years, or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 40, §5 (NOTE: 2/3 vote required if: borrowing pursuant to G.L. c. 44, §§7 or 8 and G.L. c.59, §21C; transfer from stabilization pursuant to G.L. 40, §5B; or authorization of lease/purchase agreement pursuant to G.L. c.44 §21C)

SUBMITTED BY: Board of Selectmen
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION:
CAPITAL PLANNING COMMITTEE RECOMMENDATION: 4-0

ARTICLE 7. To see if the Town will vote to create and appropriate the Transportation and Infrastructure Fund, said funds received from the Commonwealth Transportation and Infrastructure Fund will be used to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operations of transportation network services in Sunderland including but not limited to, the complete streets program established in section 1 of chapter 901 of the General Laws and other programs that support alternative modes of transportation, or take any other action relative thereto.

Majority Vote -

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

Article 8. To see if the Town will vote to appropriate \$25,541 from the CPA Open Space Reserve and \$54,519 from the CPA Undesignated Budgeted Reserve to be transferred to the Town's Conservation Trust for the acquisition of an Agricultural Preservation Restriction (APR) on a parcel or parcels of land in the Town of Sunderland, and to authorize the Board of Selectmen/Selectboard or Conservation Commission to acquire said interests in land upon such terms and conditions and for such consideration as it deems appropriate and to execute any documents needed to effectuate the purpose of this vote.

SUBMITTED BY: Community Preservation Committee
CPC RECOMMENDATION: 6-0
SELECTMEN RECOMMENDATION: 3-0

Majority Vote - G.L. c.44B, §5 (NOTE: 2/3 vote required if: borrowing pursuant to G.L. c. 44, §§7 or 8 or G.L. c.44B, §11; or transfer from stabilization pursuant to G.L. 40, §5B)

ARTICLE 9. To see if the Town will vote to appropriate or reserve from the Fiscal Year 2020 Community Preservation Fund estimated annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2020, or take any vote or votes in relation thereto.

Appropriations:

Committee Administrative Expenses	\$ 6,000.00
Community Preservation Debt Service	\$ 26,238.09

Reserves:

Estimated Revenues for Historic Resources Reserve	\$ 15,785.83
Estimated Revenues Community Housing Reserve	\$ 15,785.83
Estimated Revenues for Open Space Reserve	\$ 15,785.83
Estimated Revenues for CPA Undesignated Budgeted Reserve	\$ 76,262.72

SUBMITTED BY: Community Preservation Committee
CPC: 6-0
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION:

Majority Vote - G.L. c. 44B, §5

ARTICLE 10. To see if the Town will vote pursuant to the provisions of General Laws c.44, §53E½, as most recently amended, to establish FY2020 fiscal year spending limits for the revolving funds listed in Section 35-6

of the General Bylaws, and to authorize such expenditure limits to remain in place from fiscal year to fiscal year unless revised by Town Meeting prior to July 1 for the ensuing fiscal year, as follows:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Wiring Inspector	\$ 9,000
Plumbing Inspector	\$ 3,000
Board of Health	\$16,500
Sunderland Public Library Community Room	\$ 5,000
Fire Inspector	\$ 7,000
Highway Shared Equipment	\$23,000

; Or take any vote or votes in relation thereto.

Majority vote - G.L. c.44, §53E 1/2.

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

Majority Vote - G.L. c. 40, §5 (NOTE: 2/3 vote required if: borrowing pursuant to G.L. c. 44, §§7 or 8 and G.L. c.59, §21C; transfer from stabilization pursuant to G.L. 40, §5B)

Article 11. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money to fund the FY 19 Snow & Ice Deficit, or take any vote or votes in relation thereto.

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

Majority Vote - G.L. c. 40, §5 and G.L. c.44, §31D (NOTE: 2/3 vote required if: borrowing pursuant to G.L. c. 44, §§7 or 8 and G.L. c.59, §21C; transfer from stabilization pursuant to G.L. 40, §5B)

Article 12. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money to fund Sunderland’s share of retirement pay out costs at the Central Office of the Frontier Regional School District and Union 38, or take any vote or votes in relation thereto.

