

Town of Whately



Annual Town Meeting Booklet

2023

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Explanation of Select Warrant Articles

The following information is provided as background material to the warrant articles for the Annual Town Meeting to be held on May 23, 2023, at 6:00 pm.

Articles 1 through 5: These articles are necessary to authorize the Town’s boards, committees and officials to conduct business in fiscal year 2024 on behalf of the Town.

Article 6: This article sets the spending limits for the Town’s revolving funds. These revolving funds allow the Town to accept fees and other types of revenue and then pay expenses directly from the revolving account without further Town Meeting appropriation so long as the expenses further the purpose for which the revolving fund was created. The proposed spending limits are the same as in fiscal year 2023.

Article 7: This article requests approval of the salaries or compensation of the elected town officials.

Article 8: This article requests approval of the Water Department Enterprise Fund operating budget for fiscal year 2024. Please see the “[Fiscal Year 2024 Budget Message](#)” from the Town Administrator on page 7 of this booklet for more information.

Article 9: This article requests approval of the Town Operating budget for fiscal year 2024. Please see the “[Fiscal Year 2024 Budget Message](#)” from the Town Administrator on page 7 of this booklet for more information.

Article 10: This article proposes transferring \$225,000 from available funds (FY22 Free Cash) to reduce the tax levy for fiscal year 2024. This expenditure of available funds will reduce the tax levy for the upcoming fiscal year and will reduce the tax burden on all taxpayers.

Article 11: This article proposes transferring \$20,000 from available funds (FY22 Free Cash) to the Vehicle Stabilization Fund to save for future vehicle expenses.

Article 12: This article proposes transferring \$20,000 from available funds (FY22 Free Cash) to the Town Buildings Stabilization Fund to save for future expenses related to building repairs and/or the construction of new buildings.

Article 13: This article proposes transferring \$10,000 from available funds (FY22 Free Cash) for the Town’s portion of hiring a shared Conservation Agent. For many years the Whately Conservation Commission has relied on the expertise and volunteerism of Scott Jackson to run the Conservation Commission. The Whately Conservation Commission is one of the few remaining boards without any assistance from paid staff. As Scott contemplates pulling back from the Conservation Commission and due to the increasing amount and complexity of the work done by the Conservation Commission there is a need to hire a Conservation Agent to help the Commission with its work – this will likely be a shared position between two or more communities.

Article 14: This article requests \$100,000 from available funds (FY22 Free Cash) to purchase a new heavy duty pick-up truck with plow to replace the current 2008 Ford F550. The current F550 has 73,000 miles and thousands of operating hours. The Capital Improvement Planning Committee plans for replacement of this truck every fifteen years to avoid costly repairs as the truck ages.

Article 15: This article requests \$55,000 from available funds (FY22 Free Cash) to pay for the purchase of new equipment for the Police Department, including but not limited to body cameras, tasers, data storage equipment, editing software and associated licensing agreements. The Police Department anticipates that its existing tasers and body cameras will be considered out of compliance with the forthcoming regulations to be adopted under the 2020 police reform laws. These funds will be used for the purchase of equipment that will comply with forthcoming regulations.

Article 16, 17, 18: These articles request a total of \$7,121.72 from available funds (Ambulance Intercept Account, Ambulance Replacement Expendable, and Ambulance Stabilization Account) to pay for a portion of a \$49,096 capital assessment issued to the Town by South County EMS for the purchase and equipping of a new ambulance. All the above-mentioned accounts are left over from the time when the Town used to operate its own ambulance service and will be closed out. The remaining portion of the capital assessment will be paid for with monies the Town received through the America Rescue Plan Act (ARPA). The ambulance scheduled for replacement is seventeen years old, well beyond the suggested replacement cycle of ten years.

Article 19: This article authorizes the Frontier Regional School District to create a capital stabilization fund, similar to what most municipalities have, to save for future capital expenses. This article only establishes the account – but does not provide any funding for the account.

Article 20: This article allocates the anticipated Community Preservation Act (CPA) revenue from fiscal year 2024, estimated to be \$190,000, into the various CPA reserve accounts. The expenditure of any of these funds out of the reserve accounts requires future approval by voters at a Town Meeting.

