

**ADJOURNED ANNUAL TOWN MEETING**

**MAY 16, 2011**

**PROCEEDINGS**

The meeting was called to order and declared open by the Moderator, George A. Balko III, at 7:14 p.m. at Wachusett Regional High School. The salute to the flag followed. There were 154 registered voters present. Sixteen 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 2010 Report was dedicated to Patrick L. Townsend who was not only a strong community supporter, he served as a member and chaired the School Building Committee in the 1990's. Chairman James C. Dunn presented a brief overview on the status of the budget.

ARTICLE 4. On motion made by Alan R. Berg 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 Alan R. Berg it was **unanimously voted** that no action be taken under this Article (past debts and charges).

ARTICLE 6.

#1 On motion made by Peter C. Lacy it was **voted by majority** that the Town appropriate, to pay Town debts and charges for the ensuing year, the sum of \$4,945,262 for the proposed budget for GENERAL GOVERNMENT, item 1, as printed on page 7 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED" and to raise said sum by transferring \$24,750 from the Water/Sewer Enterprise fund receipts for indirect costs, by transferring \$9,000 from the Solid Waste Enterprise fund receipts for indirect costs, by transferring \$50,000 from Overlay Surplus and by raising and appropriating \$4,861,512 to cover the balance.

#2 On motion made by Alan R. Berg it was **unanimously voted** to pay Town debts and charges for the ensuing year, the sum of \$3,597,656 for the proposed budget for GENERAL GOVERNMENT DEBT, item 2, as printed on page 8 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED" and to raise said sum by transferring \$404,693 from available funds in the hands of the Treasurer, by transferring \$71,871 from the Sewer Connection Fund, by transferring \$2,006 from reserved bond premium in the hands of the Treasurer, and by raising and appropriating \$3,119,086 to cover the balance.

#3 On motion made by Richard F. Bates it was **unanimously voted** to raise and appropriate to pay Town debts and charges for the

ensuing year, the sum of \$4,225,680 for the proposed budget for PUBLIC SAFETY, item 3, as printed on page 8 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED."

#4 On motion made by Alan R. Berg it was **unanimously voted** to appropriate, to pay Town debts and charges for the ensuing year, the sum of \$2,397,371 for the proposed budget for PUBLIC WORKS, item 4, as printed on page 9 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED" and to raise said sum by transferring \$42,000 from the Water/Sewer Enterprise to the Town's General Fund to cover indirect costs assumed by the Town, and by raising and appropriating \$2,355,371 to cover the balance.

#5 On motion made by Peter C. Lacy it was **voted by majority** to pay Town debts and charges for the ensuing year, the sum of \$5,551,067 for the proposed budget for the WATER/SEWER ENTERPRISE FUND, item 5, as printed on page 9 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED" of which \$66,750 will be transferred to the Town's General Fund to cover indirect costs assumed by the Town, and to raise said sum of \$5,551,067 through fees and charges.

#6 On motion made by Marilynn L. Foley it was **unanimously voted** to raise and appropriate to pay Town debts and charges for the ensuing year, the sum of \$296,775 for the proposed budget for HUMAN SERVICES, item 6, as printed on page 10 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED."

#7 On motion made by Paul L. Challenger it was **unanimously voted** to raise and appropriate to pay Town debts and charges for the ensuing year, the sum of \$465,097 for VOCATIONAL EDUCATION which is a part of the Proposed Education Budget, item 7, as printed on page 10 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED."

#8 On motion made by Marilynn L. Foley it was **unanimously voted**, to raise and appropriate to pay Town debts and charges for the ensuing year, the sum of \$728,617 for the proposed budget for CULTURE, item 8, as printed on page 10 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED."

#9 On motion made by Donald J. Mancini it was **voted by majority** that the Town appropriate, to pay direct debts and charges for the ensuing year, the sum of \$1,155,107 and transfer \$9,000 to the general fund to cover indirect costs for the ensuing year, for the proposed budget for the SOLID WASTE ENTERPRISE FUND, item 9, as printed on page 10 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET" under the heading "FY 2012 RECOMMENDED" and to transfer \$83,313 from Solid Waste Free Cash and by raising the sum of \$1,080,794 through fees and charges to cover the balance.

ARTICLE 7. On motion made by Paul L. Challenger it was **unanimously voted** that the Town raise and appropriate the sum of \$18,959,771 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 L. Challenger it was **unanimously voted** that the Town raise and appropriate the sum of \$1,824,982 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 \$1,824,982 under this Article 8 and \$18,959,771 under Article 7 of the warrant for this town meeting, for a total appropriation by the Town to the Wachusett Regional School District of \$20,784,753, the Town thereby approves a budget of \$75,790,510 for the fiscal year 2012 for the Wachusett Regional School District.

