Town of Whately
Annual Town Meeting Warrant
April 26, 2011

COMMONWEALTH OF MASSACHUSETTS

Franklin, SS.

To either of the Constables of the Town of Whately in the County of Franklin, GREETING:

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 elections and in town affairs, to meet at the **Whately Elementary School, 273 Long Plain Road** in **Whately** on **Tuesday, the twenty-sixth day of April** next, at **seven o'clock in the afternoon,** then and there to act on the following articles:

Article 1: To see if the Town will vote to accept the Annual Reports of the officers of the Town, and to hear any other reports of the Boards and Committees, or take any other action relative thereto.
Majority vote required

Recommended by Selectmen
Recommended by Finance Committee

Article 2: To see if the Town will vote to authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2011, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of General Laws, Chapter 44, Section 17, or take any other action relative thereto.
Majority vote required

Recommended by Selectmen
Recommended by Finance Committee

Article 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to enter into compensating balance agreements with banking institutions having their principal offices in the Commonwealth during Fiscal Year 2012, as permitted by General Laws Chapter 44, Section 53F, or take any other action relative thereto.
Majority vote required

Recommended by Selectmen
Recommended by Finance Committee

Article 4: To see if the Town will vote to apply for, accept, and expend any federal, state or private grant monies on behalf of the Town and authorize the Town Treasurer with the approval of the Board of Selectmen to borrow in anticipation of reimbursement or take any other action relative thereto.
Majority vote required

Recommended by Selectmen
Recommended by Finance Committee

Article 5: To see if the Town will vote to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 s. 53 E ½ for the fiscal year beginning July 1, 2011, or take any other action relative thereto.
Majority vote required ***Recommended by Selectmen***
Recommended by Finance Committee

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY2012 Spending Limit	Disposition of FY12 Fund Balance	Spending Restrictions or Comments
Dog Licensing and Control Revolving Fund	Town Clerk, Animal Control Officer	Dog license fees, fines and late charges	Any lawful expense related to dog licensing, animal control officer operating expenses, or any expense related to the implementation of the town's Dog Control By-law	$1,000	$1,000 of balance available for expenditure, remainder to revert to General Fund	Funds may not be spent for the salaries of any full-time employees
Recreation Revolving Fund	Recreation Commission by majority vote of its membership	Sports program registration fees, building and park rental fees, donations and proceeds from fund-raisers	Any lawful expense related to the activities, programs, and facilities operated by the Recreation Commission	$10,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees
Library Revolving Fund	Trustees of S. W. Dickinson Memorial Library, by majority vote of its membership	Fees from overdue books and videos and fees from copy machine use	Any lawful expense associated with the activities and programs of the S. W. Dickinson Memorial Library	$1,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees
Public Hearings Revolving Fund	Town Clerk	Fees for costs of public hearings	Costs related to hearings: advertising, recording fees, and other expenses	$2,500	Balance available for expenditure.	Funds may not be spent for the salaries of any full-time employees
Cordwood Sales Revolving Fund	Tree Warden, Highway Superintendent	Revenues from sale of cordwood.	Purchase of replacement trees on town property.	$2,500	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees.
Cemetery Commissioner Revolving Fund	Cemetery Commissioners	Opening Graves Fees	Costs of contractor expenses for digging graves and commissioners expenses for burial	$1,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees
Trench Permit	Highway Superintendent and Police Department	Trench Permit Fees	Costs of enforcement of Trench Permit Regulation	$1,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees
Total Spending:				$19,000		

Article 6: To see if the Town will fix the salaries or compensation of the elected officers of the town for Fiscal Year 2012 as follows or take any other action relative thereto:

	FY12 (1% COLA)
Moderator	$109.85
Selectmen - Chair	$1,675.23
Members	$1,537.91
Town Clerk	$15,059.47
Assessors - Chair	$1,675.23
Members	$1,537.91
Water Commissioners	$659.11
School Committee	$322.35
Elector: Oliver Smith Will	$10.00
Board of Health - Chair	$796.42
Members	$659.11
Constables	$12.45 hr
Cemetery Commissioners - Sextons	$11.29 hr
Opening Graves Fee	$550/grave

Majority vote required

Recommended by Selectmen
Recommended by Finance Committee

Article 7: To act on the report of the Finance Committee on the Fiscal Year 2012 budget and to raise and appropriate or transfer from available funds, money for the operation of the town's departments and the payment of debt service and all other necessary and proper expenses for the year, or take any other action relative thereto.

