TOWN WARRANT COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, S.S.

TOWN OF WALES

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of Wales that the Annual Town Meeting will be held in the WALES ELEMENTARY SCHOOL, 41 Main Street, in said Wales, on **WEDNESDAY**, the **16th day of MAY**, **2012** at 7:00 p.m., or as soon thereafter as the subject matter of this warrant can then and there be reached, to act on the following Articles:

ARTICLE 1 To hear the reports of Town Officers and act on same, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 2 To hear the reports of Committees and act on same, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 3 To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year beginning July 1, 2012, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 4 and to renew any note or notes as may be given in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 17, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 4 To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to enter into compensating balance agreements with bank offices having their principal offices in the Commonwealth during the fiscal year 2013, as permitted by Massachusetts General Laws, Chapter 44, Section 53 F, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 5 To see if the Town will vote to authorize the Board of Selectmen to defend all suits that may be brought against the Town and to prosecute all suits on behalf of the Town, to engage counsel for same, and to settle such suits as they deem advisable, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 6 To see if the Town will vote to authorize the Board of Selectmen to apply for and accept such federal or state grants or monies as may be advisable and to authorize the Board of Selectmen to expend any funds received there from in accordance with the terms of said grants, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 7 To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½, to reauthorize revolving funds for certain Town departments and officers for the fiscal year beginning July 1, 2012, as follows, or take any other action relative thereto:

REVOLVING	AUTHORITY TO SPEND	REVENUE	USE OF FUND	FY13
FUND		SOURCE		BUDGET
Building	Building Commissioner	Inspection Fees	Expenses and costs	\$18,000
Inspections			related to provision	

			of inspection services	
Plumbing,	Plumbing/Heating/Gas	Inspection fees	Expenses and costs related to	\$5,000
Heating	Inspector	and	provision of inspection services	+-,
And Gas		expense	F	
Inspections		reimbursements		
Cemetery	Cemetery Commission	Fees received in	Expenses and costs related to	\$3,000
Services		connection with	opening and closing graves,	
		opening and	including payment to other	
		closing graves	departments related thereto	
Planning	Planning Board	Filing fees and	Expenses and costs related to	\$5,000
		expense	processing applications,	
		reimbursements	publishing notices, and holding	
			hearings	
Conservation	Conservation	Filing fees,	Expenses and costs related to	\$5,000
	Commission	expense	processing applications,	
		reimbursements	publishing notices, and holding	
			hearings	
Zoning	Zoning Board	Filing fees and	Expenses and costs related to	\$2,000
		expense	processing applications,	
		reimbursements	publishing notices and holding	
			hearings	40.000
Animal Control	Animal Control Officer	Fines and fees	Expenses and costs related to	\$2,000
			provision of animal control	
			services for which fees and fines	
Library	Library Trustees or	Fees and fines	are assessed Expenses and costs related to	\$1,000
Library	Library Trustees or Director	rees and times	library programs and activities for	\$1,000
	Director		which fees and fines are assessed	
Board of	Board of Health	Fees and	Expenses and costs related to	\$10,000
Health	board of ficaldi	reimbursements	enforcing State & Local Board of	910,000
			Health regulations	
Electrical	Electrical Inspector	Permit fees and	Expenses and costs related to	\$5,000
		expenses	inspections	, _ ,
Police – Pistol	Police Chief	Pistol Permit	Expenses and costs related to	\$5,000
Permits		Fees	pistol permit application review	
			and issuance	
Council on	Council on Aging	Fees and	Expenses and costs related to	\$3,500
Aging		reimbursements	programs and activities for	
			Seniors	
Highway	Highway	Permit fees and	Expenses and costs related to	\$1,500
Superintendent	Superintendent	expenses	driveway permits	
Fire Dept.	Fire Inspector	Permit Fees	Expenses and costs related to	\$1,500
			provisions of inspection services	
Cable Advisory	Cable Committee	Fees	Expenses and costs related to	\$1,500
			Cable Committee	

ARTICLE 8 To see if the Town will vote to reauthorize an Offset Receipt Account, said amount not to exceed SIXTY THOUSAND DOLLARS (\$60,000.00) more or less, for the operation of the **TRANSFER STATION** provided, however, that pursuant to Massachusetts General Laws, Chapter 44, Section 53E, such costs shall be offset by the estimated receipts from the fees charged to users of the services provided by the Transfer Station, or take any other action thereto. (Submitted: Board of Selectmen)

