**Town of Whately**

**Annual Town Meeting**

**May 23, 2023**

Pursuant to the recorded warrant the annual meeting of the Town of Whately held outside on the grounds of the Whately Elementary School was called to order Tuesday, May 23, 2023 at 6:00 p.m. by Moderator Nathanael Fortune. The weather was cloudy and 70 degrees. Town Clerk, Amy E. Lavallee read the Constable’s return of the warrant. Amy Lavallee (Town Clerk) and Amy Schrader (Treasurer-Collector) acted as checker and assigned voting placards to those voters attending the meeting. Maximum attendance was 88 checked voters. This meeting was broadcast by FCAT as well.

Moderator Fortune recognized Joyce Palmer-Fortune, chair of the Selectboard. Joyce announced her nominee for the dedication of the 2022 Annual Town Report, Lynn Sibley. Lynn has served the Town of Whately since 1977 and has worked tirelessly for the residents through her various roles in the Town. Joyce thanked her for her service and was honored to dedicate the 2022 Annual Town Report to Lynn.

Moderator Fortune explained the set-up of the meeting by breaking down the various sections of the warrant. Once these explanations were complete the business of the meeting started.

A motion was made by Don Skroski and seconded to not read the text of the warrant articles. A vote was taken and passed.

**Article 1.**

Voted to accept the Annual Reports of the Officers of the Town, and to hear any other reports of the Boards and Committees.

Moderator declared article passed in the affirmative

**Article 2.**

Voted to authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the fiscal year beginning on July 1, 2023, in accordance with the provisions of G.L., c. 44, § 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 G.L. c. 44, § 17.

### Moderator declared article passed in the affirmative

**Article** 3.

Voted to authorize the Selectboard to enter into contracts for goods and services with a duration in excess of three years, pursuant to the provisions of G.L. c. 30B, § 12 (b).

Moderator declared article passed in the affirmative

**Article 4.**

Voted to authorize the Town Treasurer, with the approval of the Selectboard, to enter into compensating balance agreements with banking institutions having their principal offices in the Commonwealth of Massachusetts during the fiscal year beginning on July 1, 2023, as permitted by G.L. c. 44, § 53F.

Moderator declared article passed in the affirmative

Article 5.

Voted to apply for, accept, and expend any federal, state, or private grant monies on behalf of the Town and to authorize the Town Treasurer with approval of the Selectboard to borrow in anticipation of reimbursement.

Moderator declared article passed in the affirmative

**Article** 6.

Voted *to* establish spending limits for the Town's Revolving Funds as established by the Town's General Bylaws, Chapter 46 - Revolving Funds, for the fiscal year beginning on July 1, 2023, as follows:

|  |  |
| --- | --- |
| **Revolving Fund Name** | **FY24 Spending Limit** |
| Dog Licensing and Control Revolving Fund | $2,000 |
| Recreation Revolving Fund | $20,000 |
| Library Revolving Fund | $1,000 |
| Public Hearing Revolving Fund | $10,000 |
| Cordwood Sales Revolving Fund | $2,500 |
| Cemetery Commissioners Revolving Fund | $4,000 |
| Trench Permit | $1,000 |
| Recycling and Solid Waste Revolving Fund | $15,000 |

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Resident Fran Fortino requested clarification on how the funds for the recycling and solid waste revolving fund are determined. Fred Baron informed him that the levels are set as the same as the previous years. No other questions.

Moderator declared article passed in the affirmative

**Article 7.**

Voted to fix the salaries or compensation of the elected officers of the Town for the fiscal year beginning on July 1, 2023 as follows:

|  |  |
| --- | --- |
| **Position** | **Amount**  (5.5% COLA) |
| Moderator | $146.44 |
| Selectboard - Chair | $2,233.10 |
| Selectboard - Member | $2,050.07 |
| Town Clerk | $42,971.54 |
| Assessors - Chair | $2,233.10 |
| Assessors - Member | $2,050.07 |
| Water Commissioner | $878.61 |
| School Committee | $423.31 |
| Elector: Oliver Smith Will | $10.00 |
| Board of Health - Chair | $1,061.63 |
| Board of Health - Member | $878.61 |
| Constables | $16.60/ hour |
| Cemetery Commissioners - Sextons | $17.01/ hour |

Resident Don Sluter made comment that as someone on the Franklin County Tech School Committee he has never received a stipend. Fred Baron explained that this was for Whately School Committee. Paul Antaya, chair of the Finance Committee stated that this is an oversight that needs to be addressed and invited him to present to the Finance Committee at a meeting to discuss it further.

