

**RESULTS OF
ANNUAL TOWN MEETING
MAY 10, 2011**

179 VOTERS ATTENDED

Moderator, Vincent McCaughey, called the meeting to order at 7:00 P.M. More than a quorum of 25 were present. Prior to voting on articles, Moderator, Vincent McCaughey, declared that the Warrant was properly posted and returned; seeing there is a public quorum he opened the meeting and explained the procedures of the meeting. The following action was taken on articles:

MOTION MADE AND SECONDED THAT ARTICLE 23 AND ARTICLE 24 BE TAKEN OUT OF ORDER AND MOVED TO BE THE FIRST TWO ARTICLES TO BE ACTED ON THIS EVENING. Moderator, Vincent McCaughey said this change is based on Mr. Kustigian, Superintendent, not being available later in the evening; he has another meeting to go to, however, he is here now to address any questions.

MOTION VOTED BY A MAJORITY (TEN OPPOSED)

ARTICLE 23: VOTED UNANIMOUSLY that the Town *disapprove* the incurring of debt by the Quaboag Regional School District in the amount of \$517,635.00, as voted by the Quaboag Regional School District Committee on March 21, 2011 for the purpose of remodeling, reconstructing and making extraordinary repairs to the Warren Community Elementary School's, which is located at 51 Schoolhouse Drive, Warren, Ma., technology infrastructure, lighting and mechanical systems, and other ancillary facilities, which proposed repair project will materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program; and for which the Quaboag Regional School District may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), and all incidental costs related thereto, to be spent under the direction of the Warren School Building Committee; that the Town acknowledges that the MSBA grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Quaboag Regional School District and the MSBA for the purposes set forth herein. (Secret Ballot Required)

Mrs. Harriett O'Brien, resident, and Mrs. Ursula Wright, Conservation Commission Member, asked for an explanation of the articles. Superintendent, Mr. Brett Kustigian said he didn't believe that there was enough time to inform all the voters on the pros and cons of the technology; he then asked the Town's people to consider looking at the technology and a facility upgrade next year. Stated that at this time in coordination and cooperation with the Town Officials this is just not the proper time and stated that he wanted to maintain a good working relationship with our Town Officials.

ARTICLE 24: VOTED UNANIMOUSLY that the Town *disapprove* the incurring of debt by the Quaboag Regional School District in the amount of \$818,879.00, as voted by the Quaboag Regional School District Committee on March 21, 2011 for the purpose of remodeling, reconstructing and making extraordinary repairs to the Quaboag Regional Middle High School's, which is located at 284 Old West Brookfield Road, Warren, Ma., technology infrastructure, lighting and mechanical systems, and other ancillary facilities, which proposed repair project will materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program; and for which the Quaboag Regional School District may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), to be spent under the direction of the Quaboag Regional School Building Committee; that the Town acknowledges that the MSBA grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be

executed between the Quaboag Regional School District and the MSBA for the purposes set forth herein. (Secret Ballot Required)

ARTICLE 1: VOTED UNANIMOUSLY that the Town accept the reports of Town Officers and all standing and special committees as printed in the 2010 Annual Report.

ARTICLE 2: VOTED BY A MAJORITY (THREE OPPOSED) that the Town authorize the Board of Selectmen to appoint all necessary Town Officers not previously chosen by ballot.

ARTICLE 3: MOTION MADE AND SECONDED: I move that the Town amend Section V, paragraph A of the Personnel By-Law in order to increase wages in the compensation plan by 2 percent.

ARTICLE 3: HAND COUNT TAKEN - 76 YES - 65 NO - PASSED

(FIRST OF FOUR)

MOTION MADE AND SECONDED: I move that the Town *raise and appropriate* the following sums of money to fix the salary and compensation of all Elective Officers of the Town as provided by Massachusetts General Laws, Section 108, Chapter 41 as amended, and to operate the following departments for the Fiscal Year beginning July 1, 2011:

Moderator	450.00	
***Selectmen's Salaries	15,000.00	
Selectmen's Expense	6,000.00	
Veteran's Agent	3,300.00	
Electrical Inspector	5,000.00	
Electrical Inspector Expense	300.00	
Alternate Electrical Inspector	300.00	
Building Inspector Expense	1,236.00	
Building Inspector Clerical	7,287.00	
**Building Inspector Salary	0.00	
Shepard Building Salary	10,680.00	
Shepard Building Expense	40,000.00	
Town Hall Expense	25,000.00	
Town Hall Repair	3,000.00	
Town Hall Janitor	5,955.00	
Town Report	1,600.00	
Publish Special Town Meeting	500.00	
Animal Control Officer Salary	8,000.00	
Alternate Animal Control Officer	400.00	
Animal Control Officer Expense	2,000.00	
Memorial Day	1,800.00	
Forester	6,000.00	
Forestry	17,500.00	
Pesticide/Herbicide	500.00	
Parking Clerk Salary	675.00	
Parking Clerk Expense	100.00	
Service Bureau	100.00	
Procurement	200.00	
SUB TOTAL		162,883.00
Administrative Secretary	0.00	
Administrative Secretary Expense	320.00	
SUB TOTAL		320.00
Veterans Services	60,279.00	
Veterans Services Administration	500.00	
SUB TOTAL		60,779.00
Treasurer's Salary	42,762.00	
Treasurer's Clerk Salary	5,545.00	
Treasurer's Expense	7,800.00	
Tax Taking Property	5,900.00	
Bank Charges	2,500.00	
Treasurer's Stipend	1,000.00	
SUB TOTAL		65,507.00

