

TOWN OF HOLDEN ADJOURNED ANNUAL TOWN MEETING – MAY 18, 2009

ADJOURNED ANNUAL TOWN MEETING

MAY 18, 2009

PROCEEDINGS

The meeting was called to order and declared open by the Moderator, George A. Balko III, at 7:10 p.m. at Wachusett Regional High School. The salute to the flag followed. There were 222 registered voters present. Fifteen persons without voting privileges were present. Moderator Balko announced that unless there were objections, he would not read each warrant article. There were no objections.

Board of Selectmen Chairman Kimberly Ferguson presented a plaque to outgoing Selectman Joseph Sullivan upon completion of 12 years of service as a member of the Board. State Representative Lewis Evangelidis also presented a Resolution to Mr. Sullivan in recognition of his service to the Town.

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).

ARTICLE 3. **No action was necessary under this Article.** Moderator Balko noted that the Annual Town Report contained the reports of Town Officers, Commissions, and Committees. The 2008 Report was dedicated to the citizens, businesses and employees of Holden as a result of the Ice Storm of December 2008.

Finance Committee Chairman Alan Berg presented a brief overview on the status of the budget.

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

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| Moderator | \$100.00 |
| Selectmen-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 Committee - 8 members | None |

ARTICLE 5. On motion made by Alan Berg it was **unanimously voted** that no action be taken under this Article (past debts and charges).

ARTICLE 6.

#1 – On motion made by Marilynn Foley it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$4,449,076 for the proposed budget for GENERAL GOVERNMENT, item 1, as printed on page 5 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS

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CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED.”

#2 – On motion made by Glenn Gaudette it was **unanimously voted** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$3,321,746 for the proposed budget for GENERAL GOVERNMENT DEBT, item 2, as printed on page 6 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED” and to raise said sum by transferring \$216,851 from available funds in the hands of the Treasurer, by transferring \$71,942 from the Connection Sewer Fund, and by raising and appropriating \$3,032,953 to cover the balance.

#3 – On motion made by Richard Bates it was **unanimously voted** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$4,202,227 for the proposed budget for PUBLIC SAFETY, item 3, as printed on page 6 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED” and to raise said sum by transferring \$60,000 from the Wachusett Fund, and by raising and appropriating \$4,142,227 to cover the balance.

#4 – On motion made by James Dunn it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$2,350,776 for the proposed budget for PUBLIC WORKS, item 4, as printed on page 7 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED.”

#5 – On motion made by Alan Berg it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$5,017,343 for the proposed budget for the WATER/SEWER ENTERPRISE FUND, item 5, as printed on page 7 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED.”

#6 – On motion made by Donald Mancini it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$274,936 for the proposed budget for HUMAN SERVICES, item 6, as printed on page 8 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED.”

#7 – On motion made by Paul Challenger it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$644,926 for the proposed budget for VOCATIONAL EDUCATION which is a part of the Proposed Education Budget item 7, as printed on page 8 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED.”

#8 – On motion made by Peter Lacy it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$732,822 for the proposed budget for CULTURE, item 8, as printed on page 8 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED.”

#9 – On motion made by Peter Lacy it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, \$1,009,434 for the proposed budget for the SOLID WASTE ENTERPRISE FUND, item 9, as printed on page 9 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2010 RECOMMENDED” and to raise said sum by transferring \$20,676 from Solid Waste Free Cash and by raising and appropriating \$988,758 to cover the balance.

ARTICLE 7. On motion made by Paul Challenger it was **unanimously voted** that the Town raise and appropriate the sum of \$18,222,724 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 Paul Challenger it was **unanimously voted** that the Town raise and appropriate the sum of \$1,492,415 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

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being understood that by appropriating \$1,492,415 under this Article 8 and \$18,222,724 under Article 7 of the warrant for this town meeting, for a total appropriation by the Town to the Wachusett Regional School District of \$19,715,139, the Town thereby approves a budget of \$72,012,584 for the fiscal year 2010 for the Wachusett Regional School District.

