

ADJOURNED ANNUAL TOWN MEETING MAY 21, 2012

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PROCEEDINGS

The meeting was called to order and declared open by the Moderator, George A. Balko III, at 7:11 p.m. at Wachusett Regional High School. The salute to the flag followed. There were 374 registered voters present. Fifteen 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 2011 Report was dedicated to Town Employees who have devoted over thirty years of service. Chairman Paul L. Challenger presented an overview of the Mountview School Building Committee. Finance Committee Chairman James C. Dunn presented a brief overview on the status of the budget.

ARTICLE 4. On motion made by Karl Makela 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 – 8 Members | None |

ARTICLE 5. No action being necessary, the Article was **passed over**. (past debts and charges)

ARTICLE 6.

#1 – On motion made by Donald Mancini it was **voted by majority** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$4,724,127 for the proposed budget for GENERAL GOVERNMENT, item 1, substantially as shown on page 6 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2013 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 \$4,627,377 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 Alan Berg it was **unanimously voted** to pay Town debts and charges for the ensuing year, the sum of \$3,729,421 for the proposed budget for GENERAL GOVERNMENT DEBT, item 2, substantially as shown on page 7 of the “TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET” under the heading “FY 2013 RECOMMENDED” and to raise said sum by transferring \$674,344 from available funds in the hands of the Treasurer, by transferring \$71,871 from the Sewer Connection Fund, and by transferring \$1,949 from reserved bond premium in the hands of the Treasurer, and by raising and appropriating \$2,981,257 to cover the balance.

#3 – On motion made by Joseph Dolak it was **unanimously voted** to raise and appropriate, to pay Town debts and charges for

the ensuing year, the sum of \$4,305,110 for the proposed budget for PUBLIC SAFETY, item 3, substantially as shown on page 7 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2013 RECOMMENDED."

#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 \$2,586,311 for the proposed budget for PUBLIC WORKS, item 4, substantially as shown on page 8 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2013 RECOMMENDED" and to raise said sum by transferring \$40,000 from the Water/Sewer Enterprise fund receipts for indirect costs, and by raising and appropriating \$2,546,311 to cover the balance.

#5 – On motion made by Alan Berg it was **unanimously voted** the Town appropriate, to pay direct debts and charges for the ensuing year, the sum of \$5,997,055 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 8 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2013 RECOMMENDED" and to raise said total sum of \$6,071,805 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 \$330,071 for the proposed budget for HUMAN SERVICES, item 6, substantially as shown on page 9 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2013 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 \$543,687 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 "FY 2013 RECOMMENDED."

#8 – On motion made by Karl Makela it was **unanimously voted** that the Town raise and appropriate, to pay Town debts and charges for the ensuing year, the sum of \$763,723 for the proposed budget for CULTURE, item 8, substantially as shown on page 9 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2013 RECOMMENDED."

#9 – On motion made by James Dunn it was **unanimously voted** that the Town appropriate, to pay direct debts and charges for the ensuing year, the sum of \$1,145,826 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 10 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2013 RECOMMENDED" and to raise said total sum of \$1,157,826 by transferring \$61,515 from Solid Waste Free Cash in the hands of the Treasurer and to raise the sum of \$1,096,311 through fees and charges to cover the balance.

ARTICLE 7. On motion made by Paul Challenger it was **voted by a majority** that the Town raise and appropriate the sum of \$19,264,555 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.

Caleb Polsky, a sixth grader from Mountview Middle School was allowed to speak by the Moderator after hearing no objections from town meeting. He reported that he collected 175 signatures to show support for Article 7. He also contacted the offices of Congressman James McGovern and State Sen. Harriette Chandler and received support and encouragement from both of them.

ARTICLE 8. On motion made by Paul Challenger it was **voted by a majority** that the Town raise and appropriate the sum of \$2,652,668 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 \$2,652,668 under this Article 8 and \$19,264,555 under Article 7 of the warrant for this town meeting, for a total appropriation by the Town to the Wachusett Regional School District of \$21,917,223, the Town thereby approves a budget of \$79,284,670 for the fiscal year 2013 for the Wachusett Regional School District.

ARTICLE 9. On motion made by Joseph Dolak it was **unanimously voted** that the Town appropriate and transfer from the Public Works Depreciation Fund the sum of \$19,150 to pay the annual installment on a 5-year lease/purchase for a tractor

with boom flail mower.

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 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 Alan Berg it was **unanimously voted** that the Town appropriate the sum of \$90,000 to the DPW Depreciation Fund and to raise said sum by transferring \$90,000 from the Water/Sewer Stabilization Fund.