Assessors Salaries	9,000.00	
Revaluation Expense	500.00	
Principal Assessors Clerk	20,813.00	
Assessors Expense	7,300.00	
Mapping	3,800.00	
Assistant Assessor	39,899.00	
SUB TOTAL		81,312.00
Town Clerk Salary (+fees)	34,819.00	
*Clerical Salary	10,892.00	
Town Clerk Expense	3,730.00	
Advertise New By-Laws	50.00	
Registrars for Listing	3,542.00	
Elections & Registrations	19,050.00	
Massachusetts General Law Books	1,050.00	
Town Clerk Stipend	1,000.00	
SUB TOTAL		74,133.00
Town Accountant Salary	37,417.00	
Town Accountant Expense	2,775.00	
Municipal Audit	24,400.00	
SUB TOTAL		64,592.00
Collector of Taxes Salary (+fees)	26,412.00	
Collector of Taxes Expense	13,400.00	
Clerical Salary	9,242.00	
Advertising Tax Taking & Tax Sale	1,700.00	
Collector Stipend	1,000.00	
SUB TOTAL		51,754.00
Council on Aging Salary	28,023.00	
Council on Aging Expense	16,184.00	
Maintenance	7,143.00	
Lunch Coordinator	19,041.00	
COA – Part-Time General Helper	6,450.00	
Senior Van and Transportation	1,000.00	
Elderbus Subsidy	1,014.00	
Tri-Valley Services	868.00	
SUB TOTAL		79,723.00
Law Department Expense	20,000.00	
Finance Committee Expense	1,000.00	
Emergency Management	1,100.00	
Rent Control Board	150.00	
Planning Board Expense	1,648.00	
Planning Board Clerical	6,559.00	
Town Planner	33,930.00	
Town Planner Expense	1,000.00	
Board of Appeals	1,500.00	
Economic Development Committee	100.00	
Conservation Commission	1,466.00	
Conservation Commission Clerical	6,161.00	
Historical Commission	500.00	
Cultural Council	2,126.00	
SUB TOTAL		77,240.00
Reserve Account	40,000.00	
Street Lighting	41,000.00	
Hydrant Rental Precinct A	32,725.00	
Hydrant Rental Precinct B	11,750.00	
Regional Planning	1,151.00	
Insurance (Liability)	81,000.00	
Insurance (Workmen's Compensation)	18,000.00	
County Retirement Assessment	218,430.00	
Medicare	25,100.00	
Medical Insurance	331,269.00	
Dental Insurance	11,996.00	
Retiree Medical Insurance	49,882.00	

Life Insurance	1,900.00	
Unemployment Insurance	6,000.00	
Debt Retirement	223,317.00	
Debt - Betterments	47,882.00	
Betterment Trust	24,836.00	
Interest	1,000.00	
SUB TOTAL		1,167,238.00

TOTAL GENERAL GOVERNMENT (MOTION 1) \$1,885,481.00

*Discrepancy of the funds in the Town Clerk Budget; \$1,650.00 was taken out by mistake from Town Clerk Clerical line item. The Board of Selectmen promised the Town Clerk because of elections and other necessary work that has to be done; we would level fund this line item.

Building Inspector's Salary; Mr. Elliott Blackwell, resident, asked why a new salary line item has been created and added to the budget for the building Inspectors Salary as opposed to him getting a percentage of the building permits pulled in the Town of Warren. Mr. David Delanski, Board of Selectmen Chairman, explained that the Board of Selectmen tried to balance out his salary due to the low number of building permits being pulled in the recent year; the Board of Selectmen reduced the amount of money percentage wise and made it up in the salary.

****AMENDMENT – MOTION MADE AND SECONDED:** to reduce the Building Inspector's Salary from \$13,000.00 back to zero dollars (\$0.00).

Discussion followed with questions from, Mrs. Caroline Nofio, Finance Committee Member. Does the \$13,000.00 in the budget become a benefitted position and if it becomes a line item, does it need to be voted into the Town Salary Schedule? Per Mr. David Delanski, Board of Selectmen Chairman, it does not become a position and it is a change in how the compensation is paid, not the position itself. It is being changed from 80% fees to 50% fees and a salary. Mrs. Kathy Allard-Fountain asked if there would be mandatory office hours. Mr. David Delanski, Board of Selectmen Chairman, answered by stating that the board would like to see him available more hours per week, which includes day and evening hours. Prior to voting on this amendment, Mr. Robert Lavash, Park Commissioner made a motion to delay the vote on this until the other three pages of this budget are addressed. Moderator stated that there is already a motion on the floor; the motion to amend has precedence, we are going to deal with that motion to amend in the first instance; you could restate this motion subsequent to act on the motion to amend if you wish to. It would be in order at that particular time. There were no further comments.

****AMENDED MOTION – HAND COUNT TAKEN – 77 YES – 51 NO – PASSED**

*****AMENDMENT – MOTION MADE AND SECONDED:** to reduce the Board of Selectmen Salary from \$15,000.00 to \$9,000.00.

Discussion followed with questions from the residents asking why such a large increase. The Board of Selectmen each responded by saying that they attend Legislative meetings and never request to be reimbursed for the gas, breakfast or luncheon's that they attend. The spend a lot more time in the building due to the Administrative Secretary's position not being filled after retirement.