Proposed Fiscal Year 2012 Budget

The Finance Committee recommends that the amounts shown in the column captioned "FY12 Finance Committee Recommendations" be raised or appropriated or transferred from available funds for FY12 department operating purposes, debt service and other town expenses.

Majority vote required

Recommended by Selectmen
Recommended by Finance Committee

	Voted FY10 Budget	FY11 Voted Budget	FY12 Requests	Finance Committee Recommendations	Contingent on Proposition 2 1/2 Debt. Exc. Vote
Gen. Govt.					
Selectmen's Office	66,069.00	65,264.00	66,227.00	66,655.00	
Legal Counsel	7,500.00	7,400.00	7,500.00	7,500.00	
Audit	6,000.00		6,000.00	6,000.00	
Town Report	2,400.00	2,200.00	1,300.00	1,300.00	
Town Bldg. Oper.	22,100.00	21,230.00	22,500.00	22,500.00	
Town Clerk	20,917.00	22,553.00	22,690.00	22,874.00	
Town Accountant	14,675.00	13,325.00	13,321.00	13,321.00	
Payroll software	1,000.00	1,000.00	1,000.00	1,000.00	
Payroll Preparation	3,116.00	3,147.00	3,147.00	3,179.00	
Acct Software	1,000.00	1,000.00	1,000.00	1,000.00	
Treasurer/Collector	40,848.00	41,720.00	42,298.00	42,570.00	
Tax Takings	3,000.00	3,000.00	5,000.00	5,000.00	
Assessors	29,358.00	29,563.00	29,563.00	29,811.00	
Planning Board	1,805.00	1,815.00	1,815.00	1,825.00	
Zoning Bd. Appeals	1,261.00	1,268.00	1,268.00	1,274.00	
Finance Comm.	150.00	150.00	150.00	150.00	
Moderator	108.00	109.00	139.00	140.00	
Cons. Comm.	500.00	475.00	500.00	500.00	
Historical Comm.	200.00	200.00	200.00	200.00	
Agricultural Commission	200.00	200.00	200.00	200.00	
Computer replacement			4,000.00	4,000.00	
Connect CTY		1,800.00	2,300.00	2,300.00	
Sub-Total:	**222,207.00**	**217,419.00**	**232,118.00**	**233,299.00**	
Cult., Rec.,Serv.					
Tri-Town Beach	4,067.00	4,067.00	4,067.00	4,067.00	
Recreation Comm.	4,950.00	4,450.00	8,000.00	8,000.00	
Cemetery Comm.	4,952.00	4,391.00	4,391.00	4,430.00	
Library	39,762.00	40,982.00	40,943.00	41,929.00	
Council on Aging	4,076.00	8,394.24	8,744.00	8,744.00	
Veterans	8,141.00	9,841.00	10,491.00	10,491.00	
Sub-Total:	**65,948.00**	**72,125.24**	**76,636.00**	**77,661.00**	

