

2016 Special Town Meeting

Monday, October 24, 2016, 7:00PM

Please bring this notice with you to the meeting.

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 of DOVER/SHERBORN REGIONAL DISTRICT HIGH SCHOOL** in **DOVER** on Monday, October 24, 2016, at 7:00PM and to be adjourned to or such other dates as may be determined then and there to act on the warrant articles described.

Special Town Meeting

The special Town Meeting of October 24, 2016 is specifically called due to two Citizen's petitions. Article 3 proposes to increase the Board of Health from three to five members and Article 4 would establish minimum qualifications to serve on the Board of Health. Two additional Articles are included on the Warrant as well. Article 1 is a typical Article included on the Annual Town Meeting Warrant that pays bills that have come in after the end of the fiscal year and Article 2 proposes an amendment to the General By-Laws allowing the Fire Chief to require third party review of Fire Protection inspections, with that review paid for by the applicant.

Please read this Report carefully; consider the Articles and our recommendations on them. Then please join us to vote on October 24.

George Morrill, Chair
Barbara Kantorski
Jeff Waldron

Vicki Rellas, Vice-Chair
Stephen Leahy
Ben Williams

Susan Aharonian
Russell Pollock
Mary Wolff

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From the Moderator:

Town Meeting Procedures

The New England town meeting is considered by many to be a model of democratic process. To achieve this, the moderator follows procedures that combine general laws of the Commonwealth, Sherborn by-laws, and rules of conduct developed by Sherborn's moderators over many years. By consistent application of these rules, our town meetings move smoothly, often expeditiously, and with the participation of all who wish to be heard.

Motions

- The Moderator will always recognize a member of the Advisory Committee for the main motion on each article.
- Non-routine motions (such as amendments) must be in writing for the clerk's record.

- All motions and amendments must be within the scope of the article under consideration.

Conduct of Debate

- You must be recognized by the Moderator.
- Once recognized, use one of the microphones, and, before proceeding, state your name and address for the Clerk's record.
- Your comment should be specific to the substance of the motion on the floor.

Voting

- Normally, a voice vote will be taken on all motions.
- A hand count by the tellers will be made if the voice vote is not clear to the Moderator, or if seven voters question the voice vote immediately after it is declared by the Moderator.
- If a vote requires more than a majority, fifty voters may request a ballot vote.

Recommendations on Warrant Articles

ARTICLE 1. 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	Millis Police Department (detail for road work – 10/19/13)	\$ 416.56
2.	CM&D	MHQ (vehicle repair – 11/30/15)	\$1,937.78
3.	CM&D	Shady Tree Landscaping (field & lawn mowing – 6/1/2016)	\$3,325.00

Advisory Committee: This article funds outstanding obligations from prior fiscal years. There are three unpaid bills totaling \$5,679.34.

We recommend favorable action.

ARTICLE 2. To see if the Town will vote to allow the Fire Chief (or Fire Chief’s designee) to require 3rd party review and related services for fire protection and fire related code matters, and for the reviews to be paid by the applicant, or take any other action relative thereto. *(Board of Selectmen on behalf of the Fire Department)*

Advisory: This will be an amendment to the Town’s General By-laws by adding the following new Section 15 to Chapter 3:

Section 15. Fire Chief. In addition to the Fire Chief’s authority under the State Board of Fire Prevention Regulations, the Fire Chief or the Fire Chief’s designee may require review by an independent third party with expertise in the matter of any proposed or completed work, plans, construction, applications, or other matters requiring fire protection, fire code, or fire department review. Such third party review shall be at the applicant’s expense. The Fire Chief or the Fire Chief’s designee shall obtain from the third party reviewer a proposal outlining the costs for the third party review, and the cost as set forth in the third party reviewer’s proposal shall be paid by the applicant to the town in advance of the third party reviewer performing the services. The Fire Chief shall make the final determination as to whether the proposed or completed work, plans, construction, applications, or other matters comply with fire protection, fire code, and fire department requirements.

This amendment will allow the Fire Chief or his designee to require a review by an independent third party expert, and to have the applicant pay for the review. This will include reviews of applications, proposed site plans, plans for sprinkler systems, alarm systems or for any other complex or technical fire safety systems. Additionally, it will encompass inspection and testing of final installed fire safety equipment and systems. Access to professional expertise will help the Fire Chief make the right decisions when faced with the larger and more complex projects the town expects to see in the near future. Acting Fire Chief McPherson said expert reviews paid for by project applicants is common practice in many other Massachusetts towns.

We recommend favorable action.

ARTICLE 3. To see if the Town will vote pursuant to General Laws Chapter 41, Section 2, to increase the number of members of the Board of Health from three to five, or take any other action relative thereto. *(Molly Cullum and 133 others)*

Advisory Committee: This article seeks to increase the number of members of the Board of Health from three (3) members to five (5) members with the fourth member being elected in 2017 and the fifth member being elected in 2018. Notwithstanding the tireless efforts of the Board of Health members in performing their duties, an increase in the size of the board should facilitate it in continuing to meet the ever increasing demands placed on it, minimize occasions when a quorum is unavailable for a meeting and allow for additional opportunities for residents of Sherborn who want to serve on the Board to participate.