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

Majority Vote - G.L. c. 40, §5 and G.L. c.44, §31D (NOTE: 2/3 vote required if: borrowing pursuant to G.L. c. 44, §§7 or 8 and G.L. c.59, §21C; transfer from stabilization pursuant to G.L. 40, §5B)

Article 13. To see if the Town will vote to approve the borrowing of \$1,826,664 as authorized by a 2/3 vote of the Frontier Regional School District School Committee at its April 4, 2019 meeting, of which \$630,000 shall be for costs of designing and constructing a new track, and \$1,196,664 shall be for costs of various other capital improvements including HVAC upgrades, upgrades in the LMC, carpet replacement , parking lot repaving and repairs related to parking structures, and roof repairs, including, for each of the forgoing projects, all incidental and related costs, or take any vote or votes in relation thereto.

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

Article 14. To see if the Town will vote to amend Chapter 100, section 2 of the Code of Sunderland, Sales, Casual to insert- **or his/her designee**, to the last sentence to read:

§ 100-2 Application for permit; fee.
[Amended 12-12-1992 STM, Art. 13]

The applicant shall apply for a permit to conduct such sale from the Police Department, accompanied by a fee as determined by the Board of Selectmen. The Chief of Police **or his/her designee** shall determine whether the applicant is qualified to operate said sale, or take any vote or votes in relation to.

SUBMITTED BY: Chief of Police
SELECTMEN RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION

Article 15. To see if the Town will vote to amend Chapter 125 of the Code of Sunderland, Zoning Bylaws as set forth in a document entitled “Proposed Zoning Amendment ATM 2019” on file with the Town Clerk and posted on the Town website at www.townofsunderland.us (with provisions to be inserted shown in underlined text and provisions to be deleted shown in strikethrough text), including revisions throughout Article I-2 - Definitions, Article II-2 - Use Regulations, Article IV-1 Flexible Development, Article IV-2 Major Residential Development, and Article IV-3 Planned Unit Development Overlay District, deletion of Article IV-4 Development Rate Limitation, and, in its place, insertion of a new bylaw, Article IV-4 Accessory Dwelling Units, or take any other action relative thereto.

2/3rds vote-G.L. c.40A §5

SUBMITTED BY: Planning Board
SELECTMEN RECOMMENDATION:

Article 16. To see if the Town vote to amend the Zoning Bylaws as follows:

Map 6, Lot 34, 63 Amherst Rd. is currently zoned C1 and VR (commercial and residential) and would like a vote to make the entire property C1.

2/3rds vote-G.L. c.40A §5

SUBMITTED BY: Citizen’s Petition

Article 17. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to formalize the name change of the Board of Selectmen to Selectboard, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition, or take any vote or votes in relation thereto.

An Act Relative to the Board of Selectmen of the Town of Sunderland.

Section 1. Notwithstanding the provisions of any general or special law to the contrary, there shall hereby be established in the town of Sunderland a selectboard, which board shall have the powers and authority of a board of selectmen under any general or special laws.

Section 2. This act shall take effect upon its passage.

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

Article 18. To see if the Town will vote to amend Code of Sunderland, Chapter 14 Committees and Commissions Article I Capital Improvements Planning Committee as follows:

§ 14-1. Establishment; purpose; responsibilities.

