ANNUAL TOWN MEETING TOWN OF WHATELY April 26, 2011

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 26, 2011 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 70 voters.

The Moderator appointed George Bucala and Frederick Orloski as counters. This meeting was being broadcast on Channel 15 as well.

Article 25. Motion was made and seconded to take up Article 25 out of order. This request was made due to the presence of Frontier's Counsel and their wish not to take too much of her time. Town Meeting voted in the affirmative to take this article out of order.

The following motion was made by Bill Smith and seconded. I move that the Town 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 Select boards 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 of one year; and the Town of Sunderland shall elect one additional member to serve for a term of one year. 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 members 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.

Discussion - The reason for this petitioned article was addressed by Bill Smith. The amendment would increase the Frontier Regional District School Committee from 9 to 11 resulting in a committee that consists of two each from Conway and Whately, three members from Sunderland and four members from Deerfield. This committee make-up would meet the law regarding proper representation based on population. Selectman Joyce Palmer Fortune explained why the Selectmen chose not to support this article or place it on the warrant without a petition. The Selectmen understand that the make-up of the school committee should be addressed however, they also feel that a discussion should be entertained on the funding formula that over the years has been dramatically detrimental to the Town of Whately. The Selectmen felt that the other towns are not taking Whately's concerns seriously and this seemed to be one way to get the attention of all the other town Select boards and School Committees. There was some discussion on what would happen if the town chose not to vote for this article. Donna MacNicol, Counsel for the School Committee explained that other school districts have been sued and forced to comply. Decisions made and votes taken by the School Committee can be determined to be illegal during the time that the committee has not had proper representation. Bill Smith explained that the formula that the town wants to change is set by the State and difficult to change. Nat Fortune spoke on the progress he has made to get the Chapter 70 formula changed on the elementary school level.

After much discussion, a motion was made to move the article and a vote taken. The vote to vote the article was approved. The vote on the original motion failed to pass with a vote of 14 for and 35 against.

Article 1. Upon motion made and seconded, it was

Voted that town accept the Annual Reports of the officers of the Town, and to hear any other reports of the Boards and Committees. (No reports were heard at this time)

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, 2011, 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.

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 2012, as permitted by General Laws Chapter 44, Section 53F.

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.

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 $\frac{1}{2}$ for the fiscal year beginning July 1, 2011 per the chart included in the copy of the posted warrant.

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY2012 Spending Limit	Disposition of FY12 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		

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 2012 as follows.

	FY12 (1% COLA)
Moderator	\$109.85
Selectmen - Chair Members	\$1,675.23 \$1,537.91
Town Clerk	\$15,059.47
Assessors - Chair Members	\$1,675.23 \$1,537.91
Water Commissioners	\$659.11
School Committee Elector: Oliver Smith Will	\$322.35 \$10.00
Board of Health - Chair	\$796.42
Members	\$659.11
Constables Cemetery Commissioners - Sextons	\$12.45 hr \$11.29 hr
Opening Graves Fee	\$550/grave

Article 7. Upon motion made and seconded, it was

Voted that the town act on the report of the Finance Committee on the Fiscal Year 2012 budget and voted that the amounts shown in the column captioned "FY12 Finance Committee Recommendations" be raised or appropriated or transferred from available funds for FY12 department operating purposes, debt service and other town expenses and let it be noted that the Police Cruiser and Highway Dump Truck debt will be contingent on a Proposition 2 ½ capital exclusion and debt exclusion vote.

Lynn Sibley, Town Administrator presented a Budget 101 PowerPoint presentation to explain how the town creates its budget. Several questions were asked.

