

**ANNUAL TOWN MEETING
TOWN OF WHATELY
April 30, 2019**

Pursuant to the recorded warrant the annual meeting of the Town of Whately held at the Whately Old Town Hall, 194 Chestnut Plain Road was called to order Tuesday, April 30, 2019 at 7:00 p.m. by Moderator Richard Smith. Town Clerk, Lynn M. Sibley read the Constable's return of the warrant. Janet Scully acted as checker and assigned voting placards to those voters attending the meeting. Maximum attendance was 123 voters. The Moderator appointed Bill Smith and Fran Fortino to serve as counters. This meeting was being broadcast by FCAT as well.

Before the official business began Moderator Smith allowed a few announcements. Chair of the Selectboard, Jonathan Edwards, announced that he dedicated the 2018 Annual Report to the Community of People that made the renovation of the Town Hall possible. Fran Fortino spoke about the Whately Neighbors group which is designed to keep Whately residents in their homes and healthy as they age. Keith Bardwell spoke on the progress of the 250th Celebration Committee and the prototypes for pottery that are being displayed at this meeting. The Celebration Committee is looking for input as to which pieces of pottery they should offer for sale to support the upcoming celebration in 2021.

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.

Moderator declared article passed in the affirmative.

Article 2. Upon motion made and seconded, it was

Voted that the town authorize the Town Treasurer, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2019, in accordance with the provisions of G. L., c. 44, § 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 G.L. c. 44 § 17.

Moderator declared article passed in the affirmative

Article 3. Upon motion made and seconded, it was

Voted that the town authorize the Town Treasurer, with the approval of the Selectboard, to enter into compensating balance agreements with banking institutions having their principal offices in the Commonwealth of Massachusetts during the fiscal year beginning on July 1, 2019, as permitted by G.L. c. 44, § 53F.

Moderator declared article passed in the affirmative

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 Selectboard to borrow in anticipation of reimbursement.

Moderator declared article passed in the affirmative

Article 5. Upon motion made and seconded, it was

Voted that the town establish spending limits for the Town’s Revolving Funds as established by the Town’s General Bylaws, Chapter 46 – Revolving Funds, for the fiscal year beginning on July 1, 2019 as follows:

Revolving Fund Name	FY19 Spending Limit
Dog Licensing and Control Revolving Fund	\$2,000
Recreation Revolving Fund	\$20,000
Library Revolving Fund	\$1,000
Public Hearing Revolving Fund	\$4,000
Cordwood Sales Revolving Fund	\$2,500
Cemetery Commissioners Revolving Fund	\$1,000
Trench Permit	\$1,000
Recycling and Solid Waste Revolving Fund	\$15,000

Moderator declared article passed in the affirmative

Article 6: Upon motion made and seconded, it was

Voted to fix the salaries or compensation of the elected officers of the Town for the fiscal year beginning on July 1, 2019 as follows:

Position	Amount (2.25% COLA)
Moderator	\$129.53
Selectboard – Chair	\$1,975.24
Selectboard - Member	\$1,813.33
Town Clerk	\$23,403.83
Assessors – Chair	\$1,975.24
Assessors - Member	\$1,813.33
Water Commissioner	\$777.16
School Committee	\$374.44
Elector: Oliver Smith Will	\$11.16
Board of Health – Chair	\$939.05
Board of Health – Member	\$777.16
Constables	\$14.69/hour
Cemetery Commissioners – Sextons	\$15.05/hour
Opening Graves Fee	\$600/opening

Moderator declared article passed in the affirmative

Article 7. Upon motion made and seconded, it was

Voted that the town appropriate **\$176,732** or any other sum or sums of money from the Water Department Enterprise Fund to finance the operation of the Water Department for the fiscal year beginning on July 1, 2019 as follows:

	FY 2020
I. Water Enterprise Revenues	Enterprise Fund
Water Receipts	\$149,500.00
Hook-up Fees	\$30,000.00
Other Fees & Charges	\$2,500.00
Total Estimated Revenues	\$182,000.00
II. Expenses	
Direct Expenses	
Salaries	\$38,638.00
Operating expenses	\$84,600.00
Subtotal Direct Expenses	\$123,238.00
Indirect Expenses	
Selectboard & Administration	\$2,394.00
Legal Counsel/Financial Advisor	\$418.00
Audit	\$225.00
Town Building Operations	\$2,549.00
Town Accountant	\$648.00
Harpers Payroll	\$104.00
Treasurer/Collector	\$6,564.00
Property/Liability Insurance	\$6,000.00
Health Insurance	\$25,211.00
Medicare & Social Security	\$1,430.00
Workers Compensation Insurance	\$692.00
Life Insurance	.00
Retirement	\$5,859.00
Town Vehicles Fuel	\$1,400.00
Subtotal Indirect Expenses	\$53,494.00,
<i>(appropriated to the General Fund)</i>	
Total Costs	\$176,732.00

Moderator declared article passed in the affirmative

There was a brief PowerPoint presentation by Finance Committee Chair Paul Antaya prior to taking up the omnibus budget article.

