

**ANNUAL TOWN MEETING
TOWN OF WHATELY
April 24, 2012**

Pursuant to the recorded warrant the annual meeting of the Town of Whately held at the Whately Elementary School, 273 Long Plain Road was called to order Tuesday, April 24, 2012 at 7:02 p.m. by Moderator Paul M. Fleuriel, Jr. Town Clerk, Lynn M. Sibley read the Constable's return of the warrant. Virginia Allis acted as checker and assigned voting placards to those voters attending the meeting. Attendance was 78 voters.

The Moderator appointed George Bucala and Georgeann Dufault to serve as counters. This meeting was being broadcast on Channel 15 as well.

Article 1. Upon motion made and seconded, it was

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

Carried with a majority vote

Recognition was made regarding the dedication of the 2011 Town Report to Lynn Sibley, Town Clerk and Town Administrator

Article 2. Upon motion made and seconded, it was

Voted to authorize the Town Treasurer with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2012, in accordance with the provisions of General Laws, Chapter 44, Section 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 General Laws, Chapter 44, Section 17.

Carried with a majority vote

Article 3. Upon motion made and seconded, it was

Voted to authorize the Town Treasurer, with the approval of the Board of Selectmen, to enter into compensating balance agreements with banking institutions having their principal offices in the Commonwealth during Fiscal Year 2013, as permitted by General Laws Chapter 44, Section 53F.

Carried with a majority vote

Article 4. Upon motion made and seconded, it was

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

Carried with a majority vote

Article 5. Upon motion made and seconded, it was

Voted to authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 s. 53 E ½ for the fiscal year beginning July 1, 2012.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY2013 Spending Limit	Disposition of FY13 Fund Balance	Spending Restrictions or Comments
Dog Licensing and Control Revolving Fund	Town Clerk, Animal Control Officer	Dog license fees, fines and late charges	Any lawful expense related to dog licensing, animal control officer operating expenses, or any expense related to the implementation of the town's Dog Control By-law	\$1,000	\$1,000 of balance available for expenditure, remainder to revert to General Fund	Funds may not be spent for the salaries of any full-time employees
Recreation Revolving Fund	Recreation Commission by majority vote of its membership	Sports program registration fees, building and park rental fees, donations and proceeds from fund-raisers	Any lawful expense related to the activities, programs, and facilities operated by the Recreation Commission	\$10,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees
Library Revolving Fund	Trustees of S. W. Dickinson Memorial Library, by majority vote of its membership	Fees from overdue books and videos and fees from copy machine use	Any lawful expense associated with the activities and programs of the S. W. Dickinson Memorial Library	\$1,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees
Public Hearings Revolving Fund	Town Clerk	Fees for costs of public hearings	Costs related to hearings: advertising, recording fees, and other expenses	\$2,500	Balance available for expenditure.	Funds may not be spent for the salaries of any full-time employees
Cordwood Sales Revolving Fund	Tree Warden, Highway Superintendent	Revenues from sale of cordwood.	Purchase of replacement trees on town property.	\$2,500	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees.
Cemetery Commissioner Revolving Fund	Cemetery Commissioners	Opening Graves Fees	Costs of contractor expenses for digging graves and commissioners expenses for burial	\$1,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees
Trench Permit	Highway Superintendent and Police Department	Trench Permit Fees	Costs of enforcement of Trench Permit Regulation	\$1,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees
Total Spending:				\$19,000		

Carried with a majority vote

Article 6. Upon motion made and seconded, it was

Voted to fix the salaries or compensation of the elected officers of the town for Fiscal Year 2013 as follows:

	FY13 (2.5% COLA)
Moderator	\$112.60
Selectmen - Chair	\$1,717.11
Members	\$1,576.36
Town Clerk	\$15,435.96
Assessors - Chair	\$1,717.11
Members	\$1,576.36
Water Commissioners	\$675.58
School Committee	\$330.41
Elector: Oliver Smith Will	\$10.00
Board of Health - Chair	\$816.33
Members	\$675.58
Constables	\$12.76 hr
Cemetery Commissioners - Sextons	\$11.58 hr
Opening Graves Fee	\$550/grave

There was one question regarding the Water Commissioners being included in this list due to the upcoming article on the Water Department Enterprise Fund. It was explained that this article is for setting the salaries but is not for the appropriation of any money.

