

## Results of the Annual Town Meeting

May 7, 2016

Present: **Selectboard:** Chair Alan Vint, Robert Costa and Dave Dinicola

**Moderator:** Joseph Kearns **Town Clerk:** Suzanne C. Lemieux

Moderator Joseph Kearns opened the meeting at 1:30 P.M. with a quorum present with 50 in attendance, by leading the assembled in the Pledge of Allegiance.

Article 1: Election of officers.

Article 2: This Article was to act upon the reports of the Selectboard, Treasurer, Tax Collector, Assessors and other elected or appointed officers or committees of the town. Chair of the Selectboard Alan Vint read the Selectboard's report and announced the annual town report dedication to Chief of Police Tom Austin, acknowledging his 34 years of service; the acquisition of two buildings in center of town and the Hi Speed Internet: 125 responses were recorded so far about the internet surveys recently mailed out. Selectman Dave Dinicola thanked the Highway crew and all of the Middlefield volunteers.

Article 3: A motion was made and seconded to vote to fix the salaries and compensation of all elected officers of the town for FY2017, as provided in Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, and raise and appropriated \$21,300 for these salaries or compensations to be as of July 1, 2016. Article 3 passed unanimously at \$21,300.

Article 4: A motion was made and seconded to see if the Town will vote, pursuant to GL c. 41, s23A to authorize the Selectboard to appoint a town administrator for a term of one to three years and to remove such town administrator at its discretion, and to appropriate a sum of money to pay the salary of such position annually. Article was discussed. Article 4 passed unanimously.

Article 5: A motion was made and seconded to see if the salaries and compensation of appointed staff for FY2017. Town Maintenance Technician, Asst. Town Clerk and Town Administrator positions were discussed. Article 5 passed unanimously at \$63,120.

Article 6: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of money for General Government. Town Counsel, Maintenance of Public Buildings and Soc Sec/Medicare/Town share were discussed. Article 6 passed unanimously at \$111,400.

Article 7: A motion was made and seconded to see if the town will vote to raise and appropriate the sum of money for the Expense Accounts. Discussion on Treas. Tax Title & Legal Fees: A motion was made to amend the amount of \$15,000 to \$12,000 for Tax Title & Legal Fees. Motion seconded. Amendment passed. Discussion on Planning Board expenses occurred. Article 7 passed unanimously at \$48,537.

Article 8: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of money for the Highways. Article 8 passed unanimously at \$394,805.

Article 9: A motion was made and seconded to see if the town will vote to raise and appropriate the sum of money to the Library, Veterans and Cemetery Accounts. Veterans Agent salary, War Memorials/Playground and Cemetery expenses were discussed. Veteran agent is available the fourth Tuesday of every month in the morning. Article 9 passed at \$20,459. Two Nay votes

Article 10: A motion was made and seconded to see if the town will vote to raise the sum of money for Protection of Persons & Property Accounts. Plumbing Inspector's salary discussed. Alan made a motion to increase appropriation of Plumbing Inspector's salary from \$300 to \$600. Motion was seconded. Motion passed unanimously. Article 10 passed unanimously for \$71,625 as amended.

Warrants 28 & 29 were taken out of order with agreement of Town Meeting.

Article 28: A motion was made and seconded to vote to authorize the Selectboard to enter into an agreement with the Hilltown Community Ambulance Association to provide ambulance service for July 1, 2016 through June 30, 2017. Lively debate ensued. Alan made a motion to allow the Director of H.C.A.A. to speak to the issue. No objection was raised. A motion was made and seconded to table the discussion of Article 28. Motion passed by 2/3rd with 2 opposed.

Article 29: To see if the Town will vote to raise and appropriate the sum of \$2,000 for ambulance service. Lively debate ensued. A motion was made and seconded to table the discussion of Article 29. Tabling motion passed unanimously.

Article 11: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of money for Health & Sanitation. Disposal Area was discussed. Article 11 passed unanimously at \$31,014.

Article 12: A motion was made and seconded to see if the Town will vote to raise and appropriate \$5,000 to establish a Reserve Fund to provide for extraordinary or unforeseen expenditures, as provided by MGL Chapter 40, section 6 as amended. Lively debate ensued. Motion was made and seconded to have the Finance Committee send information to the Country Journal whenever they vote on a withdrawal from the Reserve Fund. 10 were in favor. The majority were opposed. Straw Poll failed. Motion was made and seconded to make an amendment to raise the appropriation to \$10,000. Stand up vote was taken. Thirty were in favor. Nine was opposed. Article 12 passed at \$10,000.