Article 8: Upon motion made and seconded, it was

Voted to act on the report of the Finance Committee on the Fiscal Year 2020 Town Operating Budget and to raise and appropriate and/or transfer from available funds, money for the operation of the Town’s departments, boards, committees, agencies and officers, for the payment of debt service and for all other necessary and proper expenses for the fiscal year beginning on July 1, 2019 as follows:

(Note: Water Department Enterprise Fund costs are appropriated in Article 7)

Proposed Fiscal Year 2020 Budget

The Finance Committee recommends that the amounts shown in the column captioned “Fiscal Year 2020 Operating Budget” be raised or appropriated or transferred from available funds for Fiscal Year 2019 operating purposes, debt service and other Town expenses.

General Government (GG)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Selectboard & Administration	\$99,919.00	\$117,308.00	\$17,389.00	17.40%
Legal Counsel/Financial Advisors	\$20,482.00	\$20,482.00	\$0.00	0.00%
Town Offices-Supplies	\$2,750.00	\$3,500.00	\$750.00	27.27%
Audit	\$7,275.00	\$7,275.00	\$0.00	0.00%
Town Report	\$500.00	\$500.00	\$0.00	0.00%
Town Building Operations	\$66,493.00	\$82,427.00	\$15,934.00	23.96%
Town Clerk	\$39,384.00	\$40,133.00	\$749.00	1.90%
Town Accountant	\$19,988.00	\$20,968.00	\$980.00	4.90%
Harpers Payroll	\$5,292.00	\$5,096.00	-\$196.00	-3.70%
Accounting Software	\$750.00	\$750.00	\$0.00	0.00%
Treasurer/Collector	\$53,408.00	\$53,111.00	-\$297.00	-0.56%
Tax Takings	\$8,000.00	\$8,000.00	\$0.00	0.00%
Assessors	\$35,348.00	\$38,850.00	\$3,502.00	9.91%
Planning Board	\$2,135.00	\$2,184.00	\$49.00	2.30%
Zoning Board of Appeals	\$2,326.00	\$2,385.00	\$59.00	2.54%
Finance Committee	\$150.00	\$150.00	\$0.00	0.00%
Moderator	\$150.00	\$150.00	\$0.00	0.00%
Conservation Commission	\$500.00	\$500.00	\$0.00	0.00%
Historical Commission	\$200.00	\$200.00	\$0.00	0.00%
Agricultural Commission	\$1,500.00	\$1,500.00	\$0.00	0.00%
Computer - IT	\$5,000.00	\$5,250.00	\$250.00	5.00%
Connect CTY	\$2,600.00	\$2,500.00	-\$100.00	-3.85%
Website & Email Hosting	\$3,500.00	\$4,000.00	\$500.00	14.29%
Housing Committee	\$200.00	\$200.00	\$0.00	0.00%
Municipal Building Committee	<u>\$800.00</u>	<u>\$800.00</u>	<u>\$0.00</u>	<u>0.00%</u>
GG Subtotal	\$378,650.00	\$418,219.00	\$39,569.00	10.45%

Cultural, Recreation, Services (CRS)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Tri-Town Beach District	\$5,037.00	\$5,174.00	\$137.00	2.72%
Recreation Commission	\$10,000.00	\$10,570.00	\$570.00	5.70%
Cemetery Commission	\$7,695.00	\$8,477.00	\$782.00	10.16%
Library	\$69,728.00	\$74,784.00	\$5,056.00	7.25%
South County Senior Center	\$18,141.00	\$19,208.00	\$1,067.00	5.88%
Veterans	\$8,602.00	\$8,732.00	\$130.00	1.51%
Local Council on Aging	<u>\$500.00</u>	<u>\$500.00</u>	<u>\$0.00</u>	<u>0.00%</u>
CRS Subtotal	\$119,703.00	\$127,445.00	\$7,742.00	6.47%

Public Health (PH)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Board of Health	\$2,934.00	\$2,996.00	\$62.00	2.11%
Health Agent - Foothills Health District	\$17,111.00	\$18,155.00	\$1,044.00	6.10%
Solid Waste	\$44,252.00	\$46,541.00	\$2,289.00	5.17%
Hazardous Waste	\$1,000.00	\$1,200.00	\$200.00	20.00%
Franklin County Solid Waste Management District	<u>\$6,480.00</u>	<u>\$6,540.00</u>	<u>\$60.00</u>	<u>0.93%</u>
PH Subtotal	\$71,777.00	\$75,432.00	\$3,655.00	5.09%

