

**Town of Whately
Annual Town Meeting
April 30, 2019**

**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 Town Hall, 194 Chestnut Plain Road in Whately on Tuesday, the thirtieth day of April next, at seven o'clock in the evening**, 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 the Selectboard

Article 2.

To see if the Town will vote 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, 2019, 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, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee**

Article 3.

To see if the Town will vote 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, 2019, as permitted by G.L. c. 44, § 53F, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the 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 to authorize the Town Treasurer with approval of the Selectboard to borrow in anticipation of reimbursement, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee**

Article 5.

To see if the Town will vote 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, 2019 as follows:

Revolving Fund Name	FY20 Spending Limit
Dog Licensing and Control Revolving Fund	\$2,000
Recreation Revolving Fund	\$20,000
Library Revolving Fund	\$1,000
Public Hearing Revolving Fund	\$4,000
Cordwood Sales Revolving Fund	\$2,500
Cemetery Commissioners Revolving Fund	\$1,000
Trench Permit	\$1,000
Recycling and Solid Waste Revolving Fund	\$15,000

or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee**

Article 6.

To see if the Town will vote to fix the salaries or compensation of the elected officers of the Town for the fiscal year beginning on July 1, 2019 as follows:

Position	Amount (2.5% COLA)
Moderator	\$129.53
Selectboard - Chair	\$1,975.24
Selectboard - Member	\$1,813.33
Town Clerk	\$23,403.83
Assessors - Chair	\$1,975.24
Assessors - Member	\$1,813.33
Water Commissioner	\$777.16
School Committee	\$374.44
Elector: Oliver Smith Will	\$11.16
Board of Health - Chair	\$939.05
Board of Health - Member	\$777.16
Constables	\$14.69/hour
Cemetery Commissioners - Sextons	\$15.05/hour
Opening Graves Fee	\$600/opening

or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee**

Article 7.

To see if the Town will vote to appropriate \$176,732 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, 2019 as follows:

Enterprise Fund - Water Department (EF)	Fiscal Year 2019	Fiscal Year 2020	Change (\$) FY19 to FY20	Change (%) FY19 to FY20
	Enterprise Fund	Enterprise Fund		
I. Revenues (estimated)				
Water Receipts	\$149,500.00	\$149,500.00	\$0.00	0.00%
Hook-up Fees	\$25,000.00	\$30,000.00	\$5,000.00	20.00%
Other Fees & Charges	\$2,500.00	\$2,500.00	\$0.00	0.00%
Total Estimated Revenue	\$177,000.00	\$182,000.00	\$5,000.00	2.82%
II. Expenses				
Direct Expenses				
Salaries	\$37,589.00	\$38,638.00	\$1,049.00	2.79%
Operations	\$82,100.00	\$84,600.00	\$2,500.00	3.05%
Subtotal Direct Expenses	\$119,689.00	\$123,238.00	\$3,549.00	2.97%
Indirect Expenses				
Selectboard & Administration	\$2,040.00	\$2,394.00	\$354.00	17.35%
Legal Counsel/Financial Advisor	\$418.00	\$418.00	\$0.00	0.00%
Audit	\$225.00	\$225.00	\$0.00	0.00%
Town Building Operations	\$2,057.00	\$2,549.00	\$492.00	23.92%
Town Accountant	\$619.00	\$648.00	\$29.00	4.68%
Harper's Payroll	\$108.00	\$104.00	-\$4.00	-3.70%
Treasurer/Collector	\$6,602.00	\$6,564.00	-\$38.00	-0.58%
Property/Liability Insurance	\$4,140.00	\$6,000.00	\$1,860.00	44.93%
Health Insurance	\$23,272.00	\$25,211.00	\$1,939.00	8.33%
Medicare & Social Security	\$1,347.00	\$1,430.00	\$83.00	6.16%
Workers Compensation Insurance	\$652.00	\$692.00	\$40.00	6.13%
Life Insurance	\$0.00	\$0.00	\$0.00	0.00%
Retirement	\$5,376.00	\$5,859.00	\$483.00	8.98%
Town Vehicles Fuel	\$1,400.00	\$1,400.00	\$0.00	0.00%
Subtotal Indirect Expenses <i>(appropriated to the General Fund)</i>	\$48,256.00	\$53,494.00	\$5,238.00	10.85%
Total Estimated Expenses	\$167,945.00	\$176,732.00	\$8,787.00	5.23%

or take any other action relative thereto.

