2021 ANNUAL TOWN MOTIONS TOWN OF SUNDERLAND COMMONWEALTH OF MASSACHUSETTS June 12, 2021 12 SCHOOL STREET (Outside), 4:00PM

FRANKLIN, SS:

Registered Voters in Attendance: 65 Total Registered Voters: 2,445 Meeting called to order at 4:07pm by Moderator, Michael Wissemann. Pledge of Allegiance

Town Clerk, Wendy Houle read the Constables Return.

Town official introductions.

Selectboard acknowledged Dedication of the Annual Report to the Sunderland Community for going above and beyond during the Covid 19 pandemic. The Selectboard also acknowledged the Community Pathway Committee for all the hard work on the riverfront pathway, known as the Riverside Park, around the town office building.

The Moderator acknowledged the passing of Robert Bartos, Stanley Mitchkoski and Victor Zumbruski who contributed to the betterment of the Town of Sunderland.

Motion to dispense of the reading of the motions, 2^{nd} , and voted unanimously. Motion to allow school and town officials that are nonresidents to permission to speak, 2^{nd} voted unanimously.

Tellers: Debra Bennett, Natalie Blais, Elizabeth Sillin and Lorin Starr were sworn in as tellers.

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

ARTICLE 1. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to hear the reports of the Selectboard, the Sunderland School Committee and all other Town Officers, Boards, Committees and Commissions.

Majority Vote (no statutory reference)

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 2. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to transfer the sum of \$17,144.39 from Free Cash to pay certain bills of prior fiscal years, including \$13,000.00 to Scanlon & Associates, \$2,967.39 to Roberts Energy, \$700 to Grybko LLC, and \$477 to Paragus IT.

*REQUIRES 4/5ths VOTE MGL c.44, §64

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 3. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, 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 2021.

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

annually

Moderator: \$200.00 annually

Planning Board: Chairman \$792.00 annually Clerk \$792.00 annually Members each \$528.00

annually

Town Clerk: \$51,360.00 annually

Selectboard: 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: Selectboard

FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 4. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to **raise and appropriate the sum of \$8,451,496** appropriate from **Fund 318-Comcast PEG Access Fund the sum of \$53,000**, appropriate for **Fund 610-WWTP Sewer Fund the sum of \$384,047** and appropriate from **Free Cash the of \$123,196** for the **sum total of \$9,011,739** for Town and general municipal purposes connected therewith for Fiscal Year 2022, all as set forth in a document entitled "Town of Sunderland FY 22 Town Meeting Budget".

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

TOWN OF SUNDERLAND	FY 19	FY 20	FY 21	FY 22	Change	
TOWN MEETING BUDGET	Budget	Budget	Budget	Budget	FY 21 FI	NAL
	FINAL	FINAL	FINAL	ATM		
GENERAL GOVERNMENT						
Personnel Services	180,916	185,380	206,011	213,692		
Elected Officials	63,754	65,621	62,296	73,256		
Expenses	253,972	268,765	281,641	295,717		
TOTAL GENERAL	498,642	519,766	549,947	582,665	32,718	5.9%
GOVERNMENT						
TOWN BUILDINGS						
Personnel Services	0	0	0	0		
Expenses	171,051	165,601	165,560	170,060		
TOTAL TOWN BUILDINGS	171,051	165,601	165,560	170,060	4,500	2.7%
POLICE DEPARTMENT						
Personnel Services	424,476	448,078	466,737	479,178		
Expenses	46,509	45,609	48,909	50,094		
TOTAL POLICE DEPARTMENT	470,985	493,687	515,646	529,272	13,626	2.6%

