

**THE TOWN OF HOLLISTON
ANNUAL TOWN MEETING
MAY 4, 2009**

The annual Town Meeting commencing on May 4, 2009 was held at the Holliston High School and was brought to order by Moderator Kevin Clancy at 7:30 PM, with a quorum count of 107.

Prior to the start of the regular business the Moderator read the following Motion as required by the Town By-laws.

MOTION: Moved that the following non-residents and non-voting Town officials, consultants to committees and petitioners be allowed to speak during the course of this Annual Town Meeting:

Leslie McDonnell	Library Director
Mary Bousquet	Treasurer/Collector
Kathryn Peirce	Principal Assessor
Peter Tartakoff	Building Inspector
Brad Jackson	Superintendent of Schools
Tim Cornely	Assistant Superintendent of Schools
Tom Smith	Highway Superintendent
Karen Sherman	Town Planner
James Lynch	Superintendent, Keefe Technical School
Tom Lambert	Police Chief
Keith Edison	Police Lieutenant
Brenda Farrell	Housing Authority Director
Cheryl Rudolph	Animal Control Officer
Donna Capadonna	Animal Control Officer
Ronald Sharpin	Water Superintendent
Chuck Corman	Technology Director

SECONDED

DISCUSSION: The moderator explained that our By-laws require that the Town Meeting vote to allow non-residents and non-voters at speak at the town meeting.

VOTE: Unanimously passed by voice vote.

Before we proceed with the main articles Ann McCobb, Health Director spoke on behalf of the Board of Health on the H1N1 flu.

A brief presentation on the Energy Study Committee, by Parashar Patel. This presentation showed what the committee has been studying and ways to conserve energy for the town.

ARTICLE 1. To hear and act on the report of the Selectmen.

MOTION: Moved that the Annual Report of the Town for the 12 month period ending June 30, 2008 be accepted.

SECONDED

DISCUSSION. None

VOTE: Passed by unanimous voice vote to Accept Article 1 as stated in the Motion.

ARTICLE 2. To hear and act on the report of the Finance Committee.

MOTION: Moved that the Annual Report of the Finance Committee be received and laid on the table and that motions offered in the report be accepted as motions before this meeting as the articles and the budget are taken up.

SECONDED

DISCUSSION. None.

VOTE: Passed by unanimous voice vote to Accept Article 2 as stated in the Motion.

ARTICLE 3. To see if the Town will vote to authorize the Town Treasurer, subject to the approval of the Selectmen, to sell property acquired through foreclosure of tax titles by the Town and other real estate, after first giving notice of the time and place of the sale by posting such notice of sale in some convenient place in the Town, by publishing such notice of such sale in a newspaper having general circulation in the Town and by posting such notice on a Holliston Cable Access Television (HCAT) bulletin board and on the Town's website at least fourteen (14) days before the sale. The Treasurer shall also give notice of such sale to the Executive Director of the Holliston Housing Authority and the Chair of the Holliston Housing Committee or its subsequent equivalent by first class letter at least forty-five (45) days before the sale. The Treasurer may hold a public auction and may reject any bid which s/he deems inadequate, and any such advertisement, notice or indication that real property is to be offered for sale by the Town of Holliston, or any department, commission, or other subdivision of the Town shall include the following statement: "Buyers should be aware that the Town of Holliston does not guarantee this property to be in conformity with existing zoning bylaws."

Whenever the proceeds of the sale or other disposal of real estate, other than that acquired through tax title foreclosure, by the Town of Holliston exceed five hundred dollars, the same shall be applied to the payment of indebtedness incurred in acquiring such real estate or shall be added to the sinking fund, if any, from which said indebtedness is payable, or if no such indebtedness is outstanding will be applied to the Town's Capital Expenditure Fund as established by Chapter 46 of the Acts of 1993. The proceeds of a sale in excess of five hundred dollars of any park land by the Town shall be used only by the Town for acquisition of land for park purposes or for capital improvements to park land; or take any action relative thereto.

(Board of Selectmen)

MOTION: Moved that this Article be approved as presented in the Warrant.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 3 as stated in the Motion.

ARTICLE 4. To see if the Town will vote to amend the Consolidated Personnel By-law Section 29, Job Classification Plan, by reflecting those revisions, deletions and/or additions to be effective as of July 1, 2009; or take any action relative thereto. (**Town Administrator**)

SECTION 29, JOB CLASSIFICATION PLAN (Full-time Permanent Positions)

POSITION	GRADE	POSITION	GRADE
Assistant Cataloger, Library	8	Laborer	5
Administrative Aide	2	Librarian, Asst. Director	11
Building Inspector, Assistant	11	Librarian, Children's	10
Clerk, Principal	8	Mechanic	10
Clerk, Assistant	5	Mechanic, Head	13
Clerk, Senior	8	Mechanic, Assistant	8
Crew Chief, Highway	10	Operator, Heavy Equipment	9
Custodian	7	Operator, Equipment	8
Dispatcher, Days	7	Operator, Water Systems	9
Dispatcher, Nights	8	Outreach Coordinator	6
Dispatcher, Head	11	Program Coordinator	6
Foreman, Highway	13	Reference Librarian	9
Foreman, Tree	10	Senior Center Director, Assistant	10
Foreman, Water	11	Town Clerk, Assistant	11
Head of Circulation, Library	8	Treasurer/Collector, Assistant	11

MOTION: Moved that this Article be approved as presented in the Warrant.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 4 as stated in the Motion.