Majority vote required

Recommended by the Finance Committee
 Recommended by the Selectboard
 Recommended by the Water Commissioners

<<continued on the next page>>

Article 8.

To act on the report of the Finance Committee on the Fiscal Year 2020 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, 2019 as follows:

(Note: Water Department Enterprise Fund costs are appropriated in Article 7)

Proposed Fiscal Year 2020 Budget

The Finance Committee recommends that the amounts shown in the column captioned "Fiscal Year 2020 Operating Budget" be raised or appropriated or transferred from available funds for Fiscal Year 2020 operating purposes, debt service and other Town expenses.

General Government (GG)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Selectboard & Administration	\$99,919.00	\$117,308.00	\$17,389.00	17.40%
Legal Counsel/Financial Advisors	\$20,482.00	\$20,482.00	\$0.00	0.00%
Town Offices-Supplies	\$2,750.00	\$3,500.00	\$750.00	27.27%
Audit	\$7,275.00	\$7,275.00	\$0.00	0.00%
Town Report	\$500.00	\$500.00	\$0.00	0.00%
Town Building Operations	\$66,493.00	\$82,427.00	\$15,934.00	23.96%
Town Clerk	\$39,384.00	\$40,133.00	\$749.00	1.90%
Town Accountant	\$19,988.00	\$20,968.00	\$980.00	4.90%
Harpers Payroll	\$5,292.00	\$5,096.00	-\$196.00	-3.70%
Accounting Software	\$750.00	\$750.00	\$0.00	0.00%
Treasurer/Collector	\$53,408.00	\$53,111.00	-\$297.00	-0.56%
Tax Takings	\$8,000.00	\$8,000.00	\$0.00	0.00%
Assessors	\$35,348.00	\$38,850.00	\$3,502.00	9.91%
Planning Board	\$2,135.00	\$2,184.00	\$49.00	2.30%
Zoning Board of Appeals	\$2,326.00	\$2,385.00	\$59.00	2.54%
Finance Committee	\$150.00	\$150.00	\$0.00	0.00%
Moderator	\$150.00	\$150.00	\$0.00	0.00%
Conservation Commission	\$500.00	\$500.00	\$0.00	0.00%
Historical Commission	\$200.00	\$200.00	\$0.00	0.00%
Agricultural Commission	\$1,500.00	\$1,500.00	\$0.00	0.00%
Computer - IT	\$5,000.00	\$5,250.00	\$250.00	5.00%
Connect CTY	\$2,600.00	\$2,500.00	-\$100.00	-3.85%
Website & Email Hosting	\$3,500.00	\$4,000.00	\$500.00	14.29%
Housing Committee	\$200.00	\$200.00	\$0.00	0.00%
Municipal Building Committee	<u>\$800.00</u>	<u>\$800.00</u>	<u>\$0.00</u>	<u>0.00%</u>
GG Subtotal	\$378,650.00	\$418,219.00	\$39,569.00	10.45%

Cultural, Recreation, Services (CRS)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Tri-Town Beach District	\$5,037.00	\$5,174.00	\$137.00	2.72%
Recreation Commission	\$10,000.00	\$10,570.00	\$570.00	5.70%
Cemetery Commission	\$7,695.00	\$8,477.00	\$782.00	10.16%
Library	\$69,728.00	\$74,784.00	\$5,056.00	7.25%
South County Senior Center	\$18,141.00	\$19,208.00	\$1,067.00	5.88%
Veterans	\$8,602.00	\$8,732.00	\$130.00	1.51%
Local Council on Aging	<u>\$500.00</u>	<u>\$500.00</u>	<u>\$0.00</u>	<u>0.00%</u>
CRS Subtotal	\$119,703.00	\$127,445.00	\$7,742.00	6.47%