*****AMENDED MOTION – DEFEATED BY A MAJORITY**
ARTICLE 4: MAIN MOTION (MOTION ONE) AS AMENDED
VOTED BY A MAJORITY (SIX OPPOSED) – PASSED

(SECOND OF FOUR)

MOTION MADE AND SECONDED: I move that the Town *raise and appropriate* the following sums of money to fix the salary and compensation of all Elective Officers of the Town as provided by Massachusetts General Laws, Section 108, Chapter 41as amended, and to operate the following departments for the Fiscal Year beginning July 1, 2011:

PROTECTION	
Police Salaries	520,942.00
Police Expense	51,150.00
Police Clothing	8,300.00
Police School	9,000.00

Firearms Registration	2,500.00	
TOTAL		591,892.00
Communications Service	145,343.00	
Communications Expense	5,400.00	
TOTAL		150,743.00
Fire Department Salaries	43,300.00	
Fire Department Expense	36,750.00	
Vehicle Maintenance & Expense	17,500.00	
Training	3,000.00	
Personal Protection Equipment	5,000.00	
Health & Wellness	4,000.00	
Ambulance Expense	21,000.00	
Ambulance Payroll	45,000.00	
Fire Chief/EMT Salary	58,038.00	
FF/EMT and Paramedic	90,665.00	
Overtime Fire Fighter/EMT & Paramedic	5,049.00	
EMT Stipend	17,400.00	
Training - EMT	3,000.00	
Ambulance Billing Software	1,800.00	
Billing Clerk	4,176.00	
Advanced Life Support	4,500.00	
TOTAL		360,178.00
HIGHWAYS		
General Highway	46,510.00	
Snow and Ice	110,000.00	
Overtime, Snow & Ice	24,560.00	
Highway Surveyor	50,385.00	
Salary Account	145,207.00	
Overtime	3,525.00	
Machinery Maintenance & Operations	30,000.00	
Drainage	20,000.00	
Resurfacing	20,000.00	
Sidewalks	2,500.00	
Signs	2,000.00	
TOTAL		454,687.00
BOARD OF HEALTH		
Health Board Salaries	2,250.00	
Health Board Secretary	19,074.00	
Health Board Expense	2,750.00	
Health Agent - Visiting Nurse	800.00	
Animal Inspector	1,500.00	
Appointed Health Agent	4,000.00	
Vaccines	1,000.00	
Comins Pond Test	900.00	
Rabies Control	500.00	
TOTAL		32,774.00
CEMETERIES		
General Care	24,573.00	
Roads and Fences	1,400.00	
Cemetery Clerk	500.00	
TOTAL		26,473.00
RECREATION		
Park Clerk	4,500.00	
Park Expense	27,000.00	
Comins Pond	13,000.00	
Summer Recreation	2,500.00	
Holidays	9,850.00	
TOTAL		56,850.00
TOTAL (MOTION 2)		1,673,597.00

AMENDMENT – MOTION MADE AND SECONDED: I, Mrs. Elizabeth Kelly, resident of Warren, make a motion to put the Libraries back into the budget and the dollar value of \$156,743.00, level funded. To see if the Town will *raise and appropriate* the sum of \$78,371.50 for the operations of Warren Public Library in Fiscal Year 2012 and the sum of \$78,371.50 for the operation of the West Warren Public Library in Fiscal Year 2012 for a total of \$156,743.00. Moderator ruled that this is a motion to take the article out of order; there is an article relative to this motion in place later in the Town Meeting. Moderator took this as a motion to take this out of order and to restore it as a line item. Yes, per Mrs. Elizabeth Kelly. Per the request of the Moderator, Mrs. Elizabeth Kelly, resident, made the following motion.

REVISED AMENDMENT – MOTION MADE AND SECONDED: I make a motion to move Article 15 out of order, put the Libraries back into the budget and to see if the Town will *raise and appropriate* the sum of \$78,371.50 for the operations of Warren Public Library in Fiscal Year 2012 and the sum of \$78,371.50 for the operation of the West Warren Public Library in Fiscal Year 2012 for a total of \$156,743.00.

REVISED AMENDMENT – MOTION MADE AND SECONDED TO TAKE ARTICLE 15 OUT OF ORDER AND PUT THE LIBRARIES BACK INTO THE BUDGET – PASSED BY A MAJORITY.

There was much confusion with the figures read. At this time the Moderator re-read the Addendum to Article 15: To see if the Town will *raise and appropriate* or *transfer* from available funds, he then asked if the funds would be *raise and appropriate* or *transferred*? Mrs. Elizabeth Kelly, resident, answered by stating *raise and appropriate*. The Moderator then read the following motion: To see if the Town will *raise and appropriate* the sum of \$78,371.50 for the operations of Warren Public Library in Fiscal Year 2012 and the sum of \$78,371.50 for the operation of the West Warren Public Library in Fiscal Year 2012 for a total of \$156,743.00.

ARTICLE 15: MOTION MADE AND SECONDED: I move to *raise and appropriate* \$119,495.00 for the operation of the Warren Public Library in Fiscal Year 2012 and \$53,611.00 for the operation of the West Warren Library in Fiscal Year 2012 for a total of \$173,106.00.
(Secret Ballot)

A lengthy discussion followed and a five minute recess was taken to give Mrs. Millie Gushue, resident, time to put the following motion into writing.

AMENDMENT – MOTION MADE AND SECONDED: I, Mrs. Millie Gushue, resident, move that the Town *raise and appropriate* \$108,000.00 for the Warren Public Library and \$65,106.00 for the West Warren Public Library for a total of \$173,106.00.

Discussion continued with residents asking information asking what the salaries are for the Library Directors, the hours of operation of each library, how many books were checked out of each library, the certification of each library, etc.

AMENDED MOTION – DOES NOT CARRY

MOTION MADE AND SECONDED: I, David Delanski, Board of Selectmen Chairman, make a motion to move the question.

MOTION TO MOVE THE QUESTION CARRIES

Moderator then stated we would go back to the main motion with the one amendment. Prior to the count, it was requested that the Moderator re-read the motion. To see if the Town will *raise and appropriate* the sum of \$78,371.50 for the operations of Warren Public Library in Fiscal Year 2012 and the sum of \$78,371.50 for the operation of the West Warren Public Library in Fiscal Year 2012 for a total of \$156,743.00.

