

# ADJOURNED ANNUAL TOWN MEETING MAY 19, 2008

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### PROCEEDINGS

The meeting was called to order and declared open by the Moderator, George A. Balko III, at 7:20 p.m. at Wachusett Regional High School. The salute to the flag followed. There were 197 registered voters present. Twelve 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 2007 Report was dedicated to Raymond Hayes who served as a member of the Board of Selectmen from June 17, 1963 to September 1, 1970, and was Chairman from 1964 to 1970. Finance Committee Chairman Paul Challenger presented a brief overview on the status of the budget.

ARTICLE 4. On motion made by Marilyn Foley it was **unanimously voted** 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
Selectmen-Chairman	1,150.00
2 <sup>nd</sup> Member	1,000.00
3 <sup>rd</sup> Member	1,000.00
4 <sup>th</sup> Member	1,000.00
5 <sup>th</sup> Member	1,000.00
Trustees of Damon Memorial - 6 members	None
Wachusett Regional School Committee – 8 members	None

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

ARTICLE 6.

#1 – 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 \$4,004,842 for the proposed budget for GENERAL GOVERNMENT, item 1, as printed on page 6 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 RECOMMENDED.”

#2 – On motion made by Maria Dell’Ovo it was **unanimously voted** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$3,524,092 for the proposed budget for GENERAL GOVERNMENT DEBT, item 2, as printed on page 7 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 RECOMMENDED” and to raise said sum by transferring \$550,000 from available funds in the hands of the Treasurer, by transferring \$71,942 from the Connection Sewer Fund, and by raising and appropriating \$2,902,150 to cover the balance.

#3 – A motion was made by Richard Bates that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$3,439,346 for the proposed budget for PUBLIC SAFETY, item 3, as printed on page 7 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 RECOMMENDED” and to raise said sum by transferring \$113,900 from the Wachusett Fund, and by raising and appropriating \$3,325,446 to cover the balance.

A motion was made by Kimberly Ferguson to amend the main motion to reduce the total appropriation by \$42,000 to \$3,397,346 and to reduce the amount to be raised by taxation by \$42,000 so to read \$3,283,446. The motion to amend was **defeated by a majority vote**. The main motion **carried by a unanimous vote**.

#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 \$2,617,185 for the proposed budget for PUBLIC WORKS, item 4, as printed on page 8 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 RECOMMENDED.”

#5 – On motion made by Alan Berg it was **voted by a majority** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$4,600,492 for the proposed budget for the WATER/SEWER ENTERPRISE FUND, item 5, as printed on page 8 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 RECOMMENDED” and to raise said sum by transferring \$737 from Water/Sewer Free Cash and by raising and appropriating \$4,599,755 to cover the balance.

#6 – On motion made by Marilyn Foley it was **voted by a majority** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$264,425 for the proposed budget for HUMAN SERVICES, item 6, as printed on page 9 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 RECOMMENDED.”

#7 – 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 \$537,543 for the proposed budget for VOCATIONAL EDUCATION which is a part of the Proposed Education Budget item 7, as printed on page 9 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 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 \$723,565 for the proposed budget for CULTURE, item 8, as printed on page 9 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 RECOMMENDED.”

#9 – On motion made by Glenn Gaudette it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, \$977,855 for the proposed budget for the SOLID WASTE ENTERPRISE FUND, item 9, as printed on page 10 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY2009 RECOMMENDED.”

ARTICLE 7. On motion made by Alan Berg it was **unanimously voted** that the Town raise and appropriate the sum of \$17,729,366 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 \$2,396,310 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.

ARTICLE 9. On motion made by James Dunn it was **unanimously voted** that the Town appropriate the sum of \$150,000 to the Public Works Depreciation Fund created by Chapter 328 of the Acts of 2000 and to raise said sum by raising and appropriating \$100,000, 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 \$20,000 to pay the first year payment of a lease-purchase agreement for a tractor with boom flail mower.

ARTICLE 10. On motion made by Robert Ripley Jr. 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 \$100,000 to be added to the Fire Department Vehicle, Apparatus and Capital Equipment Stabilization Fund established pursuant to

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MGL Chapter 40 §5B 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 Fire Department Vehicle, Apparatus and Capital Equipment Stabilization Fund the sum of \$450,000 to acquire a rescue/pumper vehicle for the Fire Department. **2/3rds VOTE REQUIRED**

ARTICLE 12. On motion made by Peter Lacy it was **unanimously voted** that no action be taken under this Article (to establish an Emergency Medical Services Enterprise Fund).

ARTICLE 13. On motion made by Maria Dell'Ovo it was **unanimously voted** 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 \$509,808 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 \$509,808.

ARTICLE 14. On motion made by Glenn Gaudette it was **unanimously voted** 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 \$254,904.

ARTICLE 15. On motion made by Robert Ripley Jr. it was **unanimously voted** 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 \$254,904.

ARTICLE 16. On motion made by Deborah McDonnell it was **unanimously voted** that the Town appropriate the sum of \$563,557 to be added to the Town of Holden Infrastructure Investment Fund and to raise said sum by raising and appropriating the sum of \$453,129, and by transferring \$110,428 from the Recreation Revolving Fund.