Resident Susan Baron requested clarification if these salaries included COLAs. Paul answered that yes, the COLA is included.

Moderator declared article passed in the affirmative

Article 8.

Voted to appropriate $263,030 or any other sum or sums of money from the Water Department Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning on July 1, 2023 as follows:

**Enterprise Fund** - **Water Department (EF)**

**Fiscal Year 2023 Enterprise Fund**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| I. Revenues { estimated) |  | | | |
| Water Receipts | $205,000 | $262,500 | $57,500 | 28.05% |
| Hook-up Fees | $220,000 | $15,000 | -$205,000 | -93.18% |
| Other Fees & Charges | $3,000 | $\_Q | -$3,000 | -100.00% |
| **Total Estimated Revenue** | **$428,000** | **$277,500** | **-$150,500** | **-35.16%** |

**Fiscal Year 2024 Change** ($) **FY23 Change** (%) **FY23 Enterprise Fund to FY24 to FY24**

11. Expenses

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Direct Expenses |  | | | | |
| Salaries |  | $63,662 | $66,944 | $3,282 | 5.16% |
| Operations |  | $291,911 | $141,011 | -$150,900 | -51.69% |
|  | **Subtotal Direct Expenses** | **$355,573** | **$207,955** | **-$147,618** | **-41.52%** |

Indirect Expenses

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Selectboard & Administration | $2,547 | $2,703 | $156 | 6.12% |
| Legal Counsel/Financial Advisor | $320 | $320 | $0 | 0.00% |
| Financial Audit | $150 | $150 | $0 | 0.00% |
| Town Building Operations | $2,638 | $2,900 | $262 | 9.93% |
| Town Accountant | $837 | $884 | $47 | 5 62% |
| PayrolI Services | $109 | $106 | -$3 | -2.75% |
| Treasurer /Collector | $8,411 | $9,547 | $1,136 | 13.51% |
| Property/Liability Insurance | $7,432 | $7,668 | $236 | 3.18% |
| Group Health Insurance | $18,000 | $19,080 | $1,080 | 6.00% |
| Medicare & Social Security | $1,549 | $1,892 | $343 | 22.14% |
| Workers Compensation Insurance | $1,204 | $1,204 | $0 | 0.00% |
| Life Insurance | $0 | $0 | $0 | #DIV/0! |
| Retirement | $6,503 | $6,871 | $368 | 5.66% |
| Town Vehicles Fuel | $1,750 | $1,750 | $0 | 0.00% |

**Subtotal Indirect Expenses $51,450 $55,075 $3,625 7.05%**

*(appropriated to the General Fund)*

**Total Estimated Expenses $407,023 $263,030 -$143,993 -35.38%**

Moderator declared article passed in the affirmative

**Article 9**

Voted on the report of the Finance Committee on the Fiscal Year 2024 Town Operating Budget and to raise and appropriate and/or transfer from available funds, money for the operation of the Town's departments, boards, committees, agencies and officers, for the payment of debt service and for all other necessary and proper expenses for the fiscal year beginning on July 1, 2023, as follows:

(Note: Water Department Enterprise Fund costs are appropriated in Article 8) Proposed Fiscal Year 2024 Budget

The Finance Committee recommends that the amounts shown in the column captioned "Fiscal Year 2024 Operating Budget" be raised or appropriated or transferred from available funds for Fiscal Year 2024 operating purposes, debt service and other Town expenses.