Public Health (PH)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Board of Health	\$2,934.00	\$2,996.00	\$62.00	2.11%
Health Agent - Foothills Health District	\$17,111.00	\$18,155.00	\$1,044.00	6.10%
Solid Waste	\$44,252.00	\$46,541.00	\$2,289.00	5.17%
Hazardous Waste	\$1,000.00	\$1,200.00	\$200.00	20.00%
Franklin County Solid Waste Management District	\$6,480.00	\$6,540.00	\$60.00	0.93%
PH Subtotal	\$71,777.00	\$75,432.00	\$3,655.00	5.09%
Public Safety (PS)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Fire Department	\$62,288.00	\$62,933.00	\$645.00	1.04%
Ambulance - South County EMS	\$105,915.00	\$106,080.00	\$165.00	0.16%
Police Department	\$196,681.00	\$204,075.00	\$7,394.00	3.76%
Quinn Bill Incentive	\$5,292.00	\$5,424.00	\$132.00	2.49%
Animal Control	\$4,838.00	\$4,900.00	\$62.00	1.28%
Animal Inspection	\$518.00	\$528.00	\$10.00	1.93%
Emergency Management	\$950.00	\$950.00	\$0.00	0.00%
Franklin County Inspection Services	\$7,500.00	\$7,500.00	\$0.00	0.00%
PS Subtotal	\$383,982.00	\$392,390.00	\$8,408.00	2.19%
Public Works (PW)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
<u>Highway Department</u>				
Highway Salaries	\$130,210.00	\$136,222.00	\$6,012.00	4.62%
General Highways	\$78,600.00	\$79,200.00	\$600.00	0.76%
Winter Roads	\$128,015.00	\$132,979.00	\$4,964.00	3.88%
Road Machinery	\$21,000.00	\$21,000.00	\$0.00	0.00%
Garage Maintenance	\$7,500.00	\$8,300.00	\$800.00	10.67%
Trees	\$5,500.00	\$5,500.00	\$0.00	0.00%
PW Subtotal	\$370,825.00	\$383,201.00	\$12,376.00	3.34%
Insurance & Benefits (IB)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Property & Liability Insurance	\$47,610.00	\$69,000.00	\$21,390.00	44.93%
Group Health Insurance	\$443,959.00	\$418,789.00	-\$25,170.00	-5.67%
Medicare & Social Security	\$29,253.00	\$31,070.00	\$1,817.00	6.21%
Workers Compensation Insurance	\$16,948.00	\$18,008.00	\$1,060.00	6.25%
Life Insurance	\$1,000.00	\$1,000.00	\$0.00	0.00%
Unemployment Insurance	\$16,000.00	\$16,000.00	\$0.00	0.00%
Franklin County Retirement	\$173,817.00	\$189,444.00	\$15,627.00	8.99%
Police & Fire Injured on Duty Insurance	\$14,700.00	\$14,700.00	\$0.00	0.00%
OPEB Liability	\$25,000.00	\$25,000.00	\$0.00	0.00%
Division of Medicaid Assistance	\$2,000.00	\$1,800.00	-\$200.00	-10.00%
IB Subtotal	\$770,287.00	\$784,811.00	\$14,524.00	1.89%
Unclassifieds (U)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Temporary Loan Interest	\$1,000.00	\$1,000.00	\$0.00	0.00%
Reserve Fund	\$20,000.00	\$20,000.00	\$0.00	0.00%
Franklin Regional Council of Governments	\$19,940.00	\$19,586.00	-\$354.00	-1.78%
Physicals & Tests	\$1,500.00	\$1,500.00	\$0.00	0.00%
Town Vehicles Fuel	\$26,600.00	\$26,600.00	\$0.00	0.00%
Educational Incentives	\$1,000.00	\$1,000.00	\$0.00	0.00%
U Subtotal	\$70,040.00	\$69,686.00	-\$354.00	-0.51%

