

Annual Town Meeting
May 9, 2011

Pursuant to the foregoing warrant, the inhabitants of the Town of Sutton, qualified to vote in Town Elections and in Town affairs, met in the Simonian Center for Early Learning, Boston Road, Monday the Ninth day of May, 2011 at 7:30 o'clock in the evening, then and there to act on the following articles:

There were 52 voters and 11 non-voters in attendance.

ARTICLE 1 **SPONSOR: Board of Selectmen**

Voted unanimously to receive the reports of the Town Officers and Committees.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this article as it is a customary article calling for reports from town officers and committees.

ARTICLE 2 **SPONSOR: Cemetery Commissioners**

Voted unanimously to authorize the Cemetery Commissioners to employ themselves in the work of the several cemeteries and to fix the compensation to be paid from appropriations for said department.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this article, as it is the annual authorization allowing the Cemetery Commissioners to employ themselves in the work of their department.

ARTICLE 3 **SPONSOR: Board of Health**

Voted unanimously to authorize the Board of Health to employ themselves in the performance of their work necessary to maintain health standards set by their department, and to fix the compensation to be paid from appropriations for said department.

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this article, as it is the annual authorization allowing the members of the Board of Health to employ themselves in the work of their department.

ARTICLE 4 **SPONSOR: Sewer Commissioners**

Voted unanimously to appropriate the following sums for the operation the Sewer Department for fiscal year 2012:

Salary and Wages	\$ 211,016
Operation and Maintenance	<u>\$ 459,020</u>
For a total of	\$ 670,036

And as funding therefor, that the Town vote to raise the \$ 670,036 as follows:

User Fees and Connection Fees	\$ 564,052
Transfer from Retained Earnings	<u>\$ 105,984</u>
For a total of	\$ 670,036

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this article as it is the annual authorization of the Sewer Department budget.

ARTICLE 5

SPONSOR: Board of Selectmen

Voted unanimously to appropriate the following sums for the operation of the Transfer Station for fiscal year 2012:

Salary and Wages	\$ 35,662
Operation and Maintenance	<u>\$ 96,975</u>
For a total of	\$132,637

And as funding therefor, that the Town raise the \$ 132,637 as follows:

User Fees	\$ 132,637
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The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this article as it is the annual authorization of the Transfer Station budget.

ARTICLE 6

SPONSOR: Board of Selectmen

Voted unanimously to fund the operating budget for the fiscal year 2012 period in the following manner:

General Government:	\$ 1,199,835
Public Safety:	\$ 2,094,949
Education:	\$ 13,978,963
Public Works:	\$ 731,774
Health and Human Services:	\$ 229,744
Recreation and Culture:	\$ 188,157
Debt & Interest:	\$ 3,547,502
Insurance & Employee Benefits:	\$ 3,521,263
Transfer to Capital Stabilization Fund	\$ 524,311
For a Total of:	\$ 26,016,498

And that the article be funded in the following manner:

Raise & Appropriate the amount	\$ 24,688,992
A Transfer from Free Cash	\$ 500,000
A Transfer From Stabilization Fund	\$ 30,000
A Transfer from Other Reserves	\$ 169,437
A Transfer from Capital Stabilization Fund	\$ 516,330
A Transfer from Sewer Enterprise Fund	
For Indirect Cost	\$ 89,164
A Transfer from Transfer Station Enterprise	
For Indirect Cost	\$ 22,575
For a Total of:	\$ 26,016,498

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this Fiscal 2012 budget article. Faced with the difficulties of producing a balanced budget in difficult economic circumstances the Town

Administrator and town-wide staff have offset increased costs by reductions in departments and provided a budget that, with the exception of debt service required by the school bonds, is essentially level funded from the prior year.