Fiscal Year

|  |  |  |  |
| --- | --- | --- | --- |
| **General Government (GG)** | **2023 2024** | **'23 to '24** | **'23 to '24** |
| **Operating Budget Operating Budget** | $ **Difference** | % **Difference** |
| Selectboard & Administration | **$125,305.00 $132,467.00** | **$7,162.00** | **5.72%** |
| **Legal** Counsel/Financial Advisors | **$15,680.00 $15,680.00** | **$0.00** | **0.00%** |
| Town Clerk | **$60,663.00 $66,035.00** | **$5,372.00** | **8.86%** |
| Town Accountant | **$27,074.00 $28,568.00** | **$1,494.00** | **5.52%** |
| Financial Audit | **$4,850.00 $4,850.00** | **$0.00** | **0.00%** |
| Treasurer/Collector | **$68,051.00 $77,240.00** | **$9,189.00** | **13.50%** |
| Tax Takings | **$10,000.00 $10,000.00** | **$0.00** | **0.00%** |
| **Payroll** Services | **$5,341.00 $5,169.00** | **-$172.00** | **-3.22%** |
| Community Development | **$54,100.00 $56,910.00** | **$2,810.00** | **5.19%** |
| Board of Assessors | **$44,790.00 $48,141.00** | **$3,351.00** | **7.48%** |
| Moderator | **$150.00 $150.00** | **$0.00** | **0.00%** |
| Town Buildings Operations | **$89,307.00 $93,766.00** | **$4,459.00** | **4.99%** |
| Information Technology | **$12,450.00 $14,880.00** | **$2,430.00** | **19.52%** |
| Planning Board | **$3,428.00 $3,483.00** | **$55.00** | **1.60%** |
| Zoning Board of Appeals | **$2,660.00 $3,159.00** | **$499.00** | **18.76%** |
| Conservation Commission | **$500.00 $3,427.00** | **$2,927.00** | **585.40%** |
| Finance Committee | **$150.00 $150.00** | **$0.00** | **0.00%** |
| Agricultural Commission | **$0.00 $0.00** | **$0.00** | **#DIV/0!** |
| Housing Committee | **$200.00 $200.00** | **$0.00** | **0.00%** |

**GG Subtotal $524,699.00** I  **$564,275.00** I **$39,576.00 7.54%**

Fiscal Year

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Culture, Recreation, Services (CRS) | 2023 | 2024 | '23 to '24 | '23 to '24 |
| Operating Budget | Operating Budget | $ Difference | % Difference |
| Tri-Town Beach District | $8,131.00 | $14,357.00 | $6,226.00 | 76.57% |
| Recreation Commission | $17,920.00 | $19,300.00 | $1,380.00 | 7.70% |
| Cemetery Commission | $9,224.00 | $9,695.00 | $471.00 | 5.11% |
| Library | $78,321.00 | $85,505.00 | $7,184.00 | 9.17% |
| South County Senior Center | $32,497.00 | $37,912.00 | $5,415.00 | 16.66% |
| Local Council on Aging | $1,180.00 | $1,180.00 | $0.00 | 0.00% |
| Veteran Services | $9,822.00 | $10,182.00 | $360.00 | 3.67% |
| Historical Commission | $200.00 | $200.00 | $0.00 | 0.00% |

CRS Subtotal $157,295.00 I $178,331.00 I $21,036.00 13.37%

Fiscal Year

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Public Health (PH) | 2023 | **2024** | '23 to '24 |  | '23 to '24 |
| Operating Budget | Operating Budget | $ Difference | % | Difference |
| Board of Health | $4,025.00 | $4,173.00 | $148.00 | 3.68% | |
| Foothills Health District | $24,088.00 | $24,088.00 | $0.00 | 0.00% | |
| Transfer Station | $58,154.00 | $64,620.00 | $6,466.00 | 11.12% | |
| Hazardous Waste Disposal | $1,200.00 | $1,200.00 | $0.00 | 0.00% | |
| Franklin County Solid Waste Management District | $7,350.00 | $8,262.00 | $912.00 | 12.41% | |

