

Annual Town Meeting

May 2, 2011

The Annual Town Meeting was called to order by Moderator Michael F. Hayes at 7:35 P.M. Constable Harry D. Bates announced that there were 180 voters present, constituting the quorum requirement of 50. The meeting pledged allegiance to the flag and the Moderator held a moment of silence for deceased Town employees. Invocation was given by Reverend Jason Makos of the Holy Ghost Church. The following tellers were sworn in by Town Clerk Pamela Martin: Thomas Burnett, 583 Franklin St., John Norton, 579 Franklin St., Richard Krajewski, 159 Homeland Dr., and Gary Fowler, 23 Arrow Dr. New voters were recognized and the Moderator went over the rules governing Town Meeting. The two new members of the Finance Committee were recognized; Scott Gordon and Leon Beeloo.

Chairman of the Board of Selectmen, Carl Kowalski, made an opening statement that the voters present were the heroes of the Town by showing up and participating. He stated that resources are very meager, but with everyone working together and compromising, we are presenting a budget that is within the levy limit and that an override of Prop 2 ½ would not be necessary.

Chairman of the Finance Committee, William Capocci, explained to the meeting how we arrived at the figures presented and about the work that went into it by all involved.

The meeting adjourned at 8:10 p.m. to convene the Special Town Meeting and the Annual Town Meeting reconvened at 8:20 p.m.

Article 1.

The Town voted Unanimously to bring in their vote for the following Town Officers: One Town Moderator for Three Years, One Town Treasurer-Collector for Three Years, Two Selectmen for Three Years, One Assessor for Three Years, Two PK-12 Whitman-Hanson Regional School District Committee Members for Three Years, Two Department of Public Works Commissioners for Three Years, Two Public Library Trustees for Three Years; One Whitman Housing Authority Member for Five Years; Three Planning Board Members for Five Years; One Board of Health Member for Three Years; and to choose all other necessary officers.

The polls for the election of officers will be opened in said Town Hall at nine o'clock in the forenoon on said Saturday, the 21st day of May, 2011, and kept open until five o'clock in the evening. Both of which days will constitute the Annual Meeting and this call is issued in accordance with the vote of the Town passed January 29, 1902.

Proposed by the Board of Selectmen

Article 2

To determine how much money the Town will raise and appropriate for General Government, Protection of Persons and Property, Health and Sanitation, Public Works, Veterans' Benefits, Education, Library, Recreation and Unclassified, specifying what appropriations shall be taken from the receipt of a department.

Proposed by the Board of Selectmen

ARTICLE 2 IS RECORDED AT THE END OF THIS RECORDING

Questioned line items: 27, 46, 60, 62, 63, 92, 112, 116, 132, 211, 212, 213, 216 - all other line items were voted unanimously.

Requests for Appropriation from Reserve for Appropriation Accounts

Article 3

The Town voted UNANIMOUSLY to transfer the sum of \$5,935.77 from the Reserve for Appropriation Title V Loans Account to make fiscal year 2012 debt payments, with any balance remaining at the end of the fiscal year to be returned to the Reserve for Appropriation Title V Loans Account, or take any action relative thereto.

Proposed by the Town Treasurer-Collector
Finance Committee Voted to Recommend 8-0

Note: This article authorizes the Town to pay debt from funds paid for Sewer betterments.

Article 4

The Town voted UNANIMOUSLY to transfer the sum of \$33,942.00 from the Reserve for Appropriation Ambulance Account (Ambulance Receipts) to Article 2, Line Item 134, Fire-Rescue & Emergency Services Clerical, Administrative Assistant to the Fire Chief, or take any action relative thereto.

Proposed by the Chief of the Fire-Rescue & Emergency Services Department
Finance Committee Voted 8-0 to Recommend

NOTE: This article uses funds generated from the Town ambulance service to reduce the amount necessary to raise by taxation.

Article 5

The Town voted UNANIMOUSLY to transfer the sum of \$38,000.00 from the Reserve for Appropriation Ambulance Account to fund line items of Article 2 for ambulance related expenses as follows:

| | |
|-----------------------------------------|--------------|
| Line 139 Ambulance Repair & Maintenance | \$ 10,000.00 |
| Line 140 Ambulance Billing | \$ 28,000.00 |

or take any action relative thereto.

