

## 2015 ANNUAL TOWN MEETING WARRANT

Middlesex ss:

To either of the Constables of the Town of Sherborn in said county GREETINGS;

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of Sherborn qualified to vote in Town Meeting to meet in the LINDQUIST COMMONS/DOVER-SHERBORN REGIONAL DISTRICT HIGH SCHOOL in DOVER, MASSACHUSETTS on Tuesday, April 28, 2015, at 7:00PM and to be adjourned, if necessary, to Thursday, April 30, 2015, at LINDQUIST COMMONS/DOVER-SHERBORN REGIONAL DISTRICT HIGH SCHOOL in DOVER, MASSACHUSETTS to act on the following ARTICLES:

**ARTICLE 1.** To hear and act on the reports of the various Town Officers and Committees as contained in the Annual Town Report or otherwise. (*Board of Selectmen*)

**ARTICLE 2.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money and, if so, what sum, for unpaid bills, or take any other action relative thereto. (*Board of Selectmen*)

NO.	DEPARTMENT	ITEM	AMOUNT
1.	CM&D	Global Montello Group - Fuel	\$7,321.61
2.	CM&D	Atlantic Broom – Signs	84.08
3.	Selectmen	American Alarm	88.00
4.	Selectmen	Office Supplies	268.85

**ARTICLE 3.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money and, if so, what sum, to defray charges and expenses of the Town, including debt and interest, and to provide for a reserve fund; to fix the salaries and compensation of all elected Officers of the Town as required by Chapter 41, Section 108 of the General Laws; to determine whether such salaries or compensation shall be made effective from July first of the current year; and to provide for the payment of, and raise or appropriate money for, any salary and compensation so voted, or take any other action relative thereto. (*Omnibus Budget, Board of Selectmen*)

**ARTICLE 4.** To see if the Town will vote to transfer from available funds a sum of money and, if so, what sum, for the purpose of supplementing the various line items of the Town's fiscal year 2015 budget, previously voted by the Town under Article 3 of the Warrant for the 2014 Annual Town Meeting, or take any other action relative thereto. (*Board of Selectmen*)

**ARTICLE 5.** To see if the Town will vote to raise and appropriate or transfer from available funds or borrow a sum of money and, if so, what sum, for highway improvements under the authority of Chapter 90 of the General Laws as funded by various state budgets; authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid for such projects; or take any other action relative thereto. (*Board of Selectmen*)

**ARTICLE 6.** To see if the Town will vote to authorize, or re-authorize as the case may be, the use of revolving funds containing receipts from the fees charged to users of the services provided by the various boards, departments or offices of the Town, pursuant to Chapter 44, Section 53E1/2 of the General Laws, or take any other action relative thereto. (*Board of Selectmen*)

**ARTICLE 7.** To see if the Town will vote to raise and appropriate or transfer from available funds, or borrow pursuant to any applicable statute, a sum of money, and if so, what sum, for the purpose of capital expenditures for the offices, departments, boards and commissions of the Town of Sherborn, and to determine if any amount borrowed under this article shall be contingent upon the passage of a ballot question exempting the amounts required to pay for the bonds from the provisions of Proposition 2 ½ , or take any action relative thereto. *(Board of Selectmen)*

NO.	DEPARTMENT	ITEM	AMOUNT
1.	CM&D	Two 1 ton pickup trucks	\$ 180,000
2.	Fire Department	Dry Hydrant Maintenance	\$ 45,000
3.	Selectmen	Transfer Station Fencing	\$ 13,500
4.	Selectmen	Town Buildings Surge Protection	\$ 20,000
5.	Selectmen	Town Hall Public Area Carpet Replacement	\$ 13,500
6.	Selectmen	Town Hall Parking & Access Study	\$ 10,000
7.	Sherborn School Committee	Pine Hill School Improvements	\$ 200,500

