

**ANNUAL TOWN MEETING
TOWN OF WHATELY
April 29, 2008
Continued to May 1, 2008**

Pursuant to the within warrant the annual meeting of the Town of Whately held at the Whately Elementary School, 273 Long Plain Road was called to order Tuesday, April 29, 2008 at 7:05 p.m. by Moderator Paul M. Fleuriel, Jr. Town Clerk, Lynn M. Sibley read the Constable's return of the warrant. Virginia Allis acted as checker and assigned voting placards to those voters attending the meeting. Attendance was 103 voters. Before the actual start of the meeting the Moderator made the following announcements.

The Moderator recognized Paul Newlin who presented the dedication of the 2007 Annual Town Report to Nat Fortune and Joyce Palmer-Fortune.

The Moderator recognized Carl Brooks who announced the Memorial Day Festivities planned by the Whately Grange for Sunday, May 25, 2008 starting with a church service at the Whately Congregational Church and a parade following at 11 a.m.

The Moderator appointed Don Skroski and Robert Smith as counters. This meeting was being broadcast on Channel 15 as well.

Article 1. Upon motion made and seconded, it was

Voted that the town accept the Annual Reports of the officers of the Town, and to hear any other reports of the Boards and Committees. (No other reports were heard.)

Article 2. Upon motion made and seconded, it was

Voted that the town 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, 2008, 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.

Article 3. Upon motion made and seconded, it was

Voted that the town 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 2009, as permitted by General Laws Chapter 44, Section 53F.

Article 4. Upon motion made and seconded, it was

Voted that the town 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.

Article 5. Upon motion made and seconded, it was

Voted that the town authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 s. 53 E ½ for the fiscal year beginning July 1, 2008.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY2009 Spending Limit	Disposition of FY08 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	\$2500	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.	\$1,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees.
Total Spending:				\$15,500		

Article 6: Upon motion made and seconded, it was

Voted that the town fix the salaries or compensation of the elected officers of the town for Fiscal year 2009 as follows:

	FY08	FY09
Moderator	\$103	\$105
Selectmen - Chair	\$1,571	\$1,610
Members	\$1,442	\$1,478
Town Clerk	\$14,121	\$14,473
Assessors - Chair	\$1,571	\$1,610
Members	\$1,442	\$1,478
Water Commissioners	\$618	\$633
School Committee	\$309	\$316
Elector: Oliver Smith Will	\$10	\$10
Board of Health - Chair	\$747	\$765
Members	\$618	\$633
Constables	\$11.68/hour	\$11.97
Cemetery Commissioners - Sextons	\$10.59/hour	\$10.59
Opening Graves Fee	\$500/grave	\$500/grave

Article 7. Upon motion made and seconded, it was

Moved to act on the report of the Finance Committee on the Fiscal Year 2009 budget and to raise and appropriate money 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. Each heading of the budget was taken up individually. Questions were addressed as the meeting progressed through the budget items.

There was one amendment made

Amendment One: After a motion made and seconded it was voted that the Finance Committee recommended amount of \$902,750 be increased to the Frontier Regional School Committee requested amount of \$935,720. This amendment was passed 72 to 14.

After some discussion it was voted to act on the report of the Finance Committee on the Fiscal Year 2009 budget as amended and to raise and appropriate the following sums of 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 .

	Voted for FY09
<u>Gen. Govt.</u>	
Selectmen's Office	\$65,159
Legal Counsel	7,500
Audit	6,000
Town Report	2,450
Town Bldg. Oper.	22,500
Town Clerk	22,520
Town Accountant	15,819

	Voted for FY09
Accounting Software Support	1,000
Payroll Preparation	3,055
Acct. Software Conversion	1,000
Treasurer/Collector	38,388
Tax Takings	3,000
Assessors (including revaluation.)	28,948
Planning Board	1,786
Zoning Bd. Appeals	1,248
Finance Comm.	150
Moderator	106
Cons. Comm.	502
Historical Comm.	200
Agricultural Commission	200
Quarterly Billing Conversion	4,140
Additional Quarterly Costs	1,940
CPA Software	3,400
Sub-Total:	\$231,011

Culture & Rec. Services

Tri-Town Beach	\$4,067
Recreation Comm.	4,950
Cemetery Comm.	4,877
Library	38,825
Council on Aging	4,076
Veterans	4,788
Sub-Total:	\$61,583

Public Health

Board of Health	\$2,333
Health Agent	14,976
Solid Waste Disposal.	36,487
Hazardous Waste	800
FC Waste Dist.	3,895
Sub-Total:	\$58,491

Public Safety

Fire	\$38,335
Ambulance	20,946
Police	116,606
Quinn Bill Incentive	7,260
Animal Control	2,451
Animal Inspection	420
Emergency Mgt.	960
FC Inspection Program.	40,016
Sub-Total:	\$226,994

**Voted for
FY09**

Public Works

Highway Dept.

