

**ANNUAL TOWN MEETING
TOWN OF WHATELY
May 9, 2013**

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, May 9, 2013 at 7:00 p.m. by Town Clerk, Lynn M. Sibley. Town Clerk Lynn Sibley conducted an election for a Temporary Moderator as Moderator Paul Fleuriel, Jr. was unable to attend due to illness. Clerk Sibley appointed Kenneth Handfield and Andrew Ostrowski to serve as tellers to count votes.

Clerk Sibley entertained a motion to open nominations on the floor which was moved and seconded and voted in the affirmative. A nomination of Richard Smith was brought forth. Clerk Sibley asked for any additional nominations. There were none. Clerk Sibley entertained a motion to close nominations which was moved and seconded and voted in the affirmative. A vote electing Richard Smith as Temporary Moderator passed by a majority vote. Clerk Sibley swore the Temporary Moderator into office.

The Moderator laid out the rules of the meeting including speaking into a microphone for our listening public on Channel 15, having all amendments in writing, and allowing the School Superintendent Regina Nash and Business Manager Patricia Cavanaugh to speak before the meeting even though they are not registered voters. The Town Clerk 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 66 voters.

Article 1. Upon motion made and seconded, it was

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

Passed with a majority vote

Article 2. Upon motion made and seconded, it was

Voted that the Town 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, 2013, 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.

Passed with a majority vote

Article 3. Upon motion made and seconded, it was

Voted that the Town 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 2014, as permitted by General Laws Chapter 44, Section 53F.

Passed with a majority vote

Article 4. Upon motion made and seconded, it was

Voted that the Town 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.

Passed with a majority vote

Article 5. Upon motion made and seconded, it was

Voted that the Town authorize revolving funds for certain town departments under Massachusetts General Laws Chapter 44 s. 53 E ½ for the fiscal year beginning July 1, 2013.

Passed with a majority vote

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY2014 Spending Limit	Disposition of FY14 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
Recycling and Solid Waste Revolving Fund	Solid Waste Committee and Board of Health	Recycling Revenues	Any lawful expense associated with the operation of the Town's solid waste and recycling programs, membership in and services of the Franklin County Solid	\$15,000	Balance available for expenditure	Funds may not be spent for the salaries of any full-time employees

			Waste Management District and purchase of recycled content or environmentally preferable products.			
Total Spending:				\$34,000		

Article 6. Upon motion made and seconded, it was

Voted that the Town fix the salaries or compensation of the elected officers of the town for Fiscal Year 2014 as follows:

**FY14
(1.7% COLA)**

Moderator	\$114.51
Selectmen – Chair	\$1,746.30
Members	\$1,603.16
Town Clerk	\$15,698.37
Assessors – Chair	\$1,746.30
Members	\$1,603.16
Water Commissioners	\$687.07
School Committee	\$336.03
Elector: Oliver Smith Will	\$10.00
Board of Health – Chair	\$830.21
Members	\$687.07
Constables	\$12.98 hr
Cemetery Commissioners – Sextons	\$11.77 hr
Opening Graves Fee	\$550/grave

Passed with a majority vote

Article 7. Upon motion made and seconded, it was

Voted that the town appropriate **\$94,132.00** from the Water Department Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning July 1, 2013

I. Water Enterprise Revenues	FY 2014
User Fees	\$94,132.00
Enterprise Available Funds	\$0.00
Investment Income	\$0.00
Total Revenues	\$94,132.00

II. Costs Appropriated for the Enterprise Fund

Direct Costs	
Salaries	\$24,077.00
Operating expenses	\$37,820.00

Total Costs Appropriated for Enterprise Fund	\$61,897.00
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III. Costs Appropriated for General Fund to be charged to the Enterprise Fund

Indirect Costs

Health Insurance	\$13,680.00
Medicare & Social Security	1080.00
Workers Comp. Ins.	560.00
Life Insurance	60.00
Retirement	4,315.00
Property Insurance	3,040.00
Selectmen's Office	1,255.00
Legal Counsel	530.00
Audit	180.00
Town Buildings	720.00
Treasurer/Collector Dept.	4,618.00
Accountant	423.00
Harpers Payroll	50.00
Payroll Preparation	34.00
Town Vehicles Fuel	1,690.00
Total Costs Appropriated for the General Fund	\$32,235.00
Total Costs	\$94,132.00

Passed with a majority vote

Article 8. Motion was made and seconded that the town act on the report of the Finance Committee on the Fiscal Year 2014 budget and to raise and appropriate 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.