ARTICLE 5. To see if the Town will vote to amend the Consolidated Personnel By-law Section 30, Job Compensation Plan, to reflect the rates listed below, and the inclusion of any new rates resulting from reevaluation or new or revised positions to be effective as of July 1, 2009; or take any action relative thereto. (**Town Administrator**)

SECTION 30, JOB COMPENSATION PLAN, PART I, SCHEDULE B, HOURLY RATES

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	MAXIMUM
14	24.00	25.68	26.75	27.87	29.03	29.67
13	22.65	24.23	25.24	26.29	27.39	28.00
12	21.36	22.85	23.81	24.80	25.83	26.39
11	20.16	21.57	22.47	23.40	24.38	24.90
10	19.00	20.33	21.18	22.06	22.98	23.50
9	17.93	19.18	19.98	20.82	21.69	22.17
8	16.92	18.11	18.86	19.65	20.47	20.91
7	15.96	17.08	17.79	18.54	19.31	19.72
6	15.05	16.10	16.77	17.47	18.20	18.62
5	14.19	15.19	15.82	16.48	17.17	17.56
4	13.52	14.46	15.07	15.70	16.35	16.72
3	12.88	13.79	14.36	14.96	15.58	15.94
2	12.27	13.13	13.68	14.25	14.84	15.18
1	11.68	12.50	13.02	13.57	14.13	14.45

MOTION: Moved that this Article be approved as presented in the Warrant.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 5 as stated in the Motion.

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for unpaid bills from prior years; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town raise and appropriate the sum of \$8,820.25 for bills from fiscal year 2008.

SECONDED

DISCUSSION: The question was asked as to what the 2008 bills were. Jay Leary chairman of the Finance Committee answered the \$8,500 was for ZBA legal expenses and \$270.25 for a bill for HVAC for the Town Hall which had been overlooked. These bills will be paid in FY10.

VOTE: Passed by unanimous voice vote to Accept Article 6 as stated in the Motion.

ARTICLE 7. To see if the Town will vote to transfer from available funds a sum of money for the purpose of supplementing various accounts of the Town’s fiscal year 2009 annual budget, previously voted by the Town under Article 18 of the Warrant for the 2008 Annual Town Meeting and under Article 2 of the Warrant for the October 27, 2008 Fall Town Meeting; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that this Article be indefinitely postponed.

SECONDED

DISCUSSION: None.

VOTE: Indefinitely Postpone Article 7 as stated in the Motion by unanimous voice vote.

ARTICLE 8. To see if the Town will vote to authorize the Board of Selectmen to hold a public auction for the purpose of disposing of surplus departmental equipment; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Board of Selectmen be authorized to dispose of the following surplus property: three metal filing cabinets and a computer table from the Public Library; a 1995 Ford pickup truck and a 1997 Dodge Caravan from the School Department; a 1993 Ford Taurus from the Senior Center; a 1996 Ford Explorer and a Patchman Asphalt Transport machine from the Highway Department; six tables from the Senior Center *with proceeds from such sales going into the Capital Expenditure Fund.*

SECONDED

DISCUSSION: John Cronin asked where the money from the sales would be going and was told into the General Fund. John asked to amend the motion to have the funds from the sales go into the Capital Expenditure Fund. This motion was seconded and passed unanimously.

VOTE: Passed by unanimous voice vote to Accept Article 8 as amended.

ARTICLE 9. To see if the Town will vote to authorize the Highway Department, with the approval of the Board of Selectmen, to use and expend sums received from the Commonwealth of Massachusetts as reimbursements under the Chapter 90 State Aid to Highways program for further construction, reconstruction and improvements, including surface treatments of approved public ways within the Town; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Highway Department, with the approval of the Board of Selectmen, be authorized to use and expend sums received from the Commonwealth of Massachusetts as reimbursements under the Chapter 90 State Aid to Highways program for further construction, reconstruction and improvements, including surface treatments of approved public ways within the Town.

SECONDED

DISCUSSION: Mr. Damigella, member of the Board of Selectmen explained that this Chapter 90 money is used for the paving of roads and not Town tax money.

VOTE: Passed by unanimous voice vote to Accept Article 9 as stated in the Motion.

ARTICLE 10. To see if the Town will vote, under the provisions of Massachusetts General Laws Chapter 44, section 53E1/2, as amended, to reauthorize the following revolving accounts for fiscal year 2010:

1. an ambulance fee revolving account into which shall be deposited receipts received as payment of fees for ambulance services and from which account expenditures for labor, materials, supplies and equipment associated with the provision of ambulance services in the Town may be made in an amount not to exceed \$310,000;
2. a Council on Aging fee revolving account into which shall be deposited receipts received as payment of fees for the use of the Senior Center and from which account expenditures for Senior Center expenses may be made in an amount not to exceed \$5,000;
3. a Composting Kit revolving account into which shall be deposited receipts received from the sale of composting kits and from which account expenditures for purchasing composting kits may be made in an amount not to exceed \$3,000;
4. a Response and Recovery fee revolving account into which shall be deposited receipts received as payment of fees and reimbursements for response to natural and man-made emergencies and from which account expenditures for planning, response, recovery and mitigation efforts by Town departments may be made in an amount not to exceed \$10,000;
5. an abutter's list fee revolving account into which shall be deposited receipts received as payment of fees for abutter's lists and from which fund expenditures for preparing and issuing abutter's lists, including technologies, may be made in an amount not to exceed \$5,000;
6. a Building Inspection revolving account into which shall be deposited receipts received as payment of all fees received by the Building Inspection department for plumbing, gas and wiring permits and from which account expenditures reasonably related to inspectional services for plumbing, gas and wiring may be made in an amount not to exceed \$50,000;
7. a Town Hall revolving account into which shall be deposited receipts received as payment of all fees for rental of the Town Hall facility and from which account expenditures reasonably related to maintaining the Town Hall for purposes of rental may be made in an amount not to exceed \$50,000;
8. a Senior Center Van Services revolving account into which shall be deposited receipts received as payment of all fees, reimbursements and contracted receipts for use of the Senior Center van and transportation program and from which account expenditures reasonably related to maintaining the Senior Center van service and transportation program may be made in an amount not to exceed \$10,000;
9. an Agricultural Commission programs revolving account into which shall be deposited receipts received as payment for all programs and activities of the Agricultural Commission and from which account expenditures reasonably related to the programs and activities of the Agricultural Commission may be made in an amount not to exceed \$50,000;
10. a Sealer of Weights and Measures revolving account into which shall be deposited receipts received for Sealer of Weights and Measures services and from which account expenditures related to the services of the Sealer of Weights and Measures may be made in an amount not to exceed \$3,000;