Proposed by the Chief of the Fire-Rescue & Emergency Services Department
Finance Committee Voted to Recommend 8-0

NOTE: This article uses funds generated from the Town ambulance service to reduce the amount necessary to raise by taxation. These funds are necessary to operate and bill for ambulance calls.

Article 6

The Town voted UNANIMOUSLY to transfer \$200,000.00 from the Reserve for Appropriation Ambulance Account (Ambulance Receipts) to additionally fund Article 2, Line Item 133, Fire-Rescue & Emergency Services, All Other Services, or take any action relative thereto.

Proposed by the Chief of the Fire-Rescue & Emergency Services Department
Finance Committee Voted to Recommend 8-0

NOTE: This appropriation uses ambulance revenue to reduce the amount of money that would be raised by taxation to fund salaries for firefighter/paramedics.

Article 7

The Town voted UNANIMOUSLY to transfer the sum of \$39,947.10 from the Reserve for Appropriation Ambulance Account (Ambulance Receipts) to make the second of five payments for the Lease/Purchase of a 2010 Ambulance, or take any other action relative thereto.

Proposed by the Chief of the Fire-Rescue-Emergency Services Department
Finance Committee Voted to Recommend 8-0
This Article Requires a 2/3 Vote

NOTE: This appropriation uses Ambulance revenue to pay for the cost of acquiring equipment.

Article 8

The Town voted UNANIMOUSLY to transfer the sum of \$58,038.00 from the Reserve for Appropriation Ambulance Account (Ambulance Receipts) to make the third of five payments for the lease/purchase of a 2009 Pumping Engine or take any other action relative thereto.

Proposed by the Chief of the Fire-Rescue-Emergency Services Department
Finance Committee Voted to Recommend 8-0
This Article Requires a 2/3 Vote

Article 9

The Town voted UNANIMOUSLY to transfer from the reserve for Appropriation Ambulance Account (Ambulance receipts) the sum of \$100,000 to the Town Debt Service Reserve Account from which account monies may be appropriated to make debt payments on the various Town capital projects, or take any action relative thereto.

Proposed by the Fire Chief and Treasurer-Collector
Finance Committee Voted to Recommend 8-0

Note: This appropriation uses Ambulance revenue to reserve funds for debt payment as opposed to raising money by taxation.

Article 10

The Town voted UNANIMOUSLY to transfer the sum of \$48,330.45 from the Reserve for Appropriation Ambulance Account (Ambulance Receipts) for the first of five payments for the lease/purchase of the following equipment:

| | |
|----------------------------------------------------------|--------------|
| Radio System equipment and infrastructure | \$ 90,000.00 |
| Self-Contained Breathing Apparatus and related equipment | 40,000.00 |
| Cardiac Monitors/Defibrillators and related equipment | 80,000.00 |

or take any other action relative thereto.

Requested by the Chief of the Fire-Rescue & Emergency Services Department
Finance Committee Voted 6-0 to Recommend
This Article Requires a 2/3 Vote

NOTE: This appropriation funds needed upgrades to communications and emergency services and uses Ambulance revenue to fund as opposed to raising money by taxation.

Article 11

The Town voted UNANIMOUSLY to transfer \$5,000.00 from the Reserve for Appropriation Ambulance Account (Ambulance Receipts) for the purpose of installing and maintaining heat, utilities and perform general maintenance in or at the Armory Building for the storage of fire apparatus, ambulances and other town equipment, or take any action relative thereto.

Proposed by the Chief of the Fire-Rescue & Emergency Services Department
Finance Committee Voted to Recommend 8-0

NOTE: This appropriation provides necessary heat to use the former Armory building to store fire-fighting equipment and conduct training, using Ambulance revenue.

Article 12

The Town voted UNANIMOUSLY to appropriate the sum of \$15,000.00 from the Reserve for Appropriation Ambulance Account to refurbish the 2000 Chevrolet Ambulance or take any action relative thereto.

Proposed by the Chief of the Fire-Rescue & Emergency Services Department
Finance Committee Voted to Recommend 8-0

NOTE: This article appropriates Ambulance revenue as opposed to raising funds through taxation to maintain our back-up ambulance.