PH Subtotal $94J817.00 I **$102,343.00** I $7,526.00 **7.94%**

|  |  |  |
| --- | --- | --- |
| Public Safety (PS) | **2023 2024** | **'23 to '24 '23 to '24** |
| **Operating Budget Operating Budget** | $ Difference % Difference |
| Fire Department | $74,771.00 $98,639.00 | **$23,868.00** 31.92% |
| South County EMS | $111,947.00 $112,337.00 | $390.00 0.35% |
| Police Department | $227,385.00 $262,979.00 | $35,594.00 15.65% |
| Animal Control | **$5,084.00 $5,234.00** | $150.00 2.95% |
| Animal Inspection | $559.00 $584.00 | $25.00 4.47% |
| Emergency Management | $950.00 $950.00 | $0.00 0.00% |
| Franklin County Inspection Services | $7,600.00 $7,600.00 | $0.00 0.00% |

Fiscal Year

**PS Subtotal $428,296.00** I **$488,323.00** I **$60,027.00 14.02%**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Public Works (PW) | 2023 | **2024** | '23 to '24 | '23 to '24 |
| Operating Budget | Operating Budget | $ Difference | % Difference |
| Salaries | $157,070.00 | $171,145.00 | $14,075.00 | 8.96% |
| General Highway | $81,800.00 | $84,400.00 | $2,600.00 | 3.18% |
| Winter Roads | $147,695.00 | $154,794.00 | $7,099.00 | 4.81% |
| Road Machinery | $26,500.00 | $26,500.00 | $0.00 | 0.00% |
| Garage Maintenance | $8,700.00 | $8,900.00 | $200.00 | 2.30% |
| Trees | $8,000.00 | $8,000.00 | $0.00 | 0.00% |

Fiscal Year

PW Subtotal $429,765.00 I $453,739.00 I $23,974.00 **5.58%**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Insurance & Benefits (IB) | 2023 | 2024 | '23 to '24 |  | '23 to '24 |
| Operating Budget | Operating Budget | $ Difference | % | Difference |
| Property & Liability Insurance | $85,471.00 | $88,186.00 | $2,715.00 | 3.18% | |
| Group Health Insurance | $389,000.00 | $415,520.00 | $26,520.00 | 6.82% | |
| Medicare & Social Security | $33,651.00 | $41,108.00 | $7,457.00 | 22.16% | |
| Workers Compensation Insurance | $31,346.00 | $31,346.00 | $0.00 | 0.00% | |
| Life Insurance | $1,200.00 | $1,000.00 | -$200.00 | -16.67% | |
| Unemployment Insurance | $16,000.00 | $10,000.00 | -$6,000.00 | -37.50% | |
| Retirement | $210,263.00 | $222,173.00 | $11,910.00 | 5.66% | |
| Police & Fire Injured on Duty Insurance | $12,000.00 | $12,600.00 | $600.00 | 5.00% | |
| OPEB Trust | $25,000.00 | $25,000.00 | $0.00 | 0.00% | |
| Division of Medicaid Assistance | $1,800.00 | $1,500.00 | -$300.00 | -16.67% | |

Fiscal Year

IB Subtotal $805,731.00 I $848,433.00 I $42,702.00 5.30%

Fiscal Year

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Unclassified (U) | 2023 | 2024 | '23 to '24 |  | '23 to '24 |
| Operating Budget | Operating Budget | $ Difference | % | Difference |
| Reserve Fund | $20,000.00 | $20,000.00 | $0.00 | 0.00% | |
| Franklin Regional Council of Governments | $17,510.00 | $17,775.00 | $265.00 | 1.51% | |
| Physical & Tests | $1,500.00 | $1,500.00 | $0.00 | 0.00% | |
| Town Vehicles - Fuel | $33;250.00 | $33,250.00 | $0.00 | 0.00% | |
| Educational Incentives | $1,000.00 | $0.00 | -$1,000.00 | -100.00% | |