ARTICLE 9 To see if the Town will vote to accept any and all grant monies received during FY13 for the Wales Public Library Grant Account, for the use of the Wales Public Library, or take any other action relative thereto. (Submitted: Library Trustees)

ARTICLE 10 To see if the Town will vote to authorize the Board of Selectmen to transfer from available funds, to the Wales Board of Library Trustees for library purposes, the sum of \$292.48, such monies having been accrued as interest incidentally to the maintenance of the library building fund, or take any other action relative thereto. (Submitted: Library Board of Trustees)

ARTICLE 11 To see if the Town will vote to authorize the Board of Selectmen to petition the State Legislature for special legislation to authorize the Library Building Fund to be maintained by the Town Treasurer and invested at the direction of the Library Trustees as a trust for the purchase, construction or reconstruction of a new library building, the principal of such trust fund would be expendable and the interest would be kept with the fund; the Town would be authorized to appropriate monies, and donations could also be made to the fund, or take any other action relative thereto. (Submitted: Library Trustees)

ARTICLE 12 To see if the Town will vote to accept the provisions of M.G.L., C 59, Sec. 5, clause 17C, providing tax relief to certain surviving spouses or minors whose parents are deceased, to be effective on taxes issued after July 1, 2012, or take any other action relative thereto. (Submitted: Board of Assessors)

ARTICLE 13 To see if the Town will vote to accept the provisions of the paragraph inserted after, clause 55 of M.G.L. c 59, Sec. 5, which was added by Chapter 181 of the Acts of 1995, and provides that any abatement granted under clauses 17, 17C, 17C ½, or 17D may be adjusted annually by an amount not to exceed the annual cost of living as determined by the Consumer Price Index, to be effective on taxes issued after July 1, 2012, or take any other action relative thereto. (Submitted: Board of Assessors)

ARTICLE 14 To see if the Town will vote to accept the provisions of M.G.L., c.59, Sec. 5, Clause 41C, providing tax relief to certain persons over 70 years of age meeting income, residency and other eligibility requirements, to be effective on taxes issued after July 1, 2012, or take any other action relative thereto. (Submitted: Board of Assessors)

ARTICLE 15 To see if the Town will vote to adjust the exemption requirements for the property tax exemption provided to certain persons over 70 years of age, under M.G.L. c.59, Sec. 5, Clause 41C, as amended by Section 51 of Chapter 184 of the Acts of 2002, by increasing gross receipts limit from \$13,000 to \$20,000 if single and from \$15,000 to \$30,000 if married; increase whole estate limit from \$28,000 to \$35,000 if single and from \$30,000 to \$40,000 if married, to be effective on taxes issued after July 1, 2012, or take any other action relative thereto. (Submitted: Board of Assessors)

ARTICLE 16 To see if the Town will vote to accept the provisions of Chapter 59, Sec. 5, Clause 41D, providing for an increase in the amount of gross receipts and whole estate, real and personal, as set forth in clauses 41, 41B, and 41C, and shall be increased annually by an amount equal to the increase in the Consumer Price Index, to be effective on taxes issued after July 1, 2012, or take any other action relative thereto. (Submitted: Board of Assessors)

ARTICLE 17 To see if the Town will vote to approve the following change in the Tantasqua Regional School District Bylaws:

Current Regional Agreement Language for Filling Vacancies:

d. <u>Vacancies – How filled</u>

Vacancies occurring in the Regional District School Committee shall be filled as follows: In the case of members appointed by the School Committee of a Participating town, by such School Committee; in the case of those elected at an annual town election, by the Selectmen to serve until the next annual town election.

Change to:

"Vacancies occurring in the Regional District School Committee shall be filled as follows: in the case of members appointed by the School Committee of a Participating Town, by such School Committee; in the case of those elected at an annual town election, by the Selectmen and the remaining Committee members from the Town concerned to served until the next annual Town election, at which election a successor shall be elected to serve for the balance of the unexpired term, if any."