ARTICLE 7

SPONSOR: Board Of Selectmen

Voted unanimously on an amended motion to identify the funding source and to appropriate the sum of \$499,000 for the purposes and in the respective amounts below relating to the fiscal 2012 Capital Plan:

<u>DEPARTMENT</u>	<u>PURPOSE</u>	<u>AMOUNT</u>	<u>FUNDING SOURCE</u>
POLICE	Vehicle Replacement Program	\$ 55,000	LTB
HIGHWAY	Mid Size Dump Truck with plow	60,000	PB
SCHOOL	Air Conditioning Zone	20,000	PB
SCHOOL	Safe Room	20,000	PB
FIRE	IMC Software and Hardware Conversion	20,000	PB
SCHOOL	Technology Replacement	80,000	FC
SCHOOL	ES Cafeteria Dishwasher	30,000	PB
PLANNING	Master Plan	25,000	FC
COA	Senior Center Roof	60,000	PB
FIRE	Fire Chief/First Response Vehicle	40,000	PB
TOWN HALL	Computer Replacement	20,000	PB
SCHOOL	Bathroom Power Washer	8,000	PB \$5,400 FC \$2,600
HIGHWAY	Highway Superintendent Vehicle	25,000	PB
SCHOOL	Tile Elementary and ELC Classes (10 of 39)	20,000	LTB
SCHOOL	Replace Air Conditioning Units in Computer Labs	16,000	PB
For a Total of:		<u>\$ 499,000</u>	

That to meet this appropriation, the Treasurer with the approval of the Selectmen is authorized to borrow the following sum under G.L. c.44 or any other enabling authority, and to transfer the following sums from Free Cash and Prior Unspent Capital Plan Borrowings:

Transfer from Free Cash (FC)	\$ 107,600
Transfer from Prior Unspent Capital Plan Borrowings (as detailed below) (PB)	316,400
Long-Term Borrowing (LTB)	<u>75,000</u>
	\$ 499,000

That the following amounts of unexpended funds from each of the projects for which the Treasurer has borrowed shall be used to meet the appropriation stated above:

Detail of Prior Unspent Borrowing:

June 2007 ATM Article #5 – Water Quality	\$200,000
June 2007 ATM Article #5 – ELC HVAC	5,483
May 11, 2009 ATM Article #9 – Quint Fire Truck	84,500
May 10, 2010 ATM Article #7– Opticom Transmitters	3,560
May 12, 2008 ATM Article #5 – Miscellaneous	21,067
May 11, 2009 Article #7 – Miscellaneous	<u>1,790</u>
	\$316,400

And that the Selectmen are authorized to take any other action to carry out these projects.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article as it is the Fiscal 2012 Capital Plan and an integral part of the town's budget.

ARTICLE 8

SPONSOR: Board of Selectmen

Voted unanimously to transfer the sum of \$50,000 from Overlay Surplus, released by the Board of Assessors in accordance with MGL c.59, s.25, and to transfer the sum of \$50,000 from Free Cash to fund the following over expended FY 2011 accounts:

Unemployment Account	\$40,000
Veterans Benefits Account	\$10,000
Snow and Ice Account	\$50,000

The Finance and Warrant Advisory Committee voted 6-0 to recommend the transfer of \$50,000.00 from Overlay Reserve as released by the Board of Assessors allocating \$ 40,000.00 to the Fiscal 2011 underfunded unemployment account and \$ 10,000.00 to the Fiscal 2011 underfunded Veteran's Benefits account and to transfer the amount of \$ 50,000.00 from certified free cash to the Fiscal 2011 underfunded Snow and Ice Removal account.

ARTICLE 9

SPONSOR: Board of Selectmen

Voted unanimously to transfer the sum of \$140,000 from Free Cash to the FY 2012 Unemployment Account.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article and the transfer of \$ 140,000.00 from certified free cash to cover potential unemployment costs due to staff reductions within the school system.

ARTICLE 10

SPONSOR: Board of Selectmen

Voted unanimously to transfer the sum of \$50,000 from Free Cash to the Other Post Employment Benefits Liability Trust Fund Account which was accepted at the October 18, 2010 Fall Town Meeting.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article. The committee feels that it is prudent to begin to fund the Other Post Employment Benefits Liability Trust Fund account established at the October, 2010 town meeting in order to address the town's long term liability.

