

ADJOURNED ANNUAL TOWN MEETING MAY 21, 2018

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PROCEEDINGS

The meeting was called to order and declared open by the Moderator, George A. Balko III, at 7:08 p.m. at Wachusett Regional High School. The salute to the flag followed. There were 201 registered voters present. Nineteen persons without voting privileges were present. The Moderator waived the reading of the warrant.

ARTICLE 1. To choose a Moderator for said meeting. No action being necessary, the Article was **passed over**.

ARTICLE 2. This Article having been acted upon previously, **no action was necessary** (election of officers). The Moderator announced the newly elected officers.

ARTICLE 3. **No action was necessary under this Article.** Moderator Balko noted that the Annual Town Report contained the reports of Town Officers, Boards, Commissions, and Committees. The 2017 Annual Town Report was dedicated to Brian R. Forts, Esq. A long time community volunteer.

ARTICLE 4. On motion made by John Lambert it was **voted by a majority** that the Town, in accordance with Section 108 of Chapter 41 of the General Laws as amended, vote to fix the salaries and compensation of elective Town officers for the ensuing year as follows:

Moderator	\$100.00
Selectman-Chairman	1,150.00
2 nd Member	1,000.00
3 rd Member	1,000.00
4 th Member	1,000.00
5 th Member	1,000.00
Trustees of Damon Memorial - 6 Members	None
Wachusett Regional School District Committee – 10 Members	None

ARTICLE 5. On motion made by John Lambert it was **unanimously voted** that the Town take no action under this article.

David White and Christopher Lucchessi each spoke briefly concerning the status of the budget.

ARTICLE 6.

#1 – On motion made by Christopher Lucchessi it was **voted unanimously** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$6,240,364 for the proposed budget for GENERAL GOVERNMENT, item 1, substantially as shown on page 4 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2019 BUDGET” under the heading “FY 2019 RECOMMENDED” and to raise said sum by transferring \$49,000 from the Water/Sewer Enterprise fund receipts for indirect costs, by transferring \$12,400 from the Solid Waste Enterprise fund receipts for indirect costs, by transferring \$50,000 from Overlay Surplus and by raising and appropriating \$6,128,964 to cover the balance; and to further authorize the Town Manager to transfer from the Town Manager Salary & Wages account various sums to the Salary & Wages accounts of other Town Departments, as the Town Manager may deem advisable to effect adjustments of salaries and wages in the ensuing fiscal year.

#2 – On motion made by Christopher Lucchessi it was **unanimously voted** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$5,618,642 for the proposed budget for GENERAL GOVERNMENT DEBT, item 2, substantially as shown on page 5 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2019 BUDGET” under the heading “FY 2019 RECOMMENDED” and to raise said sum by transferring \$1,541 from the reserved bond premium in the hands of the Treasurer, and by raising and appropriating \$5,617,101 to cover the balance.

#3 – On motion made by Christopher Lucchessi it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$5,472,541 for the proposed budget for PUBLIC SAFETY, item 3,

substantially as shown on page 5 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2019 BUDGET" under the heading "FY 2019 RECOMMENDED" and to raise said sum by transferring \$25,000 from the Wachusett Fund, and by raising and appropriating \$5,447,541 to cover the balance.

#4 – On motion made by Donald Graves it was **unanimously voted** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$2,890,526 for the proposed budget for PUBLIC WORKS, item 4, substantially as shown on page 6 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2019 BUDGET" under the heading "FY 2019 RECOMMENDED" and to raise said sum by transferring \$33,400 from the Water/Sewer Enterprise fund receipts for indirect costs, transferring \$5,000 from the Perpetual Care Trust Fund, and by raising and appropriating \$2,852,126 to cover the balance.