ARTICLE 18 In accordance with M.G.L., Chapter 39, Section 10, by Petition

To see if the Town of Wales will vote to direct the Wales Board of Selectmen to petition the Great and General Court for passage of a Special Act for the Town of Wales as follows:

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF WALES

Section 1. Any holder of an elective office in the Town of Wales may be recalled and removed there from by the qualified voters of said town as herein provided.

One hundred or more registered voters may initiate a recall petition by filing with the Town Section 2. Clerk an affidavit containing the name of the officer and the office held whose recall is sought and a statement of the grounds of recall. Upon certification by the Town Clerk, the Town Clerk shall, within two business days, deliver to the voter first named on such affidavit, a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen; shall contain the name person whose recall is sought, the office from which recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within twenty days following the date of issuance of said petition. Said recall petition shall be signed by at least twenty percent of the registered voters in said town, and to every signature shall be added the place of residence of the signer, giving the street and number. The Town Clerk shall, within two business days following the date of such filing, submit the recall petition to the Board of Registrars of voters, who shall within five business days after the day of receipt, certify in writing thereon the number of signatures which are names of voters in said town as of the date such affidavit was filed with the town Clerk. The Board of Registrars shall, upon completion of its certification, return the petition to the Town Clerk.

<u>Section 3.</u> If the petition shall be found and certified by said Town Clerk to be sufficient, he/she shall submit the same with his certificate thereon to said selectmen without delay, and said selectmen shall

forthwith give to said elected officer whose recall is being sought, written notice of the receipt of said certificate and shall, if the officer sought to be removed does not resign within five days thereafter, thereupon order a recall election to be held not less than sixty nor more than ninety days after the date of Town Clerk's certificate that a sufficient petition has been filed; provided however, that if any other town election is to occur within one hundred days after the date of said certificate, the selectmen may, in their discretion postpone the holding of the removal election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as herein provided.

<u>Section 4.</u> Any officer sought to be recalled may be a candidate to succeed him/herself, and unless he requests otherwise in writing, said Town Clerk shall place his/her name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same, shall be in accordance with the provisions of law relating to election, unless otherwise provided in this act.

<u>Section 5.</u> The incumbent shall continue to perform the duties of his/her office until the recall election. If the recall fails, or if the incumbent is re-elected, he/she shall continue in the office for the remainder of his/her unexpired term, subject to recall as before, except as provided in this act. If not re-elected in the recall election, he/she shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within five business days after receiving notification of his/her election, the incumbent shall thereupon be deemed removed and the office vacant.

<u>Section 6.</u> Ballots used in a recall election in said town shall submit the following proposition in the order indicated:

For the recall of (name of officer) (office held) Against the recall of (name of officer) (office held)

Immediately at the right of each proposition there shall be a square in which the voter by making a cross mark (X) may vote for either of such propositions. Just above said squares, there shall appear the direction "Vote for one". Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as hereinbefore provided.

In case of machine voting or punch card balloting, or other forms of balloting, appropriate provisions shall be made to allow the same intent of the voter.

If the majority of the votes cast on the recall question is in the affirmative, then the candidate who received the highest number of votes of the special election to the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballot for candidates to fill the potential vacancy need not be counted.

<u>Section 7.</u> No recall petition shall be filed against an officer of said town within six months after he/she takes office, or, in the case of an officer subjected to recall election and not removed thereby, until at least six months after the election at which his/her recall was submitted to the voters.

<u>Section 8.</u> No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against that person shall be appointed to any town office within two years after such removal by recall or resignation.

Section 9. This act shall take effect upon its passage.

ARTICLE 19 To see if the Town will vote to establish a Dam Inspection account, and to initially raise and appropriate the sum of \$2,000.00, or take any other action relative thereto. (Submitted: Finance Committee and Town Accountant)

ARTICLE 20 To see if the Town will vote to transfer the sum of \$2,500.00 from the FY12 Financial Audit line item (100-135-5200-00) and the sum of \$2,905.28 from the Accountant Encumbrance line item (100-135-5780-00), and raise and appropriate the sum of \$7,094.72, for an audit of the Town's finances for FY2012, or take any other action relative thereto. (Submitted: Finance Committee and Town Accountant)

ARTICLE 21 To see if the town will vote to amend the General Bylaws of the Town, by revising the Capital Improvement Planning Committee Bylaw by deleting Section 2(1), which provides, "are purchased or undertaken at intervals of not less than five years", and by revising Section 2(3), by deleting the reference to \$50,000 and inserting in place thereof, "\$25,000", or take any other action relative thereto. (Submitted: Capital Improvement Planning Committee)