Article 21: This article requests a total of \$11,411.15 in CPA funds to pay for the capital assessment issued to the town by the Frontier Regional School District for the complete renovation of the existing tennis courts at Frontier Regional High School. The work will include the installation of a new court surface, fencing and nets. This project qualifies for CPA recreation funding and as such helps preserve other town capital funds.

Article 22: This article requests a total of \$8,000 in CPA funds to pay for the preservation and repair of the front steps at the library. The work will include the repair of the front steps, repair of the surrounding masonry and columns and replacement of the wrought iron railing. This project qualifies for CPA historic preservation funding and as such helps preserve other town capital funds.

Article 23: This article requests a total of \$27,350 in CPA funds for the issuance of a grant to Quonquot Farms for the restoration of a masonry silo. The grant will be subject to a twenty-

year grant agreement that requires the pay back of the funds if the masonry silo is not restored and maintained in accordance with the Secretary of Interior's Standards for the Treatment of Historical Properties. This project qualifies for CPA historic preservation funding. CPA funds may be able to fund a project on private property, but only if the project is advancing a public purpose. The Community Preservation Committee has determined that in the opinion of the Committee that a public purpose exists to support the expenditure of CPA funds on private property.

Article 24: This article seeks to amend the Whately Zoning Bylaws to add language to the solar section of the Zoning Bylaw that was inadvertently taken out during a prior zoning amendment. The proposed language will add back into the Zoning Bylaw a requirement that utility connections for large scale solar arrays be installed underground when feasible.

Article 25: This article seeks to amend the Whately Zoning Bylaws to update the text of the Aquifer Protection District to recognize that the Whately Water District's wells off Haydenville Road no longer serves as a public water supply since the merger of the two water systems and that the text of the Zoning Bylaws need to be adjusted accordingly.

Article 26: This article seeks to amend the Whately Zoning Bylaws and Zoning Map to adopt a newly reformatted and easier to read Zoning Map. The previous map was difficult to use and accumulated errors over many years. The adoption of the proposed Town of Whately Official Zoning Map – April 26, 2023, will correct the errors listed to ensure the new zoning map properly displays the decisions of voters at past Town Meetings.

A copy of the new proposed Zoning Map is available on file with the Town Clerk and will be available for viewing at the Annual Town Meeting

Article 27 & 28: (Property Owner Initiated) These articles seek to amend the Whately Zoning Bylaws to add a new use "Marijuana Product Manufacturer (Limited)" as defined in the proposed warrant article and such use would be allowed by special permit in the Commercial, Commercial-Industrial, and Industrial zoning districts and not allowed in the Agriculture/Residential 1 & 2 zoning districts.

Please see page 5 of this booklet for the "Planning Board Report on Articles 27 & 28" on these two warrant articles.

Article 29: (Voter Petition Initiated) This article seeks to amend the Whately General Bylaws by adding a new general bylaw titled "Personnel Bylaw" as provided in the warrant article. The Selectboard currently has a Personnel Policy (adopted in 1991) through which the personnel affairs of the town are managed, and which already includes the establishment of a Personnel Committee.



TOWN OF WHATELY
Whately, Massachusetts

Planning Board
Donald Sluter, Chair

Mailing address:
4 Sandy Lane, So Deerfield, MA 01373

May 4, 2023

To: Select Board

Re: DMCTC Zoning Bylaw Change Request

The Massachusetts zoning law (MGL 40A) permits a property owner to petition the town for a zoning change that will affect their property. In February 2023, the Planning Board received such a request from Debilitating Medical Conditions Treatment Centers (DMCTC) for the creation of a new zoning use, Medical Marijuana Manufacturing (Limited), that would be allowed with a special permit and site plan review in the Commercial district as well as the Commercial/Industrial and Industrial districts where Marijuana Manufacturing is currently allowed. DMCTC owns a building at the Sugarloaf Shoppes, which is in the Commercial District.

The language proposed by DMCTC (see attachment) would allow extraction of marijuana concentrate; production of various marijuana products including food products; filling and capping of marijuana products; and packaging, warehousing and distribution of the products as long as no hazardous materials are involved. Manufacturing processes involving the use or storage of propane, butane, ethanol, or carbon dioxide are specifically prohibited and must be regulated by the current edition of the National Fire Prevention Association Fire Code (NFPA 1), Chapter 38.