#5 – On motion made by Donald Graves it was **unanimously voted** that the Town appropriate, to pay direct debts and charges for the ensuing year, the sum of \$7,895,590 and to transfer the sum of \$82,400 to the general fund to cover indirect costs for the ensuing year for a total appropriation of \$7,977,990 for the proposed budget for the WATER/SEWER ENTERPRISE FUND, item 5, substantially as shown on page 6 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2019 BUDGET" under the heading "FY 2019 RECOMMENDED" and to meet said appropriation by transferring \$1,310,000 from Water/Sewer free cash in the hands of the Treasurer and raising the sum of \$6,667,990 through fees and charges.

#6 – On motion made by Marilyn Foley it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$360,167 for the proposed budget for HUMAN SERVICES, item 6, substantially as shown on page 6 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2019 BUDGET" under the heading "FY 2019 RECOMMENDED."

#7 – On motion made by David White it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$835,988 for VOCATIONAL EDUCATION which is a part of the Proposed Education Budget, item 7, as printed on page 7 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2019 BUDGET" under the heading "FY 2019 RECOMMENDED."

#8 – On motion made by Marilyn Foley it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$889,951 for the proposed budget for CULTURE, item 8, substantially as shown on page 7 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2019 BUDGET" under the heading "FY 2019 RECOMMENDED."

#9 – On motion made by Joseph Dolak it was **unanimously voted** that the Town appropriate, to pay direct debts and charges for the ensuing year, the sum of \$1,287,387 and to transfer the sum of \$12,400 to the general fund to cover indirect costs for the ensuing year for a total appropriation of \$1,299,787, for the proposed budget for the SOLID WASTE ENTERPRISE FUND, item 9, substantially as shown on page 7 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE FY 2018 BUDGET" under the heading "FY 2018 RECOMMENDED" and to meet said appropriation by transferring \$36,000 from Solid Waste free cash in the hands of the Treasurer and raising \$1,263,787 through fees and charges.

ARTICLE 7. On motion made by Alan Berg it was **unanimously voted** that the Town raise and appropriate the sum of \$21,299,355 for the Town's share of the costs and expenses of the Wachusett Regional School District for the ensuing fiscal year, such sum to include the Town's so-called required Local Minimum Contribution, debt service and transportation, such amount to be paid to the Wachusett Regional School District.

ARTICLE 8. On motion made by Alan Berg it was **unanimously voted** that the Town raise and appropriate the sum of \$6,787,692 for the Town's share of the costs and expenses of the Wachusett Regional School District for the ensuing fiscal year to supplement the appropriation made under Article 7 of the warrant for this Town Meeting, it being understood that by appropriating \$6,787,692 under this Article 8 and \$21,299,355 under Article 7 of the warrant for this Town Meeting, for a total appropriation by the Town to the Wachusett Regional School District of \$28,087,047, the Town thereby approves a budget of \$94,209,452 for the fiscal year 2019 for the Wachusett Regional School District.

ARTICLE 9. On motion made by Donald Graves it was **unanimously voted** that the Town transfer and appropriate from available funds in the hands of the Treasurer the sum of \$100,000 to be added to the Department of Public Works Depreciation Fund, created by Chapter 328 of the Acts of 2000.

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ARTICLE 10. On motion made by Donald Graves it was **unanimously voted** that the Town accept and authorize the expenditure of all monies to be received from the Commonwealth of Massachusetts under Chapter 90 of the General Laws for highway purposes, or any other legislation as may be adopted by the General Court relating to public works.

ARTICLE 11. On motion made by John Lambert it was **unanimously voted** that the Town transfer and appropriate the sum of \$125,953.80 by transferring \$100,000 from available funds in the hands of the Treasurer, and to return the sum of \$976.83 from unexpended funds from Warrant Article 12 of the May 21, 2012 Annual Town Meeting for the purchase of a fire utility vehicle, and the sum of \$24,976.97 from unexpended funds from Warrant Article 11 of the May 19, 2015 Annual Town Meeting for the tower refurbishment, to be added into the Fire Department Vehicle, Apparatus and Capital Equipment Stabilization Fund, established pursuant to General Laws Chapter 40, Section 5B.