U Subtotal $73,260.00 I $72,525.00 I -$735.00 -1.00%

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Education (E) | 2023 | 2024 | '23 to '24 | '23 to '24 |
| Operating Budget | Operating Budget | $ Difference | % Difference |
| Whately Elementary School - Total | $1,888,684.00 | $1,946,404.00 | $57,720.00 | 3.06% |
| Frontier Regional School - Total | $1,048,782.00 | $946,268.00 | -$102,514.00 | -9.77% |
| *Operating Budget* | *$1,030,064.00* | S921,052.00 | *-$109,012.00* | *-lOSB'¼* |
| *Capita/ Budget* | *$321.00* | **$0.00** | *-$321.00* | *-100.00'¼* |
| *Barrow/na Budget* | *$0.00* | **$2,646.00** | *$2,646.00* | *IIDIV/01* |
| *Regional Transportation Budget* | *$18,397.00* | $22,570.00 | *$4,173.00* | *22.68%* |
| Franklin County Technical School - Total | $230,145.00 | $369,908.00 | $139,763.00 | 60.73% |
| *Operating Budget* | ***$223,881.00*** | S363,612.00 | *$139,731.00* | *62.41%* |
| *Capital Budget* | ***$6,264.00*** | **$6,296.00** | *$32.00* | *0.51%* |
| Smith Vocational Technical School - Total | $0.00 | $0.00 | $0.00 | #DIV/0! |

E Subtotal $3,167,611.00 I $3,262,580.00 I $94,969.00 3.00%

Fiscal Year

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Debt Service (DS) | 2023 | 2024 | '23 to '24 | '23 to '24 |
| Operating Budget | Operating Budget | $ Difference | % Difference |
| Temporary Loan Interest | $1,000.00 | $1,000.00 | $0.00 | 0.00% |
| Excavator Lease Purchase Agreement | $37,298.00 | $37,298.00 | $0.00 | 0.00% |
| Woodchipper Lease Purchase Agreement | $11,362.00 | $11,362.00 | $0.00 | 0.00% |

DS Subtotal $49,660.00 I $49,660.00 I $0.00 0.00%

Fiscal Year

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| TOTAL TOWN OPERATING BUDGET | 2023 | **2024** | '23 to '24 | '23 to '24 |
| Operating Budget | Operating **Budget** | $ Difference | % Difference |
| $5,731,134.00 | **$6,020,209.00** | $289,075.00 | 5.04% |

Resident Harlan Bean questioned why the Conservation Commission is much higher this year than previous years. Finance Committee member Tom Mahar explained that the Conservation Commission is looking into sharing a paid Conservation Agent with other towns and that the budget reflects the cost of this. Scott Jackson, Conservation Commission Chair explained that this is for additional staff support as well as a shared agent with FRCOG.

An unidentified resident requested more information as to why the Tri Town Beach budget was much higher this year. Paul Antaya explained that the Tri Town Beach Commission is requesting funds to get it cleaned up and fully operational again.

Resident Harlan Bean requested clarification on the increase in amounts for the Fire and Police Departments. Paul informed him that the Town of Whately has hired a new Fire Chief and that this budgets reflects an increase in wage and responsibilities for the new Fire Chief. Police Chief James Sevigne explained that the increase in the police budget reflects COLAS and a new full time officer position he created.

Resident Fran Fortino asked what the “tree” budget line paid for. Tom Mahar informed him that this is mainly for the cost of trees purchased to replace trees that have to be cut down. Planning Board Chair Don Sluter informed him of an upcoming tree hearing which will be at the next Planning Board meeting.

Resident Paul Newlin requested how many children are school choice into Whately schools and if that is reflected in the school budgets. Darius Modestow, Superintendent of Schools informed him that 25% of the students at Whately Elementary School are school choice and that they do not use those funds for operational costs because they fluctuate.

Moderator declared article passed in the affirmative

# Proposed Financial Transfers

**Article** 10.

Voted to authorize the Board of Assessors to transfer the sum of $225,000 from available funds (FY22 Free Cash) to reduce the tax levy for the fiscal year beginning on July 1, 2023.

Moderator declared article passed in the affirmative

**Article** 11.

Voted to transfer the sum of $20,000 from available funds (FY22 Free Cash) to the Vehicle Stabilization Fund.

Moderator declared article passed in the affirmative

Article 12.

Voted to transfer the sum of $20,000 from available funds (FY22 Free Cash) to the Town Buildings Stabilization Fund.

Moderator declared article passed in the affirmative

**Proposed Miscellaneous Appropriations**

**Article 13.**

Voted to transfer the sum of **$10,000** from available funds (FY22 Free Cash) to pay for the Town's portion of a Conservation Agent to assist the Conservation Commission in carrying out its duties.