Proposed Fiscal Year 2014 Budget

The Finance Committee recommends that the amounts shown in the column captioned "FY14 Finance Committee Recommendations with water removed" be raised or appropriated for FY14 department operating purposes, debt service and other town expenses.

The budget was taken up in sections with questions asked as that particular budget was addressed. There were several questions on the increase in the ambulance and police budgets,

Amendment - Upon discussion of the Frontier Regional School Budget an amendment was proposed by William Smith, Frontier Regional School Committee member.

Motion made and seconded that the Frontier Operating budget be amended from \$877,100 to \$864,783 to reflect changes made by Frontier School Committee at their Special Meeting on April 24, 2013.

A vote was taken and the amendment passed with a majority vote

The rest of the budget was taken up and all questions answered.

The Moderator then took a vote on the original motion as amended.

Original motion as amended passed with a majority vote.

	FY14 Finance Committee Recommendation with Water Removed
<u>Gen. Govt.</u>	
Selectmen's Office	69,099.00
Legal Counsel	10,070.00
Audit	5,820.00
Town Report	800.00
Town Bldg. Oper.	23,280.00
Town Clerk	24,054.00
Town Accountant	13,655.00
Harpers Payroll	4,950.00
Payroll Preparation	3,280.00
Acct Software	1,000.00
Treasurer/Collector	41,556.00
Tax Takings	5,000.00
Assessors	34,060.00
Planning Board	1,841.00
Zoning Bd. Appeals	1,422.00
Finance Comm.	150.00
Moderator	150.00
Cons. Comm.	500.00
Historical Comm.	200.00
Agricultural Commission	1,500.00
Computer replacement	
Connect CTY	2,500.00
Website Update	
Housing Committee	200.00
Municipal Building Comm.	400.00
Sub-Total:	245,487.00
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<u>Cult., Rec., Serv.</u>	
Tri-Town Beach	4,253.00
Recreation Comm.	8,200.00
Cemetery Comm.	4,597.00
Library	48,159.00
Council on Aging	10,602.00
Veterans	9,739.00
Sub-Total:	85,550.00
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Public Health

Board of Health	2,505.00
Health Agent	13,636.00
Solid Waste Disp.	36,130.00
Hazardous Waste	800.00
FC Waste Dist.	4,650.00

Sub-Total: **57,721.00**

Public Safety

Fire	45,511.00
Ambulance	56,143.00
Police	162,999.00
Quinn Bill Incentive	4,333.00
Animal Control	3,310.00
Animal Inspection	449.00
Emergency Mgt.	1,025.00
FC Inspection Prog.	6,500.00

Sub-Total: **280,270.00**

Public Works**Highway Dept.**

Salaries	114,497.00
Gen. Highways	73,600.00
Winter Roads	118,823.00
Road Machinery	20,955.00
Garage Maint.	5,680.00
Trees	5,000.00
Sub-Total:	338,555.00

Water Dept.

Salaries	2,675.00
Operations	
Sub-Total:	2,675.00

Total Public Works **341,230.00**

Ins. & Benefits

Prop. & Liab. Ins.	34,960.00
Health Insurance -Town	101,320.00
Health Insurance - School	276,000.00
Medicare & Soc. Sec.	22,920.00

Workers Comp. Ins.	14,440.00
Life	1,740.00
Unemp. Ins.	1,000.00
Retirement	144,484.00
Police & Fire Insurance	6,000.00
Division of Medicaid Assis.	1,500.00
Sub-Total:	604,364.00

Unclassified

Temp. Loan Int.	2,000.00
Reserve Fund	20,000.00
FR Council of Govt.	19,574.00
Physicals & Tests	1,200.00
Town Vehicles Fuel	32,110.00
Vaccinations	
Educational Inc.(T.Clerk & T.C)	2,000.00
Sub-Total:	76,884.00

Total Town Govt.: **1,691,506.00**

Schools

Elementary

Operating	1,517,126.00
Transportation	
Fixed Assets	

Sub-Total: **1,517,126.00**

Frontier

Operating	864,783.00
Exist. Cap. Costs	
Transportation	22,493.00

Sub-Total: **887,276.00**

FC Technical

Operating	124,763.00
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Sub-total: **124,763.00**