The Planning Board met on two occasions with representatives of DMCTC and the consultant from Berkshire Design who drafted the bylaw language to discuss the proposal. At one of these meetings a representative from Pressure Safety Inspectors, an inspection and safety consultant that DMCTC has employed in the past, also attended. A public hearing was held on May 3. The following arguments for and against were raised during the discussions:

Arguments in favor

- Other light manufacturing uses are currently allowed in the Commercial District, so this proposal is consistent with current zoning practices.
- No hazardous materials are to be permitted for manufacturing and the town's permitting process should ensure that this is, in fact, the case.

- The special permit and site plan review process should ensure that the facilities are only allowed where appropriate and in a way that maintains Whately's character.
- Approval would allow another type of tax-paying employer in Whately and one that, compared to many other potential activities in the Commercial district, would incur less traffic and lower demand on public services.

Arguments against

- The area zoned for Commercial uses in Whately is small, and the town is in need of more businesses with a retail focus rather than an industrial one in the district. The town's Exit 35 Study Committee is currently exploring ways to generate more businesses that would bring people to Whately. That study area includes the building owned by DMCTC.
- The bylaw does not call for ongoing inspections to ensure compliance, and enforcement after operations begin would be difficult. The state's Cannabis Control Commission does not regulate marijuana manufacturing for the types of hazardous materials involved. Converting to manufacturing operations involving hazardous materials would require plumbing and electrical permits, but these inspections typically determine compliance with the building code and not with zoning restrictions. This is of concern since some Commercially-zoned parcels are also in the Aquifer Protection District.
- This proposal is basically "accommodation zoning" that will initially benefit only the proponent, although others may utilize it in the future. It is unclear whether the opportunities created by this proposal will offer broad benefits to the town in terms of new jobs and increased tax revenues.
- The proponent's wording is tailored to the type of operation they envision. The Planning Board is not able at this time to verify how appropriate it might be to other potential limited marijuana manufacturers.
- The legislature have significantly reduced the amount of revenue that Whately might expect to receive from future community impact fees from that anticipated when previous marijuana uses were approved for the zoning bylaws.

The Planning Board voted to take no position on the proposal.



Judy Markland, for the Planning Board

BRIAN M. DOMINA
TOWN ADMINISTRATOR

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TOWN OF WHATELY MASSACHUSETTS

OFFICE OF THE TOWN ADMINISTRATOR

FISCAL YEAR 2024 BUDGET MESSAGE

The Town's financial position remains positive and stable entering into the next fiscal year. The Town has more than adequate reserves, no long-term debt and has continued to maintain its favorable position relating to Proposition 2 ½ limits. The proposed fiscal year 2024 Town Operating budget (\$6,020,209), although 5.04% higher than the previous fiscal year, is reasonable and necessary for the Town to continue providing the high level of services as in the previous fiscal year. To help reduce the tax burden of this increase, both the Selectboard and Finance Committee are recommending that \$225,000 from available funds (Free Cash) be used to reduce the tax levy and lessen the tax burden on residents.

The Finance Committee and Selectboard worked hard to develop a reasonable Town Operating budget that meets the changing needs of the Town while being mindful of the overall tax burden on residents.

Available Funds

As of May 15, 2023, the Town has a total of **\$1.3 million** in available funds:

<u>Account Name</u>	<u>Account Balance</u>
Fiscal Year 2022 Free Cash	\$583,823
General Stabilization Fund	\$361,280
Capital Stabilization Fund	\$242,931
Vehicle Stabilization Fund	\$40,563
Town Buildings Stabilization Fund	\$94,934
Enterprise Fund – Retained Earnings	\$18,833
TOTAL	\$1,342,363

Town Operating Budget

The Non-Education portion of the Town Operating budget is 7.57% higher than the previous fiscal year. The Town like all other businesses is faced with rising costs for labor and for goods and services due to inflation and a shortage of qualified workers interested in joining the municipal workforce. The Town Operating budget includes a 5.5% cost of living adjustment for all non-education town employees.