Article 13: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of money for the Miscellaneous Account. Council on Aging Expenses discussed. Article 13 passed at \$6, 736.

Article 14: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of \$343,868 for Middlefield's minimum contribution of the budget for the Gateway Regional School District. Gateway Superintendent David Hopkins spoke to the motion. Discussion ensued. Motion passed unanimously at \$343, 868.

Article 15: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of \$90,868 for Middlefield's share of the above minimum contribution to the budget for the Gateway Regional School District. A motion was made and seconded to amend the amount down to \$87,529. Brennan Foley spoke to the issue. Discussion ensued. The amendment failed. Article 15 passed at \$90,698. One Nay Vote.

Article 16: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of \$81,462 for Middlefield's share of the Non Foundation portion (Transportation and Debt Service: of the budget for the Gateway Regional School District for the period July 1, 2015 through June 30, 2016. Article 16 passed unanimously at \$81,462.

Article 17: A motion was made and seconded to see if the town will vote to raise and appropriate the sum of \$60,000 for vocational education. Article 17 passed unanimously at \$60,000.

Recess was called at 3:35

Article 18: A motion was made and seconded to see if the Town will vote to authorize revolving fund accounts for the receipt of inspection fees, pursuant to MGL Chapter 44, Section 53E1/2, to be expended during FY2017 without further appropriation for the purpose of administrative duties, capped at the amounts in the table. Article 18 passed unanimously.

FY 2017 ADOPTED:

Electrical Inspector: \$2,500.

Conservation Commission: \$2,000

Zoning Board of Appeals: \$1,000

Article 19: A motion was made and seconded to see if the Town will vote to authorize a revolving fund, under MGL Chapter 44, Section 53E1/2, which may be spent on the Transfer Station without further appropriation during FY2017. Collected Transfer Station fees may be used for the Transfer Station attendant's salary, for capital equipment, grounds improvement, or other related expenses to benefit the Transfer Station. The Selectboard may spend up to \$7,500 in revolving fund monies for the Transfer Station during FY2017 and retain in this account all collected fees. Article 19 passed unanimously.

Article 20: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of money for Debt & and Interest. Article 20 passed unanimously at \$59,000.

Article 21: A motion was made and seconded to see if the Town will vote to transfer from Free Cash the sum of \$11,000 for highway equipment. Article 21 passed unanimously at \$11,000.

Article 22: A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of \$8,000 for part-time help for the Highway Department. Skip Savery needs part-time help for two months. Article 22 passed unanimously at \$8,000.

Article 23: A motion was made and seconded to see if the Town will vote to authorize the Board of Assessors to appoint a member of the Board to serve as the Assessors Clerk at the salary fixed and voted on by the Town. Article 23 passed unanimously.

Article 24: A motion was made and seconded to see if the town will vote to accept MGL Chapter 59 Section 5K, authorizing the Selectboard to establish a program to allow persons over the age of 60 to volunteer to provide services to the Town in exchange for a reduction in the real property tax obligations of that person on the person's tax bills, in addition to any exemption or abatement to which that person is otherwise entitled, not to exceed \$1,500 per year and not to exceed the current minimum wage of the Commonwealth per hour; or take any action relative thereto. Gita Jozsef spoke to the issue. Discussion ensued. A motion was made and

seconded to amend the amount down to \$500. Amendment passed. Article 24 passed unanimously at a \$500 limit.

Article 25: A motion was made and seconded to see if the Town will vote to transfer \$6,600 from overlay surplus for the FY2017 triennial certification project. Article 25 passed unanimously at \$6,600.

Article 26: A motion was made and seconded to see if the Town will vote to transfer from Free Cash the sum of \$38,000 to upgrade emergency communications for the Police, Fire, and Highway departments. Tom Austin spoke to this article. Article 26 passed unanimously.

Article 27: A motion was made and seconded to see if the Town will vote to accept the Franklin Regional Transit Authority as the official transportation agent for the Council on Aging. Motion passed unanimously.

Article 28 & 29 were out of order earlier in the agenda.

Article 30: A motion was made and seconded to see if the Town will vote to accept Chapter 90 and all other Highway grant funds from the Commonwealth of Massachusetts, for the purposes of repair, construction, maintenance and preservation of the Town's roads and bridges and other related costs. Article 30 passed unanimously.

Article 31: A motion was made and seconded to see if the Town will vote to allow the Selectboard to accept funds and gifts on behalf of the town. Article 31 passed unanimously.

