

# Annual Town Meeting

The Annual Town Meeting was called to order at 8:00 p.m. by Moderator Michael M. Seele. The meeting pledged allegiance to the flag and Pastor Crystal Gardner of the United Methodist Church gave the invocation. A moment of silence was held for deceased Town employees who died in 2014. Town Clerk Dawn M. Varley swore in the following tellers: Lawrence Roache, 26 Acorn Rd., Christopher R. George, 4 Shelly Ln., and Stephen D. Lewis, 171 Forest St. She then read the warrant. Moderator Seele went over the rules governing town meeting. Moderator Seele acknowledged the Finance Committee on their service to the town. Detective Officer Kevin Harrington announced the count of the voters present was 136, constituting the quorum requirement of 50 voters.

Fire Chief Timothy Grenno recognized Zackary Taylor, a 16 year old Whitman resident for his fast action in administering CPR to a roofer on August 30, 2014 who went into respiratory failure, keeping him alive until EMTs arrive.

## Article 1

The Town voted UNANIMOUSLY to bring in their vote for the following Town Officers: One Town Clerk for Three Years; One Selectmen for Three Years; One Assessor for Three Years; Two PK-12 Whitman-Hanson Regional School District Committee Members for Three years; One Department of Public Works Commissioners for Three Years; Two Public Library Trustees for Three Years; One Planning Board Member for Five Years; One Planning Board Member for Four Years (to fill vacancy); One Board of Health Member for Three Years; One Whitman Housing Authority Member for Five Years; and to choose all other necessary officers.

The polls for the election of officers will be opened in said Town Hall at nine o'clock in the forenoon on said Saturday the 16th day of May, 2015, and kept open until five o'clock in the evening. Both of which days will constitute the Annual Meeting and this call is issued in accordance with the vote of the Town passed January 29, 1902.

Proposed by the Board of Selectmen

## Article 2

### General Budget

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

Proposed by the Board of Selectmen and Finance Committee

The following Line Items were questioned: 6, 100, 126, 175, 226, 227, 228, 229, 231. All other line items were voted unanimously

**For continuity in recording Article 2 is listed at the end of this recording**

## Article 3

### Revolving Accounts

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

Revolving Account Description / Name	Source of Receipts	Use of Funds	Receipts Limit	Disbursed by
Council on Aging Revolving Account	Minibus Fares and Program Fees	Defray Council on Aging Expenses	\$10,000.00	Director, Council on Aging

Library Fines and Fees Revolving Account	Library Fines	Defray Library Expenses	\$20,000.00	Board of Library Trustees
Passport Fees Revolving Account	Sale of Passport Photographs	Defray Expenses for Photo Supplies	\$3,000.00	Treasurer-Collector
Fire Alarm Revolving Account	Construction, Repair and Maintenance of Town Municipal Fire Alarm System	Defray Cost to Maintain and Repair Town Fire Alarm System	\$10,000.00	Fire Chief
Planning Board Revolving Account	Fees Paid on Submission of Plans to the Planning Board	All expenses except Personnel Salaries	\$75,000.00	Planning Board by Majority Vote
Police Department Revolving Account (Marijuana Fines)	Fines assessed under MGL C. 42 §21D	Police Training and Equipment	\$10,000.00	Chief of Police

Proposed by disbursing departments  
Finance Committee voted 8-0 to recommend

**Article 4** Deleted

**Article 5** Hazardous Materials Collection

The Town voted UNANIMOUSLY, to raise and appropriate \$ 2,500.00 to be used for the purpose of holding a Household Hazardous Waste Collection Day and to allow Whitman residents with the Board of Health’s authorization to visit another town’s Household Hazardous Waste Collection within the South Shore Recycle Coop, or take any action relative thereto.

Proposed by the Board of Health  
005 Finance Committee voted 8-0 to recommend

*Note: This allows Whitman to pool with other Towns to provide residents with a means to dispose of hazardous products such as oil based paints, insecticides and materials that cannot be disposed of via trash collection*

**Article 6** Debt Payment Outside the Levy Limit

The Town voted UNANIMOUSLY, to raise and appropriate outside the levy limit the sum of **\$548,191.19** to pay Whitman Hanson Regional School Department debt payments, which debt was authorized by Article 7 of the May 7, 2002 Annual Town Meeting and the May 18, 2002 debt exclusion vote, or take any action relative thereto.

Proposed by the Treasurer-Collector  
007 Finance Committee voted 8-0 to recommend

*Note: This is Whitman’s share of debt for the Whitman Hanson Regional High School. Final payment is due in 2027.*

**Article 7** Transfer for Payment of Town Debt

The Town voted UNANIMOUSLY, to transfer \$100,000.00 from the Reserve for Appropriation Ambulance Account to the Debt Service Reserve Account from which account monies shall be appropriated to pay the principal and/or interest on debt authorized under Article 41 of the Annual Town Meeting of May 19, 1998, for the purposes of renovations, additions and remodeling to the Town Hall, Police Station, Fire Station, Town Library and other capital projects, or take any action relative thereto.