**ARTICLE 4: ORIGINAL MOTION (MOTION TWO) AS AMENDED
HAND COUNT TAKEN – 104 YES – 24 NO – PASSED**

(THIRD OF FOUR)

MOTION MADE AND SECONDED: I move that the Town *raise and appropriate* the following sums of money for school tuition transportation and debt payments for the Fiscal Year beginning July 1, 2011.

Debt Exclusion Warren Community Elementary School	\$ 50,950.00
Debt Warren Community Elementary School improvements	8,550.00
Pathfinder Regional School District Assessment	430,823.00
TOTAL (MOTION 3)	\$490,323.00

MOTION MADE AND SECONDED: I move to take this motion out of order because we already read the numbers.

VOTED UNANIMOUSLY

ARTICLE 4: (MOTION 3) VOTED BY A MAJORITY (THREE OPPOSED)

MOTION MADE AND SECONDED: I, Martin Nofio, Zoning Board of Appeals Member, move to reconsider the Highway Department line item in the budget.

MOTION TO RECONSIDER – DEFEATED

MOTION MADE AND SECONDED: I, Martin Nofio, Zoning Board of Appeals Member, move to *raise and appropriate* drainage to \$30,000.00 and to *raise and appropriate* resurfacing to \$40,000.00. There will be no vote on this motion because the motion to reconsider was defeated.

(FORTH OF FOUR)

MOTION MADE AND SECONDED: I move that the Town *raise and appropriate* \$2,865,124.00 to fund the operating assessment of the Quaboag Regional School District for the Fiscal Year beginning July 1, 2011. Further move that this appropriation shall be reduced by Warren’s pro-rata share of any state aid for regional school transportation allocated to the district in excess of \$482,980.00.

TOTAL (MOTION 4)	\$2,865,124.00
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TOTAL SCHOOL - BUDGETS	\$3,355,447.00
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GRAND TOTAL - BUDGETS	\$7,071,268.00
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Mrs. Joyce Eichacker, Conservation Commission Member, asked what the increase in money is going to be used for and do we have it in the budget without going over the Levy Limit? Mr. Brett Kustigian, Superintendent, stated that he met with the Board of Selectmen and Finance Committees from both Warren and West Brookfield and discussed all the figures. Stated that the original amount is the foundation budget that is set by the State. The increase is the amount above minimum contribution, which was worked out with both Town’s.

AMENDMENT – MOTION MADE AND SECONDED: I, Mr. Kenneth Piazza, resident, move to go back to the original district budget \$2,789,433.00.

Discussion followed, Mr. David Delanski, Board of Selectmen Chairman, explained that the \$2,865,124.00 is \$125,000.00 less than last year. It also matches what West Brookfield appropriated for tonight’s meeting. He stated if we go with something different than this amount we will have another Town Meeting then a District Town Meeting. The Board of Selectmen absolutely supports this figure and request that we do as well. Mrs. Dolores Morin, Quaboag Regional School District Committee Member, stated that this is for general operations, not for anything extra. Paula Messier, Quaboag Regional School District Committee Member, stated that our children’s education is very important and if we don’t pass this tonight, things will have to be cut. Mr. Dan Korzec, Quaboag Regional School District Committee Member, stated that last year we approved \$210,000.00 over last year’s State mandated amount while this year we are only asking for \$75,000.00 over last year’s State mandated amount.

AMENDMENT – DEFEATED

ARTICLE 4: ORIGINAL MOTION (MOTION FOUR)
VOTED BY A MAJORITY – PASSED

ARTICLE 5: VOTED BY A MAJORITY (THREE OPPOSED) that the Town *appropriate* the following sums of money to finance the operations of the Sanitary Landfill and Solid Waste Transfer Station Enterprise Fund for the Fiscal Year beginning July 1, 2011:

Operations	\$ 60,000.00
Engineering	20,000.00
Supplies	3,000.00
Leachate	40,000.00
Well Monitoring	20,000.00
Transfer Station Hauling & Tipping	<u>137,000.00</u>
	\$ 280,000.00

And that \$280,000 be raised as follows:

Enterprise Fund Revenues	\$ 24,000.00
Landfill Post-Closure Maintenance Reserve	25,000.00
Landfill Retained Earnings	33,000.00
Tax Revenue	<u>198,000.00</u>
	\$ 280,000.00

ARTICLE 6: MOTION MADE AND SECONDED: I move that the Town *transfer* \$315,000.00 from the Landfill Enterprise Capping Reserve Account, \$25,000.00 from the Landfill Enterprise Post Closure Maintenance Account, and \$100,000.00 from the Stabilization Account to close Phase II of the South Street Sanitary Landfill. (2/3's Vote Required)

**ARTICLE 6: HAND COUNT TAKEN - 107 YES - 4 NO - TOTAL = 111
2/3'S VOTE REQUIRED (74 VOTES) - PASSED**

ARTICLE 7: VOTED UNANIMOUSLY that the Town *appropriate* the following sums of money to finance the Sewer Enterprise Account for the Fiscal Year beginning July 1, 2011:

Sewer Commissioners Salaries	\$ 3,600.00
Debt Service	0.00
Wages	162,180.00
Purchased Services	219,331.00
Purchased Supplies	49,118.00
Unforeseen Expenses	12,000.00

And that \$446,229.00 be raised as follows: \$395,478.00 from the Sewer Receipt Account and \$50,751.00 from the Sewer Retained Earnings Account.

ARTICLE 8: MOTION MADE AND SECONDED: I move that the Town *transfer* \$155,000.00 from the Sewer Enterprise Capital Improvement Account for replacing equipment, electrical conduits, and control panels.

AMENDMENT – MOTION MADE AND SECONDED: I move to change the word *transfer* to *appropriate*.