Moderator declared article passed in the affirmative

# Proposed Capital Project Appropriations

Article 14.

Moved to transfer the sum of $100,000 from available funds (FY22 Free Cash) to pay for the purchase of a new heavy duty pickup truck with plow, or take any other action relative thereto.

Resident Cynthia Allen questioned why the price of the truck is so high. Paul explained that Keith Bardwell did the research to find the best value. Don Skroski asked if it was a pickup truck or dump truck. It was clarified that this is a dump truck. Fred Baron made a motion to strike the word “pickup” from the Article. Joyce Seconded.

Voted to transfer the sum of $100,000 from available funds (FY22 Free Cash) to pay for the purchase of a new heavy duty truck with plow.

Moderator declared article passed in the affirmative as amended.

**Article 15.**

Voted to transfer the sum of **$55,000** from available funds (FY22 Free Cash) to pay for the purchase, maintenance, and replacement *of* equipment for the Police Department, including but not limited to body cameras, tasers, data storage equipment, editing software, and associated licensing agreements.

Moderator declared article passed in the affirmative

Proposed South County EMS Capital Appropriations

Article 16.

Moved to take no action on Article 16.

Julie made a motion to take no action on this Article. Joyce Seconded. Fred explained that the money cannot be transferred as is and needs to be transferred to Free Cash before it can be used.

Voted to take no action on Article 16.

Moderator declared motion of no action passed

**Article 17.**

Voted to transfer the sum of $156.36 from available funds (Ambulance Replacement Expendable) to South County Emergency Medical Services to pay for the purchase and equipping of a new ambulance.

Moderator declared article passed in the affirmative

**Article 18.**

Voted to transfer the sum of **$914.22** from available funds (Ambulance Stabilization Account) to South County Emergency Medical Services to pay for the purchase and equipping of a new ambulance.

Moderator declared article passed by the required 2/3rd’s vote

# Proposed Frontier Regional School District Stabilization Fund Authorization

**Article 19.**

Voted, pursuant to Massachusetts General Laws c. 71, § 16G ½, to approve the establishment a Capital Stabilization Fund by and for the Frontier Regional School District, commencing on July, 2023.

Moderator declared article passed in the affirmative

**Community Preservation Act Appropriations**

**Article 20.**

Voted to hear and act, pursuant to G.L. c. 44B, on the report of the Community Preservation Committee for the Fiscal Year 2024 Community Preservation Budget and vote 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 the fiscal year beginning on July 1, 2023, including debt service for any approved Community Preservation project, with each item to be considered a separate appropriation:

**Appropriations:**

From FY24 estimated revenues for committee administrative expenses **$9,500**

**Reserves:**

From FY24 estimated revenues for Historic Preservation From FY24 estimated revenues for Open Space Reserve

From FY24 estimated revenues for Affordable Housing Reserve From FY24 estimated revenues for Budgeted Reserve

**$20,200**

**$20,200**

**$20,200**

**$119,900**

Resident Harlan Bean requested a breakdown of these expenses. Judy Markland, explained that CPA revenues are split into 3 specific areas at 10% each and they set aside 5% revenue for administrative purposes. The remainder is budgeted reserve that can be used in any capacity for the upcoming year.

Moderator declared article passed in the affirmative

**Article 21.**

Voted, pursuant to G.L. c. 44B, to appropriate and transfer the sum of **$11,411.15** from the Community Preservation Fund - Open Space & Recreation Reserves for the complete renovation of the existing tennis courts at Frontier Regional High School, including but not limited to the installation of a new surface, fences and nets.

Resident Beth Lukin questioned if this was just Whately’s portion. Darius Modestow explained that this is Whately’s portion of the total costs and that the courts are open to the public during non-school use hours.

Moderator declared article passed in the affirmative

**Article 22.**

Voted, pursuant to G.L. c. 448, to appropriate and transfer the sum of **$8,000** from the Community Preservation Fund - Budgeted Reserves for the preservation of the steps at the S. White Dickinson Memorial Library, including but not limited to repair of the steps, repair of the surrounding masonry and columns and replacement of the wrought iron railing.