ARTICLE 9. On motion made by James Dunn it was **unanimously voted** that the Town appropriate the sum of \$100,000 to the Public Works Depreciation Fund created by Chapter 328 of the Acts of 2000 and to raise said sum by raising and appropriating \$50,000, and by transferring \$50,000 from the Overlay Reserve Fund, and that the Town appropriate and transfer from the Public Works Depreciation Fund the sum of \$406,192 to purchase a vacuum truck for the Highway Division, to pay the second year payment of a lease-purchase agreement for a tractor with boom flail mower for the Buildings & Grounds Division, to purchase a vehicle for the Buildings & Grounds Division, and to purchase a truck for the Highway Division Foreman.

4/5TH VOTE REQUIRED

ARTICLE 10. On motion made by James Dunn it was **unanimously voted** that the Town accept and expend all monies to be received from the Commonwealth of Massachusetts under Chapter 11 of the Acts of 1997 for highway purposes, or any other legislation adopted by the General Court relating to public works.

ARTICLE 11. On motion made by Richard Bates it was **unanimously voted** that the Town raise and appropriate the sum of \$75,000 to be added to the Fire Department Vehicle, Apparatus and Capital Equipment Stabilization Fund established pursuant to MGL Chapter 40 §5B and to raise said sum by raising and appropriating \$25,000 and by transferring \$50,000 from the Overlay Reserve Fund, and that the Town appropriate and transfer from the Fire Department Vehicle, Apparatus and Capital Equipment Stabilization Fund the sum of \$50,000 to pay principal and interest on the Fire tanker truck, indebtedness which will be incurred under Article 12 of the warrant for this town meeting.

2/3rds VOTE REQUIRED

ARTICLE 12. On motion made by Richard Bates it was **unanimously voted** that the Town appropriate the total sum of \$461,250 for the purpose of acquiring and equipping a new tanker truck for the Fire Department, and to raise said amount by borrowing the sum of \$200,000 under G.L. Chapter 44, Section 7, Clause (9), or any other enabling authority, and to that end the Treasurer, with the approval of the Selectmen, be authorized to issue bonds and notes therefor totaling \$200,000, and by transferring the amount of \$261,250 in the hands of the Treasurer, derived from a US Department of Homeland Security-Assistance to Firefighters Grant.

2/3rd VOTE REQUIRED

ARTICLE 13. On motion made by Alan Berg it was **unanimously voted** that the Town create a Water/Sewer Stabilization Fund pursuant to Massachusetts General Laws Chapter 40, Section 5B, for the purpose of funding Water-Sewer projects and the acquisition, repair, replacement, extension, reconstruction, enlarging, and/or additions to the capital equipment and vehicles used in connection with Water-Sewer projects, and to pay notes, bonds, or certificates of indebtedness issued to pay for the cost of such projects, acquisitions, repairs, replacement, extension, reconstruction, enlarging and additions; and that the Town appropriate the sum of \$302,595 to the Water/Sewer Stabilization Fund and to raise said sum by transferring \$252,595 from available funds in the hands of the Treasurer from the MBTE Settlement reserved-for- appropriation account and by transferring \$50,000 from the 2010 fiscal year Water/Sewer Enterprise Fund budget established under Article 6, part #5 of this 2009 Annual Town Meeting, which \$50,000 shall be subject to all of the restrictions imposed on the use of the Town's Water/Sewer Enterprise Fund by Massachusetts General Laws Chapter 44, Section 53F ½, and to appropriate from the Water/Sewer Stabilization Fund \$25,000 to effect certain well repairs.

2/3rds VOTE REQUIRED

ARTICLE 14. A motion was made by Donald Mancini that the Town continue the Recreation Revolving Fund in accordance with General Laws, Chapter 44, Section 53E-1/2 and Chapter 408 of the Acts of 1996 for use by the Recreation Department into which shall be deposited recreation user fees, exclusive of After School Program fees, equal to the amount by which \$308,569 exceeds the balance in the Recreation Revolving Fund at the end of the current fiscal year, such fund to be used only to defray the expenses of the Town Recreation Programs, provided that the expenditures from such Fund shall not exceed \$308,569.