Salaries	\$102,330
Gen. Highways	67,650
Winter Roads	100,638
Road Machinery	17,955
Garage Maint.	6,080
Trees	6,150
Total Highway Department	\$300,803

Water Dept.

Salaries	23,619
Operations	23,000
Total Water Dept.	46,619

Total Public Works **\$347,422**

Ins. & Benefits

Property & Liability Ins.	\$55,000
Employee Health Ins.	288,649
Medicare & Social Security	16,900
Workers Comp. Ins.	10,000
Life	1,400
Unemployment Ins.	1,000
Retirement	96,269
Sub-Total:	\$469,218

Unclassified

Temp. Loan Interest	\$4,000
Reserve Fund	20,000
FR Council of Govt.	15,686
Physicals & Tests	750
Town Vehicles Fuel	31,000
Educational Incentives (T. Clerk)	2,000
Sub-Total:	\$73,436

Total Town Govt.: **\$1,468,155**

Schools

Elementary **\$1,426,736**

Frontier Operating \$935,720

Frontier Transportation 4,424

Total Frontier **\$940,144**

	Voted for FY09
Franklin County Tech. School	\$105,738
Total Schools	\$2,472,618
<u>Debt</u>	
Water System Bond	\$111,512.50
Whately Elem. School Bond	257,500.00
Frontier Bond	91,234.00
Police Station	
Solar Panels	
<i>Sub-Total:</i>	<i>\$460,246.50</i>
Total Operating Budget	\$4,401,019.50

Article 8. Upon motion made and seconded, it was

Voted that the Town authorize the Board of Assessors to transfer from FY2007 Free Cash the sum of **\$97,432** to reduce the tax levy for FY2009.

Article 9. Upon motion made and seconded, it was

Voted that the Town transfer from available funds (FY07 Free Cash), the sum of **\$9,068** for its share of renovations of the former East Whately Elementary School, currently the offices of the Frontier Regional School District, as part of the FY 2009 Capital Improvement Plan.

Article 10. Upon motion made and seconded, it was

Voted that the Town to transfer from available funds (FY07 Free Cash) the sum of **\$24,000** to fund the fifth year of a five year lease-to-own schedule for a front end loader for the Highway Department, as part of the 2009 Capital Improvement Plan.

Article 11. Upon motion made and seconded, it was

Voted that the town amend Article 13 voted on at the April 24, 2007 Annual Town Meeting to read: Vote to transfer from available funds (FY06 Free Cash) the sum of \$19,261 to go towards the purchase of a one ton dump truck for the Highway Department, as part of the 2009 Capital Improvement Plan. (A friendly amendment was made to change FY07 Free Cash to FY06 Free Cash.)

Article 12. Upon motion made and seconded, it was

Voted that the Town transfer from available funds (FY07 Free Cash) the sum of **\$26,000** to be combined with the \$19,261 appropriated April 24, 2007 under Article 13 and the \$7,000 appropriated on June 28, 2005 under Article 5 for the purchase of a one ton dump truck for the Highway Department, as part of the 2009 Capital Improvement Plan.

Article 13. Upon motion made and seconded, it was

Voted that the Town transfer from available funds (FY07 Free Cash) the sum of **\$13,500** for the first year of a two year lease-to-own schedule for a police cruiser for the Police Department, as part of the 2009 Capital Improvement Plan.

(One vote in opposition)

Article 14. Upon motion made and seconded, it was

Voted that the Town transfer from available funds (FY07 Free Cash) the sum of **\$5,000** for digitalizing the assessor's maps as part of the 2009 Capital Improvement Plan.