	Voted for FY12	Contingent on Prop. 2 ½ Debt.
Gen. Govt.		Exclusion Vote
Selectmen's Office	\$66,655	
Legal Counsel	7,500	
Audit	6,000	
Town Report	1,300	
Town Bldg. Oper.	22,500	
Town Clerk	22,874	
Town Accountant	13,321	
Accounting Software Support	1,000	
Payroll Preparation	3,179	
Acct. Software Conversion	1,000	
Treasurer/Collector	42,570	
Tax Takings	5,000	
Assessors	29,811	
Planning Board	1,825	
Zoning Bd. Appeals	1,274	
Finance Comm.	150	
Moderator	140	
Cons. Comm.	500	
Historical Comm.	200	
Agricultural Commission	200	
Connect CTY	2,300	
Computer Replacement	4,000	
Sub-Total:	\$233,299	
Culture & Rec. Services		
Tri-Town Beach	\$4,067	
Recreation Comm.	8,000	
Cemetery Comm.	4,430	
Library	41,929	
Council on Aging	8,744	
Veterans	10,491	
Sub-Total:	\$77,661	

Public Health	Voted for FY12	Contingent on Prop. 2 ½ Debt.
Board of Health	\$2,415	
Health Agent	14,388	
Solid Waste Disposal.	36,141	
Hazardous Waste	800	
FC Waste Dist.	4,197	
Sub-Total:	\$ 57,941	
Sub-Total.	φ57, 94 1	
Public Safety		
Fire	\$41,800	
Ambulance	23,535	
Police	140,694	
Quinn Bill Incentive	4,103	
Animal Control	2,527	
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Animal Inspection	435	
Emergency Mgt.	1,025	
FC Inspection Program.	53,360	
Sub-Total:	\$267,479	
Public Works - Highway Dept.		
Salaries	\$107,176	
Gen. Highways	71,600	
Winter Roads	107,462	
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Road Machinery	20,955	
Garage Maint.	5,680	
Trees	6,000	
Total Highway Department	\$318,873	
Public Works - Water Dept.		
Salaries	24,574.20	
Operations	25,525	
Total Water Dept.	50,099.20	
Total Public Works	\$368,972.20	
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Ins. & Benefits	# 00 000	
Property & Liability Ins.	\$33,000	
Employee Health Ins.	372,075	
Medicare & Social Security	22,200	
Workers Comp. Ins.	12,500	
Life	1,600	
Unemployment Ins.	1,000	
Retirement	111,709	
Police & Fire Insurance	4,500	
Sub-Total:	\$558,584 .	
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	Voted for FY12	Contingent on Prop. 2 ½ Debt.
Unclassified		
Temp. Loan Interest	\$2,000	
Reserve Fund	20,000	
FR Council of Govt.	16,885	
Physicals & Tests	800	
Town Vehicles Fuel	29,000	
Educational Incentives (T. Clerk)	2,000	
Vaccinations	800	
Sub-Total:	\$71,485	
Total Town Govt.:	\$1,635,421.20	
Schools		
Elementary	\$1,457,760.00	
Frontier Operating	\$893,856	
Frontier Transportation	20,452	
Total Frontier	\$914,308	
Franklin County Tech. School	\$ 91,937	
Smith Vocational Tuition/Transportation	61,490	
Total Schools	\$2,525,495	
Debt		
Frontier Bond	44,777.00	
Elementary Roof	64,751.47	
Dump Truck	53,000.00	\$53,000.00
Police Cruiser	30,000.00	30,000.00
Sub-Total:	<i>\$192,528.47</i>	83,000.00
Total Operating Budget	\$4,353,444.67	83,000.00

Article 8. Upon motion made and seconded, it was

Voted that the Town authorize the Board of Assessors to transfer from Free Cash certified as of July 1, 2010 the sum of **\$100,000** to reduce the tax levy for FY2012.

Article 9. Upon motion made and seconded, it was

Voted that the Town transfer from Free Cash certified as of July 1, 2010 the sum of **\$5,000** for the purchase of a fire panel at the elementary school as part of the 2012 Capital Improvement Plan.

Article 10. Upon motion made and seconded, it was

Voted that the Town transfer from Free Cash certified as of July 1, 2010 the sum of **\$6,000** to scrape and paint the exterior of the Town Hall as part of the 2012 Capital Improvement Plan. (There was some discussion on the lead status of the paint on Town Hall.)