A motion was made by Kimberly Ferguson to amend the main motion to increase the amount from \$308,569 to \$541,536. By a standing count of 101 Yes and 90 No, the motion to amend carried. **The main motion as amended carried by a majority vote.**

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ARTICLE 15. A motion was made by Marilyn Foley that the Town continue a Cable Television Revolving Fund in accordance with General Laws, Chapter 44, Section 53E-1/2 for use by the Town Manager into which shall be deposited all monies received from the Cable TV provider, such Fund to be used to defray the cost of equipment, salaries and other expenses incurred by the Town in connection with the public, educational and governmental access programming contemplated by the CATV license granted by the Town, provided that the expenditures from such Fund shall not exceed \$196,491.

A motion was made by Kimberly Ferguson to amend the main motion to increase the amount from \$196,491 to \$270,768. The amendment was accepted by the Finance Committee as a friendly amendment and adopted by consensus. **The main motion as amended carried by a majority vote.**

ARTICLE 16. A motion was made by Glenn Gaudette that the Town continue an Inspection Revolving Fund in accordance with Massachusetts General Laws Chapter 44, Section 53E-1/2 for use by the Inspection Department into which shall be deposited permit fees paid for various building components, such Fund to be used to defray the cost of salaries and other expenses incurred by the Town in connection with professional inspections for all building construction and renovation activities, and for all electrical, mechanical, plumbing and gas fitting work providing inspection services for various building projects, provided that the expenditures from such Fund shall not exceed \$206,130.

A motion was made by Kimberly Ferguson to amend the main motion to increase the amount from \$206,130 to \$270,768. The amendment was accepted by the Finance Committee as a friendly amendment and adopted by consensus. **The main motion as amended carried by a majority vote.**

ARTICLE 17. On motion made by Peter Lacy it was **unanimously voted** that the Town appropriate the sum of \$616,388 to be added to the Town of Holden Infrastructure Investment Fund and to raise said sum by raising and appropriating the sum of \$405,535, and by transferring \$210,853 from the Recreation Revolving Fund.

ARTICLE 18. On motion made by Deborah McDonnell it was **unanimously voted** that the Town appropriate the sum of \$563,653 to pay fiscal 2010 debt service for the Holden Senior Center Construction Project, Municipal Pool Facilities Construction Project and the Public Safety Facility Construction Project and to raise said sum by appropriating and transferring \$563,653 from the Infrastructure Investment Fund. **2/3rds VOTE REQUIRED**

ARTICLE 19. On motion made by Alan Berg it was **unanimously voted** that the Town amend the action taken under Article 6, Part 5, of the May 19, 2008 Annual Town Meeting relating to the Water/Sewer Enterprise Fund by appropriating the sum of \$128,300 to increase the total amount of the FY2009 WATER/SEWER ENTERPRISE FUND to a total of \$4,737,044 and to raise \$128,300 by transferring a total of \$128,300 from unexpended appropriations under Article 6, Part 4 for the budget for Public Works of the May 19, 2008 Annual Town Meeting.

ARTICLE 20. On motion made by Alan Berg it was **unanimously voted** that no action be taken under this Article (a sum of money to pay for construction and repair of sidewalks).

ARTICLE 21. On motion made by James Jumonville 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 22. On motion made by James Jumonville it was **unanimously voted** that the Town authorize the sum of \$127,500 of the excess of the income of the Municipal Light Department for the calendar years 2009 and 2010 over and above the total expense of the plant as defined in the General Laws, as an item of income to be used by the Assessors in establishing the tax rate for the fiscal year commencing July 1, 2009.

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ARTICLE 23. On motion made by James Jumonville it was **unanimously voted** 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, 2009 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 and the Construction Fund of said Municipal Light Plant as may be hereafter authorized by the Board of Light Commissioners as outlined in Massachusetts General Laws, Chapter 164, Section 57.

ARTICLE 24. The Article was **passed over** by consensus (street acceptances).