- **General Government** – the increase is generally attributable to increased labor costs and additional hours for the Treasurer/Collector.
- **Culture, Recreation, Services** – the increase is generally attributable to increased labor costs and additional one-time costs related to vegetation management at the Tri-Town Beach.
- **Public Health** – the increase is generally attributable to the increased hauling costs of recyclables and trash from the transfer station.
- **Public Safety** – the increase is generally attributable to:
 - an increase in the compensation of the Fire Chief from a stipend position (\$10,500) to a part-time (20-hour per week) salaried position (\$32,916) in response to the changing needs of the department and the position.
 - an increase in the Police Department budget to shift the department away from relying its heavy reliance on part-time officers, who are being phased out under the recent police reform laws. The proposed increase will allow for the hiring of a second full-time officer to serve the town and to cover a number of shifts that are currently covered by part-time officers.
- **Public Works** – the increase is generally attributable to increased labor costs.
- **Insurance & Benefits** – the increase is generally attributable to increased group health insurance costs and retirement costs.
- **Unclassifieds** – the decrease is attributable to the retirement of an employee that was eligible to receive an educational incentive.
- **Debt Service** – the debt service payment amount is the same as the previous fiscal year.

The Education portion of the Town Operating budget is 3.0% or \$94,969 higher than the previous fiscal year with the most significant increase attributed to the Franklin County Technical School.

- **Whately Elementary School** is 3.06% or \$57,720 higher than the previous fiscal year due in large part to declining School Choice revenue.
- **Frontier Regional High School** is -9.77% or \$102,514 lower than the previous fiscal year due in large part to a decrease in the Town's mandated minimum contribution and enrollment trends.
- **Franklin County Technical School** is 60.73% or \$139,763 higher than the previous fiscal year due to enrollment increases.

Water Department Enterprise Fund Budget

The Water Department Enterprise Fund Operating budget is -35.38% or \$143,993 lower than the previous fiscal year. The significant decrease shown in the budget is simply due to the removal of one-time costs associated with the now completed water merger project. As an enterprise fund, the revenue collected by the Water Department pays for all the expenses of the Water Department without the need for funds raised through taxation. The projected revenue from the Water Department (\$277,500) is sufficient to cover its projected expenses (\$263,030) for fiscal year 2024. The Water Commissioners are in the process of analyzing water rates and are considering the adoption of a tiered water rate structure, where the largest users pay a higher rate, to ensure revenue is adequate for future operating and capital costs of the Water Department.

Financial Transfers, Capital Project Requests & Proposed Miscellaneous Appropriations

The Selectboard and Finance Committee are recommending the funding of two capital projects and one miscellaneous appropriation at the Annual Town Meeting. Please see “Fiscal Year 2024 Capital Project Recommendations” on page 12 of this booklet for a listing of the capital project recommendations from the Selectboard and Finance Committee.

Note: the number of capital projects for funding at the Annual Town Meeting is smaller than most previous years because the Selectboard voted to spend \$130,321 in American Rescue Plan Act funds on seven (7) capital projects and 1 non-capital expenditure.

The Annual Town Meeting warrant includes four transfer requests from available funds (FY22 Free Cash). The first request is to transfer \$225,000 from FY22 Free Cash to reduce the tax levy for fiscal year 2024 to reduce the tax burden on residents. The second request is to transfer \$20,000 from FY22 Free Cash into the Vehicle Stabilization Fund to save for future vehicle expenses. The third request is to transfer \$20,000 from FY22 Free Cash into the Town Buildings Stabilization Fund for future capital building expenses. The fourth request is to appropriate \$10,000 from FY22 Free Cash for costs associated with the hiring of a shared Conservation Agent for the Conservation Commission. Please see Article 13 in the “Explanation of Select Warrant Articles” on page 2 of this booklet for more information.