2/3rds VOTE REQUIRED

ARTICLE 12. On motion made by Joseph Dolak it was **unanimously voted** that the Town raise and appropriate the sum of \$82,331 to be added to the Fire Department Vehicle, Apparatus and Capital Equipment Stabilization Fund, established pursuant to MGL Chapter 40 §5B, and that the Town appropriate and transfer from the Fire Department Vehicle, Apparatus and Capital Equipment Stabilization Fund the sum of \$129,831 to pay debt service for the borrowing for Engine 6, to pay the second annual installment of a 3 year lease/purchase for an ambulance, and to purchase a new utility truck.

2/3rds VOTE REQUIRED

ARTICLE 13. On motion made by James Dunn it was **unanimously voted** that the Town appropriate the sum of \$375,000 to be added to the Stabilization Fund and to raise said sum by transferring the amount of \$234,000 from available funds in the hands of the Treasurer, and by raising and appropriating \$141,000 to cover the balance.

2/3rds VOTE REQUIRED

ARTICLE 14. A motion was made by Alan Berg that the Town appropriate the sum of \$915,647 for the purpose of acquiring capital items as detailed in the capital budget as shown on page 11 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET," and to raise said sum by raising by taxation the sum of \$605,647 and by borrowing the sum of \$310,000 under G.L. Chapter 44, Section 7, clause (9), or any other enabling authority, which borrowing relates to the acquiring and equipping of Self Contained Breathing Apparatus (SCBA) for the Fire Department, and a Large Dump Truck Wing Plow with Spreader for 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 therefor totaling \$310,000, and to appropriate \$6,200 to pay for associated debt service costs by raising the sum of \$2,000 and by transferring \$4,200 from the DPW Depreciation Fund. **The Moderator declared that the motion carried by a two-thirds voice vote**

2/3rds VOTE REQUIRED

ARTICLE 15. On motion made by Marilyn 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, equal to the amount by which \$370,981 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 \$370,981.

ARTICLE 16. On motion made by Karl Makela 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 \$274,846.

ARTICLE 17. On motion made by James Dunn 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 \$209,882.

ARTICLE 18. On motion made by Paul Challenger it was **unanimously voted** that the Town appropriate the sum of \$408,775 to be added to the Town of Holden Infrastructure Investment Fund and to raise said sum by raising and appropriating the sum of \$283,775 and by transferring \$125,000 from the Recreation Revolving Fund.

ARTICLE 19. On motion made by Edmond Benoit it was **unanimously voted** that the Town appropriate the sum of \$541,053 to pay fiscal year 2013 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 \$541,053 from the Infrastructure Investment Fund.
2/3rds VOTE REQUIRED

ARTICLE 20. On motion made by Donald Mancini it was **unanimously voted** that the Town raise and appropriate or transfer from available funds in the Public Works Photocopier Reserved for Appropriation Account, the sum of \$22,654 to lease/purchase photocopiers for the Public Works Department.

ARTICLE 21. On motion made by Robert Lavigne 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 Robert Lavigne it was **unanimously voted** that the sum of \$130,688 of the excess of the income of the Municipal Light Department for the calendar years 2012 and 2013 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, 2012.

ARTICLE 23. On motion made by Robert Lavigne 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, 2012 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 24. On motion made by Robert Lavigne it was **unanimously voted** Town accept as a public way *Blair Drive* from Station 16+09.46 to Station 32+94.30, for a distance of approximately 1,684.84 feet, as laid out by the Selectmen and approved by the Planning Board, and accept as a public way *Birch Hill Road* from Station 0+31.81 to Station 5+91.81, for a distance of approximately 560.00 feet, as laid out by the Selectmen and approved by the Planning Board.

ARTICLE 25. On motion made by Kenneth Lipka it was **unanimously voted** that the Town increase the amount of Tax Exemptions available for Senior Citizens under Massachusetts General Laws Chapter 59, §5, Clause 41C from \$500 to \$1,000.

ARTICLE 26. On motion made by Kenneth Lipka it was **unanimously voted** that the Town authorize the Board of Selectmen to abandon two easements acquired for drainage purposes and encumbering property located at and known as 15 Oak Crest Road, Holden, Massachusetts, now or formerly owned by Carol Szemot and Lisa Mulvehill, being more particularly described in a deed recorded with the Worcester District Registry of Deeds in Book 47727, Page 46, and shown on Town Assessors' Map 130 as Lot 02; said easement areas to be abandoned are shown as "Easement C", containing approximately 2,400 sq. ft. of land, and a portion of "Easement A", containing approximately 449 sq. ft. of land, on a plan entitled, "Plan of Property Surveyed for Carol A. Szemot Lisa M. Mulvehill, 15 Oak Crest Road, Holden Massachusetts", prepared by Jarvis Land Survey, Inc., dated 8/31/11, recorded at the Worcester District Registry of Deeds in Plan Book 892, Plan 64 and available for inspection in the office of the Town Clerk. And to further authorize the Board of Selectmen to execute any and all documents necessary to effectively abandon said easements .
2/3rds VOTE REQUIRED

