

Annual Town Meeting
May 20, 2008
Minutes

In attendance:

Selectmen: Andrew Pyenson Chairperson, Clayton Chaffee, Donald Hawley

Moderator: Andrew Pyenson

Town Administrator: Chris Morris

Selectmen's Secretary: Emily Piacquadio

Town Counsel: Jeremia Pollard

Town Clerk: Lyn Minery

Board of Registrars: Majorie Middleton, Jill Moretz, Margaret Loring

Total registered voters in Otis: 1037

Total Voters who attended: 100

The moderator called the meeting to order at 7:00 pm.

The moderator called for a moment of silence for family, friends, and loved ones lost over the past year.

The moderator confirmed with the town clerk there is the required quorum of fifteen registered voters.

A motion was made to dispense with the reading of the warrant and to proceed to act on Article 1.

The moderator requested voters to hold up their green card when voting.

ARTICLE 1.

Moderator: I move that the Town receive the reports of the various Town Officers and act thereon.

A motion was made to accept Article 1.

The motion was seconded.

Article 1 passed unanimously.

ARTICLE 2.

Moderator: I move that the Town raise and appropriate \$1,917,880.64 to defray the Town's expenses for this fiscal year provided that \$41,075.00 of said amount shall be subject to the approval by the voters of a Proposition 2 ½ override ballot. See appropriations list attached at end of Warrant.

Questions arose as to why the text was different from the original warrant. The moderator said how figures were placed in Article 2 explaining how much more money would be required with the Proposition 2 ½ expense.

The moderator re-read Article 2.

The motion to accept Article 2 was seconded.
Article 2 passed. 2 opposed

ARTICLE 3.

Moderator: I move that the Town will vote to raise and appropriate \$3,780.00 to pay the Lee Visiting Nurse Association, Inc. to make available Home Health Services on an intermittent basis: Skilled Nursing, Home Health Aide Service, Homemaker Service, Physical Therapy, Occupational Therapy, Speech Therapy, Nutrition Counseling and Clinics for the residents of the Town of Otis.

A motion was made to accept Article 3.

The motion was seconded.

Discussion: Who made the motion to accept this Article? The moderator said he stated, "I Move," and therefore he is motioning the Article.

Article 3 passed unanimously.

ARTICLE 4. To see if the Town will vote to raise and appropriate \$13,000.00 for the Reserve Fund.

A motion was made to accept Article 4.

The motion was seconded.

Article 4 passed unanimously.

ARTICLE 5. To see if the Town will vote to raise and appropriate \$649. for the support of Mental Health and Substance Abuse Services of Berkshires.

A motion was made to accept Article 5.

The motion was seconded.

Discussion: How did you come up with the figure of \$649.00? The selectmen replied it is the amount requested from Mental Health and Substance Abuse of the Berkshires. Do we figure it is enough? The selectmen said evidently it is enough because it is the amount that they requested, and over the years they have not asked for anything more.

Article 5 passed.

ARTICLE 6. To see if the Town will vote to raise and appropriate \$103,239.00 for the apportioned costs of the Berkshire County Retirement System.

A motion was made to accept Article 6.

The motion was seconded.

Article 6 passed unanimously.

ARTICLE 7. To see if the Town will vote to pay its officers the following salaries for twelve months:

Selectmen	Chairman	\$3,500.00
	Others	\$3,000.00

Town Accountant		\$14,500.00
Town Clerk		\$25,026.30
Town Treasurer		\$14,889.51
Town Collector		\$38,750.40
Assessors	Chairman	\$3,500.00
	Others	\$3,000.00
Regional School District Committee	Chairman	\$500.00
	Others	\$400.00
Moderator (Annual Town Meeting)		\$100.00
Moderator (Special Town Meeting)		\$50.00
Police Chief		\$4,800.00
Fire Chief		\$3,500.00
First Assistant Fire Chief		\$2,000.00
Finance Board	Chairman	\$400.00
	Others	\$300.00

A motion was made to accept Article 7.

The motion was seconded.

Discussion: Are the amounts represented in Article 7 duplicated in Article 2? The response was that Article 7 is a part of Article 2.

Why on the list on the back of the warrant under Treasurer does it say \$19,000.00, and on Article 7 it says \$14,889.51? In Article 2 it includes the expenses for the treasurer's office. Article 7 reflects the treasurer's salary only.

Article 7 passed unanimously.

ARTICLE 8. To see if the Town raise and appropriate \$120,600.00 to enter into a contract with the Otis Rescue Squad, Inc., provided that \$45,600 of said amount shall be subject to the approval by the voters of a Proposition 2 1/2 override ballot; said appropriation does not obligate the Town for any liability or responsibility for the operation of the Rescue Squad or actions of its members.