Article 13

The town voted UNANIMOUSLY to transfer \$42.62 from the Reserve for Appropriation Ambulance Purchase Account to the Reserve for Appropriation Vehicle Purchase Account (Fire) and to close the Reserve For Appropriation Ambulance Purchase Account and the reserve for Appropriation Fire Rescue Engine Purchase Account, or take any other action relative thereto.

Proposed by the Town Accountant
The Finance Committee Voted 6-0 to Recommend

NOTE: This article closes two reserve for appropriation accounts that are no longer needed.

Article 14

The Town voted UNANIMOUSLY to appropriate the sum of \$255,510.00 from the Reserve for Appropriation Town Debt Service Reserve Account to make payments on debt authorized by Article 41 of the May 19, 1998 Annual Town Meeting for the purposes of renovations, additions and remodeling to the various Town capital projects, or take any action relative thereto.

Proposed by the Town Treasurer-Collector
Finance Committee Voted to Recommend 8-0

Article 15

The Town voted UNANIMOUSLY to transfer the sum of \$15,000.00 from the Reserve for Appropriation Motor Vehicle Fine Account, to be added to Article 2 Line 123 - Police All Other Services, or take any other action relative thereto.

Proposed by the Chief of Police
The Finance Committee voted 6-0 to Recommend

NOTE: This appropriation uses revenue generated from traffic violations to reduce the amount of money to be raised from taxation to fund police salaries.

Article 16

The Town voted UNANIMOUSLY, this article as amended, to transfer the sum of \$50,817.14 from the Motor Vehicle Fine Account to authorize a lease/purchase and make the first of three payments for one new vehicle for the Police Department, make subsequent year payments as noted below, and continue the lease of a Harley Davidson Motorcycle, all as specified below:

| | |
|-------------------------------------------------------------|--------------|
| First of three annual payments for one (1) new vehicle | \$ 12,410.36 |
| Second of three annual payments for two 2010 vehicles | 23,379.90 |
| Third of three annual payments for one 2009 vehicle | 11,426.88 |
| One year lease continuation of a Harley Davidson Motorcycle | 3,600.00 |

or take any other action relative thereto.

Proposed by the Chief of Police
The Finance Committee voted 6-0 to Recommend
This Article Requires a 2/3 Vote

Note: This appropriation uses revenue generated from traffic violations to fund vehicle acquisitions.

Article 17

The Town voted UNANIMOUSLY to transfer the sum of \$21,600.00 from the Reserve for Appropriation Motor Vehicle Fine Account to purchase bullet-proof vests for use by the members of the Whitman Police Department, or take any other action relative thereto.

Proposed by the Chief of Police
Finance Committee Voted 8-0 to Recommend

NOTE: This appropriation uses revenue generated from traffic violations to provide for officer safety.

Article 18

The Town voted UNANIMOUSLY, this article as amended, to transfer the sum of \$9,720.64 from the Reserve for Appropriation Motor Vehicle Fine Account for the purchase of two (2) new mobile data terminals for use by the Whitman Police Department, or take any action relative thereto.

Proposed by the Chief of Police
Finance Committee Voted 7-0-1 to Recommend

Revolving Account Authorizations**Article 19**

The Town voted UNANIMOUSLY, as authorized by MGL C 44 §53E ½ as amended by Chapter 275 of the Acts of 1990, to continue for fiscal year 2011, the following Revolving Accounts for purposes as indicated and limited as set forth below or take any action relative thereto:

| Revolving Account Description / Name | Source of Receipts | Use of Funds | Receipts Limit | Disbursed by |
|-------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------|----------------|---------------------------------|
| Council on Aging Revolving Account | Minibus Fares and Program Fees | Defray Council on Aging Expenses | \$10,000.00 | Director, Council on Aging |
| Library Fines and Fees Revolving Account | Library Fines | Defray Library Expenses | \$17,500.00 | Board of Library Trustees |
| Passport Fees Revolving Account | Sale of Passport Photographs | Defray Expenses for Photo Supplies | \$3,000.00 | Town Clerk |
| Fire Alarm Revolving Account | Construction, Repair and Maintenance of Town Municipal Fire Alarm System | Defray Cost to Maintain and Repair Town Fire Alarm System | \$10,000.00 | Fire Chief |
| Planning Board Revolving Account | Fees Paid on Submission of Plans to the Planning Board | All expenses except Personnel Salaries | \$75,000.00 | Planning Board by Majority Vote |
| Police Department Revolving Account (Marijuana Fines) | Fines assessed under MGL C. 40 §21D | Police Training and Equipment | \$10,000.00 | Chief of Police |