Public Safety (PS)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Fire Department	\$62,288.00	\$62,933.00	\$645.00	1.04%
Ambulance - South County EMS	\$105,915.00	\$106,080.00	\$165.00	0.16%
Police Department	\$196,681.00	\$204,075.00	\$7,394.00	3.76%
Quinn Bill Incentive	\$5,292.00	\$5,424.00	\$132.00	2.49%
Animal Control	\$4,838.00	\$4,900.00	\$62.00	1.28%
Animal Inspection	\$518.00	\$528.00	\$10.00	1.93%
Emergency Management	\$950.00	\$950.00	\$0.00	0.00%
Franklin County Inspection Services	<u>\$7,500.00</u>	<u>\$7,500.00</u>	<u>\$0.00</u>	<u>0.00%</u>
PS Subtotal	\$383,982.00	\$392,390.00	\$8,408.00	2.19%

Public Works (PW)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
<u>Highway Department</u>				
Highway Salaries	\$130,210.00	\$136,222.00	\$6,012.00	4.62%
General Highways	\$78,600.00	\$79,200.00	\$600.00	0.76%
Winter Roads	\$128,015.00	\$132,979.00	\$4,964.00	3.88%
Road Machinery	\$21,000.00	\$21,000.00	\$0.00	0.00%
Garage Maintenance	\$7,500.00	\$8,300.00	\$800.00	10.67%
Trees	<u>\$5,500.00</u>	<u>\$5,500.00</u>	<u>\$0.00</u>	<u>0.00%</u>
PW Subtotal	\$370,825.00	\$383,201.00	\$12,376.00	3.34%

Insurance & Benefits (IB)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Property & Liability Insurance	\$47,610.00	\$69,000.00	\$21,390.00	44.93%
Group Health Insurance	\$443,959.00	\$418,789.00	-\$25,170.00	-5.67%
Medicare & Social Security	\$29,253.00	\$31,070.00	\$1,817.00	6.21%
Workers Compensation Insurance	\$16,948.00	\$18,008.00	\$1,060.00	6.25%
Life Insurance	\$1,000.00	\$1,000.00	\$0.00	0.00%
Unemployment Insurance	\$16,000.00	\$16,000.00	\$0.00	0.00%
Franklin County Retirement	\$173,817.00	\$189,444.00	\$15,627.00	8.99%
Police & Fire Injured on Duty Insurance	\$14,700.00	\$14,700.00	\$0.00	0.00%
OPEB Liability	\$25,000.00	\$25,000.00	\$0.00	0.00%
Division of Medicaid Assistance	<u>\$2,000.00</u>	<u>\$1,800.00</u>	<u>-\$200.00</u>	<u>-10.00%</u>
IB Subtotal	\$770,287.00	\$784,811.00	\$14,524.00	1.89%

Unclassifieds (U)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Temporary Loan Interest	\$1,000.00	\$1,000.00	\$0.00	0.00%
Reserve Fund	\$20,000.00	\$20,000.00	\$0.00	0.00%
Franklin Regional Council of Governments	\$19,940.00	\$19,586.00	-\$354.00	-1.78%
Physicals & Tests	\$1,500.00	\$1,500.00	\$0.00	0.00%
Town Vehicles Fuel	\$26,600.00	\$26,600.00	\$0.00	0.00%
Educational Incentives	<u>\$1,000.00</u>	<u>\$1,000.00</u>	<u>\$0.00</u>	<u>0.00%</u>
U Subtotal	\$70,040.00	\$69,686.00	-\$354.00	-0.51%

Schools (S)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Whately Elementary School				
Operating & Transportation Budget	<u>\$1,681,259.00</u>	<u>\$1,785,184.00</u>	<u>\$103,925.00</u>	<u>6.18%</u>
Subtotal Whately Elementary School	\$1,681,259.00	\$1,785,184.00	\$103,925.00	6.18%
Frontier Regional				
Operating Budget	\$907,679.00	\$926,097.00	\$18,418.00	2.03%
Capital Budget	\$0.00	\$0.00	\$0.00	0.00%
Transportation Budget	<u>\$16,555.00</u>	<u>\$38,283.00</u>	<u>\$21,728.00</u>	<u>131.25%</u>
Subtotal Frontier Regional	\$924,234.00	\$964,380.00	\$40,146.00	4.34%
Franklin County Technical School				
Operating Assessment	\$162,113.00	\$167,162.00	\$5,049.00	3.11%
Capital Assessment	<u>\$5,785.00</u>	<u>\$7,302.00</u>	<u>\$1,517.00</u>	<u>26.22%</u>
Subtotal Franklin County Technical School	\$167,898.00	\$174,464.00	\$6,566.00	3.91%
Smith Vocational High School				
Tuition	\$0.00	\$0.00	\$0.00	0.00%
Transportation	\$0.00	\$0.00	\$0.00	0.00%
Subtotal Smith Vocational High School	\$0.00	\$0.00	\$0.00	0.00%
Debt (D)	<u>Fiscal Year 2019</u>	<u>Fiscal Year 2020</u>	\$ Change (FY19-FY20)	% Change (FY19-FY20)
	Operating Budget	Operating Budget		
Long Term Debt				
None	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>0.00%</u>
Long Term Debt Subtotal	\$0.00	\$0.00	\$0.00	0.00%
Short Term Debt				
Dump Truck 2	\$47,012.00	\$0.00	-\$47,012.00	-100.00%
Fire Truck	<u>\$84,428.00</u>	<u>\$82,619.00</u>	<u>-\$1,809.00</u>	<u>-2.14%</u>
Short Term Debt Subtotal	\$131,440.00	\$82,619.00	-\$48,821.00	-37.14%