**ARTICLE 8.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money, and if so, what sum, for the purpose of paying the costs of various items of capital equipment and/or improvements for the Dover-Sherborn Regional School District, including the payment of all costs incidental and related thereto, pursuant to an intergovernmental agreement with the Dover-Sherborn Regional School District and the Town of Dover to provide funding for such items; and to determine if any amount borrowed under this article shall be contingent upon the passage of a ballot question exempting the amounts required to pay for the bonds from the provisions of Proposition 2 ½ , or take any other action relative thereto. *(Dover Sherborn Regional School Committee)*

**ARTICLE 9.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, and if so what sum, to be used to update the Town’s existing Geodatabase, or take any other action relative there to. *(Board of Assessors)*

**ARTICLE 10.** To see if the Town will vote to raise and appropriate or transfer from available funds or borrow pursuant to any applicable statute, a sum of money, and if so, what sum, to fund the construction, renovation and expansion of the Sherborn Public Library building, including demolition, improvements to the fire suppression, public safety and security, electrical, structural technological and HVAC systems, capital repairs to the existing structure, expansion of the building to accommodate an elevator, a separate child-safe children’s room and public meeting space, site improvements, and any design, architectural, engineering, professional and legal costs associated with this project, to fund temporary library operational space, storage and moving expenses, furnishings and equipment and to fund the payment of all other costs incidental or related thereto; to authorize the Board of Library Trustees to apply for and accept and expend any grants or loans available for the project, including any grant from the Massachusetts Board of Library Commissioners, and to authorize the Board of Library Trustees to accept and expend private funds and town appropriations available for the project, and to determine if any amounts borrowed under this article shall be contingent on the passage of a ballot question exempting the amounts required to pay for the bonds from the provisions of Proposition 2½ , or take any action relative thereto. *(Board of Selectmen for the Board of Library Trustees)*

**ARTICLE 11.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, and if so what sum, for engineering and construction of the intersection of Woodland Street and Goulding Street West and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain and to accept the deeds to the Town of permanent easements for public way, drainage and/or other easements and temporary construction easements for the purpose of installing, constructing, maintaining, replacing, and repairing public ways, over all or a portion of a parcel of land located at the corner of Woodland Street and Goulding Street West, Assessors map 12 parcel 70E, upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, and authorize the Board of Selectmen and Town officers to take all related actions necessary or appropriate to carry out this article, and further to raise and appropriate, transfer from available funds, or borrow a sum of money for the purposes of this article including any related expenses, or take any other action relative thereto. *(Board of Selectmen)*

**ARTICLE 12.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, and if so what sum, to be used pursuant to Chapter 114, Section 15 of the General Laws for the improvement or embellishment of the cemeteries throughout the Town, the care, preservation or embellishment of any lot or its appurtenances therein, or take any other action relative thereto. *(Board of Selectmen for the Cemetery Commission)*

**ARTICLE 13.** To see what action the Town will take to amend, appropriate or re-appropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings or to take any other action relative thereto. *(Board of Selectmen)*

**ARTICLE 14.** To see if the Town will vote to amend its General By-laws by adding the following new section to Chapter 3:

**Section 13: Finance Director/ Accountant**

**Finance Director/ Accountant Appointment, Qualifications**

The Board of Selectmen shall create a department of Finance Director / Accountant and appoint a Finance Director/Accountant to manage said department. The Board of Selectmen shall fix his/her compensation in a manner consistent with the Personnel Bylaw and related plan and within the amount annually appropriated for that purpose.

The Board of Selectmen shall appoint a Finance Director /Accountant solely on the basis of his/her executive and administrative qualifications. He/She shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience to perform the duties of the office. He/She shall not have served in an elective office in the Town's government for at least twelve months prior to appointment.

The Board of Selectmen shall commence the process of hiring a Finance Director/Accountant within fourteen days of the occurrence of a vacancy in the office of Finance Director/Accountant.