Proposed by disbursing departments

Finance Committee Voted 5-1 to Recommend

Note: The above article requests continuation of revolving accounts that are presently in place.

Raise and Appropriate Articles Outside the Levy Limit

Article 20

The Town voted UNANIMOUSLY to raise and appropriate outside the levy limit the sum of \$585,833.00 to pay Whitman Hanson Regional School Department debt payments, which debt was authorized by Article 7 of the May 7, 2002 Annual Town Meeting and the May 18, 2002 debt exclusion vote, or take any action relative thereto.

Proposed by the Town Treasurer-Collector
Finance Committee Voted to Recommend 8-0

NOTE: This payment represents Whitman's share of the FY 2012 payment for construction of the Regional High School

Article 21

The Town voted UNANIMOUSLY, this article as amended, to raise and appropriate, outside the levy limit, the sum of \$332,706.67 for the purpose of making debt payments on debt issued by the Whitman Hanson Regional Schools for the Whitman K-8 school projects, which debt was authorized by Article 1 of the February 23, 1998 Special Town Meeting and the March 4, 1998 exclusion vote, or take any action relative thereto.

Proposed by the Town Treasurer-Collector
Finance Committee Voted to Recommend 8-0

Note: In 2002 the Town, through the Whitman Hanson Regional School District, bonded costs for renovations of the Conley, Duval and Middle Schools with funding assistance from the MSBA. This debt is scheduled to be fully paid on 6/15/2021. Due to available surplus funds in MSBA, the Authority has opted to pay its subsidy for the remainder of the bond in a lump sum payment of \$17,142,918 and these funds should be received by May 6, 2011. The Town has opted to pay the remainder balance over three years with payments of \$342,058, \$343,144 and \$354,233 respectively. This appropriation represents the first of those three payments.

Raise and Appropriate Articles Within the Levy Limit

Article 22

The Town voted UNANIMOUSLY, this article as amended, to transfer the sum of \$919,637.04, from free cash to make debt payments on debt authorized by Article 1 of the November 17, 2008 Special Town Meeting for the construction of a new Police Station, and the renovation of the Town Hall and Fire Station, or take any action relative thereto.

Proposed by the Town Treasurer-Collector
Finance Committee Voted 6-0 to Recommend

Note: This Appropriation pays the first year debt incurred for the construction of a new Police Station and renovations of the Town Hall and Fire Station.

Article 23

The Town voted UNANIMOUSLY to accept the provision of MGL Ch. 32B, Section 20 for the purpose of establishing an Other Post Employment Benefits Liability Trust Fund, to create a reserve for the purpose of accruing funds for the long term unfunded liability of retiree health insurance costs; and further to raise and appropriate the sum of \$1,000.00 for such fund, or take any action relative thereto.

Proposed by the Town Treasurer-Collector
The Finance Committee Voted 8-0 to recommend

NOTE: This action is necessary to comply with the requirements of GASB 45

Article 24

The Town voted UNANIMOUSLY to raise and appropriate the sum of \$5,700.00 to engage an actuary to perform an assessment of future liabilities for OPEB (Other Post Employment Benefits) as required by GASB 45 (Government Account Standards Bureau), or take any other action relative thereto.

Proposed by the Town Treasurer-Collector
The Finance Committee Voted 6-0 to Recommend

Enterprise Fund

Article 25

The Town voted UNANIMOUSLY to appropriate \$ 49,000.00 from Sewer retained earnings to pay for costs associated with repairing pumps in the Town wastewater system, or take any other action relative thereto.

Proposed by The Board of Public Works Commissioners
Finance Committee Voted to Recommend 8-0

NOTE: This appropriation will begin a program of planned maintenance for the various pumping stations in Town and requests will continue in subsequent Annual Meetings.