	Voted FY10 Budget	FY11 Voted Budget	FY12 Requests	Finance Committee Recommendations	Contingent on Proposition 2 1/2 Debt. Exc. Vote
Public Health					
Board of Health	2,373.00	2,394.00	2,394.00	2,415.00	
Health Agent	13,476.00	13,743.00	14,388.00	14,388.00	
Solid Waste Disp.	35,955.00	34,067.00	35,915.00	36,141.00	
Hazardous Waste	800.00	800.00	800.00	800.00	
FC Waste Dist.	4,140.00	4,208.00	4,197.00	4,197.00	
Sub-Total:	**56,744.00**	**55,212.00**	**57,694.00**	**57,941.00**	
Public Safety					
Fire	41,343.00	38,496.00	43,736.00	41,800.00	
Ambulance	23,160.00	23,269.00	23,269.00	23,535.00	
Police	119,610.00	133,317.00	143,091.00	140,694.00	
Quinn Bill Incentive	7,404.00	3,739.00	4,103.00	4,103.00	
Animal Control	2,489.00	2,508.00	2,508.00	2,527.00	
Animal Inspection	428.00	432.00	432.00	435.00	
Emergency Mgt.	960.00	932.00	1,025.00	1,025.00	
FC Inspection Prog.	44,623.00	53,949.00	53,360.00	53,360.00	
Sub-Total:	**240,017.00**	**256,642.00**	**271,524.00**	**267,479.00**	
Public Works					
Highway Dept.					
Salaries	104,380.00	105,427.00	105,427.00	107,176.00	
Gen. Highways	67,650.00	71,600.00	71,600.00	71,600.00	
Winter Roads	113,745.00	106,363.00	114,363.00	107,462.00	
Road Machinery	20,955.00	20,955.00	20,955.00	20,955.00	
Garage Maint.	5,680.00	5,680.00	5,680.00	5,680.00	
Trees	6,150.00	6,000.00	6,000.00	6,000.00	
Sub-Total:	**318,560.00**	**316,025.00**	**324,025.00**	318,873.00	
Water Dept.					

Salaries	24,091.00	24,332.00	24,332.00	24,574.20	
Operations	25,970.00	25,970.00	25,525.00	25,525.00	
Sub-Total:	**50,061.00**	**50,302.00**	**49,857.00**	**50,099.20**	
Total Public Works	**368,621.00**	**366,327.00**	**373,882.00**	**368,972.20**	

	Voted FY10 Budget	FY11 Voted Budget	FY12 Requests	Finance Committee Recommendations	Contingent on Proposition 2 1/2 Debt. Exc. Vote
Ins. & Benefits					
Prop. & Liab. Ins.	*49,514.00*	33,350.00	33,000.00	33,000.00	
Emp. Health Ins.	*309,000.00*	372,414.00	372,075.00	372,075.00	
Medicare & Soc. Sec.	*20,000.00*	20,000.00	22,000.00	22,200.00	
Workers Comp. Ins.	*19,500.00*	16,150.00	12,500.00	12,500.00	
Life	*1,400.00*	1,500.00	1,600.00	1,600.00	
Unemp. Ins.	*1,000.00*	1,000.00	1,000.00	1,000.00	
Retirement	98,948.00	107,685.00	111,709.00	111,709.00	
Police & Fire Insurance	0.00	9,883.00	4,500.00	4,500.00	
Personnel Recommendations		0.00	10,174.00		
Sub-Total:	**499,362.00**	**561,982.00**	**568,558.00**	**558,584.00**	
Unclassified					
Temp. Loan Int.	2,000.00	2,000.00	2,000.00	2,000.00	
Reserve Fund	20,000.00	20,000.00	20,000.00	20,000.00	
FR Council of Govt.	15,170.00	16,283.00	16,885.00	16,885.00	
Physicals & Tests	750.00	750.00	800.00	800.00	
Town Vehicles Fuel	29,000.00	27,000.00	29,000.00	29,000.00	
Vaccinations			800.00	800.00	
Educational Inc. (T.Clerk & T/C)	2,000.00	2,000.00	2,000.00	2,000.00	
Sub-Total:	**68,920.00**	**68,033.00**	**71,485.00**	**71,485.00**	
Total Town Govt.:	**1,521,819.00**	**1,597,740.24**	**1,651,897.00**	**1,635,421.20**	
Schools					
Elementary					
Operating	1,455,695.00	1,428,309.00	1,457,760.00	1,457,760.00	

Transportation					
Fixed Assets					
Sub-Total:	**1,455,695.00**	**1,428,309.00**	**1,457,760.00**	**1,457,760.00**	

