

**Town of Whately
Annual Town Meeting Warrant
April 27, 2010**

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-seventh 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, 2010, 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 2011, 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, 2010, 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	FY2011 Spending Limit	Disposition of FY11 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 2011 as follows or take any other action relative thereto:

	FY10 (2% COLA)	FY11 (1% COLA)
Moderator	\$107.69	\$108.76
Selectmen - Chair	\$1,642.24	\$1,658.64
Members	\$1,507.60	\$1,522.69
Town Clerk	\$14,762.74	\$14,910.37
Assessors - Chair	\$1,642.24	\$1,658.64
Members	\$1,507.60	\$1,522.69
Water Commissioners	\$646.00	\$652.58
School Committee	\$316.00	\$319.16
Elector: Oliver Smith Will	\$10.00	\$10.00
Board of Health - Chair	\$780.00	\$788.53
Members	\$646.00	\$652.58
Constables	\$12.20 hr.	\$12.33 hr
Cemetery Commissioners - Sextons	\$11.13 hr.	\$11.18 hr
Opening Graves Fee	\$500/grave	\$500/grave
<i>Majority vote required</i>		<i>Recommended by Selectmen Recommended by Finance Committee</i>

Article 7: To act on the report of the Finance Committee on the Fiscal Year 2011 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 2011 Budget

The Finance Committee recommends that the amounts shown in the column captioned "FY11 Finance Committee Recommendations" be raised or appropriated or transferred from available funds for FY11 department operating purposes, debt service and other town expenses.

Majority vote required

*Recommended by Selectmen
Recommended by Finance Committee*

FY11 Proposed Budget

	FY09 Budget After June 24 STM	Voted FY10 Final budget/Recap Version	FY2011 Requests	Percentage Increase 2010 & 2011	Finance Committee Cuts	FY11 Finance Comm. Recommendations
<u>Gen. Govt.</u>						
Selectmen's Office	65,159.00	66,069.00	66,159.00	0.14%	1,500.00	65,264.00
Legal Counsel	7,500.00	7,500.00	7,900.00	5.33%	500.00	7,400.00
Audit	6,000.00	6,000.00	6,000.00	0.00%		
Town Report	2,450.00	2,400.00	2,300.00	-4.17%	100.00	2,200.00
Town Bldg. Oper.	22,500.00	22,100.00	22,125.00	0.11%	885.00	21,230.00
Town Clerk	22,520.00	20,917.00	23,572.00	12.69%	1,200.00	22,553.00
Town Accountant	15,819.00	14,675.00	13,325.00	-9.20%		13,325.00
Payroll software	1,000.00	1,000.00	1,000.00	0.00%		1,000.00
Payroll Preparation	3,055.00	3,116.00	3,116.00	0.00%		3,147.00
Acct Software	1,000.00	1,000.00	1,000.00	0.00%		1,000.00
Treasurer/Collector	38,388.00	40,848.00	42,450.00	3.92%	1,000.00	41,720.00
Tax Takings	3,000.00	3,000.00	3,000.00	0.00%		3,000.00
Assessors(including reval.)	28,948.00	29,358.00	29,338.00	-0.07%		29,563.00
Planning Board	1,786.00	1,805.00	1,805.00	0.00%		1,815.00
Zoning Bd. Appeals	1,248.00	1,261.00	1,261.00	0.00%		1,268.00
Finance Comm.	150.00	150.00	150.00	0.00%		150.00
Moderator	106.00	108.00	108.00	0.00%		109.00
Cons. Comm.	502.00	500.00	475.00	-5.00%		475.00
Historical Comm.	200.00	200.00	200.00	0.00%		200.00
Agricultural Commission	200.00	200.00	200.00	0.00%		200.00
Quarterly Billing Conversion	4,140.00					
Additional Quarterly Costs	1,940.00					
CPA software	3,400.00					
Connect CTY	0.00		1,800.00			1,800.00
Sub-Total:	231,011.00	222,207.00	227,284.00	2.28%		217,419.00
<u>Cult., Rec., Serv.</u>						
Tri-Town Beach	4,067.00	4,067.00	4,067.00	0.00%		4,067.00
Recreation Comm.	4,950.00	4,950.00	4,950.00	0.00%	500.00	4,450.00
Cemetery Comm.	4,877.00	4,952.00	4,352.00	-12.12%		4,391.00
Library	38,825.00	39,762.00	41,305.00	3.88%	731.72	40,982.00
Council on Aging	4,076.00	4,076.00	8,744.00	114.52%	349.76	8,394.24
Veterans	4,788.00	8,141.00	9,841.00	20.88%		9,841.00
Sub-Total:	61,583.00	65,948.00	73,259.00	11.09%		72,125.24
<u>Public Health</u>						
Board of Health	2,333.00	2,373.00	2,384.00	0.46%		2,394.00
Health Agent	14,976.00	13,476.00	13,743.00	1.98%		13,743.00
Solid Waste Disp.	36,487.00	35,955.00	35,955.00	0.00%	2,000.00	34,067.00
Hazardous Waste	800.00	800.00	800.00	0.00%		800.00
FC Waste Dist.	3,895.00	4,140.00	4,208.00	1.64%		4,208.00
Sub-Total:	58,491.00	56,744.00	57,090.00	0.61%		55,212.00
<u>Public Safety</u>						
Fire	38,335.00	41,343.00	41,328.00	-0.04%	3,000.00	38,496.00
Ambulance	20,946.00	23,160.00	23,160.00	0.00%		23,269.00
Police	116,606.00	119,610.00	137,716.00	15.14%	5,653.44	133,317.00
Quinn Bill Incentive	7,260.00	7,404.00	3,702.00	-50.00%		3,739.00
Animal Control	2,451.00	2,489.00	2,489.00	0.00%		2,508.00
Animal Inspection	420.00	428.00	428.00	0.00%		432.00
Emergency Mgt.	960.00	960.00	932.00	-2.92%		932.00
FC Inspection Prog.	40,016.00	44,623.00	53,949.00	20.90%		53,949.00
Sub-Total:	226,994.00	240,017.00	263,704.00	9.87%		256,642.00