TOTAL OPERATING BUDGET	\$5,073,475.00	\$5,257,831.00	\$184,356.00	3.63%
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Moderator declared article passed in the affirmative

Financial Transfers

Article 9. Upon motion made and seconded, it was

Voted that the Town authorize the Board of Assessors to transfer the sum of **\$200,000** from FY18 Free Cash to reduce the tax levy for the fiscal year beginning on July 1, 2019.

Moderator declared article passed in the affirmative

Article 10. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$20,000** from FY18 Free Cash to the Vehicle Stabilization Fund.

Moderator declared article passed in the affirmative

Capital Project Appropriations & Authorizations

Article 11. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$7,500** from FY18 Free Cash to pay for the purchase of a new wood/oil furnace for the Highway Garage.

Moderator declared article passed in the affirmative

Article 12. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$35,000** from FY18 Free Cash to pay for the design of handicapped accessibility improvements at the S. White Dickinson Memorial Library.

Moderator declared article passed in the affirmative

Article 13. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$8,000** from FY18 Free Cash to pay for the purchase of new tires for the front-end loader to be used by the Highway Department.

Moderator declared article passed in the affirmative

Article 14. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$10,000** from the Vehicle Stabilization Fund to pay for the purchase of a used pick-up truck to be used by the Highway Department.

2/3rd vote required. Passed unanimously

Article 15. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$20,000** from the Water Department Enterprise Fund Retained Earnings to pay for the purchase of a new pick-up truck to be used by the Water Department.

Moderator declared article passed in the affirmative

Article 16. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$13,750** from FY18 Free Cash to pay for the purchase of new five-inch fire hoses to be used by the Fire Department.

Moderator declared article passed in the affirmative

Article 17. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$20,000** from FY18 Free Cash to pay for the installation of new tile flooring and area rugs at the Whately Elementary School.

Moderator declared article passed in the affirmative

Article 18. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$31,500** from FY18 Free Cash to pay for the installation of new siding and other exterior repairs at the Fire Station.

Moderator declared article passed in the affirmative

Article 19. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$15,000** from FY18 Free Cash to pay for the installation of new mini-split units for heating and cooling at the Whately Elementary School.

Moderator declared article passed in the affirmative

Prior to the next two votes there was a short presentation by the Whately Water District and Selectboard member Jonathan Edwards explaining the reasons for the articles and the funding sources to pay for it.

Article 20. Upon motion made and seconded, it was

Voted that the Town borrow up to **\$220,000** for the design and construction of a pumping station to be located off Chestnut Plain Road and associated pipes and infrastructure in order to connect the Whately Water District's water supply system to the Whately Water Department's water supply system, and for all costs incidental and related thereto, and to authorize the Treasurer, with the approval of the Selectboard, to issue any bonds or notes that may be necessary for that purpose, as authorized by G.L. c. 44, § 7 (1), or any other general or special law.

2/3rd vote required. Vote was unanimous.

Clerk's Note: There were several questions regarding this article. One question was why Free cash wasn't used. It was explained that the borrowing will be paid for by the Enterprise fund and free cash is general fund money. There were also questions regarding a proposed plan for those with a hardship of paying the \$5,000 hook-up fee and whether that hardship courtesy would be extended to those in the present Water Department. There was no answer to this question at this time although it was stated that most buildings hooking on to the present system are new construction and this cost is generally included in the building loan. There was also a question as to whether the Water District members are supportive of this merger and the Commissioners of that District indicated that at the Annual District meeting there was support.

Article 21. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$87,000** from the General Stabilization Fund to pay for the costs associated with upgrading the pumping station to be constructed off Chestnut Plain Road in order to provide sufficient water volume and flow for the water supply system to be used by the Fire Department for fire extinguishment purposes.

2/3rd vote required. Vote was unanimous.