	Voted FY10 Budget	FY11 Voted Budget	FY12 Requests	Finance Committee Recommendations	Contingent on Proposition 2 1/2 Debt. Exc. Vote
Frontier					
Operating	844,823.00	856,388.00	893,856.00	893,856.00	
Exist. Cap. Costs					
Transportation	10,287.00	25,064.00	20,452.00	20,452.00	
Sub-Total:	**855,110.00**	**881,452.00**	**914,308.00**	**914,308.00**	
FC Technical					
Operating	***98,683.00***	100,418.00	91,937.00	91,937.00	
Sub-total:	***98,683.00***	**100,418.00**	**91,937.00**	**91,937.00**	
Smith Vocational Tuition	***17,800.00***	**41,390.00**	**61,490.00**	**61,490.00**	
Total Schools:	***2,427,288.00***	***2,451,569.00***	***2,525,495.00***	***2,525,495.00***	
Total Town & Sch:	***3,949,107.00***	***4,049,309.24***	***4,177,392.00***	***4,160,916.20***	
Long term-Debt					
Frontier Bond	74,251.00	54,661.00	44,777.00	44,777.00	
Dump Truck			68,091.00	53,000.00	53,000.0
Elementary Roof	86,200.00	66,299.95	64,751.47	64,751.47	
Police Cruiser			30,000.00	30,000.00	30,000.0
Sub-Total:	***160,451.00***	***120,960.95***	***207,619.47***	***192,528.47***	***83,000.***

Total Operating Budget	***4,109,558.00***	***4,170,270.19***	***4,385,011.47***	***4,353,444.67***	***83,000.***

Article 8. To see if the Town will vote to authorize the Board of Assessors to transfer from Free Cash certified as of July 1, 2010 the sum of **$100,000** to reduce the tax levy for FY2012 or take any other action relative thereto.
Majority vote required ***Recommended by Finance Committee***
Recommended by Selectmen

Article 9. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of **$5,000** for the purchase of a fire panel at the elementary school as part of the 2012 Capital Improvement Plan, or take any other action relative thereto.
Majority vote required
Recommended by Finance Committee
Recommended by Selectmen

Article 10. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of **$6,000** to scrape and paint the exterior of the Town Hall as part of the 2012 Capital Improvement Plan or take any other action relative thereto.
Majority vote required
Recommended by Finance Committee
Recommended by Selectmen

Article 11. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of **$25,000** for the repair/replacement of the septic system at the Highway Garage or take any other action relative thereto.
Majority vote required
Recommended by Finance Committee
Recommended by Selectmen

Article 12. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of **$18,765** for engineering services for the Emergency Mill River Stabilization Project for the protection of the water department wells or take any other action relative thereto.
Majority vote required
Recommended by Finance Committee
Recommended by Selectmen

Article 13. To see if the Town will vote to raise and appropriate the sum of **$30,000** for Fiscal Year 2012 for the purchase of a police cruiser for the Police Department as part of the 2012 Capital Improvement Plan, provided that this appropriation be contingent on the approval of a Proposition 2 ½ capital expenditure exclusion under General Laws Chapter 59, § 21C(i1/2) or take any other action relative thereto.
2/3 rd's vote required
Recommended by Finance Committee
Recommended by Selectmen

Article 14. To see if the Town will vote to appropriate and borrow the sum of **$143,000** for the purchase of a dump truck with sander and plow for the Highway Department as part of the 2012 Capital Improvement Plan, and authorize the treasurer with the approval of the Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44, §7 (3a), or any other general or special law, for a period not to exceed 3 years, provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws Chapter 59, §21C(k) or take any other action relative thereto.
2/3 rd's vote required

Recommended by Finance Committee
Recommended by Selectmen

Article 15. To see if the Town will vote to transfer from Free Cash the sum of **$45,000** to the Stabilization Account to replenish the amount taken for the Fire Station roof project or take any other action relative thereto.
2/3 rd's vote required

Recommended by Finance Committee
Recommended by Selectmen

Article 16. To see if the Town will vote to transfer from Free Cash the sum of **$20,000** to the Capital Stabilization Account earmarked towards the future purchase of an ambulance or take any other action relative thereto.
2/3 rd's vote required