FIRE DEPARTMENT						
Personnel Services	52,968	54,027	55,137	62,500		
Expenses	33,000	33,000	30,750	33,000		
Regional EMS	198,893	199,203	182,195	188,056		
TOTAL FIRE DEPARTMENT	284,861	286,230	268,082	283,556	15,474	5.8%
INSPECTORS & OTHER						
PROTECTION						
Personnel Services	22,242	23,024	23,502	28,440		
Expenses	17,401	17,900	28,182	23,182		
TOTAL INSPECTORS &	39,643	40,924	51,685	51,622	-63	-0.1%
OTHER PROTECTION						
HIGHWAY DEPARTMENT						
Personnel Services	169,535	178,562	189,545	197,396		
Expenses	121,254	121,252	117,254	144,854		
TOTAL HIGHWAY	290,789	299,814	306,799	342,250	35,451	11.6%
HEALTH & SANITATION						
Personnel Services	11,954	12,194	12,438	12,687		
Expenses	11,208	11,595	12,588	12,866		
TOTAL HEALTH &	23,162	23,789	25,025	25,552	527	2.1%
SANITATION						
LIBRARY						
Personnel Services	112,994	133,640	147,798	158,375		
Expenses	26,000	26,000	19,921	30,000		
TOTAL LIBRARY	138,994	159,640	167,719	188,375	20,656	12.3%
TOTAL ELEMENTARY	2,602,832	2,954,946	2,954,946	3,036,322	81,376	2.8%
TOTAL FRANKLIN CTY TECH ASSESSMENT	170,950	119,047	199,682	153,939	-45,743	- 22.9%
TOTAL FRONTIER	1,796,889	1,844,940	1,733,188	1,976,069	242,881	14.0%
ASSESSMENT	1,730,003	1,044,340	1,733,700	1,970,009	242,001	14.078
OUT OF DISTRICT TUITION &	46,060	49,930	49,930	36,400	-13,530	-
TRANSPORT						27.1%
BENEFITS & INSURANCE						
Personnel Services	0	0	0	0		
Expenses	801,384	887,119	949,254	984,042		
TOTAL BENEFITS & INSURANCE	801,384	887,119	949,254	984,042	34,788	3.7%
MISCELLANEOUS &						
RESERVE FUND						
Personnel Services	8,882	9,149	9,149	9,332		
Expenses	100,755	107,546	108,003	115,944		
TOTAL MISC. & RESERVE FUND	109,637	116,695	117,152	125,276	8,124	6.9%
TOTAL OPERATING BUDGET	7,445,879	7,962,128	8,054,615	8,485,401	430,786	5.3%
WWTP	.,,	.,002,120	3,004,010	3, 100, 101	,,,,,,	3.370
VVVVII					<u> </u>	

Personnel Services						
Expenses	343,948	358,118	364,726	384,047		
Sewer Debt Service	30,278	30,374	29,814	0		
TOTAL WWTP BUDGET	374,226	388,492	394,539	384,047	-10,492	-2.7%
DEBT & INTEREST						
Personnel Services	0	0	0	0		
Expenses	220,432	214,282	319,324	142,291		
TOTAL DEBT & INTEREST	220,432	214,282	319,324	142,291	-	-
					177,033	55.4%
GRAND TOTAL	8,040,537	8,564,902	8,768,479	9,011,739	243,261	2.8%

ARTICLE 5. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to transfer the sum of **\$122,279.82** from the Capital Stabilization Fund and **\$11,935.00** from the Sewer Reserve Fund for the Fiscal Year 2022 Capital Budget, specifically for the capital equipment, buildings, facilities and other capital projects, including equipping, site preparation and all other related and incidental expenses, as shown on a document entitled, "FY22 CAPITAL BUDGET BY FUNDING SOURCE" on file with the Town Clerk, and posted on the Town website at www.townofsunderland.us, 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.

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

CAPITAL PLANNING COMMITTEE RECOMMENDATION: 3-0

Priority	Department	Purpose	Amount \$	CIC Vote	Source
VH	HIGHWAY	Truck Lease/Year 5	27,206.48	5-0	Cap Stab
TOTAL HIGHWAY			\$ 27,206.48		
			\$		
VH	LIBRARY	HVAC Repairs	7,800.00	3-0	Cap Stab
TOTAL LIBRARY			\$ 7,800.00		
		Townwide Radio	\$		
VH	POLICE	Replacement	53,066.34	3-0	Cap Stab
TOTAL POLICE			\$ 53,066.34		
VH	ELEMENTARY	Kitchen Steamer	\$ 24,707.00	3-0	Cap Stab
Н	ELEMENTARY	Rim Band Replacement yr 2	\$ 9,500.00	5-0	Cap Stab
TOTAL SCHOOL			\$ 34,207.00		

			ć		Sewer
н	WWTP	Replace Clarifier Gearbox	\$ 8,700.00	3-0	Res
			\$		Sewer
Н	WWTP	Replace RAS Pipe (Male End)	3,235.00	3-0	Res
TOTAL MULTIP			\$		
TOTAL WWTP			11,935.00		
			4		
			\$		
TOTAL RECOMMENDED FROM CAPITAL STABILIZATION			122,279.82		
			\$		
TOTAL RECOMMENDED FROM SEWER RESERVE FUND			11,935.00		
TOTAL			\$		
RECOMMENDED			134,214.82		

*REQUIRES 2/3 vote transfer from stabilization pursuant to G.L. 40, §5B

ARTICLE 6. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to transfer the sum of **\$21,933.66 from Stabilization** to upgrade the emergency radio system.