Chapter 90 Funds

Article 26

The Town voted UNANIMOUSLY to appropriate \$330,393.00 from available Chapter 90 funds to make repairs and improvements to various streets and sidewalks in the Town of Whitman, or take any other action relative thereto.

Proposed by the Department of Public Works
Finance Committee Voted 6-0 to Recommend

Other Authorizations

Article 27

The Town voted UNANIMOUSLY to authorize the lease/purchase of a vehicle to be used by Animal Control; the first payment of three annual payments of \$8,199.95 to be paid from the Animal Control Gift Account, or take any action relative thereto.

Proposed by the Chief of Police
Finance Committee Voted to Recommend 8-0

This Article Requires a 2/3 Vote

Article 28 – PASSED OVER

To see if the Town will vote to approve a collective bargaining agreement between the Town of Whitman and Local 1769, International Association of Firefighters, AFL-CIO, and to raise and appropriate a sum of money to fund the cost items for the first year of the agreement.

Proposed by the Board of Selectmen

Article 29 – PASSED OVER

To see if the Town will vote to approve a collective bargaining agreement between the Town of Whitman and the Whitman Public Library Employees, SEIU Local 888, and to raise and appropriate a sum of money to fund the cost items for the first year of the agreement.

Proposed by the Board of Selectmen

Article 30 – PASSED OVER

To see if the Town will vote to approve a collective bargaining agreement between the Town of Whitman and the Whitman Police Association, Local 509, IBPO, and to raise and appropriate a sum of money to fund the cost items for the first year of the agreement.

Proposed by the Board of Selectmen

Article 31 – PASSED OVER

To see if the Town will vote to approve a collective bargaining agreement between the Town of Whitman and State Council 93, Local 1700, American Federation of State, County, and Municipal Employees, AFL-CIO, and to raise and appropriate a sum of money to fund the cost items for the first year of the agreement.

Proposed by the Board of Selectmen

Article 32 – PASSED OVER

To see if the Town will vote to approve a collective bargaining agreement between the Town of Whitman and the Whitman Town Hall Employees, OPEIU Local 6, and to raise and appropriate a sum of money to fund the cost items for the first year of the agreement.

Proposed by the Board of Selectmen

By-Law Change Requests / Local Acceptance Requests

Article 33

The town VOTED IN THE MAJORITY to amend Article XIV, Section 12 – Use of Public Ways, by amending the last sentence of Section 12 to read:

Any owner or occupant who violates this provision shall forfeit and pay the sum of \$100.00 for the first offense, \$300.00 for the second offense, and \$500.00 for the third and each subsequent offense; and each day the sidewalk remains covered by snow shall be considered a separate offense.

Proposed by the Town Administrator
By Law Study Committee Voted 4-0 to Recommend

Note: This amendment increases the fine from \$50.00 to a tiered fine if the owner/occupant fails to remove snow blocking sidewalks from passage.

Article 34

The town VOTED IN THE MAJORITY to amend Article XIV, Section 13 – Use of Public Ways, by amending the last sentence of Section 13 to read:

Any person who violates any of these provisions shall forfeit and pay the sum of \$100.00 for the first offense, \$300.00 for the second offense, and \$500.00 for the third and each subsequent offense.

Proposed by the Town Administrator

Note: This amendment increases the fine from \$50.00 to a tiered fine if the owner/occupant fails to remove snow blocking sidewalks from passage.

Article 35

The Town voted IN THE MAJORITY to amend the Town of Whitman By-Laws by adding the following:

ARTICLE XXXV - False Alarm By-Law:

Any residence, school, municipal building or place of business which has an alarm system connected directly to the Police Department or connected indirectly to said Department through a private alarm company (each of which shall be hereinafter referred to as a “monitored system”), shall be charged a fine for all responses by the Department to such buildings when the response is caused by: (1) the activation of the monitored system through mechanical failure, malfunction, improper installation, or negligence by the user of an alarm system or his employees or agents, including but not limited to incorrect security code entry, failure to notify alarm company of contact information; or (2) the activation of the monitored system requesting, requiring or resulting in a response on the part of the Police Department when, in fact, there has been no unauthorized intrusion, robbery or burglary, or attempted threat. For purposes of this bylaw, activation of a monitored system for the purposes of testing with prior approval by the Police Department, or by an act of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm. A fine for violation of this bylaw may be assessed against the owner or tenant of the residence or place of business. Penalties for violation of this bylaw shall be as follows, successive responses to be counted within any twelve month period. First three responses Warning; Fourth response \$50.00; Fifth response \$75.00; Sixth and subsequent responses \$100.00 each;

This section may be enforced pursuant to the non-criminal disposition method as contained in M.G.L. Chapter 40, Section 21D. Enforcing persons shall be police officers.

