

**Town of Whately  
Special Town Meeting Warrant  
October 27, 2011**

**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 at 273 Long Plain Road in Whately on Monday, October 27<sup>th</sup>** 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 revise its existing Zoning Bylaws by adopting a new Section 171-28.5. Solar Electric Generating Facilities and adopting changes to Section 171-8. Table of Use Regulations, Section 171-17. Site Plan Review and Section 171-37. Terms Defined related to the proposed Section 171-28.5 in the form available at Town Meeting labeled "Town Meeting Version" and dated September 21, 2011 or take any other action related thereto. Adoption of these zoning changes will allow Whately to meet one of the requirements for receiving "Green Communities" designation from the State. The complete text of the proposed Zoning Bylaw revisions is on file with the Town Clerk at the Whately Town Offices, 218 Chestnut Plain Road, Whately, MA and is available for inspection during the regular business hours of the Town Clerk.

*Recommended by the Selectmen*

**Article 2.** To see if the Town will vote to amend the Frontier Regional School District Agreement as follows:

Amendments to the Frontier Regional School District Agreement

Amend Section 1 of the Frontier Regional School District Agreement by deleting Section 1 A. – D.; replacing those paragraphs with the following paragraphs A. – C.; re-lettering paragraphs E to D, F to E, G to F and H to G: adding to the newly re-lettered paragraph D "The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement." and deleting paragraph H and replacing it with the following paragraph G.

Section I

The Regional District School Committee shall consist of eleven members: two each from Conway and Whately, three members from Sunderland and four members from Deerfield.

A. Composition

The Regional District School Committee, hereinafter referred to as the Committee, shall consist of eleven members: four from the Town of Deerfield, three from the Town of Sunderland, two

from the Town of Whately and two from the Town of Conway. As hereinafter provided, four of the eleven members shall be appointed by the local school committees and seven shall be elected by the annual town elections.

#### B. Appointed Members

Immediately after each annual town election, the local school committee of each member town shall appoint from its own membership one member to serve on the Committee for a term of one year. An appointed members vote shall count as one vote cast on any issue.

#### C. Elected Members

Of the seven elected members, there shall be three from the Town of Deerfield, two from the Town of Sunderland and one from each of the Towns of Conway and Whately. At the annual town elections next following the Amendment to the Regional School District Agreement, the Town of Deerfield shall elect one additional member to serve on the Committee for a term that will stagger the terms of the elected members; and the Town of Sunderland shall elect one additional member to serve for a term that will stagger the terms of the elected members. Thereafter, at every succeeding annual town election when a member town is required to elect a member, each such town shall elect such member to serve for a term of three years. An elected member's vote shall be weighted so that each member's vote represents the towns population as a percentage of the population of the whole district divided by the number of elected members from that Town. The calculations for weighted votes shall be based on the United States census and recalculated when new census figures are reported.

Delete paragraph D. Interim Committee

#### D. Change E to D. Vacancies and add final sentence

If a vacancy occurs among the appointed members, the local school committee of the member town involved shall appoint a member from its own membership to serve for the remainder of the unexpired term. If a vacancy occurs among the elected members, the selectmen of the member town involved shall appoint a member to serve until the next annual town election, at which election a successor shall be elected to serve for the remainder of the unexpired term, if any. The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.

#### E. Change F. Organization to E. Organization

#### F. Change G. Powers and Duties to F. Powers and Duties

#### G. Change H. Quorum to G. Quorum and replace with the following:

##### G. Quorum

A quorum for the transaction of business shall be a majority of the committee and greater than 50% of the weighted vote membership, but a number less than a majority may adjourn any

meeting. Passage of any measure shall require a majority of the committee and greater than 50% of the weighted vote as counted.

Or pass any vote or votes in relation thereto.

**Article 3.** To see if the Town will vote to approve the “Agreement for Payment in Lieu of Taxes for Personal Property (Only) Between the Town of Whately, Massachusetts and Whately Solar LLC dated October 11, 2011 in accordance with G.L. c.59, §38H (Acts of 1997 Chapter 164, Section 71(b), as amended, or take any action relative thereto.

*Recommended by the Selectmen*

**Article 4.** To see if the Town will vote to transfer from Free Cash to the Emergency Mill River Stabilization Account 001-450-5840 the sum of \$28,000 for the Bidding and Construction phase of a project to protect the Whately Water Department wells from erosion from the Mill River or take any other action relative thereto.

**Article 5.** To see if the Town will vote to transfer from Free Cash to the Council on Aging Account 001-541-5400 the sum of \$500 for costs related to a survey of Deerfield, Sunderland and Whately senior residents or take any other action relative thereto.

*Recommended by the Selectmen*

**Article 6.** To see if the Town will vote to transfer from Free Cash to the Legal Expense Account 001-151-5400 the sum of \$5,000 to cover legal costs incurred by the town or take any other action relative thereto.

*Recommended by the Selectmen*

**Article 7.** To see if the Town will vote to accept the layout as a public Town way the way connecting Sandy Lane (Industrial Drive) and Fairview Way, as laid out by order of the Board of Selectmen, as shown on the plan entitled “Definitive Plan of Whately Industrial Park, Whately, MA Prepared for Alan E. Sanderson, Alan E. Sanderson, Jr., Bradley T. Sanderson”, dated September 13, 1995 prepared by Robert B. Rose & Associates and recorded in the Franklin County Registry of Deeds at Book 3107, Page 51, and described on that plan as “temporary cul-de-sac easement”, said way beginning at a concrete bound at the northwesterly corner of the way herein described; thence N 83°38’ 00” E a distance of 158.72 feet to a point; thence on a curve to the right having a radius of 70.00 feet an arch length of 222.15 feet to a concrete bound; thence on a curve to the left having a radius of 20.00 feet an arc length of 29.19 feet to the concrete bound at the point of beginning, copies of which order and plan were filed with the Town Clerk not later than seven days prior to this vote, and to authorize the Board of Selectmen to acquire easements for all purposes for which public ways are used in the Town of Whately within such layout(s), by gift, purchase or eminent domain; and further to rescind the vote taken under

Article 22 of the Annual Town Meeting on April 30, 2008 and continued to May 1, 2008; or, take any action relative thereto.

*Recommended by the Selectmen*

**Article 8.** To see if the Town will vote to accept for highway purposes the two parcels at the end of Poplar Hill Road from Peter B. Crisci containing 2,080 square feet and from the Trustees of The Smith College containing 3,972 square feet, both as shown on the Plan of Land in Whately, Massachusetts, Prepared for Smith College dated October 11, 2011 or take any other action relative.

*Recommended by the Selectmen*

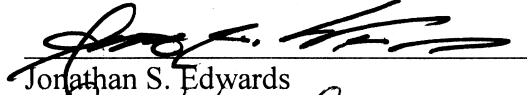
And you are directed to serve this Warrant by posting up attested copies thereof at the Town Hall, Center School Offices, Post Office, and the S. W. Dickinson Library in said Whately, fourteen days at least before the time of holding said meeting.

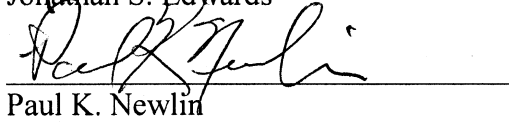
Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this eleventh day of October in the year two thousand and eleven.

  
Joyce Palmer Fortune, Chair

Selectmen  
of  
Whately

  
Jonathan S. Edwards

  
Paul K. Newlin

A true copy. Attest:

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Constable