Proposed by the Fire Chief and Treasurer-Collector  
008 Finance Committee voted 7-0-1 to recommend

*Note: This vote allows the Town to use Receipts from the Town's Ambulance Service to reduce how much money must be raised by taxation.*

**Article 8** Payment of Town Debt

The Town voted UNANIMOUSLY, to appropriate \$100,000.00 from the Reserve for Appropriation Town Debt Service Reserve Account and to raise and appropriate \$99,272.50 to make payments on debt authorized by Article 41 of the May 19, 1998 Annual Town Meeting for the purposes of renovations, additions and remodeling to the various Town capital projects, or take any action relative thereto.

Proposed by the Treasurer-Collector

009 Finance Committee voted 7-0-1 to recommend

*Note: This debt represents costs for renovations to buildings during the period 1998 to 2000. Final Payment is due in 2020.*

**Article 9** Payment of Debt from Free Cash

The Town voted UNANIMOUSLY, to transfer \$630,762.50 from free cash and \$200,000.00 from Capital Stabilization to make payment on debt authorized by Article 1 of the November 17, 2008 Special Town Meeting for the construction of a new Police Station, and the renovation of the Town Hall and Fire Station, or take any action relative thereto.

Proposed by the Treasurer-Collector

010 Finance Committee voted 8-0 to recommend

*Note: This is a debt payment inside the levy limit. Final payment is due in 2030*

**Article 10** Payment of Debt

The Town voted UNANIMOUSLY, to transfer \$5,873.20 from the Reserve for Appropriation Title V Loans Account to make fiscal year 2016 debt payments, with any balance remaining at the end of the fiscal year to be returned to the Reserve for Appropriation Title V Loans Account, or take any action thereto.

Proposed by the Treasurer-Collector

011 Finance Committee voted 8-0 to recommend

*Note: The town offers low rate financing for connecting to town sewerage. The Town borrows money from the Massachusetts Clean Water Trust and this article provides the Town with funds to pay MCWT.*

**Article 11** Appropriation for Future Liability

The Town voted UNANIMOUSLY, to Raise and appropriate a \$5,000.00 to be added to the Other Post-employment Benefits Liability Trust Fund (OPEB) Account, or take any action relative thereto.

Proposed by the Treasurer-Collector and Town Administrator

012 Finance Committee vote d 8-0 to recommend

*Note: In addition to paying a portion of active Town employees' health insurance, the Town is also responsible for payment of a portion of retiree's health insurance. Over time this liability can potentially reach \$12 million dollars. The Town is beginning to provision for this liability by contributing to a trust.*

**Article 12** Assessment of Liability

The Town voted UNANIMOUSLY, to raise and appropriate \$6,000.00 to engage an actuary to perform an assessment of future liabilities for OPEB (Other Post-employment Benefits) as required by GASB 45 (Government Account Standards Bureau), or take any other action relative thereto.

Proposed by the Treasurer-Collector

013 Finance Committee voted 8-0 to recommend

*Note: The town is required to evaluate ad determine its future liability bi-annually. This appropriation pays for the cost to evaluate.*

**Article 13** Street and Sidewalk Repair

The Town voted UNANIMOUSLY, to appropriate \$142,114.00 from available Chapter 90 funds to make repairs and improvements to various streets and sidewalks in the Town of Whitman or take any action relative thereto.

Proposed by the Board of Public Works Commissioners  
014 Finance Committee voted 6-0 to recommend

*Note: This appropriation authorizes the use of prior year chapter 90 funds to repair streets and sidewalks.*

**Article 14** Traffic Light

The Town voted UNANIMOUSLY, to appropriate \$20,000.00 from available Chapter 90 funds to place a traffic control light at the intersection of Franklin Street and South Avenue, or take any other action relative thereto.

Proposed by the Board of Public Works Commissioners  
015 Finance Committee voted 6-0 to recommend

*Note: Due to frequent accidents and safety concerns, the Town will be installing flashing red lights at intersection of South Avenue*

**Article 15** Street and Sidewalk Repair

The Town voted UNANIMOUSLY, to appropriate \$263,735.00 from available FY 2016 Chapter 90 funds to make repairs and improvements to various streets and sidewalks in the Town of Whitman or take any action relative thereto.

Proposed by the Board of Public Works Commissioners  
016 Finance Committee voted 8-0 to recommend

*Note: Money will be used to make street repairs, and \$60,000.00 will remain unappropriated to be used with FY2017 funds to purchase a vehicle for the Public Works department*

**Article 16** Vehicle Purchase

The Town voted UNANIMOUSLY, to transfer \$43,000.00 from free cash to purchase and equip a Pickup Truck with Plow, or take any other action relative thereto.