Recommended by Finance Committee
Recommended by Selectmen

Article 17. To see if the Town will vote to allow the Selectmen to enter into a contract of greater than 3 years but less than six years for the lease of a copier for the offices at Town Hall or take any other action relative thereto.
Majority vote required

Recommended by Finance Committee
Recommended by Selectmen

Article 18. To see if the Town will hear and act, pursuant to G.L. c.44B, on the report of the Community Preservation Committee for the Fiscal Year 2012 Community Preservation Budget and to appropriate or reserve from the **Community Preservation Fund** a sum of money in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other necessary and proper expenses in fiscal year 2012, including debt service for any approved Community Preservation projects, with each item to be considered a separate appropriation:

Appropriations:

From FY 2012 estimated revenues for Committee Administrative Expenses	**$ 6,300**

Reserves:

From FY 2012 estimated revenues for Historic Resources Reserve	**$ 12,600**
From FY 2012 estimated revenues for Community Housing Reserve	**$ 12,600**
From FY 2012 estimated revenues for Open Space Reserve	**$ 12,600**
From FY 2012 estimated revenues for Budgeted Reserve	**$ 80,000**

or take any other action thereon.
Majority vote required

Recommended by the Community Preservation Committee
Recommended by Selectmen
Recommended by the Finance Committee

The following six articles are the Community Preservation Committee recommended projects for FY12.

Article 19. To see if the Town will vote, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Historic Preservation Reserves the sum of **$1,200** as a grant to the Whately Historical Society for the purpose of preserving by digitizing the Society's reel-to-reel, cassette and VHS oral histories on Compact Discs, pursuant to a grant agreement between the Board of Selectmen and the Historical Society, upon such terms and conditions as the Board of Selectmen shall deem appropriate or take any other action relative thereto.
Majority vote required

Recommended by the Community Preservation Committee
Recommended by Historical Commission
Recommended by Selectmen
Recommended by the Finance Committee

Article 20. To see if the Town will vote, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Historic Preservation Reserves the sum of **$6,279** for archival preservation and restoration of Town of Whately vital record log books under the direction of the Town Clerk or take any other action relative thereto.
Majority vote required

Recommended by the Community Preservation Committee
Recommended by Historical Commission
Recommended by Selectmen
Recommended by the Finance Committee

Article 21. To see if the Town will vote, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Historic Preservation Reserves the sum of **$8,000** and the sum of **$22,000** from the FY2012 CPC Estimated Annual Revenues for a total of $30,000 for architectural support to work with town committees to preserve, restore and rehabilitate the Town Hall, specifically, to formalize the designs of the building, parking and overall site , to make it functional for its intended use to hold consolidated town offices or take any other action relative thereto.
Majority vote required

Recommended by the Community Preservation Committee
Recommended by Historical Commission
Recommended by Selectmen
Recommended by the Finance Committee

Article 22. To see if the Town will vote, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Open Space Reserves the sum of **$5,000** as a grant to the Franklin Land Trust to acquire a permanent Agricultural Preservation Restriction to be held by Franklin Land Trust on 8.5 acres of farmland on River Road, Assessors Map 21 lot 38 currently owned by Wanda Helstowski pursuant to a grant agreement between the Board of Selectmen and the Franklin Land Trust, upon such terms and conditions as the Board of Selectmen in consultation with the Agricultural Commission shall deem appropriate, or take any other action relative thereto.
Majority vote required

Recommended by the Community Preservation Committee
Recommended by Agricultural Commission
Recommended by Selectmen
Recommended by the Finance Committee

Article 23. To see if the Town will vote, pursuant to G.L. c.44B, to appropriate and transfer from the FY2012 Community Preservation Fund Estimated Revenues the sum of **$38,000** as a grant to the Franklin Land Trust to acquire two permanent Agricultural Preservation Restrictions to be held by Franklin Land Trust on 133 acres of farmland described below, pursuant to a grant agreement between the Board of Selectmen and the Franklin Land Trust, upon such terms and conditions as the Board of Selectmen in consultation with the Agricultural Commission shall deem appropriate, or take any other action relative thereto.