Proposed by Chief of Police

By Law Committee Voted 4-0 to Recommend

Article 36

The Town voted UNANIMOUSLY to amend Article XXXIV of the Town of Whitman By-Laws by changing the first sentence of the 2nd paragraph as follows:

Delete: “This By-Law may be enforced through any lawful means in law or in equity by non-criminal disposition pursuant to the M.G.L., Chapter 42, Section 21D, by any sworn Police Officer in the Town of Whitman.”

Add: This By-Law may be enforced through any lawful means in law or in equity by non-criminal disposition pursuant to the M.G.L., Chapter **40**, Section 21D, by any sworn Police Officer in the Town of Whitman. (Change highlighted and underlined for emphasis).

Submitted By the Chief of Police

Article 37

The Town voted UNANIMOUSLY to accept the provisions of MGL Chapter 59, Section 5, Clause 37A, or take any other action relative thereto.

Submitted by the Board of Assessors
Finance Committee Voted 8-0 to Recommend

Note: Clauses 37 and 37A provides a property tax exemption of legally blind persons who meet specific occupancy and ownership requirements. Currently Whitman offers Clause 37 in the amount of \$437.50. Local acceptance of Clause 37A would increase the amount of the exemption to \$500.00. There will be no additional State reimbursement if these increases are adopted.

Article 38

The Town voted UNANIMOUSLY to accept MGL Chapter 59, Section 5, Clause 41D, or take any other action relative thereto.

Proposed by The Board of Assessors
Finance Committee Voted 6-0 to Recommend

Note: Communities have the option of automatically increasing each year the amount of the income and assets certain senior citizens may have to qualify for an exemption under MGL Chapter 59, Section 5, Clause 41C by the Cost of Living Adjustment determined by the Commissioner of Revenue. The current income ceiling is \$13,000 for an elderly single property owner and \$15,000 for married couple with a current assets limit of \$28,000 for single and \$30,000 for an elderly married couple. Although the exemption amount of \$500 would remain the same, the income and assets limit would increase by the Cost of Living Adjustment determined yearly by the Commissioner of Revenue. There will be no additional State reimbursement if these increases are adopted.

Miscellaneous Request(s)

Article 39

The Town voted UNANIMOUSLY to raise and appropriate the sum of \$2,000.00 to be used for the purpose of holding a Household Hazardous Waste Collection Day, or take any action relative thereto.

Proposed by the Board of Health
Finance Committee Voted 8-0 to Recommend

Article 40 – ARTICLE DEFEATED

The Town voted NO the following request from A New Day:
A New Day, formerly Womansplace Crisis Center, requests from the Town of Whitman, that \$3,000.00 be raised and appropriated to A New Day in fiscal year 2012 in lieu of services provided to the sexual assault survivors and their families.

This article was directly submitted by A New Day
Finance Committee Voted 8-0 to Not Recommend

Article 41 – PASSED OVER

To see if the Town will vote to raise and appropriate, outside the levy limit, the sum of \$191,565.00 to be added to various budget lines of Article 2. This vote shall be subject to voter approval of a proposition 2 ½ override presented as Question One of the May 21, 2011 Town Election Ballot, or take any other action relative thereto.

Article 42

The Town voted UNANIMOUSLY, this article as amended, to transfer \$150,000 from FREE CASH to be added to the Town’s Capital Stabilization Fund, or take any other action relative thereto.

Proposed by the Finance Committee

The meeting adjourned at 9:35 p.m. There were 217 voters checked off of the voting list.

A TRUE RECORD, ATTEST:

TOWN CLERK – WHITMAN