11. a fluorescent bulb recycling revolving account into which shall be deposited receipts received from recycling fluorescent bulbs and from which account expenditures for recycling fluorescent bulbs may be made in an amount not to exceed \$3,000;

12. a banner revolving account into which shall be deposited receipts received as payment of fees for banners over Washington Street and from which account expenditures for placing the banners may be made in an amount not to exceed \$5,000;

13. an accident fee revolving account into which shall be deposited receipts received as payment of fees for motor vehicle accident investigations and from which account expenditures for investigating motor vehicle accidents may be made in an amount not to exceed \$5,000; provided that expenditures from said accounts shall require the approval of the Board of Selectmen and expenditures in excess of the amounts stated shall require the approval of the Board of Selectmen and the Finance Committee; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that the Town authorize the revolving accounts as described in Article 10, for fiscal year 2010.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 10 as set forth in the Warrant.

ARTICLE 11. To see if the Town will vote to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, authorizing the Board of Assessors to grant an increase of twenty percent (20%) to all exemptions from property taxes excluding those granted under clause 18 of section 5 of Chapter 59 of the Massachusetts General Laws for the fiscal year commencing July 1, 2009; or take any action relative thereto. **(Board of Assessors)**

MOTION: Moved that the Town vote to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, authorizing the Board of Assessors to grant an increase of twenty percent (20%) to all exemptions from property taxes excluding those granted under clause 18 of section 5 of Chapter 59 of the General Laws for the fiscal year commencing July 1, 2009.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 11 as stated in the Motion.

ARTICLE 12. To see if the Town will vote to amend the interest rate per annum from 8% to 6% under the provisions of Massachusetts General Laws Chapter 59, section 5, clause 41A, which regulates tax deferral for homeowners 65 years or older, pursuant to the authority contained in Chapter 136 of the Acts of 2005, thereby amending said clause 41A; or take any action relative thereto. **(Board of Assessors)**

MOTION: Moved that the Town vote to accept the provisions of clause 41A of section 5 of General Laws Chapter 59, as amended by Chapter 136 of the Acts of 2005, amending the interest rate per annum from 8% to 6% for tax deferrals for homeowners 65 years or older, for the fiscal year commencing July 1, 2009.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 12 as stated in the Motion.

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to institute a fee for curbside rubbish collection and disposal services; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town vote to authorize the Board of Selectmen to institute a fee for curbside rubbish collection and disposal services in an amount not to exceed \$170 per user for the period ending June 30, 2010, with waivers for: (1) those households where the property owners are 65 years or older; (2) those households on income assistance; and (3) users that submit evidence that they have engaged a private trash hauler.

SECONDED

DISCUSSION: Will McColl, Chairman of the Board of Selectmen explained that the trash fee of \$170 has been built into the revenue projection for the FY10 budgets for the town and urged passage of this article.

VOTE: Passed by unanimous voice vote to Accept Article 13 as stated in the Motion.

ARTICLE 14. To see what money the Town will vote to raise and appropriate or transfer from available funds to meet expenses and outlays to Town departments, salaries of Town Officers, sundry and miscellaneous but regular expenditures, for a Reserve Fund, Conservation Fund, Stabilization Fund, and to appoint trustees or caretakers or authorize the Selectmen to appoint caretakers of the cemeteries of the Town not otherwise provided for, for the ensuing year; or take any action relative thereto. (**Omnibus Budget**)

Jay Leary, chairman of the Finance Committee thanked his committee and all the boards, committees and commissions for the cooperation on budgets in a very trying time.

The Moderator then read the Omnibus Articles line by line and each budget was seconded and voted:

Board of Selectmen 01122

51000 Personnel Services	\$175,752
52000 Purchased Services	41,600
54000 Supplies & Materials	3,300
57000 Other Expenses	176,537
TOTAL	\$397,189

Finance Committee 01131

51000 Personnel Services	\$ 923
52000 Purchased Services	200
54000 Supplies & Materials	500
TOTAL	\$ 1,623

Town Accountant 01134

51000 Personnel Services	\$ 77,877
52000 Purchased Services	450
54000 Supplies & Materials	300
TOTAL	\$ 78,627

Board of Assessors 01137

51000 Personnel Services	\$168,361
52000 Purchased Services	11,567
54000 Supplies & Materials	700
TOTAL	\$180,628

Treasurer/Collector 01138

51000 Personnel Services	\$ 235,255
52000 Purchased Services	37,483
54000 Supplies & Materials	4,250
TOTAL	\$ 276,988

Other Financial Administration 01149

57810 Reserve for Transfers	\$ 235,000
TOTAL	\$235,000

Technology 01154

51000 Personnel Services	\$ 75,613
52000 Purchased Services	9,551
54000 Supplies & Materials	200
58000 Capital	1,611
TOTAL	\$ 86,975