- A. In accordance with Chapter 41, Section 106B of the Massachusetts General Laws, the ~~Board of Selectmen~~ *Selectboard* shall establish and annually appoint a committee to be known as the Capital Improvements Planning Committee ("Committee"), composed of one member of the *Selectboard*, ~~one member of the Finance Committee, one member of the School Committee, one member of the Planning Board, one member of the Board of Assessors, one member of the Board of Library Trustees, and three (3) at large members not serving on any of the above boards or committees, to bring the total voting membership to nine (9) and at least four (4) but not more than eight (8) other members. The Town Administrator shall be a non-voting member.~~ The Committee shall elect its own officers.
- B. The Committee shall study proposed capital projects and improvements involving major ~~non-recurring~~ tangible assets and projects which are *generally* purchased or undertaken at intervals of not less than five (5) years, have a useful life of at least five (5) years, and cost ~~at least over ten-thousand dollars~~ (\$10,000). All officers, boards, committees and commissions shall, by the first Friday in December of each year, submit to the ~~Selectboard Committee~~, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing six (6) years. *The Selectboard shall transmit such information in a timely fashion to the Committee. This Ssection 14-1 is also applicable to projects sponsored by the Selectboard Board of Selectmen.* The Committee shall consider the criticality, relative need, impact, timing and cost of these expenditures, the effect each will have on the financial position of the Town and future maintenance and replacement costs, recognizing the useful life of assets in

accordance with the Uniform Massachusetts Accounting System (UMAS) and Governmental Accounting Standards Board.

C. Annual report.

- (1) The Committee shall prepare an annual report recommending a Capital Improvements Budget for the next fiscal year ~~and a Capital Improvements Program, included recommended capital improvements, for the following five (5) fiscal years.~~ The report shall be submitted to the Board of Selectmen for consideration and approval. The ~~Selectboard~~ Board of Selectmen shall submit its approved Capital Budget to the Annual Town Meeting for adoption by the Town.
- (2) The Committee's report must include all projects submitted in accordance with Subsection B, with the Committee's recommendation on each of the projects clearly written. *Upon unanimous vote, the Committee's report may also include recommendations for capital improvements costing less than ten-thousand dollars (\$10,000) or having a useful life of under-five (5) years, but not both.* No appropriation for a capital improvement expenditure requested by a department, board, or committee shall be voted at a Town Meeting, unless the proposed capital improvement is recommended ~~included~~ in the Committee's annual report, or the Committee shall first have submitted a supplemental report to the ~~Selectboard~~ Board of Selectmen in accordance with Subsection F *including such recommendation and, explaining it's the omission.*
- (3) Capital improvements placed on a Town Meeting Warrant by citizen petition are excluded from the provisions of this subsection.

D. Such Capital Improvements Program, after adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five (5) years in the future.

E. The Committee's report and the Selectboard's ~~Board of Selectmen's~~ recommended Capital Budget shall be ~~published with the Annual Town Meeting Warrant and~~ made available to Town residents in a manner consistent with the Annual Town Report. The Committee shall file ~~deposit all its original reports with the Selectboard~~ Board of Selectmen Town Clerk.

F. The Committee may amend, add to, or delete from any Capital Budget recommendation previously adopted by the Town if it determines that an extraordinary and unforeseen circumstance occurred after such time information was required to be submitted for consideration at the Annual Town Meeting, and *which recommendation that it must be acted upon before the next Annual Town Meeting.* Any such amendment, addition or deletion shall be explained and submitted in a supplemental Committee report to the ~~Selectboard~~ Board of Selectmen for consideration and approval, and *as determined by the Selectboard* placement on the next Special Town Meeting Warrant. Or take any action in relation thereto.

SUBMITTED BY: Board of Selectmen

SELECTMEN RECOMMENDATION: 3-0

CAPITAL PLANNING COMMITTEE RECOMMENDATION:

--2/3rds vote

Article 19. To see if the town will vote to adopt this resolution in support of H. 2776 and S. 1877, a "Resolve Proving for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth," and request that Representative Natalie Blais and Senator Jo Comerford continue their strong advocacy and support for the aforementioned Resolve (H. 2776 and S. 1877) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

SUBMITTED BY: Citizen's Petition

--Majority Vote

Article 20. To see if the Town will vote to (a) authorize the Board of Selectmen to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, walkways, driveways, drainage, utilities, driveways, guardrails, slopes, grading, rounding, construction, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the North Main Street Reconstruction Project and for any and all purposes and uses incidental or related thereto, in, on and under certain parcels of land located on or near Center Street and approximately shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of North Main Street in the City/Town of Sunderland Franklin County", prepared by said Highway Division, on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan, and land within 200 feet of said parcels, which temporary easements shall terminate automatically five years

from the date the easements are acquired by the Town; (b) transfer the care, custody, and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plans from the board or officer having custody of the same for the purposes for which such properties are currently held to the Board of Selectmen for the purposes set forth herein, and further to dedicate said portions of the Town-owned properties to the purposes set forth herein, and, if applicable, authorize the Board of Selectmen to submit petitions to the General Court to allow the foregoing under Article 97 of the Massachusetts Constitution or otherwise; (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, further, (d) authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes; or take any other action in relation thereto.