ARTICLE 12. On motion made by John Lambert it was **unanimously voted** that the Town transfer and appropriate from the Infrastructure Investment Fund the sum of \$562.25 for purposes of the 18 Industrial Drive Redevelopment project, as previously authorized by Article 1 of the November 27, 2017 Special Town Meeting.

2/3rds VOTE REQUIRED

ARTICLE 13. On motion made by Joseph Dolak it was **unanimously voted** that the Town transfer and appropriate from available funds in the hands of the Treasurer the sum of \$500,000 to be added to the General Stabilization Fund, established pursuant to General Laws Chapter 40, Section 5B.

ARTICLE 14. On motion made by John Lambert it was **unanimously voted** that the Town appropriate the sum of \$449,693 to be deposited into the Town's Other Post Employment Benefits Liability Trust Fund, established under Article 30 of the May 18, 2009 Annual Town Meeting pursuant to the provisions of Chapter 32B, Section 20 of the General Laws, and to raise said sum by transferring \$404,693 from available funds in the hands of the Treasurer, and by appropriating and transferring \$45,000 from the Water/Sewer Enterprise Fund Free Cash in the hands of the Treasurer.

ARTICLE 15. On motion made by John Lambert it was **unanimously voted** that the Town appropriate the sum of \$3,200,540 for the purpose of acquiring capital items substantially as shown on page 23 of the "TOWN MEETING HANDBOOK FY 2019 CAPITAL BUDGET," and to raise said sum by transferring \$850,771 from available funds in the hands of the Treasurer, and by borrowing the sum of \$2,100,000 under G.L. Chapter 44, Section 8, or any other enabling authority, which borrowing relates to the Water-Sewer Enterprise Fund for Water Main Replacement, Town Wide Meter Replacement, and SCADA Planning, Design and Implementation and to that end that the Treasurer, with the approval of the Selectmen, be authorized to issue bonds and notes therefore totaling \$2,100,000 and in accordance with Chapter 44 Section 20 of the General Laws, the premium received by the Town upon the sale of any Bonds or notes thereunder, less any such premium applied to the payment of the costs of issuances of such bonds or notes, may be applied to pay project costs, and the amount authorized to be borrowed for each project be reduced by the amount of any such premium so applied.

2/3rds VOTE REQUIRED

ARTICLE 16. On motion made by Joseph Dolak it was **unanimously voted** that the Town rescind the unissued balance of the following borrowing authorization, which is no longer needed to accomplish the purposes for which it was approved, be and hereby are rescinded and of no further force or effect:

Amount to be Rescinded	Date of Approval/Warrant Article	Purpose
\$45,000	5/19/14 #14	FY15 Capital-Loader with wing plow

ARTICLE 17. On motion made by Marilyn Foley it was **unanimously voted** that the Town amend Article II, Section 5 of the Town's General by-laws entitled "Department Revolving Funds" by adding a revolving fund for the Recreation Department in Subsection 5.05, the "Table of Authorized Revolving Funds," to read as printed in the Warrant, and to set the fiscal year 2019 spending limit for the Recreation Department Revolving fund at \$489,690.

ARTICLE 18. On motion made by Karl Makela it was **unanimously voted** that the Town transfer and appropriate from available funds in the hands of the Treasurer the sum of \$100,000 to be added into the Open Space Preservation Stabilization

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Fund, established pursuant to General Laws Chapter 40, Section 5B.

ARTICLE 19. On motion made by Karl Makela it was **unanimously voted** that the Town transfer and appropriate from available funds in the hands of the Treasurer the sum of \$18,000 to be added into the Regional Dispatch Stabilization Fund, established pursuant to General Laws Chapter 40, Section 5B.

ARTICLE 20. On motion made by Joseph Dolak it was **unanimously voted** that the Town set the fiscal year 2019 appropriation for the PEG Access and Cable Related Fund established in accordance with General Laws, Chapter 44, Section 53F-3/4 at \$403,018.