Article 15. Upon motion made and seconded, it was

Voted that the Town accept Section 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, restoration and rehabilitation of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 3% of the annual real estate tax levy against real property and that such surcharge shall commence in fiscal year 2010; and that the town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act:

1. for property owned and occupied as a domicile by any person who qualified for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act.
2. for \$100,000 of the value of each taxable parcel of residential real property.

There was a Power point presentation prior to the vote on CPA. There were also some questions related to the Act.

Article 16. Upon motion made and seconded, it was

Voted that the Town of Whately allow the Franklin County Technical School to establish a stabilization fund in accordance with M.G.L. c. 71, §16G1/2.

Article 17. Upon motion made and seconded, it was

Voted that the Town of Whately allow the Franklin County Technical School to transfer funds from the school district's Capital Assessment Fund to its stabilization fund, in accordance with M.G.L. c. 71, §16G1/2, for the purpose of remodeling and making extraordinary repairs to the school district's facilities and grounds.

Article 18. Motion was made and seconded to accept the following bylaw:

Bicycle Regulations; Fines

Bicycles in the town shall be equipped and operated in accordance with Massachusetts General Laws, Chapter 85, Sections 11B. Any person who commits a violation under this section may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended. For violations committed by persons 18 years old or older, the fine shall be Twenty dollars (\$20) per violation. For violations committed by persons under the age of 18 years, the fine shall be Ten dollars (\$10) per violation. Violations under this section shall be enforced by town police officers.

This motion was defeated. Most residents felt that education should be the town's first course of action.

Article 19. Upon motion made and seconded, it was

Voted that the Town accept General Law Chapter 59, Section 57C for the purpose of establishing a quarterly tax payment system effective for the fiscal year beginning July 1, 2009.

Article 20. Consideration of this article was postponed until the adjourned session of town meeting on Thursday, May 1, 2008 at 7 p.m. at the Whately Elementary School. This article pertains to additional funding for the Police Station, however, bids for the project will not be received until tomorrow so a figure is not known at this time.

Article 21. Upon motion made and seconded, it was

Voted that the town 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 Selectmen's Office.

Article 22. Upon motion made and seconded, it was

Voted that the Town authorize the Board of Selectmen to take by eminent domain the temporary cul-de-sac easement as a permanent easement connecting Sandy Lane (Industrial Drive) and Fairview Way established at a Special Town Meeting held on March 26, 1996.

The description of said property is as follows:

Beginning at a concrete bound at the northwesterly corner of the easement herein described; thence N 83°38' 00" E a distance of 158.72 feet to a point; thence on a curve to the right having a radius of 70.00 feet an arch length of 222.15 feet to a concrete

bound; thence on a curve to the left having a radius of 20.00 feet an arc length of 29.19 feet to the concrete bound at the point of beginning.

The “temporary cul-de-sac easement” is shown on a plan of land entitled “Definitive Plan of Whately Industrial Park, Whately, MA Prepared for Alan E. Sanderson, Alan E. Sanderson, Jr., Bradley T. Sanderson”, dated September 13, 1995 prepared by Robert B. Rose & Associates to be recorded in the Franklin County Registry of Deeds. All trees, if any, upon the land taken and all structures affixed thereon are included in the taking.

Upon motion made and seconded it was

Voted to adjourn this meeting until May 1, 2008 at 7 p.m. This session adjourned at 8:55 p.m.

**Annual Town Meeting
May 1, 2008
Continuation of Adjourned Session from April 29, 2008**

Moderator, Paul M. Fleuriel, Jr. called this continued session of Annual Town Meeting to order on Thursday, May 1, 2008 at 7 p.m. at the Whately Elementary School. Virginia Allis checked in voters and issued placards. There were 30 voters checked in for this continued session of town meeting.

Article 20. Upon motion made and seconded, it was

Voted that the Town transfer from available funds (FY07 Free Cash) the sum of **\$15,000** to be added to the previous appropriation of \$65,000 on December 4, 2007 to renovate the Whately Youth Center into a Police Station according to construction design plans drawn by architect Greenberg and Associates and to authorize the treasurer, with the approval of the Board of Selectmen to issue any bonds or notes that may be necessary for that purpose as authorized by Massachusetts General Laws Chapter 44, Section 7 (3A).

Upon motion made and seconded, it was voted to adjourn without date at 7:05 p.m.

A true copy,

Attest:

Lynn M. Sibley, CMC, CMMC
Town Clerk of Whately