ARTICLE 9. On motion made by James C. Dunn it was **unanimously voted** that the Town raise and appropriate the sum of \$19,192 to be added to the Public Works Depreciation Fund created by Chapter 328 of the Acts of 2000 and that the Town appropriate and transfer from the Public Works Depreciation Fund the sum of \$19,192 to pay the annual installment on a 5-year lease/purchase for a tractor with boom flail mower.

**4/5<sup>th</sup> VOTE REQUIRED**

ARTICLE 10. On motion made by Joseph Dolak 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 or 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 Peter C. Lacy it was **unanimously voted** that the Town appropriate the sum of \$30,000 to the DPW Depreciation Fund and to raise said sum by transferring \$30,000 from the Water/Sewer Stabilization Fund.

**2/3rds VOTE REQUIRED**

ARTICLE 12. On motion made by Richard F. Bates it was **unanimously voted** that the Town raise and appropriate the sum of \$134,800 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 \$134,800 to pay debt service for the borrowing for Engine 6 and to pay the second annual installment of a 3 year lease/purchase for an ambulance.

**2/3rds VOTE REQUIRED**

ARTICLE 13. On motion made by James C. Dunn it was **voted by majority** that the Town appropriate the sum of \$300,000 to be added to the Stabilization Fund and to raise said sum by transferring the amount of \$300,000 from available funds in the hands of the Treasurer.

ARTICLE 14. On motion made by Alan R. Berg it was **unanimously voted** that the Town appropriate the sum of \$976,597 for the purpose of acquiring capital items as detailed in the capital budget as shown on page 12 of the "TOWN MEETING HANDBOOK RECOMMENDATIONS CONCERNING THE BUDGET," and to raise said sum by raising by taxation the sum of \$606,597 and by borrowing the sum of \$370,000 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 \$370,000, and to raise and appropriate \$7,700 to pay for associated debt service costs.

**2/3rds VOTE REQUIRED**

ARTICLE 15. On motion made by Donald J. Mancini 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 \$422,876 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 \$422,876.

ARTICLE 16. On motion made by Joseph Dolak 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 \$260,054.

ARTICLE 17. On motion made by Marilyn L. Foley 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 \$214,271.

ARTICLE 18. On motion made by Paul L. Challenger is was **unanimously voted** that the Town appropriate the sum of \$443,481 to be added to the Town of Holden Infrastructure Investment Fund and to raise said sum by raising and appropriating the sum of \$418,481 and by transferring \$25,000 from the Recreation Revolving Fund.

ARTICLE 19. On motion made by Deborah W. McDonnell it was **unanimously voted** that the Town appropriate the sum of \$540,943 to pay fiscal year 2012 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 \$540,943 from the Infrastructure Investment Fund.

**2/3rds VOTE REQUIRED**

ARTICLE 20. On motion made by James C. Dunn it was **unanimously voted** that the Town re-authorize and appropriate the sum of \$205,280 transferred under Article 24 of the 2010 Annual Town Meeting from the borrowing made under Article 11 of the May 17, 2004 Annual Town Meeting, to include expenses related to work on both the Chaffins and Bullard Street Substations of the Holden Municipal Light Department.

**2/3rds VOTE REQUIRED**

ARTICLE 21. On motion made by Robert P. 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 Kenneth O'Brien 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 2011 and 2012 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, 2011.

ARTICLE 23. On motion made by Kenneth O'Brien 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, 2011 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 Kenneth O'Brien it was **unanimously voted** that **no action be taken** under this article. (street acceptances)

ARTICLE 25. On motion made by Anthony M. Renzoni it was **voted by majority** that the Town authorize the Board of Selectmen to petition the Massachusetts General Court for legislation to revise the Town Charter as follows:

I. In Section 4, entitled "Election of Officers," revise the first sentence of the paragraph to read as follows: "At the first annual town election following acceptance of this act, and annually thereafter, the registered voters shall continue to elect a moderator, selectmen, district school committee, and trustees of Damon Memorial, and, unless otherwise provided by by-law, the moderator shall continue to appoint a finance committee and board of appeals."

II. In Section 6, entitled "School Committee" revise the first sentence of the paragraph to read as follows: "Nothing in this act shall be construed to affect the powers and duties of the district school committee, as provided by law, provided, however, that the committee may make an agreement with the selectmen whereby the town manager shall be assigned responsibility for the maintenance or repair of school buildings or grounds, the purchase of any supplies or equipment, or the preparation of any plans for construction or improvement of school buildings or property or supervision of such work."