**Interim Finance Director / Accountant**

The Board of Selectmen, in the event of a vacancy in the office of Finance Director/Accountant for any reason, shall appoint within sixty days of the occurrence of that vacancy, a qualified person as an Interim Finance Director/Accountant for a term not to exceed ninety days to perform the duties of the Finance Director/Accountant on an interim basis. He/She shall not have served in an elective office in the Town's government for at least twelve months prior to his/her appointment.

The Interim Finance Director/Accountant shall have all of the powers and duties of the Finance Director/Accountant, unless otherwise provided by Town By-law.

If the vacancy is not filled by the end of that interim appointment, the Board of Selectmen may re-appoint the Interim Finance Director/Accountant for an additional sixty-day appointment.

### **Powers and Duties of Finance Director/Accountant**

The Finance Director / Accountant, notwithstanding any provision of Chapter 3, section 6 of the Sherborn General Bylaws to the contrary and *except* as otherwise provided in this section, shall have the independent authority to perform all the duties required by law or the Town's Bylaws and shall:

- a. Report directly to the Board of Selectmen that shall be responsible for annually evaluating his/her performance; and coordinate with the Town Administrator on the day to day financial operations;
- b. Appoint, employ, supervise, evaluate, retain and may suspend or terminate the staff, whether employees or contractors, necessary for the operation of the Finance Director / Accountant Department;
- c. Manage the cash flow of the town, and record reconciliation;
- d. Conduct a strategic analysis and forecasting of: revenue, expenditures, (short, intermediate and long term) and employee benefits;
- e. Meet periodically with the Treasurer (whether elected or appointed), Collector (whether elected or appointed), Director of Assessing and the Town Administrator as a group or separately;
- f. In consultation with and considering the recommendations of the Treasurer, Collector, Director of Assessing and Town Administrator, create, maintain and oversee consistent and integrated financial procedures and computer systems throughout the Town's financial function;
- g. Coordinate financial information with the Sherborn and Dover/Sherborn Regional school departments, and the Treasurer, Collector, Director of Assessing, and the Town Administrator and provide reports, as needed or requested, to Town Departments and Committees;
- h. Perform all the duties specifically required of a Town Accountant by the General Laws of the Commonwealth of Massachusetts;
- i. Perform other duties, not assigned by law to the Town Treasurer or Town Collector or the Town Board of Assessors, as the Board of Selectmen shall determine including but not limited to the administration of Payroll/Benefit programs for Sherborn's municipal and school employees;
- j. Report quarterly on each of the above enumerated duties to the Chairman of the Board of Selectmen, Chairman of the Advisory Committee, Treasurer, Collector, Director of Assessing and Town Administrator; such reports shall be public record except as to portions which may be exempt from disclosure under law and available to the general public.

### **Removal or Suspension of the Finance Director / Accountant**

The Board of Selectmen may terminate, remove or suspend the Finance Director/Accountant from office pursuant to procedures set forth in the written employment agreement between the Town and the Finance Director/Accountant; or in the absence of a written employment agreement, for cause and in accordance with the Town's Bylaws.

### **Severability**

Should any section or provision of this by-law be determined by a court to be unconstitutional or invalid, such decision shall not affect the validity of the by-law as a whole or any other section or provision hereof other than the section or provision so determined to be unconstitutional or invalid.

or take any other action relative thereto. (Governance Task Force Committee)

**ARTICLE 15.** To see if the Town will vote to make the office of Treasurer an appointed office, to be filled by appointment of the Board of Selectmen, in accordance with General Laws chapter 41, Section 1B, upon acceptance by the voters at the annual Town election; and to amend the Personnel Administration Plan, Appendix A, to include the position of Treasurer as an “Exempt” position under “Job Classification III”; or take any other action relative thereto. (*Board of Selectmen*)

**ARTICLE 16.** To see if the Town will vote to accept the provisions of MGL Chapter 41 section 38A as amended in 2014, and authorize the Tax Collector, under the title of Town Collector, to collect any accounts due the town upon the agreement of the Town Collector and the relevant department head to whose department the accounts are owed, or take any other action relative thereto. (*Tax Collector*)

**ARTICLE 17.** To see if the Town will vote to amend the Town Personnel Administration Plan, Section 4, by inserting a new Section 4.d as follows:

- d. Every employee is expected to perform his or her work at the designated workplace during their designated work hours. The Town does not consider working from home to be a viable work plan for its employees.