Proposed by the Board of Public Works Commissioners  
017 Finance Committee voted 8-0 to recommend

*Note: Over the past several years the Town has repeatedly deferred vehicle purchases for the Public Works Department. This purchase is necessary.*

**Article 17** Field Maintenance Equipment

The Town voted UNANIMOUSLY as amended to appropriate \$12,000 from the Reserve for Appropriation Mount Zion Cemetery Fund and \$7,000 from the Reserve for Appropriation High Street Cemetery Fund to purchase a 48" lawn mower, or take any other action relative thereto.

Proposed by the Board of Public Works Commissioners  
018 Finance Committee voted 8-0 to recommend

*Note: This appropriation uses fees raised from the sale and maintenance of graves to pay the cost of acquiring a suitable mower to maintain the town-owned cemeteries.*

**Article 18** Lease/Purchase Payment

The Town voted UNANIMOUSLY, to transfer \$45,141.26 from the Reserve for Appropriation Ambulance Account for the

third of four payments for the lease/purchase of a 2012 Ambulance, or take any other action relative thereto.

Proposed by the Fire Chief

020 Finance Committee voted 7-0-1 to recommend

Note: The final payment for this ambulance will be made next year

**Article 19** Lease/Purchase Payment

The Town voted UNANIMOUSLY, to transfer \$43,171.64 from the Reserve for Appropriation Ambulance Account for the fifth (final) payment for the lease/purchase-purchase of equipment originally authorized by vote of the May 2, 2011 Annual town Meeting , or take any other action relative thereto.

Proposed by the Fire Chief

021 Finance Committee voted 7-0-1 to recommend

*Note: This completes our payment obligation for the purchase of a radio system, breathing apparatus, cardiac monitors and defibrillators.*

**Article 20** Pumping Engine Vehicle

The Town voted UNANIMOUSLY as amended to transfer \$100,000 from the Reserve for Appropriation Ambulance Account, said funds to be used for a down-payment to lease-purchase and equip a 2015 pumping engine with seven subsequent annual lease payments of \$72,146.22, or take any other action relative thereto.

Proposed by the Fire Chief

023 Finance Committee vote

*Note: This purchase will replace our third pumping engine, a 1978 Pup Engine Truck that was rebuilt in 1995.*

**Article 21** Purchase of Medical Devices

The Town voted UNANIMOUSLY, to transfer \$26,000.00 from the Reserve for Appropriation Ambulance Account for the purchase of two Lucas Chest Compression devices, or take any other action relative thereto.

Proposed by the Fire Chief

024 Finance Committee voted 7-0-1 to recommend

*Note: Chest Compression devices provide mechanical CPR for persons requiring CPR, enabling paramedics to provide a higher level of care.*

**Article 22 – PASSED OVER** Dispatch/E-911 Funding

To see if the town will vote to transfer \$50,000.00 from the Reserve for Appropriation Ambulance Account to pay the Town of Holbrook for Fire- Rescue EMS dispatch services for the Whitman Fire Department, or take any other action relative thereto.

Proposed by the Fire Chief

025 Finance Committee voted 7-0-1 to recommend

*Note: These funds cover the cost of answering 911 calls and fund telephone/dispatch coverage when all shift personnel are out of the station on fire/EMS calls.*

**Article 23 – PASSED OVER** Protective Equipment

To see if the town will vote to transfer \$25,000.00 from the Reserve for Appropriation Ambulance Account to purchase protective equipment and related safety equipment for firefighters, or take any other action relative thereto.

Proposed by Fire Chief

026 Finance Committee voted 7-0-1 to not recommend

*Note: This appropriation will fund equipment for newly employed fire/EMS personnel*

**Article 24** Lease/Purchase Payments

The Town voted UNANIMOUSLY, to transfer \$29,524.60 from the Reserve for Appropriation Motor Vehicle Fine Account to pay \$13,690.31 for the third of three payments for the lease/purchase payment for one police cruiser, and \$15,834.29 to make the second of three payments for one police cruiser, or take any other action relative thereto:

Proposed by the Police Chief

028 Finance Committee voted 8-0 to recommend

**Article 25** Lease/Purchase Authorization

The Town voted UNANIMOUSLY, to transfer \$11,582.26 from the Reserve for Appropriation Motor Vehicle Fine Account for the first of three annual payments for the lease purchase of one police cruiser, or take any other action relative thereto.

Proposed by the Police Chief

029 Finance Committee voted 8-0 to recommend

*Note: This funds the purchase of one cruiser, replacing a cruiser totaled last year.*

**Article 26** Motorcycle Lease

The Town voted UNANIMOUSLY, to transfer \$4,400.00 from the Reserve for Appropriation Motor Vehicle Fine Account for a one year lease of a Harley Davidson Motorcycle, or take any other action relative thereto.

Proposed by the Police chief

030 Finance Committee voted 8-0 to recommend

**Article 27 – PASSED OVER** Motorcycle Lease

To see if the town will vote to transfer \$4,400.00 from the Insurance Proceeds account for a one year lease of a Harley Davidson Motorcycle, or take any other action relative thereto.

Proposed by the Police Chief

031 Finance Committee vote

**Article 28** Taser Purchase

The Town voted UNANIMOUSLY, to transfer \$7,643.33 from the Reserve for Appropriation Motor Vehicle Fine Account for the purchase of six tasers for Police Department use, or take any other action relative thereto.