Clerk's note: There was an explanation of the need for a pumping station because of the elevation of the Center of Town in relation to the water tank and pumping station facility. This particular article will upgrade the pumping station to provide sufficient water volume and flow for fire extinguishment purposes.

Miscellaneous Appropriations

Article 22. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$20,000** from FY18 Free Cash to be expended for the Whately 250th Anniversary Celebration.

Moderator declared article passed in the affirmative

Clerk's note: Susan Baron, 250th Celebration Co-Chair gave a short update on what the Committee has been doing and what the Town can expect over the next two years.

Article 23. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$4,800** from FY18 Free Cash to pay for health insurance plan change reimbursements required by G.L. c. 32B.

Moderator declared article passed in the affirmative

Article 24. Upon motion made and seconded, it was

Voted that the Town transfer the sum of **\$5,000** from FY18 Free Cash to pay for the design and engineering of sidewalks along Chestnut Plain Road.

Moderator declared article passed in the affirmative

Clerk's note: There were several questions regarding this article. Voters had questions as to where the sidewalks would go, who would maintain them, what is the liability and whether other Boards and Committees have had input. It was explained that this money would be used to design and engineer the sidewalks. There will be opportunities for input as to the location of the sidewalks and liability and maintenance will be determined after this design work is done.

Frontier Regional School District Capital Improvements Program – Debt Authorization

Article 25. Upon motion made and seconded, it was

Voted that the Town, pursuant to the provisions of G.L. c. 71 § 16(d), approve an authorization of debt, in the amount of \$1,826,664, as voted by the Frontier Regional School District Committee on April 4, 2019 to pay the costs of the Frontier Regional School District's Capital Improvements Program, including (i) the payment of \$630,000 to pay costs of designing and constructing a new track, including all related oversight, and (ii) \$1,196,664 to pay costs of various other capital improvements, including HVAC upgrades, upgrades in the library media center, carpet replacement, parking lot repaving and repairs of related parking structures, roof repairs and costs of oversight associated with each of the foregoing projects.

Moderator declared article passed in the affirmative

Clerk's note: It was made clear that the 4 towns within the district will share the costs per the capital formula. It is estimated that the debt will be between \$20,000 - \$25,000 a year for ten years for the Town of Whately.

Community Preservation Act Appropriations

Article 26. 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 2020 Community Preservation Budget and vote 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 the fiscal year beginning on July 1, 2019, including debt service for any approved Community Preservation project, with each item to be considered a separate appropriation:

Appropriations:

From FY20 estimated revenues for committee administrative expenses **\$ 7,500**

Reserves:

From FY20 estimated revenues for Open Space Reserve **\$19,100**

From FY20 estimated revenues for Affordable Housing Reserve **\$19,100**

From FY20 estimated revenues for Budgeted Reserve **\$61,300**

Debt Service

From FY20 estimated revenues for Town Hall Loan Debt Service **\$43,000**

Moderator declared article passed in the affirmative

Article 27. Upon motion made and seconded, it was

Voted that the Town, pursuant to G.L. c. 44B, appropriate and transfer the sum of **\$4,500** from the Community Preservation Fund Unreserved Fund Balance for the restoration of the circa 1938 advertising backdrop curtain owned by the Whately Historical Society and its mounting on the Town Hall stage.

Moderator declared article passed in the affirmative

Article 28. Upon motion made and seconded, it was

Voted that the Town, pursuant to G.L. c. 44B, appropriate and transfer the sum of **\$10,300** from the Community Preservation Fund Unreserved Fund Balance for the professional restoration of the circa 1891 historic Town safe now located in the west entrance of the Town Hall.

Vote was taken and passed 58 for to 30 against

Clerk's note: The Finance Committee voted not to recommend this article because no one came to a meeting to explain the article and that the safe is not going to be used as a safe but only as a part of an exhibit.

Acceptance and Acquisition of Ways as Town Ways

Article 29. Upon motion made and seconded, it was

Voted that the Town accept the layout of a portion of Poplar Hill Road as a public way in the location depicted on the plan entitled "Street Acceptance Plan of Land located in Whately Massachusetts," dated March 26, 2019, prepared by The Berkshire Design Group, Inc., as heretofore laid out by the Selectboard and filed with the Town Clerk, and to authorize the Selectboard to acquire by purchase, gift, eminent domain or otherwise the fee to and/or easements in said Poplar Hill Road as depicted on said plan and to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein.

2/3rd vote required. Vote was unanimous.

Real Property Transactions

Article 30. Upon motion made and seconded, it was

Voted that the Town authorize the Selectboard to acquire by gift, purchase or eminent domain an easement over a certain parcel of land located at 200 Chestnut Plain Road, Assessors Map 39 Lot 23, which easement is show on a sketch plan titled Town Hall Parking Easement, on file with the Town Clerk, upon such terms and conditions and for such consideration as the Selectboard deems to be in the best interest of the Town, and to appropriate a sum of money for this purpose.