III. In Section 9, entitled "Multiple Offices," insert the following text at the end of the paragraph:

"For the purposes of this section, the term 'town office' shall include the following: town manager or assistant town manager, town clerk or assistant town clerk, town treasurer or assistant town treasurer, collector of taxes or assistant collector of taxes, assessor or assistant assessor, auditor, constable, member of the Board of Selectmen, member of the Wachusett Regional School District Committee, or member of the Finance Committee."

and;

IV. In Section 14(a), entitled "Chief Procurement Officers," revise the paragraph to read as follows: "Notwithstanding the provisions of section two of chapter 30B of the General Laws, the town manager shall be the chief procurement officer for the town and all its boards, agencies, departments and instrumentalities. Subject to the provisions of this section, the town manager shall have all the powers and authority of a chief procurement officer under said chapter 30B."

ARTICLE 26. On motion made by Robert P. Lavigne it was **voted by majority** that the Town vote to authorize the Board of Selectmen to petition the Massachusetts General Court for legislation to revise the Town Charter as follows:

In Section 10, entitled "Appointment of Town Manager," revise the last clause of the second sentence by deleting the term "the Town" and inserting in lieu thereof the term, "Holden, Worcester or a town contiguous to Holden or Worcester," such that the revised sentence reads: "He need not be a resident of the town or of this commonwealth, when appointed, and shall not during the twelve months prior to his appointment have held any elective office in the town of Holden, but shall reside in Holden, Worcester or a town contiguous to Holden or Worcester during his term of office."

ARTICLE 27. On motion made by Robert P. Lavigne it was **defeated by a majority vote** that the Town authorize the Board of Selectmen to petition the Massachusetts General Court for legislation to revise the Town Charter as follows:

In Section 10, entitled "Appointment of Town Manager," in the first sentence, delete the term "for a term of not exceeding three years," such that the revised sentence reads: "The selectmen shall appoint, as soon as practicable, a town manager who shall be a person especially fitted by education, training and experience to perform the duties of the office."

ARTICLE 28. On motion made by Robert P. Lavigne it was **defeated by a majority vote** that the Town authorize the Board of Selectmen to petition the Massachusetts General Court for legislation to amend the Town Charter by inserting after Section 21 a new Section 22, to be entitled "Recall of Elected Official" as described in a document entitled "ARTICLE 28 Recall of Elected Official", dated April 27, 2011, copy of which is on file at the office of the Town Clerk.

ARTICLE 29. On motion made by William J. Ritter it was **unanimously voted** that the Town amend the Holden Zoning Bylaw Chapter 7.1 Section XVI entitled "Aquifer Protection District" and associated Aquifer Protection Map dated March 2011 and replace it with a new Chapter 7.1 Section XVI as described in a document entitled "Proposal to Replace the Aquifer Protection District By Law dated April 26, 2011" copy of which is on file at the office of the Town Clerk.

### **2/3rds VOTE REQUIRED**

ARTICLE 30. On motion made by William J. Ritter it was **unanimously voted** that the Town amend the Holden Zoning Bylaw Chapter 7.1 Section XI.J.3(a) Open Space Residential Development By-law, subsection (5) Professional and Technical Review by eliminating the reference to MGL Chapter 53G and replacing it with G.L. c.44, § 53G.

### **2/3rds VOTE REQUIRED**

ARTICLE 31. On motion made by Michael J. Scott it was **unanimously voted** that the Town amend Article XXIII of Chapter 2 of the Town By-laws, entitled "Wetland Bylaw", as more particularly set forth in a document entitled "Proposed Amendments to Wetland Bylaw" dated April 26, 2011, a copy of which is on file at the Office of the Town Clerk.

ARTICLE 32. On motion made by Michael J. Scott it was **unanimously voted** that the Town amend Chapter 2 of the Town By-laws by creating a new Article XXIV entitled "Stormwater Management and Erosion Control Bylaw", as more particularly set forth in a document entitled "Proposed Stormwater Management and Erosion Control Bylaw" dated April 26, 2011, a copy of which is on file at the Office of the Town Clerk.

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ARTICLE 33. On motion made by Kenneth E. Lipka it was **voted by majority** that the Town amend the Town By-laws Chapter 2 Article VIII entitled "Restraint of Dogs" by amending Section 1 by adding at the end of the sentence "unless within an officially designated Town Dog Park or Dog Run."

ARTICLE 34. On motion made by Roy Fraser to amend the Zoning Map of the Town so to change the parcel of real estate know as 160 Shrewsbury St. – 2 Chapel St and shown on the Town of Holden Assessors' Map 200 as Parcel 17 from a Residential-Suburban-2 (R-2) Zoning District to a Commercial Zoning District ( C ) **By a standing count of 70 Yes and 49 No, the motion failed.**

**2/3rds VOTE REQUIRED**

Voted to adjourn the meeting at 9:40 p.m.

A true copy.  
Attest:

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Cheryl A. Jenkins  
Town Clerk