ARTICLE 17. On motion made by Deborah McDonnell it was **unanimously voted** that the Town appropriate the sum of \$570,916 to pay fiscal 2009 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 \$570,916 from the Infrastructure Investment Fund. **2/3rds VOTE REQUIRED**

ARTICLE 18. 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 21, 2007 Annual Town Meeting, by appropriating the sum of \$278,263 to increase the total amount of the FY2008 WATER/SEWER ENTERPRISE FUND to a total of \$4,648,811, and to raise \$183,010 as follows (remainder to be covered by current year rate revenue in excess of estimate):

- (a) by transferring \$77,145.11 from the unexpended balances of the following warrant articles that are no longer needed for their original purposes:

Art. #	Town Meeting Date	Balance
8	May 23, 1988	\$18,211.60
3	November 22, 1994 (Special Town Meeting)	1,045.50
5	November 22, 1994 (Special Town Meeting)	21,064.16
2	January 13, 1997 (Special Town Meeting)	10,046.57
10	May 15, 2000	4,404.73
31	May 15, 2000	178.97
8	May 21, 2001	20,896.57
27	May 20, 2002	1,153.79
26	May 20, 2005	<u>143.22</u>
Total of Balances		\$77,145.11

(b) by transferring a total of \$76,497 from the following accounts: \$44,892 from the FY 08 Public Works Budget, \$12,646 from the FY 08 Vocational Education Expense Account and \$18,959 from the FY 08 General Government Budget; and

(c) by transferring \$29,368 from the Insurance Settlement/Proceeds Account (Fund 26).

ARTICLE 19. On motion made by James Dunn it was **unanimously voted** that the Town transfer \$20,000 from the FY 08 General Government Budget and \$84,500 from the FY 08 Education Budget WRSD Net Minimum Contribution (Required) to the FY 08 Public Works Budget to cover the deficit in the Snow Removal Account.

ARTICLE 20. On motion made by Peter Lacy it was **voted by a majority** that the Town appropriate \$100,000 to fund the construction and equipping of a solar energy generation project within the Town of Holden, and to raise said sum by transferring \$100,000 from the unexpended balance of the borrowing made under Article 11 of the May 17, 2004 Annual Town Meeting relating to the Holden Municipal Light Department Bullard Street Sub-Station.

ARTICLE 21. On motion made by Kimberly Ferguson 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 Joseph Sullivan 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 2008 and 2009 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, 2008.

ARTICLE 23. On motion made by Joseph Sullivan 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, 2008 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. On motion made by David White Sr. it was **unanimously voted** that the Town accept as a public way *Otter Brook Drive* from Station 0+30.00 to Station 7+10.00, for a distance of approximately 680.00 feet, subject to completion of the following four (4) items by June 9, 2008:

- (1) Clean debris from manhole shelves and inverts where indicated (manholes #1-3).
- (2) Seal infiltration leak in manhole at the cleanout pipe for the outside drop (manhole #3 as shown).
- (3) Jet and clean sanitary sewer line. (Cranbrook Drive to end of cul de sac)
- (4) Clean all catch basins.

ARTICLE 25. On motion made by David White Sr. it was **unanimously voted** that no action be taken under this Article (acquisition of Chaffins Recreation Association land located at or near 459 Main Street).

ARTICLE 26. On motion made by Kenneth O'Brien it was **unanimously voted** to authorize the Town to enter into a contract, pursuant to MA General Laws Chapter 40, Sections 4 and 4A, with Wachusett Earthday, Inc., and with some or all of the towns of Boylston, Holden, Paxton, Rutland, Sterling, West Boylston and any other municipality which joins said contract, pursuant to MA General Laws Chapter 40, Section 4 and 4A, for planning, development and operation of a household hazardous waste recycling collection site.

ARTICLE 27. A motion was made by Steven Hammond that the Town approve the Amendments to the Amended Wachusett Regional School District Agreement, as recommended and approved by vote of the Regional District School Committee on January 28, 2008, consisting of non-substantive changes of the wording in the following Sections:

Opening Paragraph

- Section 1. Members of the Regional District School Committee.
  - Section 2. Location.
  - Section 3. Type of Regional School District.
  - Section 4. Method of Apportioning Costs of the Regional School District.
  - Section 5. Payments to the Regional District School Treasurer.
  - Section 6. Transportation.
  - Section 8. Withdrawal of Member Towns - Pre-Kindergarten-Grade 12.
  - Section 9. Annual Report.
  - Section 10. Budget.
  - Section 12. Powers and Duties of the Regional District School Committee.
  - Section 13. Organization of the Regional District School Committee.
  - Section 14. Amendments.
  - Section 17. Lease of Schools.
  - Section 18. Professional Staff/Personnel.
  - Section 19. Effective Date and Jurisdiction.
- Signature Page

The changes in wording consist of describing Towns as “Member Towns” rather than participating Towns, refers to the Wachusett Regional School District as the “District” and to the Wachusett Regional School District Committee as the “Committee”, deletes references to State laws and inserts Massachusetts General Laws and deletes the word “selectmen” and inserts therefor the word “Selectboard”, a copy of the proposed amendments to the above Sections are on file at the office of the Town Clerk in a report entitled “Wachusett Regional School District Committee Recommendations for Changes to Regional Agreement Annual Town Meetings 2008.”