Town Clerk 01161

51000 Personnel Services	\$ 113,281
52000 Purchased Services	5,930
54000 Supplies & Materials	1,055
TOTAL	\$ 120,266

Elections 01162

51000 Personnel Services	\$ 5,454
54000 Supplies & Materials	4,546
TOTAL	\$ 10,000

Conservation Commission	01171	
51000 Personnel Services	\$	38,782
52000 Purchased Services		3,550
54000 Supplies & Materials		512
TOTAL	\$	42,844

Planning Board	01172	
51000 Personnel Services	\$	65,836
52000 Purchased Services		1,400
54000 Supplies & Materials		200
TOTAL	\$	67,436

Zoning Board of Appeals	01173	
51000 Personnel Services	\$	9,752
52000 Purchased Services		62
54000 Supplies & Materials		100
TOTAL	\$	9,914

Public Buildings	01192	
51000 Personnel Services	\$	0
52000 Purchased Services		109,396
53000 Repair & Maintenance		22,500
54000 Supplies & Materials		1,000
TOTAL	\$	132,896

Employee Benefits	01194	
51750 Insurance	\$	4,335,080
51780 Benefits		1,467,015
TOTAL	\$	5,802,095

Police Department	01210	
51000 Personnel Services	\$	2,129,860
52000 Purchased Services		88,410
53000 Repairs & Maintenance		21,500
54000 Supplies & Materials		9,050
58000 Capital		0
TOTAL	\$	2,248,820

Auxiliary Police	01211	
52000 Purchased Services	\$	3,203
54000 Supplies & Materials		6,965
57000 Other Expenses		190
TOTAL	\$	10,358

Fire Department 01220

51000 Personnel Services	\$528,351
52000 Purchased Services	49,829
53000 Repair & Maintenance	17,000
54000 Supplies & Materials	11,000
58000 Capital	9,500
TOTAL	\$ 615,680

Building Inspection 01251

51000 Personnel Services	\$129,206
52000 Purchased Services	4,450
53000 Repair & Maintenance	0
54000 Supplies & Materials	600
TOTAL	\$134,256

Sealer of Weights & Measures 01254

51000 Personnel Services	\$ 2,493
52000 Purchased Services	0
54000 Supplies & Materials	0
TOTAL	\$ 2,493

Emergency Management 01291

52000 Purchased Services	\$ 8,200
54000 Supplies & Materials	250
57000 Other Expense	985
TOTAL	\$ 9,435

Animal Control 01292

51000 Personnel Services	\$20,439
52000 Purchased Services	18,210
54000 Supplies & Materials	0
TOTAL	\$38,649

Local Schools 01300

51000 Personnel Services	\$ 20,309,598
52000 Purchased Services	2,216,813
53000 Repair & Maintenance	1,222,934
54000 Supplies & Materials	589,702
55000 Fuels	145,000
56000 Intergovernmental	1,613,685
57000 Other Expenses	403,402
58000 Capital Outlay	141,659
TOTAL	\$ 26,642,793

Keefe Technical School: 01371

57000 Intergovernmental	\$372,598
TOTAL	\$372,598

Highway Department 01420

51000 Personnel Services	\$ 701,195
52000 Purchased Services	57,474
53000 Repair & Maintenance	22,495
54000 Supplies & Materials	69,341
58000 Capital	262,152
TOTAL	\$1,112,657

Snow & Ice Removal 01423

51000 Personnel Services	\$ 40,615
52000 Purchased Services	79,995
54000 Supplies & Materials	79,390
TOTAL	\$200,000

Street Lighting 01424

52120 Street Lighting	\$ 71,250
TOTAL	\$ 71,250

Solid Waste 01433

52120 Solid Waste	\$1,029,334
TOTAL	\$1,029,334

Wastewater Treatment 01440

52000 Purchased Services	\$65,708
53000 Repair & Maintenance	1,600
TOTAL	\$67,308

Other Public Works 01499

54000 Motor Vehicle Fuels	\$ 133,000
TOTAL	\$ 133,000

Board of Health 01512

51000 Personnel Services	\$ 107,069
52000 Purchased Services	13,151
54000 Supplies & Materials	560
TOTAL	\$120,780

Council on Aging 01541

51000 Personnel Services	\$ 95,317
52000 Purchased Services	41,102
53000 Repair & Maintenance	5,975
54000 Supplies & Materials	8,026
TOTAL	\$ 150,420

Youth Services 01542

51000 Personnel Services	\$ 103,801
52000 Purchased Services	1,134
54000 Supplies & Materials	0
57000 Other Expenses	0
TOTAL	\$ 104,935

Veterans' Services: 01543

51000 Personnel Services	\$ 6,641
52000 Purchased Services	900
54000 Supplies & Materials	0
57000 Benefits	10,322
TOTAL	\$ 17,863

Library 01610

51000 Personnel Services	\$255,716
52000 Purchased Services	73,500
53000 Repair & Maintenance	12,106
54000 Supplies & Materials	69,515
TOTAL	\$410,837