If voted on favorably at the Annual Town Meeting, the capital projects, transfers, and miscellaneous spending requests will be funded as shown in the table below:

Account Name	Initial Amount	Capital & Miscellaneous Spending Requests	Account Transfers	Balance Remaining
Fiscal Year 2022 Free Cash	\$583,823	(\$165,000)	(\$265,000)	\$153,823
General Stabilization Fund	\$361,280	\$0	\$0	\$361,280
Capital Stabilization Fund	\$242,930	\$0	\$0	\$242,931
Vehicle Stabilization Fund	\$40,563	\$0	\$20,000	\$60,563
Town Buildings Stabilization Fund	\$94,934	\$0	\$20,000	\$114,935
Enterprise Fund – Retained Earnings	\$18,833	\$0	\$0	\$18,833

Community Preservation Act (CPA) Projects

The Community Preservation Committee (CPC) is proposing three (3) projects, totaling \$46,761.15, for funding at the Annual Town Meeting. Please see Articles 21 through 23 in the Explanation of Select Warrant Articles on page 3 of this booklet for a description of the proposed projects. The CPC is also requesting that voters appropriate anticipated CPA revenue from fiscal year 2024 into each of the eligible savings accounts (historic preservation, affordable housing and open space) as well as the budgeted reserves account. The spending of CPA funds from these accounts requires a subsequent Town Meeting vote. The anticipated CPA revenue for fiscal year 2024 is \$190,000.

On the Horizon

The Town has yet to obtain any financial benefit from the legalization of marijuana, despite having agreed to eleven Host Community Agreements. We anticipate the first marijuana retailer to open sometime during fiscal year 2024 which should provide some additional general revenue for the Town.

A small study group is working with a consultant to explore ways to encourage appropriate growth and redevelopment in the commercial area around Exit 35 off I-91. Growth and redevelopment in this area, done correctly, has the potential to grow the town's tax base and generate additional revenue for the town.

The Town has received \$458,503 in American Rescue Plan Act (ARPA) funds that can be used for a wide range of municipal purposes. The Selectboard has obligated \$328,228 in ARPA funds already for a wide variety of projects and the remaining \$130,275 must be obligated by the Selectboard before December 31, 2024.

Respectfully Submitted,



Brian Domina

Whately Town Administrator

Fiscal Year 2024 - Comprehensive Budget Overview Document

Fiscal Year

Budget Overview	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
General Government (GG)	\$524,699.00	\$564,275.00	\$39,576.00	7.54%
Culture, Recreation, Services (CRS)	\$157,295.00	\$178,331.00	\$21,036.00	13.37%
Public Health (PH)	\$94,817.00	\$102,343.00	\$7,526.00	7.94%
Public Safety (PS)	\$428,296.00	\$488,323.00	\$60,027.00	14.02%
Public Works (PW)	\$429,765.00	\$453,739.00	\$23,974.00	5.58%
Insurance & Benefits (IB)	\$805,731.00	\$848,433.00	\$42,702.00	5.30%
Unclassifieds (U)	\$73,260.00	\$72,525.00	-\$735.00	-1.00%
Education (E)	\$3,167,611.00	\$3,262,580.00	\$94,969.00	3.00%
Debt Service (DS)	\$49,660.00	\$49,660.00	\$0.00	0.00%
Total Operating Budget	\$5,731,134.00	\$6,020,209.00	\$289,075.00	5.04%
Total Enterprise Fund (EF) Budget	\$407,023.00	\$263,030.00	-\$143,993.00	-35.38%

Budget Breakdown <i>(Town vs. Education)</i>	2023	2024	'23 to '24	'23 to '24
	Operating Budget	Operating Budget	\$ Difference	% Difference
Town Operations Budget	\$2,563,523.00	\$2,757,629.00	\$194,106.00	7.57%
Education Operating Budget	\$3,167,611.00	\$3,262,580.00	\$94,969.00	3.00%
Total Operating Budget	\$5,731,134.00	\$6,020,209.00	\$289,075.00	5.04%

FISCAL YEAR 2024 - CAPITAL PROJECT RECOMMENDATIONS (Capital Improvement Planning Committee, Selectboard & Finance Committee)

PRIORITY A: *Urgent, high priority projects that should be done if at all possible. A special effort should be made to find funding for all projects in this group.*