ARTICLE 21. On motion made by Joseph Dolak it was **unanimously voted** to set the fiscal year 2019 spending limit for the Inspection Revolving Fund established in Article II, Section 5 of the Town of Holden's general by-laws at \$262,176.

ARTICLE 22. On motion made by Marilyn Foley it was **unanimously voted** that no action be taken under this Article.

ARTICLE 23. On motion made by Karl Makela it was **unanimously voted** that Town supplement each prior vote of the Town that authorized the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44 Section 20 of the General Laws, the premium received by the Town upon the sale of any Bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of each such bonds or notes, may be applied to pay project costs, and the amount authorized to be borrowed for each project shall be reduced by the amount of any such premium so applied.

ARTICLE 24. On motion made by Alan Berg it was **unanimously voted** that the Town appropriate \$196,065.33 of the bond sale premium paid to the Town upon the sale of its \$5,860,000 General Obligation Municipal Purpose Loan of 2017 Bonds, to pay additional costs of the Lincoln Avenue sewer force main project, as permitted by M.G.L. c. 44, §20.

ARTICLE 25. On motion made by Karl Makela it was **unanimously voted** that the Town transfer from Water/Sewer free cash in the hands of the Treasurer and appropriate the sum of \$33,935 to pay additional costs of the Lincoln Avenue sewer force main project.

ARTICLE 26. On motion made by David White it was **unanimously voted** that the Town raise and appropriate the sum of \$22,470 for expenditure by the Wachusett Regional School District for purposes of completing parking lot repairs at the Wachusett Regional School District Early Childhood Center and District Office.

ARTICLE 27. On motion by David White it was **unanimously voted** that the Town take no action under Article 27.

ARTICLE 28. On motion made by David White it was **unanimously voted** that the Town take no action under Article 28.

ARTICLE 29. On motion made by Geraldine Herlihy it was **unanimously voted** that the Town permit the use of the Town Hall for the next year at less than the fair rental value to: John E. Harkins Post #42 American Legion, Boy and Girl Scout Troops of Holden, the Veterans of Foreign Wars, Women's Auxiliary of the John E. Harkins Post #42, Women's Auxiliary of the Veterans of Foreign Wars, the Holden Baseball Program, Inc., League of Women Voters, 4-H Club, Rainbow Girls, the Grange, the White Oak Land Conservation Society, Inc., Holden Citizens for Responsible Energy, Holden Republican Town Committee, Holden Democratic Town Committee, Holden Associated Taxpayers and Holden for Children.

ARTICLE 30. On motion made by Jeremy Kurtz it was **unanimously voted** that the Town authorize the sum of \$150,106 of the excess of the income of the Municipal Light Department for the calendar years 2018 and 2019 over and above the total expense of the plant as defined in the General Laws, as income to be used by the Assessors in establishing the tax rate for the fiscal year commencing July 1, 2018.

ARTICLE 31. On motion made by Anthony Renzoni it was **unanimously voted** that the Town vote that the income from the sale of electricity to private consumers, of electricity supplied to municipal buildings, and for municipal power, and of sales of appliances and from jobbing during the calendar year commencing January 1, 2018, be appropriated for the Municipal Light Department, the whole to be expended for the expense of the department for said calendar year, and that if the income exceeds the expense of the department for said calendar year, such part thereof as the Town may vote shall be retained by the Town Treasurer in accordance with applicable law and any further excess shall be transferred to the Depreciation Fund, the

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Construction Fund, and the Rate Stabilization Fund of said Municipal Light Plant as may be hereafter authorized by the Board of Light Commissioners as outlined in General Laws, Chapter 164, Section 57.