AMENDMENT – VOTED UNANIMOUSLY

ARTICLE 8: ORIGINAL MOTION – AS AMENDED – VOTED UNANIMOUSLY

ARTICLE 9: VOTED BY A MAJORITY (TWO OPPOSED) that the Town *amend* Section V of the Personnel By-Law, Attachment B, by adding the position of “Selectmen’s Assistant” to the Wage Compensation Plan under the column headed “Position”, by adding “A-1” under the column headed “Grade”, and by adding the appropriate amounts for “A-1” to the columns headed “Min” and following across the page, and to *raise and appropriate* \$20,558.00 for compensation of that position for Fiscal Year 2012.

It was asked how many hours per week? Mr. David Delanski, Board of Selectmen Chairman, stated that the job is for 26 hours per week, had two people making \$50,863.00 last year; made cuts in the Selectmen’s office and \$20,558.00 is the new figure and the other position will not be filled.

ARTICLE 10: VOTED BY A MAJORITY (FIVE OPPOSED) that the Town *raise and appropriate* \$11,000.00 for IT Infrastructure for the Shepard Municipal Building.

Mr. Peter Krawczyk, Planning Board Member, stated that we are not fully utilizing the Warren Website. Why would we invest more money? He then stated that he thinks we are wasting the tax payers money. Mr. Robert Souza, Board of Selectmen Member, stated that we are not creating an IT position, stated that we are correcting the infrastructure to the building. We would like to put a server in the building to serve all the offices currently utilizing the internet and services from the State; we would like to create a media room that will be open to the public, which will have ten or twelve computers, donated to the building for public use at no charge. Mr. Souza has volunteered his time to put the media room together and keep it maintained at no cost to the Town.

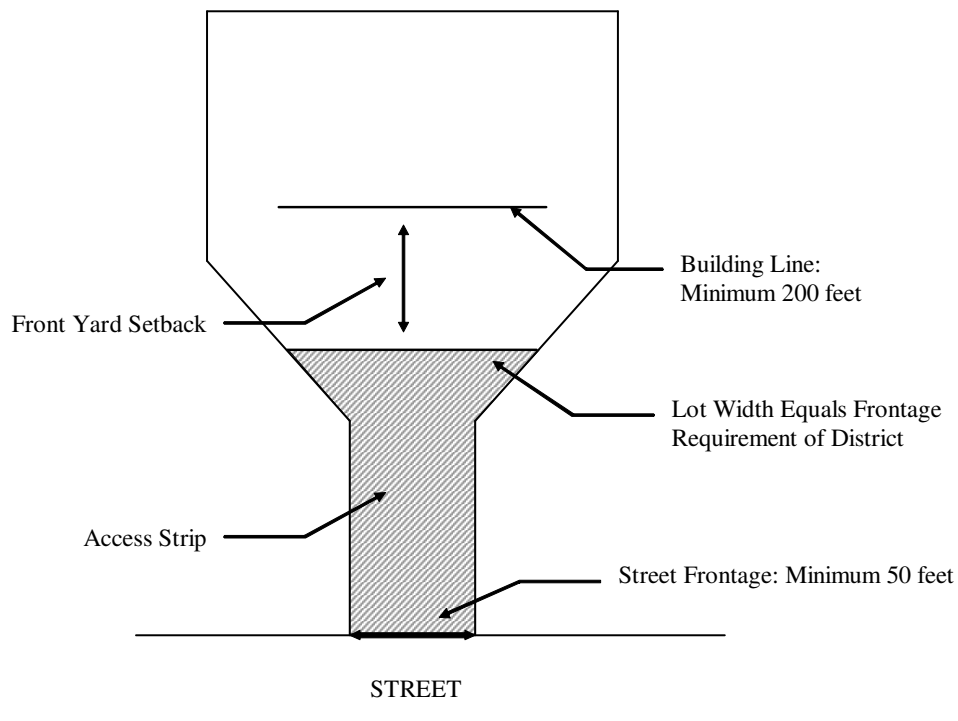
ARTICLE 11: MOTION MADE AND SECONDED: I move that the Town *amend* the Warren Zoning By-Law Section 4, Dimensional Requirements, by adding a new Section 4.4 entitled “Rear Lots” as set forth in the handout provided at Town Meeting and attached to this motion. (2/3’S Vote Required)

REAR LOTS

4.4 Rear Lots

In Rural and Residential Districts, the Planning Board may grant a special permit for a Rear Lot provided the Lot complies with Section 5.1, Special Permits, and meets all of the requirements set forth below.

1. The minimum lot area required for a Rear Lot shall be four (4) acres. The “Access Strip”, as shown on the illustration below, shall not be included in the calculation of the minimum lot area of the lot. The measurement of the area for a Rear Lot shall begin where the lot width widens to the street frontage width required for a regular lot in the district. The applicant shall show this line on the plan and include the area of the Access Strip and the area of the remainder of the lot.
2. A Rear Lot shall have a minimum continuous frontage of fifty feet (50’). The lot shall maintain a minimum width of fifty feet (50’) between the frontage street and the nearest part of the dwelling.
3. The width of the lot where the building will be located (Building Line) shall be a minimum of two hundred feet (200’). The plan shall show the proposed dwelling location.
4. Upon approval of the special permit, the applicant may submit a plan showing the Rear Lot to the Planning Board for endorsement under M.G.L. Chapter 41 §81P.
5. Any plan for approval or endorsement shall clearly identify the lot as a Rear Lot and bear a statement that such lot shall not be further divided to reduce its area or to create additional building lots.
6. All other dimensional requirements of the district in which the lot is located shall apply.
7. The frontage of any two Rear Lots shall be separated by at least one normal frontage lot.
8. The access drive shall have a minimum width of sixteen feet (16’) and a maximum grade of ten percent (10%).



Per Patricia Cantor, Town Counsel, in order to be in compliance with amending a Zoning By-Law under Chapter 40A, Section 5, a report and recommendation must be made by the Planning Board.