Park Commission 01650

51000 Personnel Services	\$88,582
TOTAL	\$88,582

Debt Service 01710

52000 Purchased Services	\$ 1,768
57600 Debt Service	\$ 5,161,375
TOTAL	\$5,163,143

Ambulance 26231

51000 Personal Services	\$ 229,709
52000 Purchased Services	55,550
53000 Repair & Maintenance	5,100
54000 Supplies & Materials	14,190
58000 Capital	2,100
TOTAL	\$306,649

Water Department 60150

51000 Personnel Services	\$ 725,830
52000 Purchased Services	370,381
53000 Repair & Maintenance	58,500
54000 Supplies & Materials	266,500
56000 Intergovernmental	3,636
57000 Debt Service	632,925
58000 Capital	0
TOTAL	\$2,057,772

ARTICLE 15. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of capital expenditures, including replacement and new vehicles and equipment, for the Town Clerk, School, Police, Fire, Highway and Water departments, and authorize the Board of Selectmen to trade or sell used equipment toward part of the purchase price; or take any action relative thereto. **(Board of Selectmen)**

MOTION: Moved that this Article be indefinitely postponed.

SECONDED

DISCUSSION: None

VOTE: Indefinitely postpone Article 15 by unanimous voice vote.

ARTICLE 16. To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2010 community preservation budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or take any action relative thereto. **(Community Preservation Committee)**

MOVE: To appropriate \$35,000 for fiscal 2010 from the Historic Resources Reserve for the Town Clerk to proceed with Phase Three of the Town of Holliston's Historical Records Preservation Project.

SECONDED

DISCUSSION: Sam Tyler, chairman of the Community Preservation Committee made a short presentation. Jackie Dellicker, Town Clerk also made a short presentation explaining how she had used CPC funds to restore the records of the Town, which are kept in her vault.

VOTE: Passed by unanimous voice vote to Accept Article 16 #1 as stated in the Motion.

MOVE: To appropriate \$2,650 for fiscal 2010 from the Historic Resources Reserve for the Holliston Historical Society to replace the threshold at the main entrance of the Asa Whiting House. Any remaining funds are to be used to purchase tarps to protect the roofs of the Shoe Shop and Corn Shed.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to Accept Article 16 #2 as stated in the Motion.

MOVE: To appropriate \$30,000 for fiscal 2010 from the Community Preservation Fund Budget Reserve for the Holliston Conservation Commission to create a parking area at the Adams Street Conservation Area by expanding and grading the existing cleared area to provide safe parking.

SECONDED

DISCUSSION: None

VOTE: Passed by unanimous voice vote to Accept Article 16 #3 as stated in the Motion.

ARTICLE 17. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of reducing the borrowing authorized under Article 28 of the Warrant for the 2006 Annual Town Meeting and authorize the Board of Water Commissioners and the Treasurer/Collector to retire a portion of the borrowing; or take any action relative thereto. **(Board of Water Commissioners)**

MOTION: Moved that the Town appropriate \$450,000 from Water Surplus for the purpose of implementing an automated metering system and that the amount of the borrowing for said purpose previously authorized by a vote of the Town under Article 28 of the Warrant for the 2006 Annual Town Meeting be reduced from \$1,300,000 to \$850,000.

SECONDED

DISCUSSION: Jared Adams, chairman of the Water Commissioners explained that this needs to be done by the end of May, 2009.

VOTE: Passed by unanimous voice vote to Accept Article 17 as stated in the Motion.

ARTICLE 18. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of making improvements to the water supply system; or take any action relative thereto. **(Board of Water Commissioners)**

MOTION: Move that the Town appropriate \$50,000 from Water Surplus for an altitude valve for water storage system.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 18 as stated in the Motion.

ARTICLE 19. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of conducting an energy audit and implementing energy efficiency improvements at Water Department facilities; or take any action relative thereto. **(Board of Water Commissioners)**

MOTION: Moved that this Article be indefinitely postponed.

SECONDED

DISCUSSION: None.

VOTE: Indefinitely postpone Article 19 by unanimous voice vote.

ARTICLE 20. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of establishing an emergency reserve fund for the Water Department; or take any action relative thereto. (**Board of Water Commissioners**)

MOTION: Move to indefinitely postpone Article 20.

SECONDED

DISCUSSION: None

VOTE: Indefinitely postpone Article 20 by unanimous voice vote.

ARTICLE 21. To see if the Town will vote to rescind the borrowing authorization previously voted under Article 9 of the Warrant for the October 29, 2007 Special Town Meeting; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town rescind the borrowing authorization previously voted under Article 9 of the Warrant for the October 29, 2007 Special Town Meeting.

SECONDED

DISCUSSION: The borrowing authorization in October 2007 was for the purpose of acquiring N-Star property located off of Adams Street. The Town was able to make the acquisition through funding from a state grant and Community Preservation funds. It was not necessary to borrow money and we would like to take the borrowing authorization of \$500,000 off of our books.

VOTE: Passed by unanimous voice vote to Accept Article 21 as stated in the Motion.

ARTICLE 22. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Stabilization Fund; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town appropriate the sum of \$350,000 for the Stabilization Fund from funds reserved for appropriation due to settlement of MTBE products liability litigation.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 22 as stated in the Motion.

ARTICLE 23. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Capital Expenditure Fund; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town raise and appropriate the sum of \$350,000 for the Capital Expenditure Fund.

SECONDED

DISCUSSION: None.

VOTE: Passed by unanimous voice vote to Accept Article 23 as stated in the Motion.