From time to time, however, a department head may determine that working from home may be appropriate, on a temporary basis, for a certain employee/ job. Working from home in no way changes the terms and conditions of employment with the Town.

*Procedure*

If the department head deems that work from home is warranted, the department head shall file a work-from-home request with the Town Administrator.

The request shall detail the basis for, and the length of, the work-from-home request. The request must also explain how an employee working from home will perform all functions of his or her position. If working from home requires the use of Town property/documents, an explanation of how the security/confidentiality of the property/documents will be maintained must also be included. The Town Administrator’s written approval or disapproval of the work-from-home request shall be final.

Work-from-home arrangements shall be assessed by the Town Administrator on a case by case basis, in a timely manner, focusing on the operational needs of the department.

or take any other action relative thereto. (*Board of Selectmen for Personnel Board*)

**ARTICLE 18.** To see if the Town will vote to amend the Town Personnel Administration Plan, Section 18, by changing the sixth sentence to read as follows:

“The personnel file of Employees who report to a Board or committee shall be maintained in a locked file in the Town Administrator’s office with the exception of the Town Administrator file which shall be maintained in a locked file under the control of the Board of Selectmen in Town Hall.

or take any other action relative thereto (*Board of Selectmen for Personnel Board*)

**ARTICLE 19.** To see if the Town will vote to amend Chapter 5 of the General By-laws by adding the following Section 5:

Section 5. No person shall maintain a kennel without obtaining a license, subject to annual renewal, in accordance with G.L. c. 140, § 137A. The Town Clerk shall not issue a kennel license until a kennel has passed inspection by the animal control officer. The fee for such license shall be set by the Town Clerk in accordance with M.G.L. Chapter 40, Section 22F.

or take any other action relative thereto. (*Board of Selectmen*)

**ARTICLE 20.** To see if the Town will vote to amend Chapter 3, Section 6.2.f of the General By-laws by adding “Recreation Commission” after the words “Town Forest Committee” or take any other action relative thereto. (*Recreation Commission*)

**ARTICLE 21.** To see if the Town will vote to amend Section 3.2 (18) of the Zoning Bylaw by adding the language shown by the underlined text below so that it reads as follows:

18) Restaurant - This use is permissive in Business G district, prohibited in all others.

Restaurant or other place for serving food in premises designed for the service and consumption of food and beverages inside a building or on an adjoining patio; subject to the limitations as to hours, manner, and location of such outdoor service and consumption of any license issued by the Selectmen pursuant to Chapter 140 of the General Laws; and provided further that in no event is live or mechanical entertainment permitted outside of a building, except that the Zoning Board of Appeals may grant a special permit for a specific event featuring outdoor live or mechanical entertainment, which event is to be held for the purpose of raising funds for any non-profit civic or charitable organization, subject to such reasonable conditions as the Board of Appeals may impose for the purpose of mitigating the effects of noise, light, and traffic on nearby residences, provided that no restaurant may receive more than two such special permits in any calendar year. (*Amended 9/26/88, 4/28/15*)

or take any other action relative thereto. (*Planning Board and Zoning Board of Appeals*)

**ARTICLE 22.** To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible taxpayers under G.L. c. 59 §5, Clause 18A from 8% to the monthly two year constant maturity Treasury rate for July 1 of the applicable fiscal year (s) as published by the Federal Reserve H.15 release, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2015, or take any other action relative thereto. (*Board of Assessors*)