FY11 Proposed Budget

	FY09 Budget After June 24 STM	Voted FY10 Final budget/Recap Version	FY2011 Requests	Percentage Increase 2010 & 2011	Finance Committee Cuts	FY11 Finance Comm. Recommendations
Public Works						
Highway Dept.						
Salaries	102,330.00	104,380.00	104,380.00	0.00%		105,427.00
Gen. Highways	67,650.00	67,650.00	71,600.00	5.84%		71,600.00
Winter Roads	100,638.00	113,745.00	113,745.00	0.00%	8,000.00	106,363.00
Road Machinery	17,955.00	20,955.00	20,955.00	0.00%		20,955.00
Garage Maint.	6,080.00	5,680.00	5,680.00	0.00%		5,680.00
Trees	6,150.00	6,150.00	6,000.00	-2.44%		6,000.00
Adjustment to Highway						
Sub-Total:	300,803.00	318,560.00	322,360.00	1.19%		316,025.00
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Water Dept.						
Salaries	23,619.00	24,091.00	24,091.00	0.00%		24,332.00
Operations	23,000.00	25,970.00	25,970.00	0.00%		25,970.00
Sub-Total:	46,619.00	50,061.00	50,061.00	0.00%		50,302.00
Total Public Works	347,422.00	368,621.00	372,421.00	1.03%		366,327.00
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Ins. & Benefits						
Prop. & Liab. Ins.	55,000.00	49,514.00	33,350.00	-32.65%		33,350.00
Emp. Health Ins.	288,649.00	309,000.00	395,000.00	27.83%		372,414.00
Medicare & Soc. Sec.	16,900.00	20,000.00	20,000.00	0.00%		20,000.00
Workers Comp. Ins.	10,000.00	19,500.00	16,150.00	-17.18%		16,150.00
Life	1,400.00	1,400.00	1,500.00	7.14%		1,500.00
Unemp. Ins.	1,000.00	1,000.00	1,000.00	0.00%		1,000.00
Retirement	96,269.00	98,948.00	107,685.00	8.83%		107,685.00
Police & Fire Insurance		0.00	9,883.00			9,883.00
Personnel Recommendations			14,329.00		14,167.18	0.00
Sub-Total:	469,218.00	499,362.00	598,897.00	19.93%		561,982.00

