

ANNUAL TOWN MEETING MAY 20, 2013

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PROCEEDINGS

The meeting was called to order and declared open by the Moderator, George A. Balko III, at 7:15 p.m. at Wachusett Regional High School. The salute to the flag followed. There were 164 registered voters present. Fourteen 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 2012 Report was dedicated to former Town Manager Nancy T. Galkowski.

ARTICLE 4. On motion made by John Lambert 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
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 Karl Makela it was **unanimously voted** to take no action under this article. (past debts and charges)

ARTICLE 6.

#1 – On motion made by Donald Mancini it was **unanimously voted** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$4,852,543 for the proposed budget for GENERAL GOVERNMENT, item 1, substantially as shown on page 9 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 RECOMMENDED” and to raise said sum by transferring \$34,750 from the Water/Sewer Enterprise fund receipts for indirect costs, by transferring \$12,000 from the Solid Waste Enterprise fund receipts for indirect costs, by transferring \$50,000 from Overlay Surplus and by raising and appropriating \$4,755,793 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 Paul Challenger it was **unanimously voted** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$3,717,606 for the proposed budget for GENERAL GOVERNMENT DEBT, item 2, substantially as shown on page 10 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 RECOMMENDED” and to raise said sum by, by transferring \$71,871 from the Sewer Connection Fund, and by transferring \$1,891 from reserved bond premium in the hands of the Treasurer, and by raising and appropriating \$3,643,844 to cover the balance.

#3 – 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 \$4,396,360 for the proposed budget for PUBLIC SAFETY, item 3, substantially as shown on page 10 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 RECOMMENDED” and to raise said sum by transferring \$25,000 from the Wachusett Fund, and by raising and appropriating \$4,371,360 to cover the balance.

#4 – On motion made by Alan Berg it was **unanimously voted** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$2,602,534 for the proposed budget for PUBLIC WORKS, item 4, substantially as shown on page 11 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 RECOMMENDED” and to raise said sum by transferring \$40,000 from the Water/Sewer Enterprise fund receipts for indirect costs, transferring \$8,000 from the Perpetual Care Trust Fund, and by raising and appropriating \$2,554,534 to cover the balance.

#5 – On motion made by Alan Berg it was **unanimously voted** that the Town appropriate, to pay direct debts and charges for the ensuing year, the sum of \$6,226,048 and to transfer the sum of \$74,750 to the general fund to cover indirect costs for the ensuing year, for the proposed budget for the WATER/SEWER ENTERPRISE FUND, item 5, substantially as shown on page 11 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 RECOMMENDED” and to raise said total sum of \$6,300,798 by transferring \$292,665 from Water/Sewer free cash in the hands of the Treasurer and to raise the sum of \$6,008,133 through fees and charges to cover the balance.

#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 \$314,321 for the proposed budget for HUMAN SERVICES, item 6, substantially as shown on page 12 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 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 \$578,847 for VOCATIONAL EDUCATION which is a part of the Proposed Education Budget, item 7, as printed on page 12 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 RECOMMENDED.”

#8 – A motion was made by Karl Makela that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$779,639 for the proposed budget for CULTURE, item 8, substantially as shown on page 12 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 RECOMMENDED.”

A motion was made by Robert Lavigne to amend the FY 2014 budget from \$779,639 to \$786,536. By a **2/3 voice vote** it was voted to close debate. **By a majority vote the amendment carried.**

#9 – On motion made by John Lambert it was **unanimously voted** that the Town appropriate, to pay direct debts and charges for the ensuing year, the sum of \$1,140,543 and to transfer the sum of \$12,000 to the general fund to cover indirect costs for the ensuing year, for the proposed budget for the SOLID WASTE ENTERPRISE FUND, item 9, substantially as shown on page 13 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2014 RECOMMENDED” and to raise said total sum of \$1,152,543 by transferring \$91,821 from Solid Waste Free Cash and to raise the sum of \$1,060,722 through fees and charges 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 \$18,714,981 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 \$3,165,485 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 \$3,165,485 under this Article 8 and \$18,714,981 under Article 7 of the warrant for this town meeting, for a total appropriation by the Town to the Wachusett Regional School District of \$21,880,466, the Town thereby approves a budget of \$81,727,729 for the fiscal year 2014 for the Wachusett Regional School District.

