

**SPECIAL TOWN MEETING
TOWN OF WHATELY
JUNE 30, 2009**

Pursuant to the within warrant a special town meeting of the Town of Whately held at the Whately Elementary School, 273 Long Plain Road was called to order Tuesday, June 30, 2009 at 6:30 P.M. by Moderator Paul M. Fleuriel, Jr. The Constable's return of the warrant was read by Town Clerk, Lynn M. Sibley.

Article 1. Upon motion made and seconded, it was

Voted that the Board of Selectmen be and are hereby authorized to acquire, by gift or purchase or to take by eminent domain or otherwise, under Chapters 79 and 83 of the Massachusetts General Laws the following permanent drainage easement in conjunction with drainage improvements to Long Plain Road. Three permanent drainage easements, and in particular for the proposed the repair and reconstruction of the culvert carrying an un-named tributary to the Connecticut River under Long Plain Road approximately 3000 feet south of Straits Road, located on both sides of the existing limits of Long Plain Road, a 1948 remonumentation of the 1891 county layout of Long Plain road, a plan of said layout being on file in the Franklin Regional Council of Governments Road Records Room in Locations of Highways Plan Book 9, page 5.

Parcel No. E-1: Owners believed to be **Paul J. and Ronald J. Duda, of 132A Long Plain Road, Whately, MA 01373**

The easement is described as follows: Beginning at a point on the westerly line of the 1948 remonumentation of the 1891 county layout of Long Plain road, a plan of said layout being on file in the Franklin Regional Council of Governments Road Records Room in Locations of Highways Plan Book 9, page 5, said point being N49°56'E and a distance of 40.00 feet from the point opposite Bound 5 of the said 1948 remonumentation; thence running N20°58'42"E a distance of 40 feet along other property of Duda to an Iron Pin to be set; thence turning and running S42°10'58"E a distance of 10 feet along land of Douglas Smith to an Iron Pin to be set; thence running S27°58'38"E a distance of 10 feet along land of said Douglas Smith to an Iron Pin to be set; thence turning and running S49°56'W a distance of 33 feet along said westerly sideline to the point of beginning.

The area of the above easement is 334 square feet (0.01 Acres) more or less and is intended to be contiguous with the existing 50 foot wide permanent highway easement for long Plain Road and is further described in Exhibit "A".

The easement conveyed herein is located on a portion of the premises conveyed to Paul J. and Ronald J. Duda by the deed recorded in the Franklin County Registry of Deeds in Book 2891 Page 263.

Parcel No. E-2: Owner believed to be **Douglas Smith of 117 Long Plain Road, Whately, MA 01373**

The easement is described as follows: Beginning at a point on the westerly line of the 1948 remonumentation of the 1891 county layout of Long Plain road, a plan of said layout being on file in the Franklin Regional Council of Governments Road Records Room in Locations of Highways Plan Book 9, page 5, said point being N49°56'E and a distance of 73.00 feet from the point opposite Bound 5 of the said 1948 remonumentation; thence running N49°56'E a distance of 37 feet along said westerly sideline to an Iron Pin to be set; thence turning and running S78°53'18"W a distance of 40 feet along other land of Smith to an Iron Pin to be set; thence running S42°10'58"E a distance of 10 feet along land of Duda to an Iron Pin to be set; thence running S27°58'38"E a distance of 10 feet along said land of Duda to the point of beginning.

The area of the above easement is 344 square feet (0.01 Acres) more or less and is intended to be contiguous with the existing 50 foot wide permanent highway easement for long Plain Road and is further described in Exhibit "A".

The easement conveyed herein is located on a portion of the premises conveyed to Douglas Smith by the deed recorded in the Franklin County Registry of Deeds in Book 1304 Page 138.

Parcel No. E-3: Owner believed to be **Jean Wroblewski of 32 Saw Mill Park, College Highway, Southwick, MA 01077**

The easement is described as follows: Beginning at a point on the easterly line of the 1948 remonumentation of the 1891 county layout of Long Plain road, a plan of said layout being on file in the Franklin Regional Council of Governments Road Records Room in Locations of Highways Plan Book 9, page 5, said point being Bound 5 of the said 1948 remonumentation; thence running N49°56'E a distance of 108.17 feet along said easterly sideline to an Iron Pin to be set; thence turning and running S6°22'36"W a distance of 60 feet along other land of Wroblewski to an Iron Pin to be set; thence turning and running S83°37'24"W a distance of 90 feet along other land of said Wroblewski to the point of beginning.

The area of the above easement is 2700 square feet (0.06 Acres) more or less and is intended to be contiguous with the existing 50 foot wide permanent highway easement for long Plain Road and is further described in Exhibit "A".

The easement conveyed herein is located on a portion of the premises conveyed to Jean Wroblewski by the deed recorded in the Franklin County Registry of Deeds in Book 1625 Page 271.

The easements acquired above are for the purpose of constructing, inspecting, maintaining, and use of a proposed culvert, slopes, headwalls, and inlet outside of the sidelines of Long Plain Road together with the right at all times to excavate, lay, construct, fill in, re-lay, repair, operate and maintain drainage in and through the above described parcels; the right at all times to enter upon, inspect, care for, and maintain said

drainage; the right to fill in and either raise or lower the level of the surface of said land within the easement area; the right to remove any and all vegetation; the right to construct and maintain wetland areas adjacent to the brook; and the right to construct any necessary drainage structures or other devices and to do any and all things within said easement area deemed needful or necessary to accomplish the successful operation of said drainage, roadway, and associated utilities.

Article 2. Upon motion made and seconded, it was

Voted that the town transfer from Free Cash the sum of **\$2,000** to pay for costs related to drainage easements near 109 Long Plain Road.

Article 3. Upon motion made and seconded, it was

Voted that the town transfer the sum of **\$3,453.42** from FY09 Account Number 001-422-5800 One Ton Dump Truck to FY09 Account Number 001-423-5400 Winter Roads account to help defray the Winter Roads deficit.

Upon motion made and seconded, it was voted to adjourn without date at 6:40 p.m.

A true copy,

Attest:

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