MOTION MADE AND SECONDED: I, H. William Ramsey, Planning Board Chairman, move that this is a report and recommendation by the Planning Board for adoption.

VOTED UNANIMOUSLY

ARTICLE 11: HAND COUNT TAKEN - 79 YES - 4 NO - TOTAL = 83
2/3'S VOTE REQUIRED (56 VOTES) - PASSED

ARTICLE 12: VOTED UNANIMOUSLY that the Town *raise and appropriate* \$2,000.00 for the Town's share of a matching grant to the Warren Fire Department by the Massachusetts Department of Conservation and Recreation.

ARTICLE 13: VOTED UNANIMOUSLY that the Town *raise and appropriate* \$5,600.00 for the Town's share of grant to the Warren Fire Department for Homeland Security.

ARTICLE 14: VOTED BY A MAJORITY (FIVE OPPOSED) that the Town *raise and appropriate* \$19,000.00 for downtown design improvements.

There was general discussion regarding the need for additional funding for the downtown design improvement project. There were resident concerns regarding traffic flow issues.

ARTICLE 16: VOTED UNANIMOUSLY that the Town *raise and appropriate* \$2,500.00 to purchase supplies and equipment for the Town's community baseball, softball, basketball, soccer, and football programs.

ARTICLE 17: VOTED UNANIMOUSLY that the Town *amend* the Warren Zoning By-Law Section 11 entitled "Open Space Residential Development" as set forth in the handout provided at Town Meeting and attached to this motion. (2/3'S Vote Required)

Section 11 Open Space Residential Development (OSRD)

11.1 Purpose

The purposes of an OSRD are:

1. To advance the goals and policies of the *Warren Master Plan* (2006) and the *Warren Open Space and Recreation Plan* (2010), as they may be amended from time to time.
2. To allow for greater flexibility and creativity in the design of residential developments.
3. To facilitate the permanent protection of open space, agricultural land, and natural, historic, and scenic resources.

4. To encourage a more economical and efficient form of development that is less sprawling, consumes less open land, respects a site's physical characteristics, and minimizes the total amount of disturbance on the site.

11.2 Procedures

- 11.2.1 Site Plan Approval: Applicants shall follow procedures for site plan approval in Section 5.33 of this Bylaw and in the Planning Board's Regulations for Site Plan Approval.
- 11.2.2 Application: Applicants shall file with the Planning Board two different development plans meeting the requirements for Preliminary Plans in the Planning Board's Subdivision Regulations: an Open Space Residential Development Plan and a Conventional Subdivision Plan. The Conventional Subdivision Plan shall show lots that comply with the dimensional requirements of the Zoning Bylaw. The OSRD Plan shall comply with the requirements described in this Bylaw. The submission shall also include a narrative describing each Plan, including the number and size of dwelling units, proposed project phasing, and open space characteristics.
- 11.2.3 Lot Calculation: The Conventional Subdivision Plan shall form the basis for determining the number of building lots the site can reasonably accommodate in conformance with all development requirements of the Zoning Bylaw. The total number of lots or dwelling units in an OSRD shall not exceed the number of lots or dwelling units the Planning Board determines are feasible for the site.
- 11.2.4 Design Process: Preparation of an OSRD Plan shall follow the design process outlined below. The Applicant shall submit maps and analysis for each step to demonstrate the process for determining the layout of proposed streets, house lots, and protected open space.
 1. *Evaluate Site Context.* Evaluate the site in its larger context by identifying physical features, (e.g., stream corridors, wetlands, land forms), transportation systems, (e.g., road, trail, and bicycle networks), cultural assets, (e.g., recreational areas, historic sites, and archaeological resources), surrounding land uses, and protected open space.
 2. *Map Natural and Cultural Resources.* Inventory and map existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these features to each other. These resources include wetlands, existing or former farmland, riverfront areas, floodplains, steep slopes, mature woodlands, unique or endangered wildlife habitats, historic or cultural features (e.g. old buildings or stone walls), unusual geologic formations, and scenic views into and out of the property.
 3. *Designate Open Space.* Identify areas for permanent preservation as open space. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, serve to extend existing neighborhood open space.
 4. *Locate Development Areas.* Locate building sites, streets, parking areas, paths and other built features of the development. The design should minimize impacts on the neighborhood and include proposed amenities to create a unified community.
 5. *Draw Lot Lines.* Draw lot lines to enable a comparison of the Conventional Subdivision Plan and OSRD Plan. The number of buildable lots approved by the Planning Board based on the Conventional Subdivision Plan shall be the maximum number of lots permitted in an OSRD.
- 11.2.5 Planning Board Decision: The Planning Board shall hold a public hearing and render a decision in accordance with Section 5.33 of this Bylaw. After reviewing the two proposed development plans, the Planning Board shall specify the maximum number of lots or dwelling units permitted in an OSRD.

11.3 Dimensional Requirements

- 11.3.1 Types of Dwellings. Single family dwellings are permitted in all districts, two-family dwellings are permitted in Residential and Village districts, and multi-family dwellings are permitted only in Village districts. Units in multi-family dwellings may comprise up to fifteen percent (15%) of all units in an OSRD.
- 11.3.2 Minimum Requirements: Lots that have access from internal roads within an OSRD shall conform to the following dimensional requirements. Lots that gain access from existing public ways shall comply with the dimensional requirements of Section 4 of the Zoning Bylaw.

Zoning District	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage	Minimum Yard Depth			Max Height
			Front	Rear	Side	
Rural	20,000	100'	25'	25'	20'	35'
Residential	15,000	100'	20'	20'	15'	35'
Village						
1 or 2 family	10,000	65'	10'	15'	10'	35'
Multi-family	10,000 + 2,500 per unit	100'	20'	20'	15'	40'

11.4 Open Space Requirements

11.4.1 Open Space Minimum: In an OSRD, a minimum of thirty (30%) percent of the site in a Village district, and 40% in a Residential or Rural district, shall be permanently protected open space and shall be suitable for recreation, agriculture, or conservation uses. The Planning Board may require that at least fifty (50%) percent of the required open space be non-wetlands.