ARTICLE 11

SPONSOR: Board of Selectmen

Voted 52-0 to transfer from account T6000441-53400 the sum of \$69.46 to pay a prior year invoice as follows:

<u>Account Transferred from</u>	<u>Amount</u>	<u>Prior Year Invoice</u>
T6000441-53400	\$69.46	2006 Verizon

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article as it is a routine article authorizing payment of a bill already incurred.

ARTICLE 12

SPONSOR: Board of Selectmen

Voted unanimously to authorize the following revolving fund accounts under M.G.L. Chapter 44 Section 53E ½ for the fiscal year beginning July 1, 2011, as printed in the warrant.

As printed in the warrant:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUND	SPENDING LIMIT	DISPOSITION OF PRIOR FISCAL YEAR FUND BALANCE	RESTRICTION S/ COMMENTS
Manchaug Boat Ramp	Gate Receipts	Administration	Expenses & Salaries for Boat Ramp Operations	\$20,000	Available for Expenditure	None
Planning Board	Applicant Receipts	Planning Board	Professional Services & Advertising	\$75,000	Available for Expenditure	None
Wetlands and Riverfront District Administration	Applicant Fees	Conservation Commission	Wetlands & Riverfront District Regulations Enforcement, including salaries & expenses.	\$15,000	Available for Expenditure	None
Fire Department Revolving	Hazmat incidents	Fire Department	Wages and expenses	\$ 50,000	Encumber	None
Planning Department Revolving	Payments for Service, fines/penalties	Planning Department	Tree maintenance and/or replacement	\$ 50,000	Encumber	None
Board of Health	Intermunicipal Agreements	Administration	Public Health Nurse	\$25,000.00	Available for Expenditure	None

The Finance and Warrant Advisory Committee voted 8-0 to recommend passage of this article as it is the annual authorization of the town's 53 E ½ accounts.

ARTICLE 13

SPONSOR: Conservation Commission

Voted unanimously to amend Section 7.7, Riverfront Protection, of the Sutton Wetlands and Riverfront District Administration Bylaw as printed in the warrant.

As printed in the warrant:

7.7 Riverfront District Protection

For the purposes of this Bylaw the protections afforded to the Riverfront District, Town of Sutton, created by and herein, and River Front Areas under the 1998 amendment to the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, shall follow the regulations as listed under Sections 7.1 and 7.2 for adjacent upland resource area(s) except that the reach of jurisdiction for the District is statutory and shall extend 200 feet from the bank of any perennial stream, great pond, or river, as they are defined in State law. and replacing it with:

7.7 Riverfront District Protection

The protection afforded to the Town of Sutton Riverfront District as created herein, and River Front areas created by the 1998 amendment to the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00, shall apply to all those areas which extend 200 feet from the bank of any perennial or an intermittent stream within a Riverfront District, or river, as they are defined under State Law, or from a Great Pond as defined under this Bylaw. Protection of the Riverfront District shall take into consideration the standards and restrictions of all relevant Sections of this Bylaw, or act or do anything in relation thereto.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article as it allows for consistent language within the town's Wetlands and Riverfront District Administration bylaw as recommended by the Attorney General.

ARTICLE 14

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw Section V.A.2.a. – Flood Plain District, by deleting it in its entirety, and replacing it as printed in the warrant, and to amend the Zoning Map of the Town of Sutton accordingly.

As printed in the warrant:

Currently:

- a. The general boundaries of the Flood Plain District are shown on the Sutton Flood Insurance Rate Map (FIRM), dated June 1, 1982, as Zones A and A1-30 to indicate the 100-year flood plain. The exact boundaries of the District are defined by the 100-year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated December 1, 1981. The floodway boundaries are delineated on the Sutton Flood Boundary Floodway Map (FBFM), dated June 1, 1982 and further defined by the floodway data tables contained in the accompanying study are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, Board of Appeals, Conservation Commission, and the Board of Health.