Proposed by the Police Chief

032 Finance Committee voted 8-0 to recommend

**Article 29 – PASSED OVER** Property Maintenance

To see if the town will vote to transfer \$3,500.00 from the Reserve for Appropriation Motor Vehicle Fine Account for the purpose of seal coating the Police Department parking lot, or take any other action relative thereto.

Proposed by the Police Chief

033 Finance Committee voted 7-1 to recommend

**Article 30**

**Removed**

**Article 31**

School Technology Upgrade

The Town voted IN THE MAJORITY, to raise and appropriate \$836,500.00 to fund the purchase of Technology equipment in the Conley, Duval and Whitman Middle Schools and to fund the Town of Whitman’s share of Technology equipment purchase for the Whitman Hanson Regional High School; such appropriation to be subject to a Proposition 2½ Capital Expenditure Exclusion, or take any other action relative thereto.

Proposed by the Whitman Hanson Regional School Committee  
039 Finance Committee voted 8-0 to recommend

**Article 32**

Acceptance of an Estate Gift for the Library

The Town voted UNANIMOUSLY, to accept a gift of residual funds of the Estate of Bruno G. Guerra to be placed in trust for the benefit of the Whitman Public Library for its construction, renovations, improvements, resources, technology and so forth, but not to be used for operating expenses.

Proposed by the Board of Public Library Trustees

039 Note: This will permit the Town to accept a restricted gift to the Public Library to be expended by the Board of Library Trustees

**Article 33**

Need-based Tax Exemption Increase

The Town voted UNANIMOUSLY, to increase the maximum qualifying gross receipts (income) used to determine eligibility for certain senior taxpayers for real estate tax exemption as provided in MGL C 59 § 5 Clause 41C to \$20,000 for an unmarried senior property owner and \$30,000 for a senior married couple, and to increase the exemption from \$500.00 to \$750.00.or take any other action relative thereto.

Proposed by the Board of Assessors  
040: Finance Committee vote

*Note: Presently, the receipts (Income) limit is \$13,976 for an individual, and \$16,126 for married persons.*

**Article 34**

Interest Rate Charged for Tax Deferral

The Town voted UNANIMOUSLY, to increase the maximum qualifying gross receipts (income) used to determine eligibility for certain senior taxpayers to \$30,000.00, and reduce the rate of interest that accrues on property taxes deferred by eligible seniors under MGL C 59 § 5 Clause 41A from 8% to 2%, said rate to apply to deferred taxes assessed for Fiscal Year beginning July 1, 2015 and thereafter.

Proposed by the Board of Assessors  
041 Finance Committee voted 6-0 to recommend

*Note: The current receipts limit is \$20,000.00.*

At 9:00 P.M. a motion was made by Town Administrator Frank Lynam to adjourn the Annual Town Meeting and open the Special Town Meeting and voted **UNANIMOUSLY**.

**The Special Town Meeting is recorded in a separate document.**

Special Town Meeting adjourned at 9:10 p.m. and the Annual Town Meeting was reconvened.

**Article 35**

Deleted

**Article 36**

Back-up Power Supply for Network

The Town voted UNANIMOUSLY, to transfer \$15,000.00 from Capital Stabilization to purchase an uninterruptable power supply for the Town’s primary network site, or take any other action relative thereto.

Proposed by the Technology Director

043 Finance Committee voted 5-1 to recommend

*Note: This will provide clean, uninterruptable power for the Network Room that houses the Town’s primary servers, network and telecommunications switches.*

**Article 37**

Technology Lease/Purchase

The Town voted UNANIMOUSLY, to transfer \$13,500.00 from Free Cash to purchase two multi-function copiers for various town offices, or take any other action relative thereto.

Proposed by the Technology Director

044 Finance Committee voted 6-0 to recommend

*Note: Funds will be used to purchase Multi-function printers/copiers replacing machines purchased in 2006 and 2007 that are no longer reliable.*

**Article 38**

Request to Change the Process for Capital Improvement and Spending

The Town voted IN THE MAJORITY, to dissolve the Capital Improvement Advisory Committee created by vote of Article 15 of the October 16, 1996 Special Town meeting, and in its place authorize the Board of Selectmen to establish a permanent committee to be known as the “Buildings, Facilities and Capital Expenditures Committee (hereinafter ‘the Committee’).”

The Committee shall consist of nine members, including one Selectmen, the Town Administrator, and a member of the Finance Committee who shall be jointly appointed by the Board of Selectmen and Town Moderator. The remaining six members shall be appointed for overlapping terms (2 to serve for one year, 2 to serve for 2 years, and 2 to serve for 3 years, and each thereafter for 3 years). A representative from the Whitman Hanson Regional School District shall be appointed by the District to serve as a liaison to the Committee.