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ARTICLE 9. On motion made by Peter Lacy it was **unanimously voted** that the Town appropriate the sum of \$199,200 to be added to the Department of Public Works Depreciation Fund, and to raise said sum by transferring the amount of \$150,000 from available funds in the hands of the Treasurer and by raising and appropriating \$49,200 to cover the balance, and that the Town appropriate and transfer from the Department of Public Works Depreciation Fund the sum of \$49,200 to pay debt service for the borrowing for the purchase of a Dump Truck equipped with Plow and Spreader.

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

ARTICLE 11. On motion made by Joseph Dolak it was **unanimously voted** that no action be taken on this article.
(Water/Sewer projects)

ARTICLE 12. On motion made by Donald Mancini it was **unanimously voted** that the Town appropriate the sum of \$292,400 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 transferring \$113,324 from available funds in the hands of the Treasurer and by raising and appropriating \$179,076 to cover the balance and that the Town appropriate and transfer from the Fire Department Vehicle, Apparatus and Capital Equipment Stabilization Fund the sum of \$42,400 to pay debt service for the borrowing for the acquisition of Engine 4.
2/3rds VOTE REQUIRED

ARTICLE 13. On motion made by Donald Mancini it was **unanimously voted** that the Town appropriate the sum of \$750,000 to be added to the Stabilization Fund and to raise said sum by transferring the amount of \$750,000 from available funds in the hands of the Treasurer.
2/3rds VOTE REQUIRED

ARTICLE 14. On motion made by Joseph Dolak it was **unanimously voted** that the Town appropriate the sum of \$1,715,560 for the purpose of acquiring capital items as detailed in the capital budget as shown on page 14 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET," and to raise said sum by raising by taxation the sum of \$1,190,560 and by borrowing the sum of \$525,000 under G.L. Chapter 44, Section 8, clause (7C), or any other enabling authority, which borrowing relates to the Water-Sewer Division of the Department of Public Works, and to that end that the Treasurer, with the approval of the Selectmen, be authorized to issue bonds and notes therefore totaling \$525,000.
2/3rds VOTE REQUIRED

ARTICLE 15. On motion made by Marilynn Foley it was **unanimously voted** that the Town continue a 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, 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 \$381,685.

ARTICLE 16. On motion made by Marilynn Foley 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 \$313,034.

ARTICLE 17. On motion made by Peter Lacy it was **unanimously voted** that the Town continue an Inspection Revolving Fund in accordance with 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 \$223,770.

ARTICLE 18. On motion made by James Dunn it was **unanimously voted** that the Town appropriate the sum of \$416,014 to be added to the Town of Holden Infrastructure Investment Fund and to raise said sum by raising and appropriating the sum of \$296,565 and by transferring \$119,449 from the Recreation Revolving Fund.

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ARTICLE 19. On motion made by James Dunn it was **unanimously voted** that the Town appropriate the sum of \$544,449 to pay fiscal year 2014 debt service for the Municipal Pool Facilities Construction Project and the Public Safety Facility Construction Project and to raise said sum by appropriating and transferring \$544,449 from the Infrastructure Investment Fund.
2/3rds VOTE REQUIRED

ARTICLE 20. On motion made by Alan Berg it was **unanimously voted** that the Town transfer \$37,500 from the Water/Sewer Enterprise Fund Free Cash in the hands of the Treasurer to the Other Post Employment Benefits Trust Fund.