**ARTICLE 23.** To see if the Town will vote to transfer from Free Cash in the Treasury a sum of money and, if so, what sum to meet the appropriations for the ensuing fiscal year and authorize the Assessors to use said sum in fixing the tax rate, or take any other action relative thereto. (*Board of Selectmen*)

**ARTICLE 24.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money and, if so, what sum for the purpose of increasing the Stabilization Fund, or take any other action relative thereto. (*Board of Selectmen*)

**ARTICLE 25.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money and, if so, what sum, for the purpose of funding the Other Post Employment Benefits (OPEB) Liability Trust Fund, or take any other action relative thereto. (*Board of Selectmen*)

**ARTICLE 26.** To see if the Town will vote to amend Section 5.6.5 Special Permit Requirements, Subsections (c) and (h) of the Zoning Bylaw as shown below with deletions in ~~striketrough~~ type and additions in **bold and underlined**:

c) Building Occupancy

The occupancy of multi-dwelling projects in Residence EA Districts shall be limited to families at least one member of which is 55 years of age or older, or, **for a development that is not restricted by age, and a minimum of 25% of the units within the development shall be restricted to occupancy, by** persons eligible for Low or Moderate Income Units as defined in 760 CMR 45.02 (as the same may be amended from time to time).

h) Open Space

At least 25 percent of the total area of all lots within a contiguous Residence EA district, shall, except as provided below, remain unbuilt upon and set aside for conservation, outdoor recreation or park purposes or buffer areas. Such open land shall be in addition to required front, side and rear yards **except in cases where the total open space including such yards areas, but excluding any land within 30 feet of a dwelling unit exceeds 50% of the total parcel area.** ~~and~~ **The required open space** may be in one or more parcels of a size and shape appropriate for the intended use and may be conveyed either to and accepted by the Town or its Conservation Commission, to a legal association comprised of the homeowners within such lot, or to a non-profit organization the principal purpose of which is the conservation of open space. Such open land shall be included in the total lot area for the purpose of computing the dwelling unit density of the lot. The future ownership of such open land, which may differ from parcel to parcel, shall be specified by the Planning Board as a condition of the special permit, but when such open land is conveyed to persons other than the Town of Sherborn, the Town shall be granted an easement over such land sufficient to insure its perpetual use as conservation, recreation or park land or buffer area.

Or take any other action relative thereto. *(Sarah B. Brodie and 11 others)*

**ARTICLE 27.** To see if the Town will vote to amend the Zoning Map by adding Parcel 25 on Assessor's Map 10, also known as 59 North Main Street and consisting of approximately 6.35 acres to the EA district and to approve a Preliminary Development Plan for such parcel in accordance with Section 5.6.3 of the Zoning Bylaw or take any other action relative thereto. *(Sarah B. Brodie and 11 others)*

**ARTICLE 28.** To see if the town will vote to create an Economic Development OverlayZone consisting of exiting Town zones for Business-General, Business-Professional, Planned Unit Development special permit, and Elderly Affordable Zones; and to request that the Planning Board and Board of Selectmen utilize any and all tools necessary to develop the Town Center to provide more and better services for residents, generate tax revenue and reduce taxes for land within one half mile by public way from the intersection of North/South Main Street and Washington Street.

Or take any other action thereto. *(Harley Kaplan and 11 others)*

**ARTICLE 29.** To see if the Town will vote to request that the Board of Selectmen create a Town Parcel Study Committee, appointed by the Board of Selectmen, for the purpose of studying potential uses of five properties (consisting of the vacant lot next to Town Hall, the Town Forest near Pine Hill School, CM&D garage property, Laurel Fields and Jameson Fields) in an effort to identify how these properties may be used to reduce taxes and meeting affordable housing obligations while retaining the rural character of Sherborn.

Or take any other action thereto. *(Harley Kaplan and 11 others)*