ARTICLE 32. On motion made by Tyler Gibbs it was **unanimously voted** that the Town accept as a public way,

Snowberry Lane, from Station 0+00 to Station 8+78.74 for a distance of approximately 878.74 feet along the centerline; and

Shady Lane, from Station 0+25.00 to Station 10+52.50 for a distance of approximately 1027.5 feet along the centerline;

both roadways being shown on a plan of land entitled, "Taking and Layout Plan; Shady Lane and Snowberry Lane" prepared by Finlay Engineering Services, dated November 2017, and on file in the Office of the Town Clerk, said street having been laid out by the Selectmen and approved by the Planning Board, and to authorize the Board of Selectmen to acquire by gift, purchase or taking by eminent domain easements for public street purposes in said ways and any other interests in real property necessary to complete the acceptance of Snowberry Lane and Shady Lane as public ways.

ARTICLE 33. On motion made by Tyler Gibbs it was **unanimously voted** that the Town approve Article 33 as written in the Warrant.

2/3rds VOTE REQUIRED

The language of Article 33 reads as follows: To see if the Town will vote to authorize the Board of Selectmen to convey easements to the Wachusett Woods Trust for purposes of ensuring that Wachusett Woods Trust has all rights necessary to fulfill its duties and obligations, including operating and maintaining the storm water management system within said subdivision, as set forth in the Declaration of Trust recorded at the Worcester District Registry of Deeds in Book 42281, Page 311, or act or do anything relative thereto.

ARTICLE 34. On motion by John Michalak it was **passed by a standing vote of 109 Yes and 50 No** that the Town amend the Town's Zoning Bylaw, Chapter 7.1, and amend the Town's General Bylaws, all as shown in the document entitled "Draft Zoning and General Bylaw Amendments to Prohibit Recreational Marijuana Establishments", dated May 4, 2018, thereby prohibiting recreational marijuana establishments in the Town of Holden.

2/3rds VOTE REQUIRED

ARTICLE 35. On motion by John Michalak it was **voted by majority** that the Town take no action on this article

2/3rds VOTE REQUIRED

ARTICLE 36. On motion made by John Michalak it was **unanimously voted** that the Town amend the Town's Zoning Bylaw, Chapter 7.1, Section VI, entitled "Area, Height and Bulk Regulations" by amending Table 2, "Area Regulations" and to replace a footnote therein, all as shown in the document entitled "Zoning Bylaw Amendments to Establish Setbacks for Sheds", dated May 4, 2018.

2/3rds VOTE REQUIRED

ARTICLE 37. On motion made by John Michalak it was **unanimously voted** that the Town amend the Town's Zoning Bylaw, Chapter 7.1, Section XI, entitled "Administration and Enforcement", by amending paragraph J.3 (h), as described in the document entitled "Zoning Bylaw Amendments to Accessory Apartment Bylaw", dated May 4, 2018.

2/3rds VOTE REQUIRED

ARTICLE 38. On motion made by Geraldine Herlihy it was **unanimously voted** that the Town approve Article 38 as written in the Warrant.

The language of Article 38 reads as follows:

To see if the Town will vote to authorize the Board of Selectmen to petition the state legislature for a Special Act to repeal the legislation which authorized the Town to establish and maintain a special fund known as the Infrastructure Investment Fund, the proposed Special Act to read as follows, provided, however, that the Legislature may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the

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Legislature, which amendments shall be within the public purposes of said petition, or act or do anything relative thereto.

AN ACT ABOLISHING THE INFRASTRUCTURE INVESTMENT FUND IN THE TOWN OF HOLDEN

Be it enacted, etc., as follows:

SECTION 1. The town of Holden is hereby authorized to transfer the funds remaining within the Infrastructure Investment Fund, established by chapter 365 of the acts of 1993, as amended by chapter 431 of the acts of 1996, to the general fund in the treasury of said town.

SECTION 2. Chapter 365 of the acts of 1993 and chapter 431 of the acts of 1996 are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

ARTICLE 39. On motion made by the Petitioner, Timothy Ethier, it was **unanimously voted** that the Town take no action on this article.

ARTICLE 40. On motion made by the Petitioner, Timothy Ethier, it was **unanimously voted** that the Town take no action on this article.

Voted to adjourn the meeting at 9:07 p.m.

A true copy.

Attest:

Dale T. Hickey
Town Clerk