2/3rd vote required. Vote was unanimous.

Acceptance of G.L. c. 59 § 5 (54) – Personal Property Tax Exemption

Article 31. Upon motion made and seconded, it was

Voted that the town accept the provisions of G.L. c. 59, § 5, clause (54) added by Chapter 159 § 114 of the Acts of 2000, to establish an exemption from taxation for personal property with an assessed value of less than \$5,000, beginning in Fiscal Year 2020.

Moderator declared article passed in the affirmative with one vote in opposition.

Authorization of Ten-Year Recycling Contract

Article 32. Upon motion made and seconded, it was

Voted that the town authorize the Selectboard to enter into a ten (10) year contract with the option for a five (5) year extension, commencing on July 1, 2020, with the qualified vendor selected by the Massachusetts Department of Environmental Protection through a competitive bid process, for recycling processing services for the Town, subject to the Selectboard’s determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding for these services.

Moderator declared article passed in the affirmative

Zoning Amendments

Prior to the Zoning articles being presented, Judy Markland of the Planning Board gave a brief presentation of the proposed changes and the reasons behind these changes.

Article 33. Planning Board members moved and seconded the article as presented on the Town Meeting warrant as follows:

Moved that the Town vote to amend the Town’s Zoning Bylaws by adding a new section § 171.21.2 Converted historic municipal, religious and commercial buildings, as follows:

Proposed additions shown in italics

~ 171-21.2. Converted historic municipal, religious and commercial buildings

The purpose of this section is to facilitate the preservation of historically important municipal, religious, and commercial buildings and to allow for their adaptive reuse. All of the following conditions apply:

- A. Buildings may be publicly or privately owned;*
- B. Buildings shall have served the general public and been in existence for at least 50 years, and shall be deemed historically significant by the Whately Historical Commission;*
- C. Potential Uses are listed in ~171-8. Table of Use Regulations;*
- D. Site Plan Review is required;*
- E. The dimensional requirements of §171-9.C. or 171.10 may be waived if there is no feasible alternative;*
- F. Parking and loading shall meet the requirements of §171-13 to the extent feasible;*
- G. Septic systems must be adequate for the proposed use;*

- H. *More than 3 dwelling units may be allowed in a converted historic building if there is sufficient off-street parking and adequate water supply and wastewater treatment;*
- I. *No additions to the existing structure shall be allowed except for required egress and access; and*
- J. *Uses must have all the necessary state and local licenses and approvals for the use.*

The Planning Board then moved an amendment to the original motion as follows:

Amend the original motion that the Town vote to amend the Town's Zoning Bylaws by adding a new section § 171.21.2 Converted historic municipal, religious and commercial buildings, as follows with the amendment in italics and bold:

Proposed additions shown in italics

~ 171-21.2. Converted historic municipal, religious and commercial buildings

The purpose of this section is to facilitate the preservation of historically important municipal, religious, and commercial buildings and to allow for their adaptive reuse. All of the following conditions apply:

- A. *Buildings may be publicly or privately owned;*
- B. *Buildings shall have served the general public and been in existence for at least 50 years, and shall be deemed historically significant by the Whately Historical Commission;*
- C. *Potential Uses are listed in ~171-8. Table of Use Regulations;*
- D. *Site Plan Review is required;*
- E. *The dimensional requirements of §171-9.C. ~~or~~ 171.10, **~171-20 and ~171-28.4F** may be waived if there is no feasible alternative, **although increases in lot density ratio in Aquifer Overlay Districts are discouraged;***
- F. *Parking and loading shall meet the requirements of §171-13 to the extent feasible;*
- G. *Septic systems must be adequate for the proposed use;*
- H. *More than 3 dwelling units may be allowed in a converted historic building if there is sufficient off-street parking and adequate water supply and wastewater treatment;*
- I. *No additions to the existing structure shall be allowed except for required egress and access; and*
- J. *Uses must have all the necessary state and local licenses and approvals for the use.*

Vote on the amendment passed by majority vote per the Moderator.

It was then voted that the Town amend the Town's Zoning Bylaws by adding a new section § 171.21.2 Converted historic municipal, religious and commercial buildings, as follows as amended:

~ 171-21.2. Converted historic municipal, religious and commercial buildings

The purpose of this section is to facilitate the preservation of historically important municipal, religious, and commercial buildings and to allow for their adaptive reuse. All of the following conditions apply:

- A. Buildings may be publicly or privately owned;
- B. Buildings shall have served the general public and been in existence for at least 50 years, and shall be deemed historically significant by the Whately Historical Commission;
- C. Potential Uses are listed in ~171-8. Table of Use Regulations;
- D. Site Plan Review is required;

- E. The dimensional requirements of §171-9.C., 171.10, ~171-20 and ~171-28.4F may be waived if there is no feasible alternative, although increases in lot density ratio in Aquifer Overlay Districts are discouraged;
- F. Parking and loading shall meet the requirements of §171-13 to the extent feasible;
- G. Septic systems must be adequate for the proposed use;
- H. More than 3 dwelling units may be allowed in a converted historic building if there is sufficient off-street parking and adequate water supply and wastewater treatment;
- I. No additions to the existing structure shall be allowed except for required egress and access; and
- J. Uses must have all the necessary state and local licenses and approvals for the use.