Schools (S)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Whately Elementary School				
Operating & Transportation Budget	\$1,681,259.00	\$1,785,184.00	\$103,925.00	6.18%
Subtotal Whately Elementary School	\$1,681,259.00	\$1,785,184.00	\$103,925.00	6.18%
Frontier Regional				
Operating Budget	\$907,679.00	\$926,097.00	\$18,418.00	2.03%
Capital Budget	\$0.00	\$0.00	\$0.00	0.00%
Transportation Budget	\$16,555.00	\$38,283.00	\$21,728.00	131.25%
Subtotal Frontier Regional	\$924,234.00	\$964,380.00	\$40,146.00	4.34%
Franklin County Technical School				
Operating Assessment	\$162,113.00	\$167,162.00	\$5,049.00	3.11%
Capital Assessment	\$5,785.00	\$7,302.00	\$1,517.00	26.22%
Subtotal Franklin County Technical School	\$167,898.00	\$174,464.00	\$6,566.00	3.91%
Smith Vocational High School				
Tuition	\$0.00	\$0.00	\$0.00	0.00%
Transportation	\$0.00	\$0.00	\$0.00	0.00%
Subtotal Smith Vocational High School	\$0.00	\$0.00	\$0.00	0.00%
Debt (D)				
Debt (D)	Fiscal Year 2019	Fiscal Year 2020	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Long Term Debt				
None	\$0.00	\$0.00	\$0.00	0.00%
Long Term Debt Subtotal	\$0.00	\$0.00	\$0.00	0.00%
Short Term Debt				
Dump Truck 2	\$47,012.00	\$0.00	-\$47,012.00	-100.00%
Fire Truck	\$84,428.00	\$82,619.00	-\$1,809.00	-2.14%
Short Term Debt Subtotal	\$131,440.00	\$82,619.00	-\$48,821.00	-37.14%
TOTAL OPERATING BUDGET	\$5,073,475.00	\$5,257,831.00	\$184,356.00	3.63%

or take any other action relative thereto.

Majority vote required

Recommended by the Finance Committee
Recommended by the Selectboard

Proposed Financial Transfers

Article 9.

To see if the Town will vote to authorize the Board of Assessors to transfer the sum of \$200,000 from available funds (FY18 Free Cash) to reduce the tax levy for the fiscal year beginning on July 1, 2019, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard
Recommended by the Finance Committee

Article 10.

To see if the Town will vote to transfer the sum of \$20,000 from available funds (FY18 Free Cash) to the Vehicle Stabilization Fund, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard
Recommended by the Finance Committee

Proposed Capital Project Appropriations & Authorizations

Article 11.

To see if the Town will vote to transfer the sum of \$7,500 from available funds (FY18 Free Cash) to pay for the purchase of a new wood/oil furnace for the Highway Garage, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee**

Article 12.

To see if the Town will vote to transfer the sum of \$35,000 from available funds (FY18 Free Cash) to pay for the design of handicapped accessibility improvements at the S. White Dickinson Memorial Library, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee
Recommended by the Library Trustees**

Article 13.

To see if the Town will vote to transfer the sum of \$8,000 from available funds (FY18 Free Cash) to pay for the purchase of new tires for the front-end loader to be used by the Highway Department, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee**

Article 14.

To see if the Town will vote to transfer the sum of \$10,000 from available funds (Vehicle Stabilization Fund) to pay for the purchase of a used pick-up truck to be used by the Highway Department, or take any other action relative thereto.

2/3rds vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee**

Article 15.

To see if the Town will vote to transfer the sum of \$20,000 from the Water Department Enterprise Fund (Retained Earnings) to pay for the purchase of a new pick-up truck to be used by the Water Department, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee
Recommended by the Water Commissioners**

Article 16.