ARTICLE 21. On motion made by Donald Mancini it was **unanimously voted** that unissued balances of the following borrowing authorizations, which are no longer needed to accomplish the purposes for which they were approved, be and hereby are rescinded and of no further force or effect:

<u>Amount to be Rescinded</u>	<u>Date of Town Meeting</u>	<u>Warrant Article # /Purpose</u>
	<u>Approval</u>	
\$2,300,000.00	March 10, 2008	# 2 Public Safety Building
\$ 164,375.81	March 31, 2009	# 3 Water – SRF/MWPAT
\$ 100,000.00	May 21, 2012	#14 FY2013 Capital Program

ARTICLE 22. On motion made by Mark 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 23. On motion made by Mark Ferguson it was **unanimously voted** that the Town authorize the sum of \$133,955 of the excess of the income of the Municipal Light Department for the calendar years 2013 and 2014 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, 2013.

ARTICLE 24. On motion made by Kenneth Lipka 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, 2013 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 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 Massachusetts General Laws, Chapter 164, Section 57.

ARTICLE 25. On motion made by Jeremy Kurtz it was **unanimously voted** that the Town accept as a public way *Vista Circle* from Station 0+30.00 to Station 19+34.75, for a distance of approximately 1,904.75 feet, as laid out by the Selectmen and approved by the Planning Board.

ARTICLE 26. A motion made by Anthony Renzoni that the Town transfer a portion of a parcel of town-owned land located off of Bullard Street, identified and shown as Parcel 43 on Assessor's Map 150 and acquired by tax-title foreclosure in 2006, and shown on a plan of land entitled "Plan of Land to be Conveyed – Bullard Street, Holden", from the care, custody, management and control of the Tax Title Custodian to the care, custody, management and control of the Town Manager, and to authorize the Town Manager to sell said portion of the land containing approximately twelve (12) acres to a local, youth sports organization, and to convey an easement for access to and from said land over Town property, all for a minimum sales price of \$40,000.00, conditioned upon and subject to a restriction in the deed whereby such land shall be used only for the purposes of constructing and maintaining outdoor sports fields and appurtenant structures and facilities, subject to such terms and conditions as the Town Manager deems to be in the best interest of the Town.
2/3rds VOTE REQUIRED

The Moderator declared that the motion carried by a two-thirds voice vote.

ARTICLE 27. On motion made by Anthony Renzoni it was **unanimously voted** that the Town pursuant to Massachusetts General Laws Chapter 40, § 58 to authorize municipal charges liens on real property for unpaid and overdue bills or charges for ambulance and emergency medical services.

ARTICLE 28. On motion made by Anthony Renzoni it was **unanimously voted** that the Town pursuant to Massachusetts General Laws Chapter 71, §16G ½ to approve the establishment of a Stabilization Fund for the Montachusett Regional Vocational Technical School District.

ARTICLE 29. On motion made by William Ritter it was **unanimously voted** that the Town amend the Holden Zoning Bylaw Chapter 7.1 Section III.B. entitled Zoning Map, by deleting the date "June 4, 1971" and inserting in its place "March, 2013" so that Section III.B reads as follows: "The location and boundaries of the Zoning Districts, other than the Flood Plain District, are hereby established as shown on a map entitled "Zoning Map of the Town of Holden, Massachusetts" dated March, 2013 which accompanies and is hereby declared to be a part of this bylaw. For location of Flood Plain District see Section XIII."

2/3rds VOTE REQUIRED

ARTICLE 30. On motion made by Robert Lavigne it was **unanimously voted** that the Town amend the Holden Zoning Map, established in Section III of Chapter 7.1 of the Zoning Bylaw, by changing the zoning designation of two (2) parcels of land located at 1420 Main Street, Holden, MA and identified on Assessor's Map 129 as Parcels 16 and 20, being the former Town of Holden Police Station, from the current zoning designation of "Residential-Suburban-1" to a zoning designation of "Business Office- Professional".

2/3rds VOTE REQUIRED

ARTICLE 31. On motion made by William Ritter it was **unanimously voted** that the Town amend the Holden Zoning Bylaw Chapter 7.1 by adding a new Section XX entitled "Temporary Moratorium on Medical Marijuana Distribution Centers," to read as set forth in the document so entitled and on file in the Town Clerk's Office dated May 3, 2013.