ARTICLE 22 To see if the Town will vote to transfer the sum of \$22,500.00, 50% of the funds received in FY2012 from Norcross Gift Account to the Capital Improvement Stabilization Fund, or take any other action relative thereto. (Submitted: Capital Improvement Planning Committee)

ARTICLE 23 To see if the Town will vote to transfer the sum of \$23,000.00 from Free Cash to the Capital Improvement Stabilization Fund, or take any other action relative thereto. (Submitted: Capital Improvement Planning Committee)

ARTICLE 24 To see if the Town will vote to transfer the sum of \$23,320.50 from Free Cash to the Fire Department new equipment account for the purpose of purchasing Recertified Self-Contained Breathing Apparatus (SCBA's), or take any other action relative thereto. (Submitted: Fire Department)

ARTICLE 25 To see if the Town will vote to raise and appropriate or transfer from available funds \$3,500.00 for the Wales 250th Celebration, or take any other action relative thereto. (Submitted: Board of Selectmen)

ARTICLE 26 To see if the Town will vote to transfer from Free Cash the sum of \$5,000 to Road Detail Agency Account to allow officers to be paid in a timely manner as prescribed by State and Federal Law, rather than waiting for vendor payment, or take any other action relative thereto. (Submitted: Chief of Police)

ARTICLE 27 To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as may be necessary to defray expenses of the Town, on a departmental basis, for the fiscal year 2013 period, with \$72,453.12 transferred from Free Cash, or take any other action relative thereto. (Submitted: Finance Committee)

ARTICLE 28 To see if the Town will vote to transfer the sum of \$10,932.52 from Free Cash and raise and appropriate the sum of \$17,248.16 to the General Stabilization Account, or take any other action relative thereto. (Submitted: Finance Committee)

ARTICLE 29 To see if the Town will vote to fix the salary and compensation of the following elective officers of the Town of Wales as provided by Massachusetts General laws, Chapter 41, Section 108, as amended: Moderator, Selectmen, Assessors, Treasurer, Collector, Town Clerk, Planning Board, Road Commissioner, and Board of Health for fiscal year 2012, or take any other action relative thereto.

And you are further required to notify and warn the inhabitants of said Wales, qualified to **VOTE** in Town Affairs, to meet at the Wales Senior Center on 85 Main Street, in said town, on **TUESDAY, MAY 29, 2012** at 12 o'clock in the afternoon until 8:00 p.m. then and there to act on the remaining article and Non-Binding Question:

ARTICLE 30	To give their vote on a ballot for the following officers:		
	(1) Board of Selectme	n for a three-year term (2015)	
	(1) Board of Assessor	for a three-year term (2015)	
	(1) Planning Board me	ember for a three-year term	
	(1) Board of Health m	ember for a one-year term (2013)	
	(1) Board of Health m	ember for a three-year term (2015)	
		nree-year term (2015)	
		ne-year term (2013)	
		three-year term (2015)	
		ee-year term (2015)	
	(1) Constable for a th	ree-year term (2015)	
		er for a three-year term (2015)	
	(1) Cemetery Commis	sioner for a three-year term (2015)	
	(1) Library Trustee for	a three-year term (2015)	
	(1) Library Trustee for	a two-year term (2014)	
	(1) School Committee	member for a three-year term (2015)	
	(1) School Committee	member for a two-year term (2014)	
	(1) Tantasqua Repres	entative for a three-year term (2015)	
	NON-BINDING QUESTION		
QUESTION Shall the Town of Streets?		vote to have the Selectmen appoint a Superintendent of	
	Yes		
	No		
And you are hereby d	cted to serve this Warrant	, by posting up attested copies thereof in at least three (3)	

Hereof, fail not, and make return of the warrant with your doings thereon to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 9th day of April, Two Thousand and Twelve

A True Copy ATTEST:	BOARD OF SELECTMEN
Kevin Jegelewicz, Constable	Jeffrey Vannais, Chairman
	Michael Valanzola, Vice-Chair
KOPELMAN & PAIGE, P.C.	
TOWN COUNSEL	Mike Milanese, Clerk

conspicuous places in the Town.