To see if the Town will vote to transfer the sum of \$13,750 from available funds (FY18 Free Cash) to pay for the purchase of new five-inch fire hose to be used by the Fire Department, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee**

Article 17.

To see if the Town will vote to transfer the sum of \$20,000 from available funds (FY18 Free Cash) to pay for the installation of new tile flooring and area rugs at the Whately Elementary School, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee
Recommended by the School Committee**

Article 18.

To see if the Town will vote to transfer the sum of \$31,500 from available funds (FY18 Free Cash) to pay for the installation of new siding and other exterior repairs at the Fire Station, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee**

Article 19.

To see if the Town will vote to transfer the sum of \$15,000 from available funds (FY18 Free Cash) to pay for the installation of new mini-split units for heating and cooling at the Whately Elementary School, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee
Recommended by the School Committee**

Article 20.

To see if the Town will vote to borrow up to \$220,000 for the design and construction of a pumping station to be located off Chestnut Plain Road and associated pipes and infrastructure in order to connect the Whately Water District's water supply system to the Whately Water Department's water supply system, and for all costs incidental and related thereto, and to authorize the Treasurer, with the approval of the Selectboard, to issue any bonds or notes that may be necessary for that purpose, as authorized by G.L. c. 44, § 7 (1), or any other general or special law, or take any other action relative thereto

2/3rds vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee
Recommended by the Water Commissioners**

Article 21.

To see if the Town will vote to transfer the sum of \$87,000 from available funds (General Stabilization Fund) to pay for the costs associated with upgrading the pumping station to be constructed off Chestnut Plain Road in order to provide sufficient water volume and flow for the water supply system to be used by the Fire Department for fire extinguishment purposes, or take any other action relative thereto.

2/3rds vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Capital Improvement Planning Committee
Recommended by the Water Commissioners**

Proposed Miscellaneous Appropriations

Article 22.

To see if the Town will vote to transfer the sum of \$20,000 from available funds (FY18 Free Cash) to be expended for the Whately 250th Anniversary Celebration, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the 250th Anniversary Committee**

Article 23.

To see if the Town will vote to transfer the sum of \$4,800 from available funds (FY18 Free Cash) to pay for health insurance plan change reimbursements required by G.L. c. 32B, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee**

Article 24.

To see if the Town will vote to transfer the sum of \$5,000 from available funds (FY18 Free Cash) to pay for the design and engineering of sidewalks along Chestnut Plain Road, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee**

<<continued on the next page>>

Frontier Regional School District Capital Improvements Program – Debt Authorization

Article 25.

To see if the Town will vote, pursuant to the provisions of G.L. c. 71 § 16(d), to approve an authorization of debt, in the amount of \$1,826,664, as voted by the Frontier Regional School District Committee on April 4, 2019 to pay the costs of the Frontier Regional School District’s Capital Improvements Program, including (i) the payment of \$630,000 to pay costs of designing and constructing a new track, including all related oversight, and (ii) \$1,196,664 to pay costs of various other capital improvements, including HVAC upgrades, upgrades in the library media center, carpet replacement, parking lot repaving and repairs of related parking structures, roof repairs and costs of oversight associated with each of the foregoing projects, or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee**

Community Preservation Act Appropriations

Article 26.

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 2020 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, 2019, including debt service for any approved Community Preservation project, with each item to be considered a separate appropriation:

Appropriations:

From FY20 estimated revenues for committee administrative expenses \$7,500

Reserves:

From FY20 estimated revenues for Open Space Reserve \$19,100
From FY20 estimated revenues for Affordable Housing Reserve \$19,100
From FY20 estimated revenues for Budgeted Reserve \$61,300

Debt Service

From FY20 estimated revenues for Town Hall Loan Debt Service \$43,000

or take any other action relative thereto.

Majority vote required

**Recommended by the Community Preservation Committee
Recommended by the Selectboard
Recommended by the Finance Committee**

Article 27.

