

**Town of Whately  
Special Town Meeting  
November 29, 2022**

Pursuant to the recorded warrant a special town meeting of the Town of Whately held at the Whately Town Offices, 4 Sandy Lane was called to order Tuesday, November 29, 2022 at 7:30 p.m. by Moderator Nathanael Fortune. Town Clerk, Amy Schrader, read the return of the warrant. 27 voters were checked in.

**ARTICLE 1: Motion was made and seconded, it was**

Moved, pursuant to G.L. c. 44B, to appropriate and transfer the sum of **\$38,000** from the Community Preservation Fund, as follows, \$18,000 from the Community Preservation Fund – Historic Preservation Fund and \$20,000 from the Community Preservation Fund - Unreserved Fund Balance, for window restoration at First Congregational Church Whately, 177 Chestnut Plain Road, with such funding to be subject to a twenty (20) year grant agreement requiring compatibility with the U.S. Secretary of the Interior’s Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (36 CFR 67) and a Town purchase right of first refusal in the event of a future sale.

**ARTICLE 1: Motion was made and seconded to amended Article 1**

**PROPOSED AMENDMENT TO ARTICLE I**

Moved, pursuant to G.L. c. 44B, to appropriate and transfer the sum of **\$38,000** from the Community Preservation Fund, as follows, \$18,000 from the Community Preservation Fund – Historic Preservation Fund and \$20,000 from the Community Preservation Fund - Unreserved Fund Balance, for window restoration at First Congregational Church Whately, 177 Chestnut Plain Road, with such funding to be subject to a twenty (20) year grant agreement and deed restriction, to be recorded at the Franklin County Registry of Deeds, that requires the funds be repaid to the Community Preservation Fund unless compatibility with the U.S. Secretary of the Interior’s Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (36 CFR 67) is maintained and a Town purchase right of first refusal in the event of a future sale, or take any other action relative thereto.

Cynthia Allen (resident) questioned how this decision relates and/or potentially violates Art. CIII of the Massachusetts Constitution, the so-called Anti-Aid Amendment. “No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth or federal authority or both, except that appropriations may be made for the maintenance and support of the Soldiers' Home in Massachusetts and for free public libraries in any city or town and to carry out legal obligations, if any, already entered into; and no such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society.”

Donna Wiley (Community Preservation Committee) explained that the CPC researched, discussed, and determined that this application does not violate the Anti-Aid amendment. Brian Domina (Town Administrator) state that Town Council from K.P. Law was contacted and new case law in Massachusetts has determined that this application is acceptable.

A vote was taken on the amendment and passed. A vote was then taken on Article 1 as amended and passed.

**Final vote:**

Voted, pursuant to G.L. c. 44B, to appropriate and transfer the sum of **\$38,000** from the Community Preservation Fund, as follows, \$18,000 from the Community Preservation Fund – Historic Preservation Fund and \$20,000 from the Community Preservation Fund - Unreserved Fund Balance, for window restoration at First Congregational Church Whately, 177 Chestnut Plain Road, with such funding to be subject to a twenty (20) year grant agreement and deed restriction, to be recorded at the Franklin County Registry of Deeds, that requires the funds be repaid to the Community Preservation Fund unless compatibility with the U.S. Secretary of the Interior's Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (36 CFR 67) is maintained and a Town purchase right of first refusal in the event of a future sale.

Moderator declared the article passed

**ARTICLE 2: Upon motion made and seconded, it was**

Voted to transfer from **Fiscal Year 2022 Free Cash** the sum of **\$1,391** to pay for additional operating expenses of the S. White Dickinson Memorial Library.

Moderator declared the article passed

**ARTICLE 3: Upon motion made and seconded, it was**

Voted to transfer the sum of **\$3,464** from **Fiscal Year 2022 Free Cash** to pay for the costs of accessibility improvements to the S. White Dickinson Memorial Library, including but not limited to construction administration services.

Moderator declared the article passed unanimously

**ARTICLE 4: Upon motion made and seconded, it was**

Voted to raise the Opening Graves Fee from \$650 to \$750 per opening for casket burials.

Moderator declared the article passed unanimously

**ARTICLE 5: Upon motion made and seconded, it was**

Voted to transfer the sum of **\$7,869** from the **Vehicle Stabilization Fund** to pay for the purchase of a new hybrid police cruiser for the Police Department.

Moderator declared article passed by the required 2/3<sup>rd</sup>'s vote

**ARTICLE 6: Upon motion made and seconded, it was**

Voted, pursuant to Chapter 40, Section 5B of the Massachusetts General Laws, to establish a special purpose stabilization fund for money received from judgments or settlements in litigation or claims against opioid manufacturers or distributors (Opioid Stabilization Fund) and determine how the money from such fund may be spent; and, further, to see if the Town will vote to accept the provisions of the fourth paragraph of Chapter 40, Section 5B of the Massachusetts General Laws; and, further, to see if the Town will vote to dedicate all or a percentage, which may not be less than 25 percent, of money received from judgments or settlements in litigation or claims against opioid manufacturers or distributors to the special purpose stabilization fund established under this Article, effective for Fiscal Year 2023 beginning on July 1, 2022, and further to dedicate 100% percent of the money received from judgments or settlements in litigation or claims against opioid manufacturers or distributors to said Opioid Stabilization Fund.

Moderator declared article passed by the required 2/3<sup>rd</sup>'s vote

**ARTICLE 7: Upon motion made and seconded, it was**

Voted to establish a new Cannabis Impact Fees Stabilization Fund and, further, to see if the Town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2022, and further to dedicate 100% percent of the community impact fees by marijuana establishments operating within the Town collected under Massachusetts General Laws Chapter 94G, section 3 to said Cannabis Impact Fees

Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2023 beginning on July 1, 2022.

Moderator declared article passed by the required 2/3<sup>rd</sup>'s vote

Motion was made to adjourn without date at 7:49pm, Vote was unanimous.

A true copy,

Attest:



Amy M. Schrader

Town Clerk of Whately