Carried with a majority vote

Article 7. Motion was made and seconded to place the article on the floor for discussion. Paul Fleuriel, Jr., Moderator, asked to step down for the following two articles so that he may speak on behalf of the articles in his role as Water Commissioner and asked for nominations from the floor for a person to serve as Moderator for the next two articles. Adelia Bardwell nominated Donald Sluter. No other nominations were received. A vote was taken on the nomination of Donald Sluter to serve as Moderator for Article 7 and 8. The vote was in the affirmative.

Temporary Moderator Sluter invited discussion on this article. There were many questions regarding what an enterprise fund was and how it worked. Specifically there were questions on whether the Water Commissioners could still ask the town for money and it was confirmed that they could if it was beyond the means of the Enterprise Fund. It was also confirmed that the budget of the enterprise fund still needed town meeting approval. It was also confirmed that any debt that the town acquires for the Water Department can be paid back through the enterprise fund if it is within the means of the enterprise fund.

After all questions were answered, it was

Voted to accept the provisions of Chapter 44, §53F1/2 of the Massachusetts General Laws and establish a separate account to be classified as the “Water Department Enterprise Fund” effective with the Fiscal Year beginning July 1, 2012.

Carried by a majority vote

Article 8. Upon motion made and seconded, it was

Voted to raise water receipts and appropriate **\$91,670.25** of those receipts to operate the Water Department Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2012.

I. Water Enterprise Revenues	FY 2013
User Fees	\$91,670.25
Enterprise Available Funds	\$0.00
Investment Income	\$0.00
Total Revenues	\$91,670.25

II. Costs Appropriated for the Enterprise Fund

Direct Costs

Salaries	\$23,673.60
Operating expenses	\$26,450.00
Building Improvements	\$11,042.00
Total Costs Appropriated for Enterprise Fund	\$61,165.60

III. Costs Appropriated for General Fund to be charged to the Enterprise Fund

Indirect Costs

Health Insurance	\$13,680.00
Medicare & Social Security	1,105.00
Workers Comp. Ins.	560.00
Life Insurance	59.00
Retirement	3,616.75
Property Insurance	2,800.00
Selectmen's Office	1,183.00
Legal Counsel	515.00
Audit	180.00
Town Buildings	690.00
Treasurer/Collector Dept.	4,445.90
Town Vehicles Fuel	<u>1,670.00</u>
Total Costs Appropriated for the General Fund	30,504.65
Total Costs	\$91,670.25

Carried by a majority vote

Moderator Paul Fleuriel, Jr. took back the position of Moderator and continued the meeting.

Article 9. Upon motion made and seconded, it was

Voted to act on the report of the Finance Committee on the Fiscal Year 2013 budget and to raise and appropriate or transfer from available funds, money for the operation of the town's departments and the payment of debt service and all other necessary and proper expenses for the year. (Water Department Enterprise Fund costs are appropriated in Article 8)

Proposed Fiscal Year 2013 Budget

The Finance Committee recommends that the amounts shown in the column captioned "FY13 Finance Committee Recommendations with water removed" be raised and appropriated for FY13 department operating purposes, debt service and other town expenses.

**FY13 Finance
Committee
Recommendation
with Water
Removed**

Gen. Govt.

Selectmen's Office	66,845.00
Legal Counsel	9,785.00
Audit	5,820.00
Town Report	800.00
Town Bldg. Oper.	23,310.00
Town Clerk	23,900.00
Town Accountant	13,497.00
Payroll software	5,000.00
Payroll Preparation	3,258.00
Acct Software	1,000.00
Treasurer/Collector	40,013.10
Tax Takings	5,000.00
Assessors	31,460.00
Planning Board	1,825.00
Zoning Bd. Appeals	1,291.00
Finance Comm.	150.00
Moderator	145.00
Cons. Comm.	500.00
Historical Comm.	200.00
Agricultural Commission	200.00
Computer replacement	2,800.00
Connect CTY	2,400.00
Website Update	4,000.00
Housing Committee	200.00
Sub-Total:	243,399.10

Cult., Rec., Serv.

Tri-Town Beach	4,252.70
Recreation Comm.	8,200.00
Cemetery Comm.	4,528.00
Library	45,520.00
Council on Aging	9,533.00
Veterans	9,739.00

Sub-Total: 81,772.70

Public Health

Board of Health	2,415.00
Health Agent	14,388.00
Solid Waste Disp.	36,712.00
Hazardous Waste	800.00
FC Waste Dist.	4,094.00

Sub-Total: 58,409.00**Public Safety**

Fire	44,181.00
Ambulance	23,978.00
Police	151,598.00
Quinn Bill Incentive	3,890.00
Animal Control	2,576.00
Animal Inspection	443.00
Emergency Mgt.	1,055.00
FC Inspection Prog.	6,500.00

Sub-Total: 234,221.00

Public Works**Highway Dept.**

Salaries	113,098.00
Gen. Highways	73,600.00
Winter Roads	111,161.00
Road Machinery	20,955.00
Garage Maint.	5,880.00
Trees	5,000.00
Sub-Total:	329,694.00

Water Dept.