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate and transfer the sum of \$4,500 from the Community Preservation Fund Unreserved Fund Balance for the restoration of the circa 1938 advertising backdrop curtain owned by the Whately Historical Society and its mounting on the Town Hall stage, or take any other action relative thereto.

Majority vote required

**Recommended by the Community Preservation Committee
Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Historical Commission**

Article 28.

To see if the Town will vote, pursuant to G.L. c. 44B, to appropriate and transfer the sum of \$10,300 from the Community Preservation Fund Unreserved Fund Balance for the professional restoration of the circa 1891 historic Town safe now located in the west entrance of the Town Hall, or take any other action relative thereto.

Majority vote required

**Recommended by the Community Preservation Committee
Recommended by the Selectboard
NOT Recommended by the Finance Committee
Recommended by the Historical Commission**

Proposed Acceptance and Acquisition of Ways as Town Ways

Article 29.

To see if the Town will vote to accept the layout of a portion of Poplar Hill Road as a public way in the location depicted on the plan entitled "Street Acceptance Plan of Land located in Whately Massachusetts," dated March 26, 2019, prepared by The Berkshire Design Group, Inc., as heretofore laid out by the Selectboard and filed with the Town Clerk, and to authorize the Selectboard to acquire by purchase, gift, eminent domain or otherwise the fee to and/or easements in said Poplar Hill Road as depicted on said plan and to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein, or take any other action relative thereto.

2/3rds vote required

Recommended by the Selectboard

Real Property Transactions

Article 30.

To see if the Town will vote to authorize the Selectboard to acquire by gift, purchase or eminent domain an easement over a certain parcel of land located at 200 Chestnut Plain Road, Assessors Map 39 Lot 23, which easement is show on a sketch plan titled Town Hall Parking Easement, on file with the Town Clerk, upon such terms and conditions and for such consideration as the Selectboard deems to be in the best interest of the Town, and to appropriate a sum of money for this purpose, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

Acceptance of G.L. c. 59 § 5 (54) – Personal Property Tax Exemption

Article 31.

To see if the Town will vote to accept the provisions of G.L. c. 59, § 5, clause (54) added by Chapter 159 § 114 of the Acts of 2000, to establish an exemption from taxation for personal property with an assessed value of less than \$5,000, beginning in Fiscal Year 2020; or take any other action relative thereto.

Majority vote required

**Recommended by the Selectboard
Recommended by the Finance Committee
Recommended by the Board of Assessors**

Authorization of Ten-Year Recycling Contract

Article 32.

To see if the Town will vote to authorize the Selectboard to enter into a ten (10) year contract with the option for a five (5) year extension, commencing on July 1, 2020, with the qualified vendor selected by the Massachusetts Department of Environmental Protection through a competitive bid process, for recycling processing services for the Town, subject to the Selectboard's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding for these services, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

Proposed Zoning Amendments

Article 33.

To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section § 171.21.2 Converted historic municipal, religious and commercial buildings, as follows:

Proposed additions shown in italics

~ 171-21.2. Converted historic municipal, religious and commercial buildings

The purpose of this section is to facilitate the preservation of historically important municipal, religious, and commercial buildings and to allow for their adaptive reuse. All of the following conditions apply:

- A. Buildings may be publicly or privately owned;*
- B. Buildings shall have served the general public and been in existence for at least 50 years, and shall be deemed historically significant by the Whately Historical Commission;*
- C. Potential Uses are listed in ~171-8. Table of Use Regulations;*
- D. Site Plan Review is required;*
- E. The dimensional requirements of §171-9.C. or 171.10 may be waived if there is no feasible alternative;*
- F. Parking and loading shall meet the requirements of §171-13 to the extent feasible;*
- G. Septic systems must be adequate for the proposed use;*
- H. More than 3 dwelling units may be allowed in a converted historic building if there is sufficient off-street parking and adequate water supply and wastewater treatment;*
- I. No additions to the existing structure shall be allowed except for required egress and access; and*
- J. Uses must have all the necessary state and local licenses and approvals for the use.*

or take any other action relative thereto.