ARTICLE 24. To see if the Town will vote to create a standing Economic Development Committee of five members who serve for three year terms to be appointed by the Selectmen; said Committee's duties to include attracting new businesses and supporting existing businesses so that they stay and expand in Holliston, with the goal of protecting and expanding the commercial tax base in town; and to explore tax programs, incentives, grants and all other options available to them to meet their goal; or take any action relative thereto. **(By Petition)**

MOTION: Moved that the Town approve Article 24 as set forth in the Warrant.

SECONDED

DISCUSSION: The petitioner, Mary Greendale spoke to her concerns to having a standing Economic Development Committee and her reasons for this petition. Andy Porter, member of the Board of Selectmen spoke against the petition and made a motion for indefinite postponement. Mary did not oppose this motion.

New motion: Moved that Article 24 by indefinitely postponed. Seconded. No further discussion.

VOTE: Indefinitely postpone Article 24 by majority voice vote.

ARTICLE 25. To see if the Town will vote to authorize the Board of Selectmen to submit the following proposed special act to the Massachusetts General Court or take any action relative thereto. **(Board of Selectmen)**

AN ACT ESTABLISHING A RECALL PROCEDURE IN THE TOWN OF HOLLISTON

Be it enacted, etc., as follows:

SECTION 1. Holders of an Elected Office may be Recalled. Any holder of an elective office who has served not less than three (3) months in his or her current term and has not less than six (6) months remaining in his or her term may be recalled, and removed from office by the qualified voters of the town as herein provided.

SECTION 2. Recall: Petition, Preparation, Filing. Any qualified voter of the town may file with the town clerk an affidavit, signed by not less than two percent (2%) of the total number of registered voters, containing the name of the officer sought to be recalled and a statement of the grounds of recall. The Town Clerk shall forthwith transmit copies of the affidavit to the Board of Selectmen and the elected official named in the affidavit. The Town Clerk will validate the signatures on the affidavit within three (3) business days and, if signatures amounting to at least two percent (2%) of the total number of registered voters are validated, shall make available copies of petition blanks demanding such recall, printed forms of which he or she shall keep on hand. The blanks shall be issued by the Town Clerk with his or her signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person

sought to be recalled, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petitions shall be returned and filed with the Town Clerk within fifteen (15) days after the validation of the affidavit and shall contain the signature and the place of residence of the signer, giving the street and number. The recall petition shall be submitted by the Town Clerk, at or before 4:30 p.m. of the second business day following the day on which it must be filed, to the Board of Registrars of Voters in the town, and the Registrars shall forthwith certify thereon the number of signatures which are names of voters of the town. Said petition must be signed by not less than twenty percent (20%) of the total number of registered voters in order to initiate a recall election process.

Copies of a recall petition certified by the Board of Registrars of Voters to contain not less than twenty percent (20%) of the total number of registered voters shall be transmitted by the Town Clerk to the Board of Selectmen and the elected official named in the petition forthwith.

SECTION 3. Resignation of Officer, Election as to Recall. Upon receipt of a certified recall petition, the Board of Selectmen shall have fourteen (14) business days in which to schedule a recall election, said election to occur not less than sixty (60) nor more than seventy-five (75) days after receipt of the certified petition. If any other town election is to occur within sixty days after the date of said certificate the Board of Selectmen may, at their discretion, postpone the holding of a recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as this section provides.

SECTION 4. Officer Being Recalled May be a Candidate. The Town Clerk shall place the name of the officer sought to be recalled on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall be in accordance with the provisions of law relating to elections, unless otherwise provided in this by-law.

SECTION 5. Incumbent to Continue Duties until Recalled. The incumbent shall continue to perform the duties of his or her office until the recall election. If then re-elected, he or she shall continue in office for the remainder of his or her unexpired term and may not be the subject of a recall petition for the remainder of said term. If not re-elected in the recall election he or she shall be deemed removed upon the qualification of his or her successor, who shall hold office during the unexpired term. If the successor fails to qualify within five (5) days after receiving notification of his or her election, the incumbent shall thereupon be deemed removed and the office vacant.

SECTION 6. Form of Ballots for Recall. Ballots used in a recall election shall submit the following propositions in the order indicated:

Shall (name of person and position held) be recalled from office? YES NO
Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidate(s); the candidate receiving the greatest number of votes shall be deemed elected.

MOTION: Move that the Town accept Article 25 as set forth in the Warrant.

SECONDED

DISCUSSION: James Carboneau, chairman of the Recall Study Committee, explained the work that was done over four months. Research from towns that have recall by-laws, interviews with town clerks who have had to use such a vehicle and recommendations to the Selectmen were made and the by-law above was written. Mark Schultz, Finance Committee, spoke against the Article and made a motion to indefinitely postpone. Considerable discussion was held from the floor, both pro and con, with many questions being answered.

A motion to move the question was made, seconded and passed. A vote on the amendment to indefinitely postpone as done by hand count. The motion to indefinitely postpone as defeated. The vote was Yes (in favor of postponement) 64 and No (against postponement) 69.

Vote was then taken on the main motion for Article 25 as set forth in the Warrant.

VOTE: Defeated Article 25 as set forth in the Warrant. The vote was Yes (in favor)- 69; and No (against)- 77.