Article 11. Upon motion made and seconded, it was

Voted that the Town transfer from Free Cash certified as of July 1, 2010 the sum of \$25,000 for the repair/replacement of the septic system at the Highway Garage.

Article 12. Upon motion made and seconded, it was

Voted that the Town transfer from Free Cash certified as of July 1, 2010 the sum of \$18,765 for engineering services for the Emergency Mill River Stabilization Project for the protection of the water department wells.

Article 13. Upon motion made and seconded, it was

Voted that the Town raise and appropriate the sum of \$30,000 for Fiscal Year 2012 for the purchase of a police cruiser for the Police Department as part of the 2012 Capital Improvement Plan, provided that this appropriation be contingent on the approval of a Proposition 2½ capital expenditure exclusion under General Laws Chapter 59, § 21C(i1/2). (Per his authority the Moderator declared the vote carried by a 2/3 rd's vote and no meeting member disputed this declaration.)

Article 14. Upon motion made and seconded, it was

Voted that the Town raise and appropriate and borrow the sum of \$143,000 for the purchase of a dump truck with sander and plow for the Highway Department as part of the 2012 Capital Improvement Plan, and authorize the treasurer with the approval of the Selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44, \$7 (3a), or any other general or special law, for a period not to exceed 3 years, provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2 ½ debt exclusion referendum under General Laws Chapter 59, \$21C(k). (Per his authority the Moderator declared the vote carried by a 2/3 rd's vote and no meeting member disputed this declaration.)

Article 15. Upon motion made and seconded, it was

Voted that the Town transfer from Free Cash the sum of **\$45,000** to the Stabilization Account to replenish the amount taken for the Fire Station roof project. (Per his authority the Moderator declared the vote carried by a 2/3 rd's vote and no meeting member disputed this declaration.)

Article 16. Upon motion made and seconded, it was

Voted that the Town transfer from Free Cash certified as of July 1, 2010 the sum of \$20,000 to the Capital Stabilization Account earmarked towards the future purchase of an ambulance. (Per his authority the Moderator declared the vote carried by a 2/3 rd's vote and no meeting member disputed this declaration.)

Article 17. Upon motion made and seconded, it was

Voted that the Town 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 offices at Town Hall.

The next seven articles pertain to the Community Preservation Fund and the Community Preservation Committee conducted a PowerPoint of the projects that they have recommended.

Article 18. 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 2012 Community Preservation Budget and 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 2012, including debt service for any approved Community Preservation projects, with each item to be considered a separate appropriation:

Appropriations:

From FY 2012 estimated revenues for Committee Administrative Expenses	\$ 6,300
Reserves:	
From FY 2012 estimated revenues for Historic Resources Reserve	\$ 12,600
From FY 2012 estimated revenues for Community Housing Reserve	\$ 12,600
From FY 2012 estimated revenues for Open Space Reserve	\$ 12,600
From FY 2012 estimated revenues for Budgeted Reserve	\$ 80,000

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 Historic Preservation Reserves the sum of \$1,200 as a grant to the Whately Historical Society for the purpose of preserving by digitizing the Society's reel-to-reel, cassette and VHS oral histories on Compact Discs, pursuant to a grant agreement between the Board of Selectmen and the Historical Society, upon such terms and conditions as the Board of Selectmen shall deem appropriate.

Article 20. 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 \$6,279 for archival preservation and restoration of Town of Whately vital record log books under the direction of the Town Clerk.

Article 21. 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 **\$8,000** and the sum of **\$22,000** from the FY2012 CPC Estimated Annual Budgeted Reserves for a total of \$30,000 for architectural support to work with town committees to preserve, restore and rehabilitate the Town Hall, specifically, to formalize the designs of the building, parking and overall site, to make it functional for its intended use to hold consolidated town offices.

(There was considerable discussion regarding this article. Voters were concerned that the decision had been made to restore and rehabilitate Town Hall. It was explained that this study is to determine if the town hall is an appropriate building to renovate for this purpose.)