11.4.2 Location of Open Space: The location of open space shall be consistent with the policies contained in the Town's *Master Plan* and the *Open Space and Recreation Plan*. The following design requirements shall apply to open space provided in an OSRD:

1. Open space may be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of open space shall occur only when necessary for public access or maintenance, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
2. Open space shall protect valuable natural and cultural resources e.g. streams, wetlands, water bodies, unfragmented forests, significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites.
3. The maximum number of dwelling units compatible with good design shall abut the open space and all residents within the OSRD shall have reasonable physical and visual access to the open space through internal roads, sidewalks, or paths. Such access may be limited where the Planning Board finds that resource areas are vulnerable to human disturbance.
4. Open space shall be accessible via a strip of land at least twenty (20) feet wide, suitable for a footpath and light maintenance vehicles, from one or more streets in the development. The Board may require an easement to allow access to the open space and to perform maintenance.
5. Where a proposed development abuts land held for conservation purposes, the protected open space shall abut the conservation land to the extent feasible to create a large contiguous area of open space. Trails shall connect the parcels in appropriate locations.
6. Buildings, roads, and driveways should be located away from soils that are most suitable for agriculture (prime farmland soils and soils of state and local importance) to reserve the land for agricultural purposes.

11.4.3 Allowable Uses of Protected Open Space:

1. Purposes: Open space may be designated for recreation, conservation, agriculture, forestry, or educational purposes, and may have multiple uses, so long as the use is consistent with the purposes of the OSRD. The Planning Board shall have the authority to disapprove particular uses proposed for the open space.
2. Leaching Facilities: Subject to the approval of the Board of Health, the Planning Board may permit a portion of the open space to contain components of sewage disposal systems. Use of open space for such sewage disposal system may only be approved if the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands, or water bodies.

3. Accessory Structures: The Planning Board may permit up to five percent (5%) of the open space to be paved or built upon for structures accessory to the proposed use of the open space (e.g. bicycle paths, playgrounds, farm buildings).
4. Open Space Management Plan: If the land is not conveyed to the Town, the owner shall submit a management plan for the long-term use and stewardship of the land. Such a plan shall include illustrative maps and a narrative discussion of:
 - a. The manner in which the open space and related facilities will be owned, managed and maintained;
 - b. The conservation, land management, and agricultural practices that will be used to conserve and protect the open space;
 - c. The professional and personnel resources that will be necessary to maintain and manage the property;
 - d. The nature of public or private access that is planned for the open space; and
 - e. The source of money that will be available for such management, preservation and maintenance on a perpetual basis.

11.4.4 Ownership of Open Space: At the developer's option and subject to approval by the Planning Board, all open space shall be either:

1. Conveyed to the Town and accepted by it for open space use.
2. Conveyed to a non-profit land trust or conservation organization, the principal purpose of which is the conservation of open space.
3. Conveyed to a corporation or trust, owned or to be owned by the owners of lots or residential units within the development (a "Homeowners Association"). Ownership in such a Homeowners Association shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities held in common until the Homeowners Association is capable of assuming such responsibility. Thereafter, the members of the Homeowners Association shall share the cost of maintaining the open space. The applicant for the OSRD shall provide documentation, subject to the approval of the Planning Board, that the Homeowners Association has been established and that a provision to that effect has been included in the deed to any lot or unit in the development. Additionally, each deed to any lot or unit in the development shall include a restriction that maintenance of any open space owned by a Homeowners Association shall be permanently guaranteed by an arrangement providing for mandatory assessments for maintenance expenses to each ownership interest. No lot or unit in the development may be conveyed unless and until the Homeowners Association is established as provided herein.

11.4.5 Conservation or Agricultural Preservation Restriction: In any case where such open space is not conveyed to the Town or a qualified conservation organization organized pursuant to the Internal Revenue Code §170(h) for conservation purposes, then the open space shall be subject to a permanent conservation or agricultural preservation restriction in accordance with the provisions of MGL c. 184 §§ 31-33. The Restriction shall name the Conservation Commission or a qualified conservation organization as a co-holder. Restrictions shall provide for periodic inspection of the open space by the co-holder.

11.4.6 Relation to Subdivision Control Law: Nothing herein shall be construed as exempting an OSRD from compliance with the Subdivision Control Law, or the Planning Board's Subdivision Rules and Regulations. Further, any site plan approval issued for an OSRD shall include a condition requiring that the OSRD site plan approval be referenced on any definitive subdivision plan regarding the development, and that the definitive subdivision plan contain a notation to the effect that there shall be no further subdivision of the land which increases the number of building lots or units or results in an alteration of the open space areas except as may be approved through a modification of the OSRD site plan approval and a modification of the definitive subdivision plan.

Amend the Zoning By-Law by adding a new section 4.35, Dimensional Requirements in Open Space Residential Developments, as follows:

4.35 Dimensional Requirements in Open Space Residential Developments

Dimensional requirements for lots in an Open Space Residential Development (OSRD) that have access on roads within the development and not from an existing public way are set forth in Section 11.3.2 of the Zoning By-Laws.

Per Patricia Cantor, Town Counsel, in order to be in compliance with amending a Zoning By-Law under Chapter 40A, Section 5, a report and recommendation must be made by the Planning Board.

MOTION MADE AND SECONDED: I, H. William Ramsey, Planning Board Chairman, move that this is a report and recommendation by the Planning Board for adoption.