The Committee shall prepare an annual report identifying the town’s anticipated capital needs for the next five years prioritized by year. The report shall be submitted to the Board of Selectmen in January of each fiscal year for inclusion in the Town’s Annual Report.

The Committee shall be responsible for evaluating capital needs of the town, evaluating Town Facilities with the assistance of the town’s Facilities Manager and presenting projects and funding requests for Town Meeting. The Committee shall directly, or through the Facilities Manager, or a building sub-committee, manage capital projects for the Town. In addition, the Committee shall review requests for capital purchases, which shall be defined as purchases of vehicles and equipment (including technology equipment and software) costing \$10,000.00 or more and having a useful life in excess of five years. Purchases that in the aggregate exceed \$10,000 and have a life expectancy of greater than 5 years shall be considered capital purchases. Requests for capital spending shall be submitted to the Committee by October 1<sup>st</sup> of each fiscal year, and the Committee shall evaluate and prioritize requests in order to prepare a capital budget and present requests for funding to Town Meeting. No appropriation greater than \$10,000.00 for capital purchases or improvements shall be considered for funding at Town Meeting unless such request has been submitted and reviewed by the Committee, except where the need for a capital expenditure was unanticipated in time to be

submitted for review prior to finalizing the Town Meeting warrant, and the Board of Selectmen votes to include the request apart from the annual capital budget defined above.

In preparing for annual appropriation, the Committee shall be available to meet with the Board of Selectmen if the Board so desires prior to posting the Annual Town Meeting warrant in order to review, add or remove articles from the warrant. The committee shall meet with the Finance Committee with sufficient time to allow the Finance Committee to review and make its recommendations on capital requests.

Proposed by the Town Administrator  
048 Finance Committee vote

**Article 39**

The Town voted IN THE MAJORITY to accept a roadway known as Danecca Drive, said property extending southwesterly from Washington Street, Whitman, Massachusetts through a cul-de-sac a total of approximately 623.20', as shown on a plan entitled "Roadway Acceptance and As-Built Plan of Danecca Drive, Whitman, MA", prepared for Danecca Drive Realty Trust, prepared by Hancock Associates, dated March 28, 2006, and described as follows:

Beginning at a point on the southwesterly sideline of Washington Street at the intersection of said Washington Street and the northwesterly sideline of Danecca Drive;

Thence southerly and westerly by a curve running to the right having a radius of 13.43 feet and an arc length of 22.11 feet to a point of tangency;

Thence South 55° 34' 26" West for a distance of 221.36 feet to a point;

Thence South 55° 34' 26" West for a distance of 71.87 feet to a point of curvature;

Thence by a curve to the left having a radius of 220.00 feet and an arc length of 48.13 feet to a point of curvature;

Thence by a curve to the left having a radius of 220.00 feet and an arc length of 120.00 feet to a point of curvature;

Thence by a curve to the left having a radius of 220.00 feet and an arc length of 44.77 feet to a point of reverse curvature;

Thence by a curve to the right having a radius of 20.00 feet and an arc length of 25.62 feet to a point of reverse curvature;

Thence by a curve to the left having a radius of 50.00 feet and an arc length of 49.61 feet to a point of curvature;

Thence by a curve to the left having a radius of 50.00 feet and an arc length of 120.00 feet to a point of curvature;

Thence by a curve to the left having a radius of 50.00 feet and an arc length of 66.32 feet to a point of reverse curvature;

Thence by a curve to the right having a radius of 180.00 feet and an arc length of 53.68 feet to a point of curvature;

Thence by a curve to the right having a radius of 180.00 feet and an arc length of 120.00 feet to a point of curvature;

Thence by a curve to the right having a radius of 180.00 feet and an arc length of 53.79 feet to a point of tangency;

Thence North 55° 34' 26" East for a distance of 66.21 feet to a point;

Thence North 55° 34' 26" East for a distance of 228.36 feet to a point of curvature;

Thence by a curve to the right having a radius of 16.48 feet and an arc length of 25.07 feet to a point on the southwesterly sideline of Washington Street;

Thence running in a northwesterly direction along the sideline of Washington Street to the point of beginning.

Also taking and accepting all drain easements as shown on the above-referenced plan.

Also taking and accepting the fee in "Parcel A" and "Parcel B" as shown on the above referenced plan.

Proposed by the Planning Board

**Article 40**

By-law amendment for Chiminea Outdoor Burning Permits

The Town voted UNANIMOUSLY as amended, to amend its General By-law to add the following as Article XXXVI:

## I. PURPOSE OF OPEN BURNING DEVICE BY-LAW:

Permitting and Regulation of the Residential Use of all Open Burning Devices, as defined below, by the Whitman Fire Department.

This By-Law is not intended to govern the permitting and regulation of Outdoor Wood Fired Boilers and/or the Open Burning of Brush Material.