**By a standing count of 50 Yes and 54 No, the motion was defeated.**

ARTICLE 28. A motion was made by Steven Hammond to amend Section 7. ADMISSION OF ADDITIONAL TOWNS of the Amended Wachusett Regional School District Agreement as recommended and approved by the vote of the Regional District School Committee on January 28, 2008:

By deleting the words “Regional School” and the words “Regional District School”; by deleting the word “State” and substituting therefor the word “Massachusetts” and by deleting the words “the State Emergency Finance Board” and substituting at the end of said section the words “in accordance with Massachusetts General Laws”.

**The motion was defeated by a majority vote.**

ARTICLE 29. A motion was made by Steven Hammond to amend Section 11. ASSIGNMENT OF STUDENTS of the Amended Wachusett Regional School District Agreement as recommended and approved by the vote of the Regional District School Committee on January 28, 2008.

11.2. By deleting the words “Regional School” and by deleting the words “students in grades six through eight” and inserting therefor the words “middle school students” and by deleting the word “towns” and substituting therefor the words “Member Towns”.

11.3. By deleting the words “Regional School”, by deleting the word “elementary” and inserting therefor the words “pre-kindergarten through grade eight” and by deleting the word “only”.

11.4. By deleting the words “which is” before the word “subject”, so that the amended section shall read as follows:

“Section 11. ASSIGNMENT OF STUDENTS

- 11.1. Students in pre-kindergarten through grade eight (8) shall attend schools in their town of residence except as hereinafter provided.
- 11.2. The Committee may assign by a majority vote middle school students to a school in other than their town of residence after a favorable majority vote at an annual or special town meeting on the part of both sending and receiving Member Towns involved in such assignment.
- 11.3. The Committee may determine by a majority vote to assign pre-kindergarten through grade eight (8) pupils to schools in other than their town of residence in case of emergency which prevents use of a building whole or in part, for enrollment in special education classes or with parental approval.
- 11.4. Parents may request attendance in any of the Member Town schools, subject to approval of the Superintendent."

**The motion was defeated by a majority vote.**

ARTICLE 30. A motion was made by Steven Hammond to amend Section 15. INCURRING OF INDEBTEDNESS of the Amended Wachusett Regional School District Agreement as recommended and approved by the vote of the Regional District School Committee on January 28, 2008:

By amending Section 15 throughout by capitalizing the letter "M" in the word "member" and the letter "T" in the words "town" or "towns" in Sections 15.1, 15.2, 15.4, 15.5 and 15.6;

and by amending Section 15.2 by deleting the words "participating towns" and inserting therefor the words "Member Towns" and by inserting the fraction (2/3) after the words "two thirds";

and by amending 15.3 by deleting the words "Regional District School" where they precede the word "Committee";

and by amending Section 15.5 by deleting the figure "\$50,000" and by inserting therefor the figure "\$100,000";

and by amending Section 15.6 by deleting the words "Regional District School" where they precede the word "Committee".

**By a standing count of 46 Yes and 49 No, the motion was defeated.**

ARTICLE 31. A motion was made by Steven Hammond to amend Section 16. CAPITAL EXPENDITURES FROM SURPLUS of the Amended Wachusett Regional School District Agreement as recommended and approved by the vote of the Regional District School Committee on January 28, 2008:

By deleting the words "Regional District School" when they precede the word "Committee", and by deleting the clause after "Section 16", which reads, "not to exceed \$250,000 in any fiscal year or for any single project, and ", and by inserting the fraction (2/3) after the words "two thirds".

**The motion was defeated by a majority vote.**

ARTICLE 32. On motion made by Kenneth O'Brien it was **unanimously voted** that no action be taken under this Article (to create a stabilization account according to MGL C40, S5B).

ARTICLE 33. A motion was made by James Dunn that the Town of Holden approve the borrowing of \$2,000,000 by the Wachusett Regional School District as authorized by the vote of the Regional District School Committee on February 25, 2008 for the purpose of paying the costs for environmental remediation and cleanup of the oil contamination of the Jefferson School Building, including ongoing operating, assessment and remediation efforts as required by the Department of Environmental Protection or otherwise, and

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incurring debt by the issuance of bonds or notes under Chapter 214 of the Acts of 2007 and Section 15 of the Amended Wachusett Regional School District Agreement, and to that end the District Treasurer, with the approval of the Regional District School Committee, be authorized to issue bonds or notes therefor; and to authorize the Superintendent to enter into and execute all contracts necessary or otherwise material to such work and to act or do anything relative thereto.

**By a check list vote (paper ballot) of 93 Yes and 14 No, the motion carried.**

Voted to adjourn the meeting at 10:05 p.m.

A true copy.

Attest:

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Kathleen M. Peterson, CMC  
Town Clerk