ARTICLE 26. To see if the Town will vote to amend the Town of Holliston By-laws, Article XXIV, Miscellaneous, by adding a new section 19 in order to comply with new trench safety regulations promulgated under Massachusetts General Laws Chapter 82A, section 2, and 520 CMR 14.00 as follows:

“Section 19. Trench Safety

1. Purpose: Whereas, the Commonwealth of Massachusetts Department of Public Safety and Division of Occupational Safety have promulgated regulations in accordance with Chapter 82A of the General Laws relative to excavation and trench safety; and,

Whereas, the Town of Holliston has been directed by these regulations to designate an officer or board within the town as the local ‘permitting authority’; and,

Whereas, the local permitting authority shall be responsible for the issuance of required trench permits on both municipal and private property, the collection of optional permit fees, and for the enforcement of these requirements for the protection of the General Public;

Now Therefore, the Board of Selectmen is hereby designated as the local “permitting authority” for issuing trench permits under the regulations.

2. Definitions:

- a. Trench – A trench is defined as a subsurface excavation greater than three feet (3’) in depth, and is fifteen feet (15’) or less between the soil walls as measured from the bottom.

3. Authority:

- a. The Board of Selectmen may designate by vote certain Building Department and Highway Department staff to act as their agent for permit processing and approval and for the enforcement of trench rules and regulations and conditions of permits.

- b. The Board of Selectmen may, from time to time, and after a public hearing, enact fees to cover the costs of processing said permits and for enforcement thereof.
- c. The Board of Selectmen may, from time to time, and after a public hearing, enact local rules and regulations consistent with Chapter 82A relative to the trench permitting process, the standard and special conditions for issued permits, and the enforcement of issued permits.”; or take any action relative thereto. (**Board of Selectmen**)

MOTION: Moved that the Town amend the Town of Holliston By-laws, Article XXIV, Miscellaneous, by adding a new section 19 in order to comply with new trench safety regulations promulgated under Massachusetts General Laws Chapter 82A, section 2, and 520 CMR 14.00 as set forth in Article 26.

SECONDED

DISCUSSION: Carl Damigella, for the Board of Selectmen stated that this trench by-law was something that the state was insisting every town do and is consistent with the state law.

VOTE: Passed by hand count vote to Accept Article 26 as stated in the Motion. The vote was Yes (in favor) 109; No (against) 12.

ARTICLE 27. To see of the Town will vote to amend the Town of Holliston Zoning By-Laws by adding the following to Section I-E Definitions to clarify home-based and service business:

Catering Kitchen – *An establishment wherein the accessory use involves preparation of food for groups or other businesses by advance order for transport and consumption off premise.*

Commercial Service Establishments – *Any business providing services to customers where the sale of goods is secondary and incidental to the services provided.*

Contractor’s Yard – *Open or enclosed facility or area for storage of construction equipment and/or materials and/or parking of wheeled vehicles.*

Home Occupation – *An occupation, business, trade, service or profession which is conducted at the residence of the operator of the business and which is not allowed by-right as a principal use, including business offices for service trades, professional offices, craft shops for articles produced on the premises or repair shops for small items. If the operator is not the property owner, the resident must be authorized by the owner to conduct the business.*

Principal Use – *The main or primary use for which a lot or structure is designed, arranged or intended, or for which it may be used, occupied or maintained under these By-Laws.*

Service trade – *An occupation or business which provides services to customers primarily in or on the customer’s homes or premises, including but not limited to such trades as plumbing and heating, electrical installation and repair, painting, carpentry, masonry, and site contractors.; or take any action relative thereto. (Planning Board)*

MOTION: Move that the Town Indefinitely Postpone Article 27 as set forth in the Warrant.

SECONDED

DISCUSSION: Geoff Zeamer, Planning Board, spoke in favor of indefinite postponement which would allow input from residents and allow the planning board come up with a by-law for both the business and the neighbor. Nancy Vaida, 453 Hanlon Rd., spoke in favor of postponement. Robert Norton made a motion to indefinitely postpone the Article. No further discussion.

VOTE: Indefinitely Postponed Article 27 by unanimous voice vote.

ARTICLE 28. To see of the Town will vote to amend the Town of Holliston Zoning By-Laws at Section III-A Schedule of Use Regulations by re-numbering several existing uses, by adding regulations for several new uses with the intent of clarifying regulation home-based and service business, and by deleting several existing uses (#20 and #43). ~~Strikethrough~~ text is proposed to be deleted. ***Bold italicized*** text is new. The notation P = permitted use, A = use allowed under Special Permit by the Special Permit Granting Authority as provided in Section VI-E hereinafter, and O = Prohibited use. The proposed changes are as follows:

Section III-A Schedule of Use Regulations

1. Add header at use #1 Principal Uses

2. Delete existing use #20 and re-number existing use #50.

~~20. Professional office or studio of a resident physician, dentist, attorney, architect, artist, musician, engineer or other member of a recognized profession provided that not more than 2 other persons are regularly employed therein in connection with such use, and provided that not more than 25% of the total floor area not to exceed 400 square feet, is regularly devoted to such use.~~

5020. Senior Residential Dwelling Developments

3. Re-number and add new uses

5421. Adult entertainment uses.

~~30. Reserved~~ 30. ***Contractor's Yard [To be A (Special Permit) in I district; O (Prohibited) in all other districts]***

Add header in table: Accessory Uses

~~21~~ 43. Customary Home occupation conducted by an ***authorized*** resident of the premises provided that:

- not more than ~~one~~ ***two*** other persons is regularly employed therein in connection with such use,
- ~~and that~~ not more than 25% of the total floor area, not to exceed ~~400~~ ***600*** square feet, is regularly devoted to such use,
- ~~and that~~ there is no exterior storage of material or ***unregistered*** equipment,
- ~~and that~~ ***there is*** no exterior display of products ~~is visible from the street~~
- ***the use is conducted within the dwelling with no use of accessory structures, except for parking or incidental storage in an existing accessory structure;***
- ***the use is clearly incidental and secondary to the use of the premises for residential purposes;***