FY11 Proposed Budget

	FY09 Budget After June 24 STM	Voted FY10 Final budget/Recap Version	FY2011 Requests	Percentage Increase 2010 & 2011	Finance Committee Cuts	FY11 Finance Comm. Recommendations
Unclassified						
Temp. Loan Int.	4,000.00	2,000.00	2,000.00	0.00%		2,000.00
Reserve Fund	20,000.00	20,000.00	20,000.00	0.00%		20,000.00
Stabilization Fund						
FR Council of Govt.	15,686.00	15,170.00	16,283.00	7.34%		16,283.00
Physicals & Tests	750.00	750.00	750.00	0.00%		750.00
Town Vehicles Fuel	31,000.00	29,000.00	29,000.00	0.00%	2,000.00	27,000.00
Vaccinations						
Educational Inc.(T.Clerk & T.C)	2,000.00	2,000.00	2,000.00	0.00%		2,000.00
Sub-Total:	73,436.00	68,920.00	70,033.00	1.61%		68,033.00
Total Town Govt.:	1,468,155.00	1,521,819.00	1,662,688.00	9.26%		1,597,740.24
Schools						
Elementary						
Operating	1,426,736.00	1,455,695.00	1,428,309.00	-1.88%		1,428,309.00
Transportation						
Fixed Assets						
Sub-Total:	1,426,736.00	1,455,695.00	1,428,309.00	-1.88%		1,428,309.00
Frontier						
Operating	935,720.00	844,823.00	856,388.00	1.37%		856,388.00
Exist. Cap. Costs						
Transportation	4,424.00	10,287.00	25,064.00	143.65%		25,064.00
Sub-Total:	940,144.00	855,110.00	881,452.00	3.08%		881,452.00
FC Technical						
Operating	105,738.00	98,683.00	100,418.00	1.76%		100,418.00
Other						
Sub-total:	105,738.00	98,683.00	100,418.00	1.76%		100,418.00
Smith Vocational Tuition		17,800.00	41,390.00	132.53%		41,390.00
Total Schools:	2,472,618.00	2,427,288.00	2,451,569.00	1.00%		2,451,569.00
Total Town & Sch:	3,940,773.00	3,949,107.00	4,114,257.00	4.18%		4,049,309.24
Long term-Debt						
Water System Bond	111,512.50	0.00				
Whately Elem. School Bond	257,500.00	0.00				
Frontier Bond	81,769.00	74,251.00	54,661.00	-26.38%		54,661.00
Frontier Athletic Fields						
Fire Truck						
Elementary Roof		86,200.00	66,299.95	-23.09%		66,299.95
Sub-Total:	450,781.50	160,451.00	120,960.95	-24.61%		120,960.95
Total Operating Budget	4,391,554.50	4,109,558.00	4,235,217.95			4,170,270.19

Article 8. To see if the town will vote to authorize the Frontier Regional School District to establish a stabilization fund in accordance with M.G.L. c. 71, Section 16 G ½ or pass any vote or votes in relation thereto.

Majority vote required

*Recommended by the Selectmen
Recommended by Frontier School Committee*

Article 9.. To see if the Town will vote pursuant to M.G.L. c. 40, §5B, to establish a special purpose stabilization fund, to be known as the Capital Stabilization Fund, for municipal capital purposes or take any other action relative thereto.

2/3rd's vote required

*Recommended by Selectmen
Recommended by the Finance Committee*

Article 10. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of \$60,000 to the Capital Stabilization Fund, this sum contingent upon the passage of a Proposition 2 ½ Override as allowed under MGL c. 40 §5B or take any vote or votes in relation thereto.

2/3rd's vote required

*Recommended by Selectmen
Recommended by the Finance Committee*

Article 11. To see if the Town will vote to revise its existing Zoning Bylaws by adopting changes to: Section 171-3. Establishment of Districts, Section 171-4. Zoning Map established, Section 171-8. Table of Use Regulations, Section 171-10. Table of Dimensional Requirements, Section 171-14. Sign regulations, Section 171-17. Site plan review and review of large developments, and Section 171-25. Open space/cluster developments in the form available at Town Meeting labeled Town Meeting Version and dated March 31, 2010 and to adopt a new Official Zoning map dated March 31, 2010 showing the new Agricultural/ Residential 2 District which would increase the minimum lots sizes and frontage requirements and add the Aquifer Protection Overlay Districts or take any other action related thereto. The text of the proposed revisions to the Zoning Bylaws is available from the Town Clerk at the Town Offices, 218 Chestnut Plain Rd, Whately, MA during their regular business hours.