Project Name	Name of Department/Facility	Estimated Cost	Project Description	Source of Funding
Flooring replacement (pre-k restrooms)	Elementary School	\$10,000	To replace the existing tile flooring in the three (3) pre-k bathrooms with urethane flake flooring. Existing tile is original to the building, difficult to clean and showing wear.	American Rescue Plan Act (CLFRF) <i>(approved on May, 9, 2023)</i>
Window and chimney repair/restoration	Library	\$8,250	To scrape, sand, caulk and reglaze the deteriorated windows. A recent aerial inspection showed deterioration of the paint, glazing and wood around the windows. The inspection also noted that the chimney needs to be repointed and damaged bricks replaced.	American Rescue Plan Act (CLFRF) <i>(approved on May, 9, 2023)</i>
Electrical system and safety upgrades	Library	\$13,595	To perform electrical upgrades that includes the installation of additional receptacles, installation of electrical on-demand water heaters, and installation of electrical heat baseboards in the renovated bathrooms, along with the installation of a surge protector on the main electrical service. To perform plumbing upgrades necessary to connect the new on-demand water heaters.	American Rescue Plan Act (CLFRF) <i>(approved on May, 9, 2023)</i>
New dump truck and plow (Ford F550)	Highway Department	\$100,000	To replace the 2008 Ford F550 plow truck. This truck has 72,114 miles plus thousands of additional hours of operation. This truck is used for snow plowing which places additional strain on the truck.	Free Cash Fiscal Year 2022 <i>(Pending Town Meeting Approval on May 23, 2023)</i>
New pick up truck (Ford F150)	Highway Department	\$85,000	To replace the current 2013 Ford F150 truck. This truck has 81,282 miles with excessive rust and wear on the body of the truck.	Deferred
New tasers, body cameras and software	Police Department	\$55,000	To replace the tasers, body cameras and software currently used by the Police Department. Draft regulations being promulgated by the Peace Office Standards and Training Commission (POSTC) will render the Police Department's existing tasers, body cameras and software non-compliant.	Free Cash Fiscal Year 2022 <i>(Pending Town Meeting Approval on May 23, 2023)</i>
Christian Lane culvert - final design	Infrastructure	\$124,700	To finalize the design for the culvert on Christian Lane between State Road and the Fire Station. Preliminary engineering plans are complete with additional subsurface investigation needed to finalize the engineering plans for the abutments.	Deferred <i>(applied for CRMA grant)</i>

PRIORITY B: *High priority projects that should be done as funding becomes available*

Project Name	Name of Department/Facility	Estimated Cost	Project Description	Source of Funding
Replace communication pagers	Fire Department	\$15,000	To replace the existing communication pagers with new pagers that will operate on the new radio system operated by the State Police. The Fire Department's existing communication pagers will stop working when the FRCOG system is decommissioned.	American Rescue Plan Act (CLFRF) <i>(approved on May, 9, 2023)</i>
Cataloging town maps/plans	Town Records	\$13,000	To sort, catalogue and store the towns maps and plans. The first phase of this project sorted, catalogued and stored permanent town records, but did not include the maps and plans. This will complete the sorting, cataloguing and storage of the remaining items, mainly town maps and plans.	American Rescue Plan Act (CLFRF) <i>(approved on May, 9, 2023)</i>

PRIORITY C: *Worthwhile projects to be considered if funding is available; may be deferred to a subsequent year if needed*

Project Name	Name of Department/Facility	Estimated Cost	Project Description	Source of Funding
Install double lane batting cages	Athletic Fields (Herlihy)	\$12,000	To replace the existing batting cage located behind the pavilion at Herlihy Field with a new and larger batting cage that will allow use of the batting cage by two players simultaneously.	Deferred <i>(apply for CPA funds next year)</i>
Install surveillance system	Highway Garage - Transfer Station	\$12,000	To install surveillance cameras and a recording device to monitor the transfer station and highway garage yard to deter illegal dumping and increase overall security of the vehicles and equipment in that area.	Deferred

NO ACTION

Project Name	Name of Department/Facility	Estimated Cost	Project Description	Source of Funding
Install air conditioning	Elementary School	\$82,000	To install mini-split units in the classrooms to provide cooling in the summer months. The Committee felt that the project needs further development, further justification, an analysis of costs and alternatives and information on how the installation of the proposed equipment would affect the yearly operating budget of the school. The Committee wants more information about how the systems would integrate with the existing energy management system.	Deferred