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

--2/3rds vote

Articles 21 through 26, inclusive, are so called Consent Articles

SELECTMEN RECOMMENDATION to Consent Articles: 3-0
FINANCE COMMITTEE RECOMMENDATION to Consent Articles:

ARTICLE 21. To see if the Town will vote to authorize the Treasurer/Collector to enter into compensating balance agreements during Fiscal Year 2020, as permitted by 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
SELECTMEN RECOMMENDATION: 3-0

ARTICLE 22. 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, §§53, 53A)

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

ARTICLE 23. 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, §34)

SUBMITTED BY: Board of Selectmen and Highway Superintendent
SELECTMEN RECOMMENDATION: 3-0

ARTICLE 24. To see if the Town will vote under the provisions of 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
SELECTMEN RECOMMENDATION: 3-0

ARTICLE 25. 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 pursuant to the provisions of G.L. Chapter 30B, Section 12 (b), or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 30B, §12(b)

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

ARTICLE 26. 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, 2019 in accordance with the provisions of G.L. Chapter 44, Section 4 and to issue a note or notes therefor, 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 G.L. Chapter 44, Section 17, or take any vote or votes in relation thereto.

Majority Vote - G.L. c.44, §§4 and 17

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

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 2019, and on the following question, on Saturday, the fourth of May, 2019 at the Sunderland Elementary School at One Swampfield Drive, Sunderland from 8:00 a.m. to 3:00 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
• LIBRARY TRUSTEES	1 FOR	1 YEAR
• ELEMENTARY SCHOOL COMMITTEE	2 FOR	3 YEAR
• FRONTIER REGIONAL SCHOOL COMMITTEE	1 FOR	3 YEAR
• TOWN CLERK	1 FOR	3 YEAR
• TOWN PARK TRUSTEE	1 FOR	3 YEAR

QUESTION 1:

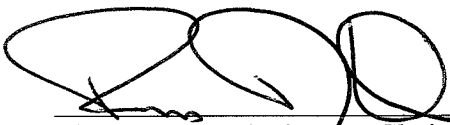
Shall the Town of Sunderland be allowed to assess an additional \$200,000 in real estate and personal property taxes for the purposes of funding the operating budgets of the Town and the Public Schools for the fiscal year beginning July 1, 2019?


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.

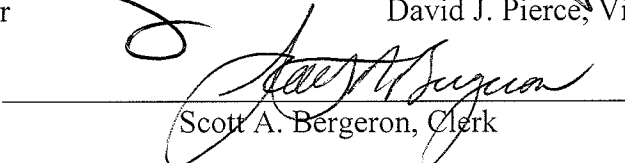
Hereof fail not and make due return of this Warrant, with your doings thereon to the Town Clerk at the time and place of Meeting as aforesaid.

Given under our hands this ____th day of April, 2019.


SUNDERLAND BOARD OF SELECTMEN


Thomas D. Fydenkeyez, Chair


David J. Pierce, Vice Chair


Scott A. Bergeron, Clerk
Sunderland Board of Selectmen

A True Copy ATTEST:

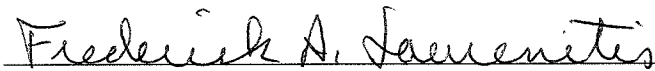

Constable of Sunderland

REC'DSUNDERLANDCLERK
APR 17 '19 PM12:33

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

REC'DSUNDERLANDCLERK
APR 17 '19 PM12:33