

**2021 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 TWELVE SCHOOL STREET in said SUNDERLAND on Saturday this TWELFTH day of June, TWO THOUSAND AND TWENTY-ONE at **4:00** 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 Selectboard, 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: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 2. To see if the Town will vote to appropriate the total amount of **\$17,144.39** to pay certain bills of prior fiscal years, and as funding therefor to transfer from available funds or otherwise provide: **the sum of** _____ **to** _____; **the sum of \$**_____ **to the**_____; and the sum of \$_____ , or take any vote or votes in relation thereto.

***REQUIRES 4/5ths VOTE MGL c.44, §64**

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 3. 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 2021, 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 \$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. 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 2022 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: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 5. To see if the Town will vote to appropriate a sum or sums of money for the Fiscal Year 2022 Capital Budget, specifically for the capital equipment, buildings, facilities and other capital projects 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, 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: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0
CAPITAL PLANNING COMMITTEE RECOMMENDATION: 3-0

ARTICLE 6. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money to upgrade the emergency radio system, or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 40, §5B (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: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer a sum of money from available sources, 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, or take any other action relative 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: Sunderland Elementary School Committee
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum of money to purchase replacement firearms for the Police Department 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: Police Chief
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 9. To see if the Town will vote 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 raise and appropriate, transfer from available funds or otherwise provide a sum of money for the membership fee or take any other action relative 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: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

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 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

; Or take any vote or votes in relation thereto.

Majority vote - G.L. c.44, §53E 1/2.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 11. To see if the Town will vote to appropriate \$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. Said funds to be expended under the direction of the Community Preservation Committee, or take any other action thereto.

Majority Vote - G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee, 7-0
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 3-0-1
CPC RECOMMENDATION: 6-0

ARTICLE 12. To see if the Town will vote to appropriate the amount 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. Said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereto.

Majority Vote - G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee, 7-0
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0
CPC RECOMMENDATION: 6-0

ARTICLE 13. To see if the Town will vote 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 overlaid outfield from the secondary baseball field, contingent on securing a well with sufficient water supply for the irrigation system. Said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereto.

Majority Vote - G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee, 7-0
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0
CPC RECOMMENDATION: 6-0

ARTICLE 14. To see if the Town will vote to appropriate the amount 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. Said funds to be expended under the direction of the Community Preservation Committee; or take any other action thereto.

Majority Vote - G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee, 7-0
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0
CPC RECOMMENDATION: 6-0

ARTICLE 15. To see if the Town will vote to appropriate or reserve 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.

Majority Vote - G.L. c. 44B, §5

SUBMITTED BY: Community Preservation Committee, 6-0
SELECTBOARD RECOMMENDATION:
FINANCE COMMITTEE RECOMMENDATION: 4-0
CPC RECOMMENDATION: 6-0

ARTICLE 16. To see if the Town will vote, 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, or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 40, §5B

SUBMITTED BY: Board of Health
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 17. To see if the Town will vote:
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, or take any vote or votes in relation thereto.

Majority Vote-G.L. c.40, §21; G.L. 41, §108C

SUBMITTED BY: Citizens Petition

ARTICLE 18. To see if the Town will vote 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, or take any vote or votes in relation thereto.

Majority Vote-G.L. c.40, §21; G.L. 41, §108C

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. To see if the Town will vote to authorize the Treasurer/Collector to enter into compensating balance agreements during Fiscal Year 2022, 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
SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 20. To see if the Town will authorize the Selectboard 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: Selectboard

SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 21. 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: Selectboard and Highway Superintendent

SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 22. To see if the Town will vote under the provisions of G.L. Chapter 40, Section 4A to authorize the Selectboard to enter into inter-municipal agreements or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 40, §4A

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 23. To see if the Town will vote 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), or take any vote or votes in relation thereto.

Majority Vote - G.L. c. 30B, §12(b)

SUBMITTED BY: Selectboard

SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 24. To see if the Town will vote 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, or take any vote or votes in relation thereto.

Majority Vote - G.L. c.44, §§4 and 17

SUBMITTED BY: Selectboard/Treasurer

SELECTBOARD RECOMMENDATION: 3-0

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 ____ 2021.

SUNDERLAND SELECTBOARD

Thomas D. Fydenkevez, Chair

David J. Pierce, Vice Chair

Christyl L. Drake-Tremblay, Clerk
Sunderland Selectboard

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