Smith Vocational Tuition **32,000.00**

Total Schools: ***2,561,165.00***

Total Town & Sch: ***4,252,671.00***

Long term-Debt

Frontier Bond 25,953.00

Dump Truck 48,552.00

Elementary Roof

Police Cruiser

Sub-Total: ***74,505.00***

Total Operating Budget ***4,327,176.00***

Article 9. Upon motion made and seconded, it was

Voted that the Town raise and appropriate the sum of **\$12,000** to be used with \$2,000 in the Ambulance Donations account to purchase a power stretcher for the ambulance.

Passed with a majority vote

Article 10. Upon motion made and seconded, it was

Voted that the Town raise and appropriate the sum of **\$8,700** for improvements to the handicapped ramp and entrance to the S. W. Dickinson Library.

Passed with a majority vote

Article 11. Upon motion made and seconded, it was

Voted that the Town raise and appropriate the sum of **\$84,983** to be combined with \$87,906 of Community Preservation Funds voted under Article 18 for the architectural and engineering services from design to construction documents for the rehabilitation and addition at the Town Hall.

Article 12. Upon motion made and seconded, it was

Voted that the Town raise and appropriate \$20,653.75 as its share of the sum of \$67,500 for safety and security updates, \$5,750 for HVAC and electrical improvements, and \$30,000 for the replacement of a pick-up truck and \$30,000 for a student transport van for a grand total of \$133,250 for the Frontier Regional School District.

Allocated costs:

Conway \$17,242.55

Deerfield \$60,295.62

Sunderland \$35,058.08

Whately \$20,653.75

Total \$133,250.00

Passed with a majority vote

Article 13. Upon motion made and seconded, it was

Voted that the Town transfer from FY12 Free Cash to the Stabilization Account the sum of **\$50,000.00.**

Moderator declared that the vote passed with a clear 2/3rd's vote

Article 14. Upon motion made and seconded, it was

Voted that the Town transfer from FY12 Free Cash to the Capital Stabilization Account earmarked towards the future purchase of an ambulance the sum of **\$20,000.00.**

Moderator declared that the vote passed with a clear 2/3rd's vote

Article 15. Upon motion made and seconded, it was

Voted that the Town transfer from FY12 Free Cash to the Capital Stabilization Account the sum of **\$125,000.00.**

Moderator declared that the vote passed with a clear 2/3rd's vote

A presentation from the Community Preservation Committee preceded the next four articles.

Article 16. 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 2014 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, 2013, including debt service for any approved Community Preservation projects, with each item to be considered a separate appropriation:

Appropriations:

From FY 2014 estimated revenues for Committee Administrative Expenses	\$ 6,500
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Reserves:

From FY 2014 estimated revenues for Historic Resources Reserve	\$ 13,500
From FY 2014 estimated revenues for Community Housing Reserve	\$ 13,500
From FY 2014 estimated revenues for Open Space Reserve	\$ 13,500
From FY 2014 estimated revenues for Budgeted Reserve	\$ 88,000

Passed with a majority vote

Article 17. Upon motion made and seconded, it was

Voted that the Town, pursuant to G.L. c.44B, appropriate and transfer from the Community Preservation Fund Historic Preservation Reserves the sum of **\$2,000** for the conservation and remedial treatment for cemetery maps under the direction of the Cemetery Commissioners.

Passed with a majority vote

Article 18. Upon motion made and seconded, it was

Voted that the Town, pursuant to G.L. c.44B, appropriate and transfer the sum of **\$11,000** from the Community Preservation Fund Historic Preservation Reserves and **\$76,906** from the Community Preservation Fund budgeted reserve, for a total of \$87,906 to be combined with \$84,983 from the Capital Plan (Article 11) to be used for architectural and engineering services for the rehabilitation project at Town Hall under the direction of the Board of Selectmen from design through construction documents. (This article was contingent upon the passage of Article 11 which passed earlier in the meeting.)