Moderator declared article passed in the affirmative

Article 23.

Voted, pursuant to G.L. c. 44B, to appropriate and transfer the sum of $27,350 from the Community Preservation Fund - Unreserved Fund Balance for the restoration of one of three masonry silos at Quonquont Farm, including but not limited to the replacement of the roof and repair/ restoration of the masonry tiles, with such funding to be subject to a twenty (20) year grant agreement that requires the funds to be repaid to the Community Preservation Fund unless compliance with the U.S. Secretary of the Interior's Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (36 CFR 67) is maintained.

Some residents raised concerns regarding usage of CPA funds on a private residents’ Some residents expressed support given the nature of the request.

Moderator declared article passed in the affirmative

Proposed Zoning Bylaw Amendments

**Article 24.**

Voted to amend the Town of Whately Zoning Bylaws,§ 171-28.5 "Solar Electric Generating Facilities" to require that all utility connections for solar installations be underground when feasible by inserting the language shown below:

**NOTE: Text in** *italics underlined* **font is proposed as an addition to the Zoning Bylaw**

H. Design and Performance Standards

(3) Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar electric installation *underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.* Electrical transformers for utility interconnections may be above ground if required by the utility provider."

Moderator declared article passed by the required 2/3rd’s vote

Article 25.

Voted to amend the Town of Whately Zoning Bylaws,§ 171-28.4 "Aquifer Protection District" by deleting references to the Whately Water District's wells and to the Interim Wellhead Protection Area, which only applied to the former Whately Water District wells, as shown below:

**NOTE: Text in *italics underlined* font is proposed as an addition to the Zoning Bylaw Text in *italics* strikeout is proposed as a deletion to the Zoning Bylaw**

**"C. CRITERIA DEFINING THE AREAS WITHIN THE AQUIFER PROTECTION DISTRICT**

For the purposes of this district, there are hereby established within the Town, *three (3) ~~four (4)~~* Aquifer Protection District Areas, consisting of Zone I, Zone II, *and* Zone Ill, and an *~~Interim Wellhead Protection Area~~.* The criteria used to delineate these areas are set forth in the Massachusetts Drinking Water Regulations, 310 CMR 22.02, and are described in the Source Water Assessment Program Reports prepared by the Massachusetts Department of Environmental Protection for the Whately Water District (January 14, 2002) and the Whately Water Department {November 27, 2002).

1. Zone I - The protective radius around a public water supply well that should be owned or controlled by the water supplier. For the two (2) Water *~~District wells, the protective radius is 245 feet around each well.~~* For the two (2) Water Department wells, the protective radius is 400 feet around each well.
2. Zone II - The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).
3. *~~Interim Wellhead Protection Area (WPA). The Massachusetts Department of Environmental Protection established on an Interim Wellhead Protection Area (IWPA) for each of the Whately Water District Wells. The WPA is a circle around each well that has a radius of 605 feet.~~*

3. Zone Ill- Means that land area beyond the area of Zone II *~~and the IWPA~~* from which surface water and groundwater drain into Zone II *~~and the IWPA~~* The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone Ill. In some locations, where surface and groundwater drainage are not coincident, Zone Ill shall consist of both the surface drainage and the groundwater drainage areas.

**E. PROHIBITED USES**

2. The following uses are prohibited within Zone I, Zone II, *and* Zone Ill *~~and the Interim Wellhead Protection Area(IWPA).~~*

F. DIMENSIONAL REQUIREMENTS FOR THE AQUIFER PROTECTION DISTRICT

1. Within Zone II, *~~the Interim Wellhead Protection Area~~* and ~~the~~ Zone Ill, the minimum lot size for all uses is three (3) acres. A lot must have two hundred (200) feet of frontage on a street. The lot must comply with the dimensional requirements of the underlying zoning district for Front Yards and Rear Side Yards. Flag lots in these areas, excluding the access strip, shall be at least three (3) acres.
2. Within Zone ~~II,~~ *~~the interim Wellhead Protection Area,~~* and the Zone Ill, the maximum lot coverage shall not exceed ten percent (10%) of the lot."