2/3rd vote required. Moderator declared that the vote passed with a clear 2/3rd vote

Article 34. Planning Board moved the article as presented on the Town Meeting Warrant as follows:

Moved that the Town vote to amend the Town’s Zoning Bylaws, § 171-8 Table of Use Regulations, to add a new use listing under the Commercial Use category, as follows:

Proposed additions shown in italics

Commercial Uses	Agriculture/ Residential (1)	Agriculture/ Residential (2)	Commercial	Commercial – Industrial	Industrial
<i>Conversion of an Historic (50 years or older) Municipal, Religious or Commercial Structure(s) on one lot to one or more of the following uses: Municipal Uses, Retail Stores (no greater than 2,000 square feet of floor space), Business or Professional Offices, Eat-in Restaurants, Artisan Studios, or Residential Uses within the existing building footprint (see § 171-21.2)</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>N</i>

The Planning Board then moved an amendment to the original motion as follows:

Moved that the Town vote to amend the Town’s Zoning Bylaws, § 171-8 Table of Use Regulations, to add a new use listing under the Commercial Use category, as follows with the amendment in Bold, italicized and underlined:

Proposed additions shown in italics

Commercial Uses	Agriculture/ Residential (1)	Agriculture/ Residential (2)	Commercial	Commercial – Industrial	Industrial
<i>Conversion of an Historic (50 years or older) Municipal, Religious or Commercial Structure(s) on one lot to one or more of the following uses: Municipal Uses, Retail Stores (no greater than 2,000 square feet of floor space) <u>except those primarily selling alcoholic beverages, marijuana products, firearms, or vape products.</u> Business or Professional Offices, Eat-in Restaurants, Artisan Studios, or Residential Uses within the existing building footprint (see § 171-21.2)</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>N</i>

Vote on the amendment passed by a majority vote

Then a vote was taken on the article as amended, as follows:

The Town voted to amend the Town’s Zoning Bylaws, § 171-8 Table of Use Regulations, to add a new use listing under the Commercial Use category, as amended as follows:

Commercial Uses	Agriculture/ Residential (1)	Agriculture/ Residential (2)	Commercial	Commercial – Industrial	Industrial
<i>Conversion of an Historic (50 years or older) Municipal, Religious or Commercial Structure(s) on one lot to one or more of the following uses: Municipal Uses, Retail Stores (no greater than 2,000 square feet of floor space) except those primarily selling alcoholic beverages, marijuana products, firearms, or vape products. Business or Professional Offices, Eat-in Restaurants, Artisan Studios, or Residential Uses within the existing building footprint (see § 171-21.2)</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>N</i>

2/3rd vote required. Moderator declared that the vote passed with a clear 2/3rd vote

Article 35. Upon motion made and seconded, it was

Voted that the Town amend the Town's Zoning Bylaws by deleting the existing § 171-22, Tourist homes/bed-and-breakfast establishments, and replacing it with a new § 171-22, Short-term rentals in Accessory Apartments, and Single-family, Two-family & Multi-family dwellings, as follows:

<p><i>Proposed additions shown in italics</i> Proposed deletions shown in strikeout</p>
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~~171-22. Tourist homes/bed-and-breakfast establishments.~~

~~The use of a single family structure for a tourist home/bed and breakfast establishment may be allowed under special permit from Zoning Board of Appeals, provided that the following conditions are complied with:~~

- ~~A. The single family structure must be owner-occupied.~~
- ~~B. No more than three rooms may be rented for transient occupancy.~~
- ~~C. Rooms rented for transient occupancy shall be without individual kitchen facilities and may have either private or shared bathroom facilities.~~
- ~~D. All rooms share a common entrance.~~
- ~~E. The portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a single family residence and shall not change the external character of the building.~~
- ~~F. One parking space shall be provided for each room.~~
- ~~G. Smoke detectors shall be provided for all floors, as required by the Building Inspector.~~
- ~~H. Adequate access to and from all floors shall be provided, as required by the Building Inspector.~~
- ~~I. The premises shall be inspected annually by the Building Inspector, with an inspection fee to be paid by the owner.~~

~171-22. Short-term rentals in Accessory Apartments, and Single-family, Two-family & Multifamily dwellings

The purpose of this section is to allow for short-term rentals while ensuring public safety, preventing possible nuisances for abutters, and preserving the rural character of the town. Rentals for a period of less than 30 days may be allowed in residential units under a Special Permit from the Zoning Board of Appeals subject to the conditions outlined below. All such rentals must comply with all applicable Board of Health regulations. This section does not apply to property that is rented out through monthly tenancies at will or leases or to time share agreements.