VOTED UNANIMOUSLY

ARTICLE 18: VOTED BY A MAJORITY (THREE OPPOSED) that the Town *raise and appropriate* the sum of \$5,000.00 to participate in Regionalization of Human Resource Services.

ARTICLE 19: VOTED BY A MAJORITY (THREE OPPOSED) that the Town authorize the Board of Health to employ a member of said Board to provide secretarial services during Fiscal Year 2012 and to authorize payment from the Board of Health Secretary Account at a rate of \$10.00 per hour.

ARTICLE 20: VOTED BY A MAJORITY (THREE OPPOSED) that the Town authorize the Tree Warden to be compensated from the Forestry Expense Account for emergency tree work at a rate of \$20.00 per hour, not to exceed \$1,200.00 during Fiscal Year 2012.

ARTICLE 21: MOTION MADE AND SECONDED: I move that the Town amend the Warren Zoning By-Law, Section 10, Flood Plain District, by adding the following new sections: 10.3.2, 10.3.3, 10.7, and 10.8 as set forth in the handout provided at Town Meeting and attached to this motion. (2/3'S Vote Required)

10.3.2 In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the FIRM or Flood Boundary & Floodway Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

10.3.3 All subdivision plans must be designed to assure that:

- a) such plans minimize flood damage;
- b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) adequate drainage is provided to reduce exposure to flood hazards.

10.7 Base Flood Elevation and Floodway Data

10.7.1 Floodway Data: In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

10.7.2 Base Flood Elevation Data: Base flood elevation data is required for subdivision plans or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones.

10.8 Notification of Watercourse Alteration

In a riverine situation, the Planning Board shall notify the following of any alteration or relocation of a watercourse:

1. The Planning Board of all abutting communities
2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway St., Suite 600-700
Boston, MA 02114-2104

3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Per Patricia Cantor, Town Counsel, in order to be in compliance with amending a Zoning By-Law under Chapter 40A, Section 5, a report and recommendation must be made by the Planning Board.

MOTION MADE AND SECONDED: I, H. William Ramsey, Planning Board Chairman, move that this is a report and recommendation by the Planning Board for adoption.

VOTED UNANIMOUSLY

ARTICLE 21: HAND COUNT TAKEN - 77 YES - 2 NO - TOTAL = 79
2/3'S VOTE REQUIRED (53 VOTES) - PASSED

ARTICLE 22: VOTED UNANIMOUSLY that the Town authorize the establishment of the following revolving funds in accordance with Massachusetts General Laws, Chapter 44, Section 53E ½: Building Department for the purpose of accepting fees for building permits and authorize the Board of Selectmen to pay the Building Inspector compensation and expenses amounting to 80% of said fees to a limit of \$25,000.00 with any balance in excess of \$1,000.00 remaining in said fund at close of the Fiscal Year to be returned to the General Fund; Town Clerk for the purpose of accepting fees for the licensing of dogs to be expended without further appropriation by the Town Clerk for dog licenses and tags, Town Clerk fees and other expenses related to licensing of dogs and the enforcement of State and Local Laws pertaining to dogs to a limit of \$2,000.00 with the balance in excess of \$500.00 remaining in said fund at the close of the Fiscal Year to be returned to the General Fund; Board of Health for the purpose of accepting fees charged for Plumbing and Gas Permits and to authorize the Board of Health to pay Plumbing and Gas Inspectors from that account compensation amounting to one half of fees from inspections to a limit of \$7,000.00 with any balance in excess of \$1,000.00 remaining in said fund at close of the Fiscal Year to be returned to the General Fund; Board of Health for the purpose of accepting fees for Percolation Tests and Disposal Works Construction Permits and authorize the Board of Health to pay one of its members or its agent for inspections associated with said permits and tests to a limit of \$6,000.00 with any balance in excess of \$1,000.00 remaining in said fund at close of the Fiscal Year to be returned to the General Fund; and Cable Advisory Committee for the purpose of accepting subscriber fees from Comcast to be expended by the Cable Advisory Committee for the payment of expenses related to the maintenance and operation of the Warren Community Access Cable TV to a limit of \$20,000.00.

A question was raised asking if the article was changed to reflect 80% of fees for the Building Inspector instead of 50% as originally shown on the Warrant. Mr. Robert Souza, Board of Selectmen Member, stated that the article was changed to 80% to reflect the Building Inspector's original salary structure since the \$13,000.00 was turned down.

ARTICLE 25: VOTED UNANIMOUSLY that the Town vote free use of the Shepard Municipal Building for civic activities, subject to such rules, regulations and restriction as the Board of Selectmen deem necessary.

ARTICLE 26: VOTED UNANIMOUSLY that the Town vote the free use of the Senior Center for civic activities subject to the approval of the Council on Aging upon such terms and conditions as the Council may determine.

ARTICLE 27: VOTED UNANIMOUSLY that the Town vote to accept funds made available from the Commonwealth of Massachusetts for highway projects approved by the Massachusetts Highway Department.

ARTICLE 28: VOTED UNANIMOUSLY that the Town authorize the Treasurer to enter into compensating balance agreements during Fiscal Year 2012 as permitted by Massachusetts General Laws, Chapter 44, Section 53F.

ARTICLE 29: VOTED UNANIMOUSLY that the Town accept the following accounts in trust, the income of which is to be expended for the perpetual care maintenance of burial lots at Pine Grove Cemetery for certain individuals per the 1909 Plan of said cemetery:

<u>Name</u>	<u>Amount</u>	<u>Lot #</u>
David Shepard	\$1,800.00	Section B – Lot 895
Ronald & Linda Baker	300.00	Section A – Lot 133
Elinor Towne & Karen Merrill	300.00	Section A – Lot 149

Business of the meeting being completed, a motion was made and seconded to dissolve this meeting at 10:25 PM.

Respectfully Submitted,

Nancy J. Lowell, Town Clerk