

Town of Whately

**Special Town Meeting Warrant
August 30, 2017**

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 Offices, 4 Sandy Lane, Whately, MA on the thirtieth (30) day of August 2017, next, at seven (7:00) in the evening**, then and there to act on the following articles:

Article 1: 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

Article 2: To see if the Town will vote to authorize the Selectboard to acquire by gift, purchase or eminent domain an easement in a certain parcel of land located at 9 North Street, Assessors Map 19 Lot 2, which easement is show on a sketch plan titled Whately Center Pumphouse 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

Article 3: To see if the Town will vote to authorize the Selectboard to grant to the Franklin Regional Council of Governments an easement over Town-owned property described in an Order of Taking recorded with the Franklin County Registry of Deeds in Book 7026, Page 61, said easement is shown on a plan of land titled "PLAN OF PROPOSED COUNTY RELOCATION IN WHATELY, MASS. FOR THE WHATELY HIGHWAY DEPARTMENT, EGYPT ROAD - RT. 5&10 INTERSECTION, DATED JUNE 7, 2017, BY S. K. KIMBERLEY ENGINEERING" recorded in the Franklin County Registry of Deeds in Plan Book 141, Page 78, on such terms and conditions and for such consideration as the Selectboard shall deem appropriate (or for nominal consideration), and further to grant such access, utility and related easements on said property as the Selectboard deems to be in the best interest of the Town, or take any other action relative thereto.

Majority vote required

Recommended by the Selectboard

Article 4: To see if the Town will vote to amend the General Bylaws of the Town by amending Chapter 41 "Property, Sale of" by deleting the ~~lined-out~~ words and replacing them with the words in *underlined italics bold*, as shown below, or take any other action relative thereto.

§ 41-1 Authority to sell certain surplus property

In accordance with MGL c. 30B, § 15(f), the Town hereby approves a written procedure to dispose of surplus property with an estimated net value of less than ~~\$5,000~~ *\$10,000*. The purpose of this procedure is to ensure that the Town obtains the best possible return when disposing of supplies that are no longer useful to the Town. This procedure applies to all tangible surplus supplies including motor vehicles, machinery, computer equipment, furniture, and other materials and supplies. The term "supplies" does not include real property. This procedure does not apply to unclaimed property in possession of the Police Department which must be auctioned pursuant to MGL c. 135 § 8. This procedure applies to all Town departments, boards, committees and commissions of the Town of Whately.

- A. The department head, board, committee or commission which has jurisdiction over the surplus supplies shall first declare that said supplies are no longer useful.
- B. The department head, board, committee or commission shall place a net value of less than ~~\$5,000~~ *\$10,000* on said supplies
- C. Notice of this declaration shall be forwarded by the department head, board, committee or commission to the Board of Selectmen with a recommendation for action.
- D. The Board of Selectmen shall offer the surplus supplies to other Town departments, boards, committees or commissions. Should any of these units be interested in the surplus supplies the Board of Selectmen shall transfer the surplus supplies to the appropriate unit for its use.
- E. If said surplus supplies were a gift or donation from an individual, organization or business, the Board of Selectmen will have the option of returning said supplies to said individual, organization or business at no cost.
- F. If no other town department, board, committee or commission is interested in said surplus supplies and the surplus supplies are not returned to the individual, organization or business which donated said supplies, the Board of Selectmen shall dispose of said surplus supplies through one of the following methods:
 - 1. Disposal of the item or items as refuse or recyclable material
 - 2. Charitable donation: Surplus supplies can be disposed of at less than fair market value to any organization that has an IRS tax exempt status by reason of its charitable nature. A charitable donation must be approved in advance by a majority vote of Town Meeting.
 - 3. Trade in when making a purchase. The IFB or RFP should specify the items to be traded in as part of the procurement.
 - 4. Public auction or yard sale
 - 5. Sealed bids
- G. Said proceeds of the sale of surplus supplies through either of the methods mentioned in subsection F above will be deposited into the General Fund.


And you are directed to serve this Warrant by posting up attested copies thereof at the Town Hall, Town Office Building, Post Office, and the S. W. Dickinson Library in said Whately, fourteen 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 9th day of August in the year two thousand and seventeen.


Frederick P. Orloski, Chair

Selectboard
of
Whately


Jonathan Edwards, Vice Chair

Joyce Palmer Fortune, Clerk

A true copy.

Attest:

Constable