Proposed:

- a. The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Sutton designated as Zone A and AE on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Sutton are panel numbers 25027C0814E, 25027C0816E, 25027C0817E, 25027C0820E, 25027C0828E, 25027C0829E, 25027C0837E, 25027C0840E, 25027C0980E, 25027C0982E, 25027C0984E, 25027C0985E, 25027C1001E, 25027C1002E, 25027C1003E, 25027C1004E and 25027C1006E dated July 4, 2011. The exact boundaries of the District shall be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, Board of Appeals, Conservation Commission and the Board of Health.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining. Commentary: This is a housekeeping Bylaw. FEMA has recently updated flood maps state-wide. Each town must update its bylaws referencing the new map information. If towns don't update their bylaws within a certain period of time, it can affect the validity of resident's flood insurance policies.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of these articles as they have been recommended by Executive Office of Energy and the Environment through the Massachusetts Department of Conservation and Recreation and are based on the new floodplain maps due to be released on July 4, 2011. Adopting these changes will insure that the bylaw relates to the new floodplain maps and protects the local homeowner's ability to retain flood insurance.

ARTICLE 15

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw Section V.A. 2.b.- Flood Plain District, by replacing the phrase “Zone A and A1- 30” with the phrase “Zone A and AE”.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining. Commentary: This is a housekeeping Bylaw. FEMA has recently updated flood maps state-wide. They changed the name of flood zones from “Zone A and A1-30” to “Zone A and AE”, so we are updating our bylaw accordingly.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of these articles as they have been recommended by Executive Office of Energy and the Environment through the Massachusetts Department of Conservation and Recreation and are based on the new floodplain maps due to be released on July 4, 2011. Adopting these changes will insure that the bylaw relates to the new floodplain maps and protects the local homeowner’s ability to retain flood insurance.

ARTICLE 16

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw Section V.A.3. – Flood Plain District, by deleting the first paragraph and replacing it as printed in the warrant.

As printed in the warrant:

Currently:

The Flood Plain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with M.G.L. Chapter 131, §40 and with the requirements of the Mass. State Building Code pertaining to construction in flood plains (780 CMR 3107, Flood Resistant Construction).

Proposed:

All development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with M.G.L. Chapter 131, §40 and with the requirements of the Mass. State Building Code pertaining to construction in flood plains (currently 780 CMR 120.G), as well as the following regulations:

- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining. Commentary: This is a housekeeping Bylaw. FEMA has recently updated flood maps state-wide. Building Code section numbers have changed, so we are updating our bylaw accordingly. Additionally, while building in the flood plain has always had to comply with the other regulations listed, the State now prefers that bylaws specifically note this.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of these articles as they have been recommended by Executive Office of Energy and the Environment through the Massachusetts Department of Conservation and Recreation and are based on the new floodplain maps due to be released on July 4, 2011.

Adopting these changes will insure that the bylaw relates to the new floodplain maps and protects the local homeowner's ability to retain flood insurance.

ARTICLE 17

SPONSOR: Planning Board

Voted unanimously to amend the Zoning Bylaw Section V.A.4.b.1. – Flood Plain District, by replacing the words “Federal Insurance Administration” with the words “Federal Emergency Management Agency Region 1 Office”.

Planning Board voted: 6 in favor, 0 opposed, 0 abstaining. Commentary: This is a housekeeping Bylaw. FEMA has recently updated flood maps state-wide. The Federal Emergency Management Agency Region 1 Office is the current name of the agency responsible for administration within flood plains.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of these articles as they have been recommended by Executive Office of Energy and the Environment through the Massachusetts Department of Conservation and Recreation and are based on the new floodplain maps due to be released on July 4, 2011. Adopting these changes will insure that the bylaw relates to the new floodplain maps and protects the local homeowner's ability to retain flood insurance.

ARTICLE 18

SPONSOR: Board of Selectmen

Voted unanimously to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as may be amended from time to time, and to amend the Town of Sutton General By-laws by inserting a new Article 36 entitled “Stretch Energy Code” as printed in the warrant.

As printed in the warrant:

Article 36. Stretch Energy Code

36-1. Adoption. The Town of Sutton has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

36-2. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

The Finance and Warrant Advisory Committee voted 6-0 to recommend passage of this article as this will afford more opportunity for the town to apply for grants if the Stretch Energy Code is adopted at this time.

Meeting adjourned at 8:10 pm

Respectfully submitted
Laura J. Caruso
Town Clerk