We recommend favorable action.

ARTICLE 4. ESTABLISHING QUALIFICATIONS TO SERVE ON THE SHERBORN BOARD OF HEALTH:

It is in the best interest of the Town of Sherborn that members of the Health Board be experienced, credentialed health professionals or environmental scientists, so that they are equipped to interpret scientific data and analysis, and can fulfill the charge of every Health Board, pursuant to Mass General Laws, which isto make decisions which will be in the interest of "the public health" for the benefit of Sherborn residents, Sherborn's natural resources and the community as a whole.

Massachusetts Boards of Health "are responsible under the Massachusetts General Laws, both state and local regulations, for disease prevention and control, health and environmental protection, and for promoting a healthy community". These are statutory and service responsibilities.

Therefore, as citizens of Sherborn, we propose that the Town of Sherborn establish minimum credentials for serving members of Sherborn'sBoard of Health to effectively execute this mandate to promote public health. *(George R. Morgan and 150 others)*

Advisory Committee: This citizens’ petition seeks to establish qualifications for membership on the Board of Health – an elected Board. The text of the original Article, printed above, specifies for inclusion on the Board only “credentialed health professionals or

environmental scientists.” During discussion at the Advisory Committee hearing, representatives of the petitioners said that individuals with legal background might also qualify, and then after further discussion allowed as how some other backgrounds and professions might also be acceptable. Further discussion at the hearing broadened the “acceptable” field even further. Not stated by any of the petitioners or residents who spoke in favor of the Article were what professions or areas of knowledge would trigger *exclusion* from running for the Board. In fact, an alternate version of the Article’s text, read by a petitioner during the hearing, said that no one would be automatically excluded, but that the final decision as to acceptability for running would be made by the Board of Health. If that were the case, the power to determine who could run for the Board would be solely in the hands of the sitting members—a very small number of individuals.

The Advisory Committee understands the important role played by the Board of Health in the town, and were the Board an appointed one, Advisory might well support a comprehensive list of qualifications for the position. However, the Board of Health is not appointed; it is elected. And for an elected position, Advisory supports neither an Article proposing a narrow and arbitrary list of qualifications, nor one comprising a list of qualifications so broad as to be meaningless. Advisory also does not support the concept of the sitting members of the Board of Health being the final arbiters of who is fit to run for election to that Board.

The town does not specify educational or professional qualifications for any other of its elected offices, and Advisory supports the democratic process that enables all our citizens to offer their time and talents in service of the town by choosing to run for those positions classified as elected.

We recommend no action.

Additional 2016 Special Town Meeting at 7:30PM

Please bring this notice with you to the meeting.

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 of DOVER/SHERBORN REGIONAL DISTRICT HIGH SCHOOL** in **DOVER** on Monday, October 24, 2016, at 7:30PM and to be adjourned to or such other dates as may be determined then and there to act on the warrant articles described.

ARTICLE 1. To see if the Town will vote to authorize the Board of Selectmen (i) to enter into an agreement for the purchase of electricity and/or net metering credits generated by a solar photovoltaic facility to be installed on the roof of the CM&D garage at 7 Butler St., with such agreement to be for a term of up to twenty (20) years, and on such terms and conditions as the Board of Selectmen deems in the best interests of the Town; and, (ii) to take all actions necessary or appropriate to administer and implement such agreement; or take any other action relative thereto. (*Board of Selectmen*)

Advisory Committee: Despite general support for moving forward with the pursuit of solar options, in terms of both financial and ecological benefits, the Committee felt that this Article, as written, was both too narrow and too broad. The Committee suggested that the town consider not only lease agreements for solar projects, but also look into the costs and benefits of purchasing solar installations as a capital expenditure. The Article’s proponents acknowledged that there are still a number of unanswered questions as to whether the particular lease agreement that occasioned this Article is one which would be “right for the town at this time,” and will seek answers to those questions, possibly in time for Town Meeting. Advisory applauds the proponents for bringing the Article to be heard, and would like to see further discussion of solar options, with perhaps a comprehensive Article for Annual Town Meeting in the spring.

We recommend no action.

ARTICLE 2. To see if the Town will vote to authorize the Board of Selectmen (i) to enter into an agreement for “payments in lieu of taxes” pursuant to M.G.L. c. 59, s. 38H(b), or any other enabling authority, for personal property and/or real property taxes attributable to a solar photovoltaic facility to be installed on the roof of the CM&D garage at 7 Butler St., with such agreement to be for a term of up to twenty (20) years, and on such terms and conditions as the Board of Selectmen deems in the best interests of the Town; and, (ii) to take all actions necessary or appropriate to administer and implement such agreement; or take any other action relative thereto. (*Board of Selectmen*)

Advisory Committee: This article addresses the tax / PILOT implications of the initial solar Article. Since we are recommending no action on that initial Article, we would also recommend no action here.

We recommend no action.

**Report of the Sherborn Advisory Committee
2016 SPECIAL TOWN MEETING
Sherborn, MA 01770**

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**RESIDENT
SHERBORN, MA 01770**

Please bring this report with you to
The 2016 Special Town Meeting
Monday, October 24, 2016 7PM
Lindquist Commons
Dover Sherborn High School