APR #1

89.5 acres currently owned by Paul Maiewski and Charles Maiewski
Assessor Map 14, Lot 5 a 7.5 acre parcel off of Long Plain Road
Assessor Map 14, Lot 21 a 65 acre parcel abutting River Road and Straits Road
Assessor Map 27, Lot 13 a 13 acre parcel off of River Road
Note: There is a 3 acre area that will not be included in the APR

APR #2

44 acres currently owned by Paul Maiewski and Charles Maiewski
Assessor Map 13 lot 11 a 30 acre parcel abutting Long Plain Road
Assessor Map 13 lot 11-1 a 14 acre parcel off of Long Plain Road

Majority vote required

Recommended by the Community Preservation Committee
Recommended by Agricultural Commission
Recommended by Selectmen
Recommended by the Finance Committee

Article 24. To see if the Town will vote, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Open Space Reserves the sum of not more than **$5,000** to be expended by the Selectmen with recommendations from the Recreation Commission to purchase .98 acres of land (Assessors Map 27 lot 20) adjacent to Herlihy Park to expand the park for recreational use or take any other action relative thereto.
Majority vote required

Recommended by the Community Preservation Committee
Recommended by Selectmen
Recommended by the Finance Committee

Article 25. Article by Petition. - To see if the Town will vote to amend the Frontier Regional School District Agreement as follows or take any other vote or votes in relation thereto:

Amendments to the Frontier Regional School District Agreement

Amend Section 1 of the Frontier Regional School District Agreement by deleting Section 1 A. – D.; replacing those paragraphs with the following paragraphs A. – C.; re-lettering paragraphs E to D, F to E, G to F and H to G: adding to the newly re-lettered paragraph D "The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement." and deleting paragraph H and replacing it with the following paragraph G.

Section I

The Regional District School Committee shall consist of eleven members: two each from Conway and Whately, three members from Sunderland and four members from Deerfield.

A. Composition

The Regional District School Committee, hereinafter referred to as the Committee, shall consist of eleven members: four from the Town of Deerfield, three from the Town of Sunderland, two from the Town of Whately and two from the Town of Conway. As hereinafter provided, four of the eleven members shall be appointed by the local school committees and seven shall be elected by the annual town elections.

B. Appointed Members

Immediately after each annual town election, the local school committee of each member town shall appoint from its own membership one member to serve on the Committee for a term of one year.
An appointed members vote shall count as one vote cast on any issue.

C. Elected Members

Of the seven elected members, there shall be three from the Town of Deerfield, two from the Town of Sunderland and one from each of the Towns of Conway and Whately. At the annual town elections next following the Amendment to the Regional School District Agreement, the Town of Deerfield shall elect one additional member to serve on the Committee for a term of one year; and the Town of Sunderland shall elect one additional member to serve for a term of one year. Thereafter, at every succeeding annual town election when a member town is required to elect a member, each such town shall elect such member to serve for a term of three years.
An elected members vote shall be weighted so that each member's vote represents the towns population as a percentage of the population of the whole district divided by the number of elected members from that Town. The calculations for weighted votes shall be based on the United States census and recalculated when new census figures are reported.

Delete paragraph D. Interim Committee

D. Change E to D. Vacancies and add final sentence

If a vacancy occurs among the appointed members, the local school committee of the member town involved shall appoint a member from its own membership to serve for the remainder of the unexpired term. If a vacancy occurs among the elected members, the selectmen of the member town involved shall appoint a member to serve until the next annual town election, at which election a successor shall be elected to serve for the remainder of the unexpired term, if any. The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.

E. Change F. Organization to E. Organization

F. Change G. Powers and Duties to F. Powers and Duties

G. Change H. Quorum to G. Quorum and replace with the following:

G. Quorum
A quorum for the transaction of business shall be a majority of the committee and greater than 50% of the weighted vote membership, but a number less than a majority may adjourn any meeting. Passage of any measure shall require a majority of the committee and greater than 50% of the weighted vote as counted.