ARTICLE 25. On motion made by Kenneth O'Brien it was **unanimously voted** that the Town accept a gift of a parcel of land located on Paugus Road, containing .31 acres or 13,503.6 sq. ft., shown as parcel 100 on Assessor's Map 238, supposed to be owned by B.A. Sundin and Son, Inc.

ARTICLE 26. On motion made by Kenneth O'Brien it was **unanimously voted** that the Town accept a gift of a parcel of land located on Brennan Way, containing .14 acres or 6,098.4 sq. ft., shown as parcel 37 on Assessor's Map 183, supposed to be owned by B.A. Sundin and Son, Inc.

ARTICLE 27. On motion made by Kenneth O'Brien it was **unanimously voted** that the Town accept a gift of a parcel of land located on Brennan Way, containing .14 acres or 6,098.4 sq. ft., shown as parcel 6 on Assessor's Map 183, supposed to be owned by B.A. Sundin and Son, Inc.

ARTICLE 28. On motion made by Kenneth O'Brien it was **unanimously voted** that the Town authorize the Town Manager to dispose of a parcel of Town-owned property located on Homestead Road which is identified as Assessor's Map 200, Parcel 34, formerly owned by Francis B. Marier and Joan D. Marier, containing 0.02 acres of land more or less, for a minimum purchase price of \$1,100. **2/3rds VOTE REQUIRED**

ARTICLE 29. On motion made by Kimberly Ferguson it was **unanimously voted** that the Town establish a demand fee of \$15.00 to be added to and collected as part of the tax on overdue tax bills in accordance with MGL Chapter 60, Section 15, effective July 1, 2009.

ARTICLE 30. On motion made by Kimberly Ferguson it was **unanimously voted** that the Town accept the provisions of Chapter 479 of the Acts of 2008 establishing other post employment benefits liability trust funds for municipalities.

ARTICLE 31. The Article was **passed over** by consensus (to request that special legislation be enacted which would revoke acceptance of the Civil Service provisions as they pertain to the Chief of Police).

ARTICLE 32. On motion made by Denise Cummings it was **unanimously voted** that the Town amend Article V of the Town By-laws by inserting a new "Part 13, Sections 1. through 4. therein entitled "Holden Agricultural Commission" as found in a document entitled "Part 13 Holden Agricultural Commission" dated 3/25/09, a copy of which is on file and available for inspection in the Office of the Town Clerk, "except that the following should be added to the end of the last sentence of Section 3 thereof: 'except that with respect to the initial appointees, one shall have a term of one year, two shall have a term of two years and two shall have a term of three years.'"

ARTICLE 33. On motion made by James Dunn it was **unanimously voted** that the Town amend Article V of the Town By-laws by inserting a new "Part 14, Sections 1. through 6. therein entitled "Right to Farm Bylaw" as found in a document entitled "Part 14 Right to Farm Bylaw" dated 3/25/09, a copy of which is on file and available for inspection in the Office of the Town Clerk.

ARTICLE 34. A motion was made by Anthony Renzoni that the Town amend the Town By-laws Article XIV entitled "Street Numbers" by deleting subsections (a) through (e) in their entirety and replacing them with the

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following new subsections (a) through (e):

- (a) The number shall be made of permanent, weather-proof materials, shall be at least five (5) inches in height and shall be clearly visible from the street or roadway upon which the structure fronts. The numbers shall be in a contrasting color to the background and located near the front door.
- (b) Any street number that is not clearly visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.
- (c) The number posted shall be those assigned to each structure by the Department of Public Works, Engineering Division, and filed in the Office of the Town Clerk. The said Department shall advise the owners of the property of the assigned or reassigned number in writing at the property's tax address.
- (d) It shall be the responsibility of each property owner in the Town to obtain and display the assigned street number within ninety (90) days of receiving notice to the owner referred to in paragraph (c) hereof.
- (e) This by-law shall be enforced by the office of the Town Manager through his designees. Failure to comply with this by-law shall subject property owners to a fine of not more than twenty dollars (\$20.00).

By a majority vote, the motion was defeated.

Voted to adjourn the meeting at 9:08 p.m.

A true copy.

Attest:

Kathleen M. Peterson CMC
Town Clerk