2/3rds vote required

**Recommended by the Planning Board
Recommended by the Selectboard**

Article 34.

To see if the Town will vote to amend the Town’s Zoning Bylaws, § 171-8 Table of Use Regulations, to add a new use listing under the Commercial Use category, as follows:

Proposed additions shown in italics

Commercial Uses	Agriculture/ Residential (1)	Agriculture/ Residential (2)	Commercial	Commercial - Industrial	Industrial
<i>Conversion of an Historic (50 years or older) Municipal, Religious or Commercial Structure(s) on one lot to one or more of the following uses: Municipal Uses, Retail Stores (no greater than 2,000 square feet of floor space), Business or Professional Offices, Eat-in Restaurants, Artisan Studios, or Residential Uses within the existing building footprint (see § 171-21.2)</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>N</i>

or take any other action relative thereto.

2/3rds vote required

Recommended by the Planning Board
Recommended by the Selectboard

Article 35.

To see if the Town will vote to amend the Town’s Zoning Bylaws by deleting the existing § 171-22, Tourist homes/bed-and-breakfast establishments, and replacing it with a new § 171-22, Short-term rentals in Accessory Apartments, and Single-family, Two-family & Multi-family dwellings, as follows:

Proposed additions shown in italics
Proposed deletions shown in ~~strikeout~~

~~171-22. Tourist homes/bed-and-breakfast establishments.~~

~~The use of a single family structure for a tourist home/bed and breakfast establishment may be allowed under special permit from Zoning Board of Appeals, provided that the following conditions are complied with:~~

- ~~_____ A. The single family structure must be owner occupied.~~
- ~~_____ B. No more than three rooms may be rented for transient occupancy.~~
- ~~_____ C. Rooms rented for transient occupancy shall be without individual kitchen facilities and may have either private or shared bathroom facilities.~~
- ~~_____ D. All rooms share a common entrance.~~
- ~~_____ E. The portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a single family residence and shall not change the external character of~~

- ~~_____ the building.~~
- ~~_____ F. One parking space shall be provided for each room.~~
- ~~_____ G. Smoke detectors shall be provided for all floors, as required by the Building Inspector.~~
- ~~_____ H. Adequate access to and from all floors shall be provided, as required by the Building Inspector.~~
- ~~_____ I. The premises shall be inspected annually by the Building Inspector, with an inspection fee to be paid by the owner.~~

~171-22. Short-term rentals in Accessory Apartments, and Single-family, Two-family & Multifamily dwellings

The purpose of this section is to allow for short-term rentals while ensuring public safety, preventing possible nuisances for abutters, and preserving the rural character of the town. Rentals for a period of less than 30 days may be allowed in residential units under a Special Permit from the Zoning Board of Appeals subject to the conditions outlined below. All such rentals must comply with all applicable Board of Health regulations. This section does not apply to property that is rented out through monthly tenancies at will or leases or to time share agreements.