Presented by a Petition of Registered Voters

Article 26. To see if the town will vote to amend the Code of the Town of Whately, Chapter 41, Property Sales of, Section 41-1, Authority to Sell Certain Property by deleting the current chapter and section in their entirety and by replacing the chapter with the following or take any other active relative thereto.

Chapter 41. Property, Sale Of

§ 41-1. Authority to sell certain property.

In accordance with Chapter 30B, §15(f) the Town hereby approves a written procedure to dispose of surplus property with an estimated net value of less than $5,000. The purpose of this procedure is to ensure that the Town obtains the best possible return when disposing of supplies that are no longer useful to the Town. This procedure applies to all tangible surplus supplies including motor vehicles, machinery, computer equipment, furniture, and other materials and supplies. The term "supplies" does not include real property. This procedure does not apply to unclaimed property in the possession of the Police Departments which must be auctioned pursuant to G.L. c. 135, §8.

This procedure applies to all Town Departments, Board, Committees and Commissions of the Town of Whately.

A. The Department Head, Board, Committee or Commission who has jurisdiction over the surplus supplies shall first declare that said supplies are no longer useful.

B. The Department Head, Board, Committee or Commission shall place a net value of less than $5,000 on said surplus supplies.

C. Notice of this declaration shall be forwarded by the Department Head, Board, Committee or Commission to the Board of Selectmen with a recommendation for action.

D. The Board of Selectmen shall offer the surplus supplies to other Town Departments, Boards, Committees or Commissions. Should any of these units be interested in the surplus supplies the Board of Selectmen shall transfer the surplus supplies to the appropriate unit for its use.

E. If said surplus supplies were a gift or donation from an individual, organization or business, the Board of Selectmen will have the option of returning said surplus supplies to said individual, organization or business at no cost.

F. If no other Town Department, Board, Committee or Commission is interested in said surplus supplies and the surplus supplies are not returned to the individual, organization or business who donated said supplies, the Board of Selectmen shall dispose of said surplus supplies through one of the following methods:

1. Disposal of the item or items as refuse or recyclable material.
2. Charitable Donation – Surplus supplies can be disposed of at less than fair market value to any organization that has an IRS tax exempt status by reason of its charitable nature. *A charitable donation must be approved in advance by a majority vote of Town Meeting.*
3. Trade-In when making a purchase. IFB or RFP should specify the items to be traded in as part of the procurement.
4. Public Auction or yard sale.
5. Sealed bids

G. Said proceeds of the sale of surplus supplies through either of the methods mentioned in section F above will be deposited into the General Fund.

Majority vote required

Recommended by Selectmen
Recommended by the Finance Committee

Article 27. To see if the town will vote to declare the 1986 Case, 580 SE backhoe which is estimated to have a value of over $5000 as surplus property and authorize the Selectmen to dispose of said backhoe by obtaining sealed bids or take any other action relative thereto.

Majority vote required

Recommended by Selectmen
Recommended by the Finance Committee

Article 28. To see if the town will vote to approve the following Resolution to Seek Lower Electric Rates in a competitive market or take any other action relative thereto.

Resolution to Seek Lower Electric Rates in a Competitive Market

Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and

Whereas, the citizens of the Town of Whately in Franklin County have substantial economic, environmental, and social interests at stake; and

Whereas, Whately‘s residential and business consumers are interested in reducing their electricity rates;

Be it therefore resolved, that the Town Meeting of Whately grant the Board of Selectmen authority to develop and participate in a contract, or contracts, for power supply and other related services, independently, or in joint action with other municipalities through the Hampshire Council of Governments. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative service they desire; and

Be it further resolved, that the Board of Selectmen will appoint a representative for a committee to oversee such joint action.

Majority vote required

Recommended by Selectmen

And you are directed to serve this Warrant, by posting up attested copies thereof at the Town Hall, Post Office, S. White Dickinson Memorial Library and the Center School Offices in said Town, seven days at least before the time of holding 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 eleventh day of April in the year of our Lord two thousand and eleven.

_____
Paul K. Newlin, Chair

_____
Joyce Palmer Fortune

_____
Jonathan S. Edwards
Board of Selectmen
Town of Whately

A true copy. Attest:

_____
Constable