- *not more than one vehicle requiring registration as a commercial vehicle with two axles shall be regularly parked outside on the premise;*
- *the use has a certificate of use and occupancy from the Inspector of Buildings indicating compliance with these requirements*

~~43 Spur tracks, team tracks, railroad sidings and other appropriate railroad facilities~~

44. Home Occupations conducted on the premises by an authorized resident that does not meet all of the performance standards of use #43, including use of an existing accessory structure for other than parking or incidental storage and retail sale of goods produced on-site. The Planning Board shall be the SPGA and shall at a minimum condition hours of operation, off-street parking, ~~and~~ screening, and maximum number of employees. [To be A (Special Permit) in all zoning districts, except O (Prohibited) in Commercial, Industrial, and Apt. districts.]

45. Private garage for more than one commercial vehicle, or for a commercial vehicle exceeding 12,000 lbs in gross vehicle weight rating (GVWR), provided that such garage is accessory to a permitted use, is not within the required front yard setback and is more than 20' from rear and side lots lines. [To be A (Special Permit) in all zoning districts, except O (Prohibited) in Village Residential, Village Center Commercial and Apt. districts]

50 Catering Kitchen [To be A (Special Permit) in all zoning districts, except O (Prohibited) in Apt. districts.]

~~44-51 Helioports...~~

~~45-52 Accessory uses permitted as a matter of right...in connection with scientific development...~~

Add the following footnote to the entire table:

Any person may request enforcement of these provisions by the Inspector of Building where a violation is believed to exist, as provided at MGL c.40A, s. 7 and if dissatisfied with outcome, such person may bring an appeal to the Board of Appeals.; or take any action relative thereto. (Planning Board)

MOTION: Move that the Town Indefinitely Postpone Article 28 as set forth in the Warrant.

SECONDED

DISCUSSION: None

VOTE: Indefinitely postpone Article 28 as set forth in the Warrant by unanimous voice vote.

ARTICLE 29. To see if the Town will vote to amend the Town of Holliston Zoning By-laws at Section V-A Accessory Buildings to clarify that non-commercial wind and solar applications are accessory structures and to provide some performance standards for same. The changes are as follows:

V-A ACCESSORY BUILDINGS AND STRUCTURES

No accessory building or structure shall be located within the required front yard area. No accessory building, structure, or appurtenant element, (e.g. pool decks, concrete aprons, heating or air conditioning equipment, or other similar elements which are accessory to the building or structure) shall be located in any side yard area nearer to the side lot line than ten feet, or in the rear yard nearer than five feet. ***Freestanding non-commercial solar energy collection apparatus and wind energy systems (i.e. designed or operated and intended for single residential or business uses) are considered to be accessory structures and uses.*** In no case shall accessory buildings ***or structures*** cover more than 30% of the required rear yard area.

The construction and operation of all wind energy systems shall be consistent with all local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements. The Inspector of buildings shall be supplied with appropriate plot plans and engineering data to determine compliance. Wind energy systems shall not be allowed to exceed the height limitations of principal structures by up to three times if a fall zone equivalent to the tower height is provided on-site. They shall be prohibited in the Village Residential, Village Center Commercial and Commercial zoning districts unless authorized by a Special Permit from the Special Permit Granting Authority (SPGA). The SPGA shall utilize the criteria of Section V-O(4)(a) to guide its findings on such applications.;

or take any action relative thereto. **(Planning Board)**

MOTION: To see if the Town will approve the changes to Article 29 as stated in the Warrant.

SECONDED

DISCUSSION: Michael Norton made a motion to indefinitely postpone Article 29 and it was seconded. David Mastovsky, member of the Planning Board, explained that the by-law would in no way restrict solar or wind power alternative energy.

Vote to indefinitely postpone was taken and failed by voice vote.

Discussion continued on the main motion. Peter Tartakoff, Building Inspector and Zoning Enforcement Officer explained the 30% rear yard area relative to the accessory buildings or structures. The 30% coverage is only of “required rear yard area”; it is a 30 foot strip along back of property line, in depth, that is restricted, it does not control the remaining portion of the property. Same with the front area, it only governs the first 30 feet from the street.

VOTE: Motion carries by hand count to pass Article 29 as stated in the Warrant. The count was: Yes (in favor)- 105; No (against)- 11.

ARTICLE 30. To see if the Town will vote to authorize the sale of the Andrews Building for conversion to residential units including affordable housing; or take any action relative thereto. **(Housing Committee)**

MOTION: To see if the Town will vote to authorize the sale of the Andrews Building for conversion to affordable Senior Rental Housing, provided that the Town establishes clear title to the property.

SECONDED

DISCUSSION: Ellie Gerson, Heidi Doyle, co-chairs of the Housing Committee spoke to this article. When the project was first undertaken it was for home ownership, but with the economy as it is and the fact that developers can't get funding as it now stands the committee feels that it would best to change to rental Senior Housing. If this passes tonight the Housing Committee hopes to be back at the Fall Town Meeting to transfer the CPC funds from Home Ownership to Senior Housing Rental.

VOTE: Motion carries by hand count to approve Article 30 as stated in the Motion. The count was: Yes (in favor) - 121; No (against) – 3.

The motion to adjourn was made and seconded and voted unanimously.

The meeting was adjourned at 11:06 PM

A true copy attest:

Jacqueline S. Dellicker
Town Clerk