Salaries 2,630.40

Operations

Sub-Total: 2,630.40

Total Public Works 332,324.40

Ins. & Benefits

Prop. & Liab. Ins. 32,200.00

Emp. Health Ins. 363,360.00

Medicare & Soc. Sec. 21,895.00

Workers Comp. Ins. 13,440.00

Life 1,641.00

Unemp. Ins. 10,000.00

Retirement 119,188.25

Police & Fire Insurance 5,000.00

Personnel Recommend.

Division of Medicaid Assis. 1,500.00

Sub-Total: 568,224.25

Unclassified

Temp. Loan Int. 2,000.00

Reserve Fund 20,000.00

FR Council of Govt. 17,391.00

Physicals & Tests 936.00

Town Vehicles Fuel 31,680.00

Vaccinations

Educational Inc.(T.Clerk & T.C) 2,000.00

Sub-Total: 74,007.00

Total Town Govt.: 1,592,357.45

Schools**Elementary**

Operating 1,495,953.00

Transportation

Fixed Assets

Sub-Total:	1,495,953.00
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Frontier

Operating	877,587.00
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Exist. Cap. Costs	
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Transportation	22,089.00
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Sub-Total:	899,676.00
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FC Technical

Operating	135,202.00
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Sub-total:	135,202.00
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Smith Vocational Tuition	49,750.00
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Total Schools:	2,580,581.00
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Total Town & Sch:	4,172,938.45
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Long term-Debt

Frontier Bond	35,206.00
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Dump Truck	49,504.00
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Elementary Roof	
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Police Cruiser	
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Sub-Total:	84,710.00
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Total Operating Budget	4,257,648.45
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Carried with a majority vote

Article 10. Upon motion made and seconded, it was

Voted to authorize the Board of Assessors to transfer from Free Cash certified as of July 1, 2011 the sum of **\$35,000** to reduce the tax levy for FY2013.

Carried with a majority vote

Article 11. Upon motion made and seconded, it was

Voted to raise and appropriate the sum of **\$60,000** for sprinkler system repairs and upgrades at the Whately Elementary School.

Carried with a majority vote

Article 12. Upon motion made and seconded, it was

Voted to raise and appropriate the sum of **\$13,400** for piping modifications to the town's Water Department primary well.

Carried with a majority vote

There was one question regarding whether the Water Department Enterprise Fund recently voted should pay for this item. One of the Water Commissioners indicated that they would consider reimbursing the town for this expense from its Enterprise Fund.

Article 13. Upon motion made and seconded, it was

Voted to raise and appropriate the sum of **\$30,000** for the purchase of a new cruiser for the Whately Police Department.

Carried with a majority vote

Article 14. Upon motion made and seconded, it was

Voted to raise and appropriate the sum of **\$26,000** for the purchase of a new pick-up truck for the Whately Highway Department.

Carried with a majority vote

Article 15. Upon motion made and seconded, it was

Voted to raise and appropriate the sum of **\$20,000** for phase one of a Transfer Station repair project mainly to repair the area around the recycle bins.

Carried with a majority vote

Article 16. Upon motion made and seconded, it was

Voted to transfer from Free Cash to the Stabilization Account the sum of **\$100,000..**

2/3rd's vote required. Vote was 64 – 0

Article 17. Upon motion made and seconded, it was

Voted to transfer from Free Cash to the Capital Stabilization Account earmarked towards the future purchase of an ambulance the sum of **\$20,000.**

2/3rd's vote required. Vote was unanimous.

Article 18. Upon motion made and seconded, it was

Voted to transfer from Free Cash to the Capital Stabilization Account the sum of **\$50,000.**

2/3rd's vote required. Vote was unanimous.

The next seven articles were presented by the Community Preservation Committee (CPC). Alan Sanderson, Jr. Chair of the CPC did a PowerPoint presentation on their recommendations.