Passed with a majority vote

Article 19. Upon motion made and seconded, it was

Voted that the Town, pursuant to G.L. c.44B, appropriate and transfer from the Community Preservation Fund Open Space Reserves the sum of **\$11,340** as the town's match for a permanent Agricultural Preservation restriction on 10+ acres of farmland on River Road, Assessors Map 7 lot 12 currently owned by Mary Lou Green upon such terms and conditions as the Board of Selectmen in consultation with the Agricultural Commission shall deem appropriate.

Passed with a majority vote

The Planning Board provided a brief presentation prior to the next three votes.

Article 20. Upon motion made and seconded, it was

Voted that the town amend the Code of Whately and the Whately Zoning Map dated March 31, 2010 and identified in Town of Whately Zoning Bylaws 171-4, to include Assessor's Map 32, Lots 44-1, 44, and 41 in the Commercial/Industrial District. (2) rezone the parcel on Assessors Map 20, Lot 10-1 on Christian Lane from Commercial/Industrial to Agricultural/Residential 1&2, (3) rezone two parcels on Map 25, parcels 25 and 26-2 to Commercial from Agricultural/Residential 1 to be consistent with their current status.

Moderator declared that the motion carried. Vote was unanimous.

Article 21. Upon motion made and seconded, it was

Voted that the town amend the Town of Whately Zoning Bylaws and the Code of Whately as follows:

(1) clarify the definition of the Agricultural/Residential District 1 by adding the underlined text below to Article 171-3:

Agricultural/Residential District 1 [amended ATM 4-27-2010, Art 11] extending 400 feet back from the right of way on any existing road providing Lot Frontage, (2) change the permitted height of Large-Scale Ground-Mounted Solar Electric structures from 35 feet to 25 feet by changing Article 171-28.5 G. (3) by deleting "35" and replacing it with "25" as shown below:

(3) Height of Structures

The height of any structure associated with a Large-Scale Ground-Mounted Solar Electric Installation shall not exceed 25 feet.

Moderator declared that the motion carried. Vote was unanimous.

Article 22. Upon motion made and seconded, it was

Voted that the town amend the Town of Whately Zoning Map dated March 31, 2010 by (1), removing the A/R1 zone from Interstate 91 and a number of driveways that were shown as town roads, (2) Adding five Commercial lots that had been omitted from the current zoning map; Map 32, Lots 7, 10, 11, 12, and 13.

Moderator declared that the motion carried. Vote was unanimous.

Article 23. Upon motion made and seconded, it was

Voted that the Town authorize the Board of Selectmen to enter into renewable energy purchase and/or net metering credit purchase agreements, including solar energy and related net metering credits, for terms of more than three years, and to take all actions necessary to implement and administer such agreements.

Passed with a majority vote

Article 24. Upon motion made and seconded, it was

Voted that the town amend the vote taken at the April 24, 2001 Annual Town Meeting under Article 29 by adding the following section to the end of the current Board of Health Non-Criminal Disposition bylaw.

Well Regulations

First Offense	\$100
Second Offense	\$200
Third Offense	\$300

Passed with a majority vote

Article 25. Upon motion made and seconded, it was

Voted on the following article petitioned by at least ten voters of the Town of Whately.

Whereas, Baystate Franklin Medical Center in Greenfield is the only hospital in Franklin County, the most rural county in Massachusetts;

Whereas, local access to a full-service community hospital is essential to the health and well-being of the residents of Franklin County; and,

Whereas, some important services previously available at Franklin Medical Center are now only available at Baystate Medical Center in Springfield; and,

Whereas, the lack of public transportation and the long distance between parts of Franklin County and Springfield presents a challenge for many residents; and,

Whereas, it is critical for the health of Franklin County residents that they have access to the broadest range of quality health care services in Franklin County,

Therefore be it resolved that the Town of Whately, calls upon Baystate Health System to commit all necessary resources to ensure the provision of all needed services and to commit to the long-term viability of a full-service community hospital at Baystate Franklin Medical Center which will meet the health care needs of the residents of Franklin County; and,

Be it further resolved that the Town Clerk be directed to send copies of this resolution to Mark Tolosky, President and Chief Executive Officer of Baystate Health System, and to Chuck Gijanto, President of Baystate Regional Markets.

Passed with a majority vote

Upon motion made and seconded it was voted to adjourn this meeting without date at 8:22 p.m.

A true copy,

Attest:

Lynn M. Sibley, CMC, CMMC
Town Clerk of Whately