2/3rds VOTE REQUIRED

ARTICLE 32. On motion made by Erik Scheinfeldt it was **unanimously voted** to take no action under this article. (Wachusett Regional District School Committee members)

ARTICLE 33. On motion made by Erik Scheinfeldt it was **unanimously voted** that the Town approve the Amendment of Section 9, Annual Report, of the Amended Wachusett Regional School District Agreement, as approved and recommended by vote of the Wachusett Regional District School Committee on March 18, 2013, by adding the following sentence:

"When requested by a representative of Member Town's government, an electronic version of budget documents will be furnished at no charge." so that Section 9 reads as follows:

The District shall submit to each of the Member Towns an annual report containing a detailed financial statement and a statement showing the methods by which the annual charges assessed against each town were computed, together with such additional information relating to the operation and maintenance of such schools as may be deemed necessary by the Committee or by the Selectboard of any Member Town. When requested by a representative of Member Town's government, an electronic version of budget documents will be furnished at no charge.

ARTICLE 34. On motion made by Erik Scheinfeldt it was **unanimously voted** that the Town approve the Amendment of Section 14.1. of Section 14, Amendments, of the Amended Wachusett Regional School District Agreement, as approved and recommended by vote of the Wachusett Regional District School Committee on March 18, 2013, as follows:

Amend Section 14.1 by deleting the number "five (5)" and inserting the number "three (3)" so that the Section reads as follows:

The Wachusett Regional School District Agreement shall be reviewed every three (3) years by the Committee. The Committee shall hold a public hearing to receive comment and proposed changes from the citizens of the Member Towns. The Committee shall prepare and submit a written report to the Selectboards of the Member Towns.

ARTICLE 35. On motion made by Erik Scheinfeldt it was **unanimously voted** that the Town approve the Amendment of Section 14.2. of Section 14, Amendments, of the Amended Wachusett Regional School District Agreement, as approved and recommended by vote of the Wachusett Regional District School Committee on March 18, 2013, by deleting the name "Commonwealth of Massachusetts Department of Education" in Section 14.2. and inserting the name "Commonwealth of Massachusetts Department of Elementary and Secondary Education" so that Section 14.2 reads as follows:

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This Agreement may be amended by recommendation of the Committee and approval of Member Towns of the District by majority vote at an annual or special town meeting provided that not more than one Member Town disagrees and subject to the approval by the Commonwealth of Massachusetts Department of Elementary and Secondary Education. No such amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes of the District then outstanding or the rights of the District to procure the means for payment thereof; provided, that this provision shall not prevent the admission of new towns to the District and the reapportionment accordingly of that part of the cost of construction represented by bonds or notes of the District then outstanding and of interest thereon (Chapter 116 of the Acts of 1951).

ARTICLE 36. On motion made by Erik Scheinfeldt it was **unanimously voted** that the Town approve the Amendment of Section 17. Lease of Schools of the Amended Wachusett Regional School District Agreement, as approved and recommended by vote of the Wachusett Regional District School Committee on March 18, 2013, by adding a new Section 17.7 which reads as follows:

17.7. Each maintenance agreement shall have a provision for the emergency use of school buildings and an annual maintenance audit.

ARTICLE 37. On motion made by Attorney Leo McCabe it was **defeated by a majority vote** that the Town of Holden authorize the Board of Selectmen as Licensing Authority to file Special Legislation with the General Court to authorize one (1) additional license for a package store All Alcoholic Beverage License to Grant Groceries, Inc. d/b/a One Stop Food Store at 1142 Main Street, Holden, Massachusetts, which premises are shown on Assessors Map 147, Parcel 28.

ARTICLE 38. On motion made by Roy Fraser III it was **unanimously voted** to take no action under this article. (amend zoning map at 160 Shrewsbury Street)

Voted to adjourn the meeting at 9:00 p.m.

A true copy.

Attest:

Cheryl A. Jenkins
Town Clerk