- A. *Short-term rentals in Dwellings that are owner-occupied.*
 - (1) *No more than three bedrooms may be rented for transient occupancy.*
 - (2) *Rooms rented for transient occupancy shall not have independent kitchen facilities and may have either private or shared bathroom facilities.*
 - (3) *All bedrooms within the dwelling itself shall share a common entrance.*

- (4) *The portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a Single-family dwelling and shall not change the external character of the building.*
 - (5) *The Special Permit shall establish a limit on the number of occupants permitted under the rental agreement and establish the number of required parking spaces.*
 - (6) *One off-street parking space shall be provided for each room to be rented.*
 - (7) *No loud noise or music, excessive traffic or other disturbances shall be allowed.*
 - (8) *The rental may, or may not, include breakfast. No meals other than breakfast may be served, and breakfast may be served only to overnight guests. The owner or leaseholder must obtain all State and local permits and licenses required to provide food services if breakfast is served on the premises.*
 - (9) *The owner must have all the necessary state and local licenses and approvals for the short term rental.*
- B. Short-term rentals in Dwellings that are not owner-occupied.*
- (1) *The rental may be for a dwelling unit that is an Accessory Apartment or Single-family home or for one or more dwelling units within a Two-family or Multi-family dwelling.*
 - (2) *Tenant(s) may not sublet the property or hold special functions such as weddings or large parties.*
 - (3) *The property shall not be rented under the provisions of this section for more than 120 days per year.*
 - (4) *All bedrooms within the dwelling unit shall share the same entrance and the same kitchen facilities.*
 - (5) *Rooms rented for transient occupancy may be located within a detached structure (Accessory Apartment) on the property which may have a bathroom and separate kitchen facilities.*
 - (6) *Adequate potable water and wastewater treatment shall be provided.*
 - (7) *The bathrooms may be shared or private.*
 - (8) *No changes shall be made to the external character of the building(s).*
 - (9) *The Special Permit shall establish a limit on the number of people to be permitted for overnight occupancy under the rental agreement and establish the number of required parking spaces.*
 - (10) *No meal service is to be provided.*
 - (11) *No loud noise or music, excessive traffic or other disturbances shall be allowed.*
 - (12) *The owner must have all the necessary state and local licenses and approvals for the short term rental.*

2/3rd vote required. Moderator declared article passed by a clear 2/3rd vote.

Article 36. Upon motion made and seconded, it was

Voted that the Town amend the Town’s Zoning Bylaws § 171-8, Table of Use Regulations, regarding classification of lodging houses and boarding houses, as follows:

Proposed additions shown in italics
Proposed deletions shown in ~~strikeout~~

Residential Uses	Agriculture/ Residential (1)	Agriculture/ Residential (2)	Commercial	Commercial – Industrial	Industrial
Lodging houses or boarding houses (not part of a residential dwelling)	SP	N	SP	SP	N

<i>Commercial Uses</i>	<i>Agriculture/ Residential (1)</i>	<i>Agriculture/ Residential (2)</i>	<i>Commercial</i>	<i>Commercial – Industrial</i>	<i>Industrial</i>
<i>Lodging houses or boarding houses (not part of a residential dwelling)</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>N</i>

2/3rd vote required. Moderator declared the article passed by a clear 2/3rd vote.

Voter submitted petition

Article 37. Upon motion made and seconded, it was

Voted that the town pass the following resolution.

Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled over Myles Standish's own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Euro-Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a “fine specimen of an Indian,” though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of the Commonwealth;

And whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

Whereas the land area now known as the Town of Whately shares a rich Native history with modern tribal Nations like the Mohican and the Abenaki, and tribal groups such as the Nonotuck, Norwottuck, and Pocumtuck who frequented this area for thousands of years before the first colonial settlers arrived, in 1672;

Now, therefore, **BE IT RESOLVED** that the Town of Whately hereby adopts this resolution in support of H.2776 and S.1877, a “**Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth,**” and requests that Representative Natalie Blais and Senator Jo Comerford continue their strong advocacy and support for the aforementioned Resolve (H.2776 and S.1877) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

Moderator declared the article passed in the affirmative with a vote of 38 for and 31 against.

Clerk's note: There was much discussion on this article. The petitioner was not present to discuss. There were concerns about what the two bills mentioned in the article actually state.

Voted to adjourn without date at 9:40 p.m.

A true record,

ATTEST:

Lynn M. Sibley, MMC, CMMC
Town Clerk