- A. *Short-term rentals in Dwellings that are owner-occupied.*
 - (1) *No more than three bedrooms may be rented for transient occupancy.*
 - (2) *Rooms rented for transient occupancy shall not have independent kitchen facilities and may have either private or shared bathroom facilities.*
 - (3) *All bedrooms within the dwelling itself shall share a common entrance.*
 - (4) *The portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a Single-family dwelling and shall not change the external character of the building.*
 - (5) *The Special Permit shall establish a limit on the number of occupants permitted under the rental agreement and establish the number of required parking spaces.*
 - (6) *One off-street parking space shall be provided for each room to be rented.*
 - (7) *No loud noise or music, excessive traffic or other disturbances shall be allowed.*
 - (8) *The rental may, or may not, include breakfast. No meals other than breakfast may be served, and breakfast may be served only to overnight guests. The owner or leaseholder must obtain all State and local permits and licenses required to provide food services if breakfast is served on the premises.*
 - (9) *The owner must have all the necessary state and local licenses and approvals for the short term rental.*
- B. *Short-term rentals in Dwellings that are not owner-occupied.*
 - (1) *The rental may be for a dwelling unit that is an Accessory Apartment or Single-family home or for one or more dwelling units within a Two-family or Multi-family dwelling.*
 - (2) *Tenant(s) may not sublet the property or hold special functions such as weddings or large parties.*
 - (3) *The property shall not be rented under the provisions of this section for more than 120 days per year.*
 - (4) *All bedrooms within the dwelling unit shall share the same entrance and the same kitchen facilities.*
 - (5) *Rooms rented for transient occupancy may be located within a detached structure (Accessory Apartment) on the property which may have a bathroom and separate kitchen facilities.*
 - (6) *Adequate potable water and wastewater treatment shall be provided.*
 - (7) *The bathrooms may be shared or private.*
 - (8) *No changes shall be made to the external character of the building(s).*
 - (9) *The Special Permit shall establish a limit on the number of people to be permitted for overnight occupancy under the rental agreement and establish the number of required parking spaces.*
 - (10) *No meal service is to be provided.*
 - (11) *No loud noise or music, excessive traffic or other disturbances shall be allowed.*

(12) *The owner must have all the necessary state and local licenses and approvals for the short term rental.*

or take any other action relative thereto.

2/3rds vote required

**Recommended by the Planning Board
Recommended by the Selectboard**

Article 36.

To see if the Town will vote to amend the Town’s Zoning Bylaws § 171-8, Table of Use Regulations, regarding classification of lodging houses and boarding houses, as follows:

Proposed additions shown in italics
Proposed deletions shown in ~~strikeout~~

Residential Uses	Agriculture/ Residential (1)	Agriculture/ Residential (2)	Commercial	Commercial -Industrial	Industrial
Lodging houses or boarding houses (not part of a residential dwelling)	SP	N	SP	SP	N

<i>Commercial Uses</i>	<i>Agriculture/ Residential (1)</i>	<i>Agriculture/ Residential (2)</i>	<i>Commercial</i>	<i>Commercial - Industrial</i>	<i>Industrial</i>
<i>Lodging houses or boarding houses (not part of a residential dwelling)</i>	SP	N	SP	SP	N

or take any other action relative thereto.

2/3rds vote required

**Recommended by the Planning Board
Recommended by the Selectboard**

Voter Submitted Petition

Article 37. (as submitted)

Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked Colonial broadsword brandished above the head of the Native man on the

Massachusetts State Flag and Seal is modeled over Myles Standish's own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Euro-Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of the Commonwealth;

And whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

Whereas the land area now known as the Town of Whately shares a rich Native history with modern tribal Nations like the Mohican and the Abenaki, and tribal groups such as the Nonotuck, Norwottuck, and Pocumtuck who frequented this area for thousands of years before the first colonial settlers arrived, in 1672;

Now, therefore, **BE IT RESOLVED** that the Town of Whately hereby adopts this resolution in support of H.2776 and S.1877, a "**Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth,**" and requests that Representative Natalie Blais and Senator Jo Comerford continue their strong advocacy and support for the aforementioned Resolve (H.2776 and S.1877) in the General Court, and that the Joint Committee on State Administration and Regulatory

Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

or take any other action relative thereto.

By Petition

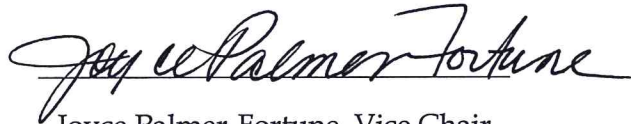
And you are directed to serve this Warrant by posting up attested copies thereof at the Town Office Building, Post Office, and the S. W. Dickinson Library in said Whately, seven days at least before the time of holding said meeting.

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 Seventeenth day of April in the year two thousand and nineteen.



Jonathan Edwards, Chair



Joyce Palmer-Fortune, Vice Chair



Frederick Orloski, Clerk

Selectboard
Town of Whately

A true copy.

Attest:

Constable