Article 32: A motion was made and seconded to see if the Town will vote to authorize the Selectboard to petition the General Court for special legislation authorizing the Selectboard to appoint a Superintendent of Streets for a period of up to three years, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Selectboard approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Selectboard to approve such amendments:

#### AN ACT AUTHORIZING THE APPOINTMENT OF A SUPERINTENDENT OF STREETS IN THE TOWN OF MIDDLEFIELD.

Section 1. Notwithstanding the provisions of sections 1, 21 and 66 of Chapter 41 of the general laws or of any other general or special law to the contrary there is hereby established in the Town of Middlefield the position of appointed Superintendent of Streets. The Selectboard of said town shall appoint such superintendent for an up to three year term to serve at its pleasure and shall fix the compensation for such person annually, within the amount appropriated therefore by the town. Said Selectboard may establish an employment contract for the salary, fringe benefits and other conditions of employment, including but not limited to severance pay, relocation expenses, reimbursement for expenses incurred in the performance of his duties or office, liability insurance, conditions of discipline, termination, dismissal, reappointment, performance standards and leave, provided that such contract may be for a term of up to three years. The Superintendent of Streets shall have the powers and duties set forth in section 68 or chapter 41 of the general laws.

Section 2. This act shall take effect upon its passage.  
Discussion ensued. Article 32 passed unanimously.

Article 33: A motion was made and seconded to see if the Town will vote to replace Chapter 111, Article XXI of the regular bylaws.

Existing:

SECTION 1: The Superintendent of Streets will be appointed by the Selectmen for a term of one year. The Superintendent will receive directions from the Selectmen. He is responsible for the use and maintenance for Town equipment.

Proposed:

Section 1: The Superintendent of Streets will be appointed by the Selectmen for a term of up to 3 years. By mutual agreement a contract of employment may be signed for the specific term of this position. The Superintendent will receive directions from the Selectmen. The Superintendent is responsible for the use and maintenance of Town equipment. Article 33 passed unanimously.

Article 34: A motion was made and seconded to see if the Town will vote to approve setting the exemption to the personal property subject to taxation under MGL Chapter 59, Section 5 and Clause 54 to \$2,000. Article 34 passed unanimously.

Article 35: A motion was made and seconded to see if the Town will vote to accept Chapter 40, Section 57 of the MGL. Article 35 passed unanimously. This article states that a resident will not be allowed a building permit until he pays his taxes.

Article 36: A motion was made and seconded to see if the Town will vote to adopt as a new by-law under Chapter V: Financial Affairs to deny any supplication for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Article 36 passed unanimously.

Article 37  
SECTION 4

Authorization for Shared/Joint Legal Representation. The official duties of Town Counsel, or special counsel so appointed, shall include simultaneously representing the Town, other municipalities and/or public entities in matters in which the Town has a direct or substantial interest, including but not limited to administrative and judicial proceedings in which the Town is also a party or wishes to be a party. Such representation may be undertaken in each particular matter in which dual or common representation is contemplated only upon the express written permission of the Selectboard and provided that Town Counsel or, as appropriate, special counsel, had complied with all applicable rules of professional responsibility. In granting such permission, the Selectboard shall make a separate finding that such dual or common representation furthers the interests of the Town, including, for example, to facilitate the pooling of resources for a common purpose, development of regional and mutual interests, or preservation of scarce municipal funds. Article 37 passed unanimously.

Article 38: A motion was made and seconded to see if the Town will vote to raise and appropriate \$5,000 to support legal actions by the Gateway Towns with respect to the Town of Worthington's financial obligations to the Gateway Regional School District. Article 38 passed unanimously at \$5,000.

Article 39: A motion was made and seconded to see if the Town will vote to raise and appropriate \$2,902.10 to the Town Counsel account for bills incurred in FY 2015; or take any other action relative thereto; 4/5ths vote required. Alan Vint spoke to the article. Discussion ensued. A motion was made and seconded to amend the amount to \$2,402.10. Amendment passed. Article 39 passed unanimously at \$2,402.10.

Article 40: A motion was made and seconded to see if the Town will vote to transfer \$90,000 from Free Cash to the Stabilization Fund, 2/3<sup>rd</sup> vote required. A motion was made and seconded to amend the amount to \$120,000. Amendment passed. Article 40 passed unanimously at \$120,000.

Article 41: A motion was made and seconded to see if the Town will vote to transfer \$60,000 from Free Cash to lower the Tax Rate. Article 41 passed unanimously at \$60,000.

Article 42: To transact any other business to come before said meeting: Attendees voiced their appreciation for the new chairs.

Meeting was dissolved at 4:58.

Respectfully submitted,

Suzanne C. Lemieux  
Town Clerk