## II. DEFINITIONS:

*The following definitions shall be used for the provisions of this By-Law.*

1. Attended - under the personal supervision of the Permit holder or other adult person acting under the Permit holder's direct supervision, with said individual remaining at the location of the Open Burning at all times during which a fire is burning and until the fire is thoroughly extinguished.
2. Brush Material – materials which include brush, trees, cane, driftwood, forestry debris from other than commercial or industrial land clearing operations, and/or materials associated with the normal pursuit of agricultural activities.
3. Enclosed Chamber - an Open Burning Device in which the entry and exit of combustion air and exhaust gas are permitted only through openings, apertures, ducts, stacks, flues, or chimneys designed for such entry and exit of air and/or exhaust gas.
4. Head of the Fire Department - *the Chief of the Whitman Fire-Rescue & Emergency Services, and/or his/her designee.*
5. Nuisance – Any odor, emission, or event that, in the discretion of the Head of the Fire Department, prevents the reasonable use and enjoyment of one's property.
6. Open Burning – *Burning wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an Enclosed Chamber.*
7. Open Burning Device – any container manufactured and/or used for Open Burning and/or as an Enclosed Chamber, including any and all Fire Pits; **Chimineas; Wood Stoves; and, Outdoor Fireplaces.**
8. Open Burning of Brush Material – the Open Burning of Brush Material pursuant to a Brush Burning Permit issued by the Head of the Fire Department.
9. Outdoor Wood Fired Boilers – self-contained hot water boilers that are fired by wood and are regulated pursuant to Massachusetts Fire Code (527 CMR) and the Massachusetts State Building Code (780 CMR).
10. Permit – an Open Burning Device Permit issued pursuant to this By-Law.
11. Residential Use – *the use of any Open Burning Device by the owner or occupant of a home or building located in a residential zoning district.*

## III. REQUIREMENTS FOR THE ISSUANCE OF PERMITS FOR OPEN BURNING DEVICES

Open Burning Device Permits will be issued by the Head of the Fire Department in accordance with the requirements of this By-Law.

### A. Scope and Issuance

1. No person shall allow and/or perform Open Burning in an Open Burning Device in the Town of Whitman, without obtaining, in advance, a Permit from the Head of the Fire Department as provided in this By-Law.
2. Permits for Open Burning in an Open Burning Device may be issued by the Head of the Fire department in his/her discretion and shall be subject to such reasonable conditions as the Head of the Fire Department may establish from time to time.

3. The conditions for the issuance of a Permit may include an inspection of the Open Burning Device and/or the intended location of use of the Open Burning Device prior to issuance of the Permit.
4. *A Permit shall be valid for one year from the date of issuance. After issuance of the Permit, the Fire Department reserves the right to make inspections of the Open Burning Device and the location of use of the Open Burning Device on an annual basis and/or as deemed necessary by the Head of the Fire Department.*
5. *The Permit shall carry restrictions requiring that all local and state laws, regulations and By-Laws are obeyed during the use of any Open Burning Device.*
6. *A Permit shall be valid for the use of Open Burning Devices during the hours of 12 noon and 12 midnight only.*
7. *An applicant for a Permit must show sufficient identification to prove ownership of the property upon which the device will be used.*
8. *If the applicant does not own the property, permission for the issuance of a Permit will be required from the property owner.*
9. *The use of Open Burning Devices requiring a Permit is limited to property containing one and two-family dwellings in a residential district in the Town of Whitman, unless otherwise authorized by The Fire Chief or his designee.*

**B. General Regulations for all Outdoor Fires.**

1. Any fire set or maintained under authority of a Permit issued pursuant to this By-Law shall be extinguished immediately upon request by a member of the Fire Department or any member of the Town of Whitman Police Department.
2. Acceptance of a Permit issued pursuant to this By-Law shall constitute an agreement on the part of the person to whom it is issued to indemnify and save harmless the Town, its employees, representatives, agents, officials and servants, from and against any injuries or damages the Permit holder may sustain personally and/or any liability the Permit holder may incur toward any third persons by reason of the issuance of such Permit or any action taken thereunder.
3. No fire shall be maintained in such manner as to create a smoke nuisance; and/or a condition of air pollution due to excessive smoke; and/or, to create a hazard to others as determined by the Head of the Fire Department pursuant to provisions of 310 CMR 7.00 et.seq.
4. All Open Burning Devices shall be at all times attended by the Permit holder who shall remain at the location of the fire at all time during which fire is burning and until the fire is thoroughly extinguished.
5. Open Burning Devices shall not be used inside a building or on decks or porches.
6. Any situation where the smoke from an Open Burning Device creates a Nuisance and/or is objectionable or offensive to the community is prohibited.
7. Permit holders shall have the premises equipped with a garden or fire hose sufficient in length to reach the fire and attached to the faucet with water in the hose ready for immediate use at all times, or shall have watering pots filled with a sufficient supply of water ready for immediate use at all times while a fire is burning.
8. The Open Burning of trash, refuse, or other similar material is strictly prohibited.