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

*REQUIRES 2/3 vote transfer from stabilization pursuant to G.L. 40, §5B

ARTICLE 7. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to transfer the sum of **\$49,163.07 from Free Cash** to fund the accumulated sick and vacation leave buyback for Sunderland Elementary School employees pursuant to the Town By-Laws and/or collective bargaining agreements.

SUBMITTED BY: Sunderland Elementary School Committee

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 8. Upon a motion made and seconded, it was **VOTED BY A MAJORITY**, to transfer the sum of **\$7,000.00 from Free Cash** to purchase replacement firearms for the Police Department.

SUBMITTED BY: Police Chief

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 9. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to become a member in the Pioneer Valley Mosquito Control District pursuant to Massachusetts General Laws Chapter 252, §5A and other applicable sections of said law; and to appropriate **\$3,000.00 from Free Cash** for the membership fee.

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0 FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 10. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, pursuant to the provisions of General Laws c.44, §53E½, as most recently amended, to establish FY2022 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	\$20,000	
Plumbing Inspector	\$ 6,000	
Board of Health	\$16,500	
Sunderland Public Library Community Room	\$ 15,000	
Fire Inspector	\$ 10,000	
Highway Shared Equipment	\$23,000	

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0 FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 11. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to transfer the sum of \$200,000 of which, \$65,000 is from the *CPA Undesignated Budgeted Reserve* and \$135,000 is from the *CPA Unreserved Fund*, as requested by the Sunderland Elementary School. Monies will be used for the complete renovation of the Early Childhood Playground at the school including all incidental and related expenses and that said funds to be expended under the direction of the Community Preservation Committee.

SUBMITTED BY: Community Preservation Committee, 7-0

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 3-0-1

CPC RECOMMENDATION: 6-0

ARTICLE 12. Upon a motion made and seconded, it was **VOTED BY MAJORITY**, to transfer the sum of \$69,000 from the *CPA Historic Preservation Fund*, as requested by the Town of Sunderland. Monies will be used for the restoration of the foundation with repointing of the Graves Memorial Library for the purpose of historic preservation including all incidental and related expenses and that said funds to be expended under the direction of the Community Preservation Committee.

SUBMITTED BY: Community Preservation Committee, 7-0

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

CPC RECOMMENDATION: 6-0

ARTICLE 13. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to appropriate the amount of \$26,000 from the *CPA Unreserved Fund* to fund Riverside Park field improvements, as requested by the Town of Sunderland. Monies will be used to design and install an irrigation system for the soccer field and the overlayed outfield from the secondary baseball field, including all incidental and

related expenses, contingent on securing a well with sufficient water supply for the irrigation system and that said funds to be expended under the direction of the Community Preservation Committee.

SUBMITTED BY: Community Preservation Committee, 7-0

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

CPC RECOMMENDATION: 6-0

ARTICLE 14. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to transfer the sum of \$20,000 from the *CPA Fund Balance Reserve* to fund Riverside Park restroom rehabilitation, as requested by the Town of Sunderland. Monies will provide additional funding to the PARC Grant to extend the foundation and make the building ADA compliant including all incidental and related expenses and that said funds to be expended under the direction of the Community Preservation Committee.

SUBMITTED BY: Community Preservation Committee, 7-0

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

CPC RECOMMENDATION: 6-0

ARTICLE 15. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to transfer from the **Community Preservation Fund** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2022.

Appropriations:

From FY 2022 estimated revenues* for Committee Administrative Expenses	\$ 6,000
Community Preservation Debt Service	\$ 25,300
Reserves:	
FY 2022 estimated revenues for Historic Resources Reserve	\$ 19,575
FY 2022 estimated revenues for Community Housing Reserve	\$ 19,575
FY 2022 estimated revenues for Open Space Reserve	\$ 19,575
FY 2022 estimated revenues for CPA Undesignated Budgeted Reserve	\$ 131,025
or take any other action thereon.	