Moderator declared article passed by the required 2/3rd’s vote

**Article 26.**

Voted to amend the Town of Whately Zoning Bylaws and Zoning Map, established under

§ 171-4 "Zoning Map established", by adopting a new Zoning Map, titled "Town of Whately Official Zoning Map April 26, 2023", a draft version of whi.ch is on file with the Town Clerk, and that includes the following corrections described below:

**NOTE: A copy of the proposed Zoning Map dated April 26, 2023, was available for viewing at the Whately Town Clerk's Office located at 4 Sandy Lane, Whately, MA and available at the Town's website (www.whately.org)**

1. Assessor parcels 6-0-25-26 through 6-0-25-38, Assessor parcels 6-0-25-42 through 6-0-25-44, Assessor

parcels 6-0-31-6 through 6-1-31-22, and Assessor parcels 6-0-31-24 and 6-0-31-25 on Eastwood Lane, Frances Way and Grey Oak Lane are now shown as being in Ag/Residential 1 rather than Ag/Residential 2

1. Assessor parcels 6-0-25-23 and 6-0-31-23 are now shown as being partly in Ag/Residential 1 and partly in Ag/Residential 2.
2. Assessor parcels 20-0-34-4 through 20-0-34-6 on Mieczkowski Circle are now shown as being entirely within Ag/Residential 1 rather than being partly in Ag/Residential 2.
3. Assessor parcel 12-0- 24-2 on State Road is now shown as zoned Ag/Residential 1 and 2, not Commercial.

Moderator declared article passed by the required 2/3rd’s vote

## Proposed Zoning Bylaw Amendments - Property Owner Initiated

**Article 27.**

Motion was made to take no action on Article 27.

Julie Waggoner explained that the article needed no action due to the withdrawal of the Article by the petitioner. Fred Seconded.

Vote was made to take no action on Article 27.

Clerk’s note: The original article pertained to amending the Town of Whately Zoning Bylaws,§ 171-28.6 "Adult Use Recreational and Medical Marijuana Establishments" to add a new use "Marijuana Product Manufacturer (Limited)" as further defined and shown below:

Moderator declared motion of no action passed

**Article 28.**

Motion was made to take no action on Article 28.



Julie Waggoner explained that the article was withdrawn by the petitioner.Joyce Seconded.

Clerk’s Note: The original article was to update the Table of Use to include the new use as indicated in Article 27. No action was taken on that article.

Voted to take no action on Article 28.

Moderator declared motion of no action passed

**Proposed General Bylaw Amendment- Voters Submitted Petition**

**Article 29.**

Motion was made to take up article 29.

**NOTE: Text in** *italics underlined* **font is proposed as an addition to the General Bylaws**

*Personnel By/aw* - *There shall be a three (3) member Personnel Committee pursuant to authority contained in*

*M.G.L. Chapter 41, Section 108. The purpose of the Personnel Committee By/aw is to establish a permanent Personnel Committee (Committee) to serve in on advisory capacity to the Selectboard (Board) and other appropriate Town committees and personnel.*

1. *The committee shall be composed of the following persons:*
   1. *one (1) Whately resident, appointed by the Town Moderator as voting member for a term of three (3) years*
   2. *one (1) Whately resident, appointed by the Selectboard as a voting member for a term of three (3) years*
   3. *one (1) Whately resident, serving on or appointed by the Finance Committee as a voting member fora term of three (3) years;*

*d} a majority of the voting members of the committee shall constitute a quorum;*

1. *members shall serve without compensation and shall serve until their successors are appointed and sworn in;*
2. *all voting members appointed must not be a current employee, elected official, or direct relative*

*of the afore mentioned personnel for a period of three (3) years prior to serving on the Personnel Committee.*

Personnel Committee member Susan Baron explained to the residents that town has hired a Human Resources person to revamp personnel policies and procedures and that the makeup of the Personnel Committee is being looked at as well. She made a motion to table this Article until the results from that are finalized. Motion Seconded. 51 residents voted to table, 11 voted to continue article.

Moderator declared article tabled

Upon Motion made and seconded, it was

Voted to adjourn without date at 7:39 p.m.

A true copy,

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amy E. Lavallee

Town Clerk