2/3rd's vote required

*Recommended by the Planning Board
Recommended by the Selectmen*

Article 12. To see if the Town will vote to revise its existing Zoning Bylaws by adopting changes to Section 171-24. Flag Lots and Section 171-37. Terms defined, in the form available at Town Meeting labeled Town Meeting Version and dated March 31, 2010 or take any other action related thereto. The text of the proposed revisions to the Zoning Bylaws is available from the Town Clerk at the Town Offices, 218 Chestnut Plain Rd, Whately, MA during their regular business hours.

2/3rd's vote required

***Recommended by the Planning Board
Recommended by the Selectmen***

Article 13. To see if the Town will vote to add a new Section, Section 171-24.2 Flexible Development for Small Residential Projects in the form available at Town Meeting labeled Town Meeting Version and dated March 31, 2010 or take any other action related thereto. The text of the proposed revisions to the Zoning Bylaws is available from the Town Clerk at the Town Offices, 218 Chestnut Plain Rd, Whately, MA during their regular business hours.

2/3rd's vote required

***Recommended by the Planning Board
Recommended by the Selectmen***

Article 14. To see if the Town will vote to authorize the Board of Assessors to transfer from Free Cash certified as of July 1, 2009 the sum of **\$120,000** to reduce the tax levy for FY2011 or take any other action relative thereto.

Majority vote required

***Recommended by Finance Committee
Recommended by Selectmen***

Article 15. To see if the town will vote to accept G. L. c. 64L, §2(a) to impose a local meals excise tax of .75 percent or take any other action relative thereto.

Majority vote required

***Recommended by Selectmen
Recommended by Finance Committee***

Article 16. To see if the town will vote to amend its local room occupancy excise under G. L. c 64G, § 3A from 4 percent to the rate of 6 percent or take any other action relative thereto.

Majority vote required

*Recommended by Selectmen
Recommended by Finance Committee*

Article 17. To see if the Town will vote to appropriate or reserve from the **Community Preservation Commission** annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2011, with each item to be considered a separate appropriation:

Appropriations:

From FY 2011 estimated revenues for Committee Administrative Expenses \$ 6,300

Reserves:

From FY 2011 estimated revenues for Historic Resources Reserve \$ 12,600

From FY 2011 estimated revenues for Community Housing Reserve \$ 12,600

From FY 2011 estimated revenues for Open Space Reserve \$ 12,600

From FY 2011 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*

Article 18. To see if the Town will vote to amend the vote taken at the August 7, 1973 Special Town Meeting under Article 7 to read or take any other action relative thereto: That the Town designate Chestnut Plain Road ***including North Street***, Haydenville Road and Conway Road as Scenic Roads in accordance with Chapter **40**, Section 15C of the Massachusetts General Laws. (Amendments are bold and italicized)

Majority vote required

*Recommended by Selectmen
Recommended by Historical Commission*

Article 19. To see if the Town will vote to add the Town of Leverett as a member of the Franklin County Solid Waste Management District ("District") and therefore amend Article I Paragraph 4 of the Franklin County Solid Waste Management District Agreement pursuant to Article VII of said Agreement by adding "Leverett" to the list of District municipalities, subject to the following terms:

The Town of Leverett shall be admitted as a member of the District, effective July 1, 2010, by paying a one-time membership fee to the District of \$4,550 plus an annual assessment of \$4,624 for Fiscal Year 2011 and all future assessments based upon the same assessment formula applied to all other District member municipalities and shall comply with all other provisions of the District Agreement.

Majority vote required

Recommended by Solid Waste Committee

Recommended by Finance Committee

Recommended by Selectmen

Article 20. To see if the Town will vote to amend the charge for each written Demand issued by the Town Collector from a fee of \$5.00 to a fee of \$15.00, such sum to be added to and collected as part of the tax, as authorized by MGL Chapter 60, Section 15, effective as of July 1, 2010 or take any other action relative thereto.

Majority vote required.

Recommended by Selectmen

Submitted too late for Finance Committee Approval

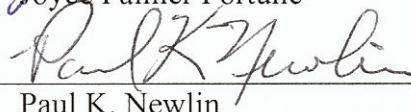
And you are directed to serve this Warrant, by posting up attested copies thereof at the Town Hall, Post Office, S. White Dickinson Memorial Library and the Center School Offices in said Town, seven days at least before the time of holding said meeting.

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 twelfth day of April in the year two thousand and ten.


Jonathan S. Edwards, Chair


Joyce Palmer Fortune


Paul K. Newlin

Board of Selectmen
Town of Whately

A true copy. Attest:

Constable