SUBMITTED BY: Community Preservation Committee, 6-0

SELECTBOARD RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION: 4-0

CPC RECOMMENDATION: 6-0

ARTICLE 16. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, pursuant to MGL c. 40 Section 58, to impose Municipal Charges Lien on real property located within the Town of Sunderland related to the following town charges:

- a. License, permit, inspection, reinspection, court filing, and court related fees as set forth by each department and amended from time to time;
- b. Dog fees as set forth by Massachusetts General Law or a Town Department and amended from time to time;
- c. Insufficient (bounced) check fees as set forth by each department and amended from time to time; and
- d. Unpaid and non-contested noncriminal disposition charges as set forth by each department and amended from time to time.

By adding such charges to the tax on property to which they relate, in a manner provided by said statute.

SUBMITTED BY: Board of Health

SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 17. Upon a motion made and seconded, it was **VOTED BY MAJORITY**, to adopt the following as a general bylaw:

A Bylaw Declaring Sunderland to be a Safe Community

Purpose: The citizens of Sunderland would like you to know that no matter where you're from, if you are a resident, or visitor, or are just passing through town, you are welcome here. Sunderland police shall not act as immigration officers and will not honor non-criminal, civil immigration detainer requests. In all interactions with Sunderland law enforcement and town employees, you will be treated with respect. We ask for your cooperation to help us insure the safety and well being of others.

Definitions: "Law enforcement official" means Sunderland department, or officer or employee of town department, authorized to enforce criminal statutes, regulations, or local bylaws. "Civil immigration detainer request" means a non-mandatory request issued by an authorized federal immigration officer to a local law enforcement official, to maintain custody of an individual once that person is eligible for release from custody, or to notify the requisition immigration office prior to the release of that individual. "ICE administrative warrant" means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

"Safe City Provisions": A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, and apprehension, arrest, or any other contact. Victims and witnesses to crimes may be asked their status for the purposes of the US Victims of Trafficking and Violence Prevention Act (U-VISA).

A law enforcement official shall not detain an individual on the basis of a civil immigration request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.

To the extent permissible by law, no employee of any Sunderland Town department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C section 1357(g) or any other law, regulation, or policy, whether formal or informal.

Effective date: This Bylaw will become effective upon passage.

Severability: if any section, subsection, paragraph, sentence, clause, or phrase of this bylaw is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this bylaw.

Compliance with Federal Law: Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent from sending to or receiving from, and local, state, or federal

agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

SUBMITTED BY: Citizens Petition

ARTICLE 18. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to amend §31-15(A) of the Code of Sunderland, Personnel Bylaw, as follows (new text in **bold italics**):

A regular, full-time employee with one (1) year or more of service will receive two (2) weeks of paid vacation. A regular, full-time employee with less than (1) year of service is eligible to take (1) one of the (2) two weeks of paid vacation after six (6) months of service. Regular, full-time employees with five (5) years or more of service will receive three (3) weeks of paid vacation. Regular, full-time employees with ten (10) years or more of service will receive four (4) weeks of paid vacation. Regular, full-time employees with twenty (20) years or more of service will receive five (5) weeks of paid vacation. All vacation leave must be approved and scheduled in advance with the department head and/or the Town Administrator.

SUBMITTED BY: Personnel Committee
SELECTBOARD RECOMMENDATION: 3-0

FINANCE COMMITTEE RECOMMENDATION: 4-0

Articles 19 through 24, inclusive, are so called Consent Articles

SELECTBOARD RECOMMENDATION to Consent Articles: 3-0 FINANCE COMMITTEE RECOMMENDATION to Consent Articles: 4-0

ARTICLE 19. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY,** to authorize the Treasurer/Collector to enter into compensating balance agreements during Fiscal Year 2022, as permitted by G.L. Chapter 44, Section 53F.

SUBMITTED BY: Treasurer/Collector SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 20. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, that Town authorize the Selectboard to apply for, accept and expend any grants or donations from State or Federal governments or private agencies, individuals or institutions.

SUBMITTED BY: Selectboard SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 21. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, 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.

SUBMITTED BY: Selectboard and Highway Superintendent SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 22. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, under the provisions of G.L. Chapter 40, Section 4A to authorize the Selectboard to enter into inter-municipal agreements.

SUBMITTED BY: Selectboard SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 23. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to authorize the Selectboard 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).

SUBMITTED BY: Selectboard SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 24. Upon a motion made and seconded, it was **VOTED UNANIMOUSLY**, to authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2021 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.

SUBMITTED BY: Selectboard/Treasurer SELECTBOARD RECOMMENDATION: 3-0

Respectfully submitted,

Wendy Houle, MMC/CMMC Sunderland Town Clerk