Article 22. 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 \$5,000 as a grant to the Franklin Land Trust to acquire a permanent Agricultural Preservation Restriction to be held by Franklin Land Trust on 8.5 acres of farmland on River Road, Assessors Map 21 lot 38 currently owned by Wanda Helstowski pursuant to a grant agreement between the Board of Selectmen and the Franklin Land Trust, upon such terms and conditions as the Board of Selectmen in consultation with the Agricultural Commission shall deem appropriate.

Article 23. Upon motion made and seconded, it was

Voted that the Town, pursuant to G.L. c.44B, appropriate and transfer from the FY2012 CPC Estimated Annual Budgeted Reserves the sum of \$38,000 as a grant to the Franklin Land Trust to acquire two permanent Agricultural Preservation Restrictions to be held by Franklin Land Trust on 133 acres of farmland described below, pursuant to a grant agreement between the Board of Selectmen and the Franklin Land Trust, upon such terms and conditions as the Board of Selectmen in consultation with the Agricultural Commission shall deem appropriate.

APR #1

89.5 acres currently owned by Paul Maiewski and Charles Maiewski Assessor Map 14, Lot 5 a 7.5 acre parcel off of Long Plain Road Assessor Map 14, Lot 21 a 65 acre parcel abutting River Road and Straits Road Assessor Map 27, Lot 13 a 13 acre parcel off of River Road Note: There is a 3 acre area that will not be included in the APR

APR #2

44 acres currently owned by Paul Maiewski and Charles Maiewski Assessor Map 13 lot 11 a 30 acre parcel abutting Long Plain Road Assessor Map 13 lot 11-1 a 14 acre parcel off of Long Plain Road

Article 24. Upon motion made and seconded, it was

Voted that the Town, pursuant to G.L. c.44B, appropriate and transfer from the FY2012 CPC Estimated Budgeted Reserves the sum of not more than \$5,000 to be expended by the Selectmen with recommendations from the Recreation Commission to purchase .98 acres of land (Assessors Map 27 lot 20) adjacent to Herlihy Park to expand the park for recreational use.

Article 25. Taken up first.

Article 26. Upon motion made and seconded, it was

Voted that the town amend the Code of the Town of Whately, Chapter 41, Property Sales of, Section 41-1, Authority to Sell Certain Property by deleting the current chapter and section in their entirety and by replacing the chapter with the following:

Chapter 41. Property, Sale Of

§ 41-1. Authority to sell certain property.

In accordance with Chapter 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. 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 the possession of the Police Departments which must be auctioned pursuant to G.L. c. 135, §8.

This procedure applies to all Town Departments, Board, Committees and Commissions of the Town of Whately.

- A. The Department Head, Board, Committee or Commission who 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 on said surplus 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 surplus 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 who 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. 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
 - H. Said proceeds of the sale of surplus supplies through either of the methods mentioned in section F above will be deposited into the General Fund.

Article 27. Upon motion made and seconded, it was

Voted that the town declare the 1986 Case, 580 SE backhoe which is estimated to have a value of over \$5000 as surplus property and authorize the Selectmen to dispose of said backhoe by obtaining sealed bids.

Article 28. Upon motion made and seconded, it was

Voted that the town approve the following Resolution to Seek Lower Electric Rates in a competitive market:

Resolution to Seek Lower Electric Rates in a Competitive Market

Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and

Whereas, the citizens of the Town of Whately in Franklin County have substantial economic, environmental, and social interests at stake; and

Whereas, Whately's residential and business consumers are interested in reducing their electricity rates;

Be it therefore resolved, that the Town Meeting of Whately grant the Board of Selectmen authority to develop and participate in a contract, or contracts, for power supply and other related services, independently, or in joint action with other municipalities through the Hampshire Council of Governments. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative service they desire; and

Be it further resolved, that the Board of Selectmen will appoint a representative for a committee to oversee such joint action.

Upon motion made and seconded, it was voted to adjourn without date at 9:12 p.m..

A true record,	
Attest:	
Lynn M. Sibley, CMMC, CMC	