Article 19. Upon motion made and seconded, it was

Voted that the town hear and act, pursuant to G.L. c.44B, on the report of the Community Preservation Committee for the Fiscal Year 2013 Community Preservation Budget and 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 fiscal year beginning July 1, 2012, including debt service for any approved Community Preservation projects, with each item to be considered a separate appropriation:

Appropriations:

From FY 2013 estimated revenues for Committee Administrative Expenses	\$ 6,500
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Reserves:

From FY 2013 estimated revenues for Historic Resources Reserve	\$ 13,000
From FY 2013 estimated revenues for Community Housing Reserve	\$ 13,000
From FY 2013 estimated revenues for Open Space Reserve	\$ 13,000
From FY 2013 estimated revenues for Budgeted Reserve	\$ 80,000

Note: A friendly amendment was made to change the original motion regarding the appropriations and reserve amounts from FY 2012 to FY 2013.

Carried by majority vote.

Article 20. Upon motion made and seconded, it was

Voted, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Historic Preservation Reserves the sum of **\$1,600** for the replacement of Town Historic District Street signs indicating the boundaries of the Whately Center and West Whately National Register Districts, upon such terms and conditions as the Board of Selectmen shall deem appropriate.

Carried by majority vote

Article 21. Upon motion made and seconded, it was

Voted, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Historic Preservation Reserves the sum of **\$7,880** for archival preservation and restoration of Town of Whately vital record books under the direction of the Town Clerk.

Carried by majority vote

Article 22. Upon motion made and seconded, it was

Voted, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Historic Preservation Reserves the sum of **\$4,600** for creation of a Cemetery Master Plan using a professional preservation consultant under the direction of the Board of Selectmen.

Carried by majority vote

Article 23. Upon motion made and seconded, it was

Voted, pursuant to G.L. c.44B, to appropriate and transfer the sum of **\$2,167.35** from the Community Preservation Fund Historic Preservation Reserve and the sum of **\$52,832.65** from the Community Preservation Fund Budgeted Reserve for a total of **\$55,000** to be combined with \$6,000 appropriated in FY 2012 for painting, scraping and wood repair of the exterior of Town Hall, to preserve the exterior of the building.

Carried by majority vote.

Article 24. Upon motion made and seconded, it was

Voted, pursuant to G.L. c.44B, to appropriate and transfer from the Community Preservation Fund Open Space Reserves the sum of **\$18,660** as the town's match for a permanent Agricultural Preservation restriction on 15 acres of farmland on Christian Lane, Assessors Map 20 lot 10 currently owned by Donald A. Skroski, Frank E. Skroski, William Skroski, Charlotte Tenero and the Estate of John Skroski, upon such terms and conditions as the Board of Selectmen in consultation with the Agricultural Commission shall deem appropriate.

Carried by majority vote.

Article 25. Upon motion made and seconded, it was

Voted, pursuant to G.L. c.44B, to appropriate and transfer the sum of **\$8,066.35** from the Community Preservation Fund Open Space Reserves and from the Community Preservation Fund Budgeted Reserve the sum of **\$21,933.65** for a total of **\$30,000** as the town's match for a permanent Agricultural Preservation Restriction on 16.8 acres of farmland on Long Plain Road, Assessors Map 26 lot 23 currently owned by Scott Hutkoski and Wayne Hutkoski, upon such terms and conditions as the Board of Selectmen in consultation with the Agricultural Commission shall deem appropriate.

Carried by majority vote.

Article 26. Upon motion made and seconded, it was

Voted that the town enact as Chapter 149 of the Code of the Town of Whately General Bylaws, a bylaw entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code", including future editions, amendments or modifications thereto, with a concurrency start date of January 1, 2013 and a sole effective date of July 1, 2013.

Chapter 149

STRETCH ENERGY CODE

§149-1 Definitions

§ 149-2 Purpose

§ 149-3 Applicability

§ 149-4 Stretch Code

§ 149-1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 149-2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

§ 149-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

§ 149-4 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Whately General Bylaws, and will become Chapter 149 of these bylaws.

The Stretch Code is enforceable by the inspector of buildings or building commissioner.

Carried by majority vote.

Article 27. Upon motion made and seconded, it was

Voted to declare the 1997 Ford F800 Dump Truck which is estimated to have a value of over \$5000 as surplus property and authorize the Selectmen to dispose of said dump truck by obtaining sealed bids.

Carried by majority vote.

Article 28. Upon motion made and seconded, it was

Voted to allow the Selectmen to enter into a contract of greater than 3 years but less than six years for the lease of a copier for the Selectmen's Office .

Carried by majority vote.

Upon motion made and seconded it was voted to adjourn this Annual Town Meeting without date at 8:55 p.m.

A true record,

Attest:

Lynn M. Sibley, Town Clerk