9. No Open Burning Devices shall be set or maintained under authority of this permit shall be within twenty (20) feet on any building or structure including roofs, canopies and overhangs, nor within twenty (20) feet of any combustible material, including but not limited to rubbish, wood, debris, trees, bushes or standing piles of leaves, branches, or grass.
10. *The Permit holder shall only use dry seasoned firewood ignited with a small amount of clean dry paper.* The burning of any material other than seasoned firewood, including but not limited to yard waste, leaves, vines, evergreen needles, brush, trash, construction materials, branches smaller than 3 inches in diameter, garbage, paper products, or any other material not allowed by state or local code or law shall be forbidden.
11. *The Permit holder shall follow all manufacturer and distributor safety guidelines and instructions for assembly, installation, use and maintenance of the Open Burning Device.*
12. The *Open Burning Device* should be placed and maintained on a flat, level surface that is noncombustible. The device should not wobble or be subject to tipping.
13. No fire shall exceed three (3) feet in diameter.
14. All fires shall be fully extinguished by midnight.
15. With the exception of charcoal grills, the use of any accelerant to ignite any fire in an Open Burning Device is strictly prohibited.

C. Denial/Revocation

An Open Burning Device Permit may be denied and/or revoked for reasons which include but are not limited to the following:

- 1 A Permit may be denied and/or revoked at any time by the Head of the Fire Department or his/her designee in their sole discretion.
- 2 A Permit may be denied and/or revoked in response to any situation in which the smoke from an Open Burning Device constitutes a Nuisance and/or is objectionable or offensive to neighbors and/or the community.
- 3 A Permit may be denied and/or revoked as a result of any violation of any term or condition of this By-Law, including but not limited to the General Regulations stated above, or any history of violations.
- 4 A Permit may be denied and/or revoked in response to any situation where the open air burning creates a dangerous condition and/or risk of harm or injury to individuals or property.
- 5 Permits issued pursuant to this By-Law shall be immediately void, without any need for written notice of revocation, in case of and for the duration of any storm, air quality and/or high wind advisory issued by the Massachusetts Department of Environmental Protection, the Fire Department and/or any local or state weather or public safety service.
- 6 A Permit may be revoked immediately upon notice, including verbal notice, from the Head of the Fire Department, in response to any violation of any applicable law or ordinance, any violation of any term or condition of this By-Law, or the violation of any condition contained in a permit issued pursuant to this By-Law shall render the Permit



## Article 42

## By-Law for Green Communities

The Town voted UNANIMOUSLY, to amend the Town's Zoning By-Laws to provide for the "as-of-right" siting of renewable or alternative energy research and development facilities and the "as-of-right" siting of renewable or alternative energy manufacturing facilities within the Town's Industrial Districts pursuant to M.G. L. c.25A, §10 (Chapter 169 of the Acts of 2008, *An Act Relative to Green Communities*) and, further, The Town voted UNANIMOUSLY to amend the Town's Zoning By-Laws for the adoption of an expedited application and permitting process under which these energy facilities may be sited within the Town pursuant to M.G. L. c.25A, §10 (Chapter 169 of the Acts of 2008, *An Act Relative to Green Communities*), as follows:

### Amend Section II Definitions of Protective Zoning By-Law as follows:

Insert between ALTERATION and APARTMENT:

Alternative Energy: Resources whose common characteristic is that they come from a green source and replace or supplement traditional fossil fuel sources, such as coal, oil and natural gas, and shall include the following technologies: combined heat and power; and, electric and hydrogen powered vehicles and associated technologies, including advanced batteries and recharging stations.

Insert between APARTMENT and BUILDING:

As-of-Right Siting: shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development shall be subject to non-discretionary site plan review to determine conformance with local zoning ordinances or bylaws and with state and federal law. Projects that are consistent with zoning bylaws and state and federal law cannot be prohibited, but can be reasonably regulated by the Zoning Board of Appeals through Site Plan Review.

Insert between LOT LINE, SIDE and MEMBERSHIP CLUB:

Manufacturing Facilities: Those facilities used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.

Insert between PLANNED CLUSTER DEVELOPMENT and SIGN:

Renewable Energy: Resources whose common characteristic is that they are nondepletable or are naturally replenishable but flow-limited; or (ii) existing or emerging non-fossil fuel energy sources or technologies, which have significant potential for commercialization in New England and New York, and shall include the following: solar photovoltaic or solar thermal electric energy; wind energy; ocean thermal, wave, or tidal energy; geothermal; fuel cells; landfill gas; waste-to-energy which is a component of conventional municipal solid waste plant technology in commercial use; naturally flowing water and hydroelectric; and low emission advanced biomass power conversion technologies using such fuels such as wood, by-products or waste from agricultural crops.