ARTICLE 27. A motion was made by Kenneth Lipka that the Town amend the vote taken under Article 2 of the Special Town Meeting of March 10, 2008 relative to the authorization of the sale of the land and building thereon of the former Police Station located at 1420 Main Street, owned by the Town, by deleting from the authorization the requirement of a minimum sale price for said property.
2/3rds VOTE REQUIRED

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

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ARTICLE 28. On motion made by James Jumonville it was **voted by a majority** that the Town amend Chapter 2 of the Town By-laws by creating a new Article XXV entitled "Illicit Discharge Control Bylaw", as more particularly set forth in a document entitled "ARTICLE XXV, Illicit Discharge Control", dated May 4, 2012, a copy of which is on file and available for public inspection at the Office of the Town Clerk during regular business hours of the Town Hall.

ARTICLE 29. On motion made by James Jumonville it was **voted by a majority** that the Town pursuant to Section 58 of Chapter 40 of the General Laws of the Commonwealth to impose a municipal charges lien on real property for the following unpaid charges and fees: abatement, remediation, and administrative charges pursuant to the Illicit Discharge Control Bylaw.

ARTICLE 30. A motion was made by William Ritter that the Town amend the Holden Zoning Bylaw Chapter 7.1 Section XIJ.3.(g) Site Plans (D)(2) Content of Plans and to add subsections (e)-(k) to Section XIJ.3.(g) (D)(3) Review as described in a document entitled "Amendment to Site Plan Review/Special Permit Design Review Criteria" dated May 4, 2012, a copy of which is on file and available for public inspection at the office of the Town Clerk during regular business hours of the Town Hall. **The Moderator declared that the motion carried by a two-thirds voice vote. 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 XIX entitled "Solar Photovoltaic Array Fields" as more particularly set forth in a document entitled "Ground Mounted Solar Array Bylaw" dated May 4, 2012, a copy of which is on file and available for public inspection at the Office of the Town Clerk during regular business hours of the Town Hall. **2/3rds VOTE REQUIRED**

ARTICLE 32. On motion made by William Ritter it was **unanimously voted** that the Town amend the Holden Zoning Bylaw Chapter 7.1 Section II entitled "DEFINITIONS" by adding the following definition: "SOLAR PHOTOVOLTAIC ARRAY FIELD: Any ground-mounted arrangement of solar photovoltaic panels, the combined surface area of which consist of one half acre or more, exclusive of any land area cleared in order to accommodate such installations." **2/3rds VOTE REQUIRED**

ARTICLE 33. . On motion made by William Ritter it was **unanimously voted** that the Town amend the Holden Zoning Bylaw Chapter 7.1 Section V entitled "TABLE OF USE" as printed under Article 33 of the Town Meeting warrant. **2/3rds VOTE REQUIRED**

SECTION V TABLE OF USE

| WHOLESALE AND MANUFACTURING | R-40 | R-1 | R-2 | R-10 | R-M | C | BO-P | I | IQ | V |
|--------------------------------|------|-----|-----|------|-----|---|------|---|----|---|
| Solar Photovoltaic Array Field | P | - | - | - | - | - | - | P | P | - |

ARTICLE 34. A motion was made by William Ritter that the Town amend the Zoning Map of the Town of Holden MA by changing the zoning designation of 2 parcels of Town-owned land located at 1420 Main Street, Holden, MA and identified as Town of Holden Assessor's Map 129, 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 "Commercial." **The Moderator declared the motion was defeated by failing to obtain two-thirds voice vote. 2/3rds VOTE REQUIRED**

ARTICLE 35. A motion was made by Frederick Misilo that the Town amend the zoning map of the Town of Holden so as to change the parcel of real estate known as 160 Shrewsbury Street – 2 Chapel Street ("Parcel ID 200-017") and shown on the Town of Holden Assessor's Map from a Residential-Suburban-2 (R-2) Zoning District to Commercial Zoning District C. **The Moderator declared the motion was defeated by failing to obtain a two-thirds voice vote.**

2/3rds VOTE REQUIRED

Voted to adjourn the meeting at 9:12 p.m.

A true copy.
Attest:

Cheryl A. Jenkins
Town Clerk