Research and Development Facilities: Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Amend SECTION V Use Regulations, 5-4, of Protective Zoning By-Law as follows:

Insert at the end of WHITMAN ZONING DISTRICTS, PRINCIPAL USES, Sub-Section G, Industrial, Wholesale and Transportation Uses:

12) Renewable or alternative energy research and development facilities, and renewable or alternative energy manufacturing facilities. For the purposes of this section "Renewable Energy," "Alternative Energy," "Research and Development Facilities" and "Manufacturing Facilities" shall be as defined in Section II Definitions. --- N N N SP N SP P N

Amend SECTION VII Special Provisions, 7-2, Site Plan Requirements, as follows:

Insert new sub-section F:

- F. Renewable or alternative energy research and development facilities, and renewable or alternative energy manufacturing facilities, subject to Site Plan Review by the Zoning Board of Appeals, pursuant to Section 7-2 (Site Plan Approval) and subject to the dimensional requirements of Section 6-5 (Dimensional and Density Regulations Table). Said Site Plan Approval shall be an "expedited" application and permitting process under which said facilities may be sited within one (1) year from the date of initial application to the date of final approval by the Zoning Board of Appeals. For the purposes of this section "Renewable Energy," "Alternative Energy," "Research and Development Facilities" and "Manufacturing Facilities" shall be as defined in Section II Definitions.

Such changes shall take effect on approval by the Attorney General.

Proposed by the Building Commissioner  
053 Recommended by the Planning Board:

**Article 43 – PASSED OVER**

Citizens Petition to Discontinue Common Core and return to MCAS Assessment System submitted January 21, 2015 and signed by 10 voters of the Town of Whitman:

"To see if the Town of Whitman will vote to discontinue the use of Common Core State Standards (CCSS) and the associated testing Known as PARCC within the Whitman Hanson School District, and return to the Pre-2009 Massachusetts standards in ELA, Math, Science/Technology, History/Social Science and associated testing known as MCAS, or take any other action in relation thereto."

**Article 44** Citizens' Non-binding Petition

The Town voted BY STANDING VOTE YES-75 and NO-54 A NON BINDING REFERENDUM to discontinue the use of the Common Core State Standards (CCSS) and the associated testing known as PARCC within the Whitman Hanson Regional School District, and return to using the Pre-2009 Massachusetts standards in ELA, Math, Science/Technology, History/Social Science and associated testing known as MCAS. Or take any other action in relation thereto.

**WHEREAS:** The Commonwealth of Massachusetts has had the highest educational standards in the country for decades because of effective policy handled by local school boards with input from parents; and

**WHEREAS:** Education is most effectively handled at the local level, where parents can have direct control over school

curriculum and policy; and

**WHEREAS:** The federal government's takeover of education, known as "Common Core", threatens parental control over their children's education" <sup>1</sup> as noted below:

"The Common Core State Standards Initiative (CCSSI) is a set of national K-12 standards developed primarily by a nonprofit called Achieve, Inc., in Washington, D.C. under the auspices of the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO). The Common Core was developed without state legislative authority."<sup>2</sup>

By linking Race-to-the-Top grant funds to the implementation of Common Core State Standards "and linking the Common Core to No Child Left Behind waivers, the federal government is acting as the "enforcer" to herd states into the "one-size-fits- all" Common Core in spite of the fact that three federal laws"<sup>2</sup> (*The Department of Education Organizational Act, established in 1979, Section 103b; The General Education Provisions Act; and The Elementary and Secondary Act, first enacted in 1965*) "prohibit the federal government from guiding the educational curriculum of the states. Not only the U.S. Constitution, but also state constitutions maintain that education is a power reserved to the states and their citizens. Yet, state legislatures or state school boards cannot change the Common Core."<sup>2</sup>

"Taxpayers pay hundreds of billions in state and local taxes per year for K-12 education. Yet, the Common Core guarantees taxpayers and parents NO VOICE in math and English content standards of their states and thus no control over what children will learn in these subjects. In fact, most states agreed to implement the Common Core before the standards were even released, all without state legislative approval or even public hearings."<sup>2</sup>

"The Common Core ensures that the states build expensive high-tech systems that will track student performance and other personal data and provide that information to the federal government.

The unfunded mandates associated with the Common Core are open-ended in areas such as professional development, new textbooks and instructional materials, testing, and data-tracking systems. A recent study shows implementation will cost \$16 billion or more nationwide, with about 90 percent of this paid for by states and local districts, despite the \$4.35 billion Race to the Top grants. The Common Core fuels a money pot of tax dollars going to pre-selected vendors."<sup>2</sup>

**THEREFORE:** We reject the use of the Common Core State Standards and the associated testing known as PARCC (Partnership of Assessment of Readiness for College and Careers) which stifles academic freedom and achievement, and return control over education to the local school district of Whitman and Hanson, Massachusetts. We choose to use the Pre 2009 Massachusetts standards in ELA, Math, Science/Technology, and History/Social Science and associated testing, known as MCAS, which has made Massachusetts' education number one in the nation, and competitive with the top ranking countries on international standardized tests.

1. Educate through local control petition <http://throughlocalcontrol.wix.com/educatetlc#!petition/c24vq>
2. [www.stopcommoncore.com](http://www.stopcommoncore.com)

049 Submitted by Citizens Petition

The Town meeting was adjourned at 9:55 p.m. There were 153 total voters checked off of the voting list.

A TRUE RECORD, ATTEST:

TOWN CLERK – WHITMAN