A motion was made to accept Article 8 as read.

The motion was seconded.

Discussion: Would this make the Otis Rescue Squad more accessible then it has been in the past? Selectmen said they are hoping, and asked Richard Phair to speak on behalf of the Otis Rescue Squad. Richard Phair said the additional money would allow the Rescue Squad to give stipend of \$50 dollars to keep people on call through the night hours. They have spoke with the selectmen and other towns, and this seems to be the only way they can get people to be home on call. Would this money cover nights and weekends? Richard Phair said yes. The Rescue Squad will have sign up sheets ahead of time, and if someone signs up for that shift, then they would have to cover. If they cannot cover the shift, then they are responsible to get someone to do their shift. Would these people be on call at the fire house or at home? Richard said, "If they are from out of town and they take the call time, then it would have to be at the station. If they are from town and already on the squad, then we don't have any problem with them being on call from home." He stated a problem that could occur is

the state requires there to be two EMTs when operating the rescue vehicle. They are trying to contact the State Representative's office. The town of Deerfield had the same problem as Otis, and they got a waiver from the town to roll the rescue vehicle with one EMT. They are going to look into this in Otis. Barry Weinstein thanked the selectmen for their help in getting this project rolling and believes this will save a lot of lives. Donald Hawley in return thanked the Rescue Squad for doing a fine job. The moderator asked if there was any more discussion. Article 8 passed unanimously.

ARTICLE 9. To see if the Town will vote to raise and appropriate \$1,807,516.00 for the Farmington River Regional School District provided that \$187,983.00 of said amount shall be subject to the approval by the voters of a Proposition 2 ½ override ballot.

A motion was made to accept Article 9 as read.

The motion was seconded.

Discussion: How many students go to the Farmington Regional School?

Jane Gleason with the Farmington School gave the following breakdown.

-170 from Otis in K-12

-92 from Sandisfield in K-12

-42 students are in School Choice

Is this amount in Article 9 just for Otis? This is Otis's portion of the appropriated share.

Seems like a lot of money per student! Jane said the increases this year are in part due to additional tuition for special needs students. The school does not have a lot of control over these added expenses. The Town of Otis does have tuition agreements with the towns of Lee and Great Barrington for 7-12th grade students. Transportation costs have increased along with technology costs. JoAnn Austin, school superintendent, "Saying that it is a lot of money per student. Per pupil of cost, computed by the department of education, is one of the lowest in the Berkshire area. Otis's cost is \$12,100 dollars per student, per year, to educate. Most surrounding communities are paying almost \$15,000 per student, per year. The Farmington School is preschool through 6th grade but they are also responsible for paying tuition for higher education."

Three areas which are increased this year are special education which is mandated and in non-reimbursable. Only after \$33,000 in expenses will the state reimburse \$.66 cents per dollar. Special needs children are required to receive a free and public education until their 22nd birthday. Technology needs to be updated, students are using the same computers from when the school was built. The school needs to compete with students going into the 7-12th grade. The town does receive a grant through the preschool funding. This grant can be only for specific qualified families. The number of families that use that grant is very small.

Does special education funding relate to the number of students going to the school?

JoAnn Austin replied; "No, not just the number of special education students, but the specific needs of each individual." Special education may be minor speech therapy.

On the other hand, students could be in self-contained special education programs throughout the county. The special education money is based on meeting those needs. The moderator asked if there was any other discussion on Article 9.

The motion was seconded.

Article 9 passed. 1 opposed.

ARTICLE 10. To see if the Town will vote to raise and appropriate \$149,745.00 for Fiscal Year 2009 payment of School Bond Issue, provided that \$36,795.00 of said amount shall be subject to the approval by the voters of a Proposition 2 ½ override ballot.

A motion was made to accept Article 10 as read.

The motion was seconded.

Article 10 passed unanimously.

ARTICLE 11. To see if the Town will vote to raise and appropriate \$1,200.00 for the Community Health Program, f/k/a Children's Health Program, Inc. for the provision on on-going comprehensive health care and medical supervision of children from birth to five years in the Town of Otis.

A motion was made to accept Article 11.

The motion was seconded.

Article 11 passed unanimously.

ARTICLE 12. To see if the Town will vote to raise and appropriate \$175.00 for the support of Construct, Inc.

A motion was made to accept Article 1.

The motion was seconded.

Discussion: What is Construct Inc.? The selectmen explain it is low income housing for people. The amount of \$175.00 is not a very large amount? That is the amount that Construct, Inc. requested.

Article 12 passed unanimously.

ARTICLE 13. To see if the Town will vote to raise and appropriate \$400.00 for Southern Berkshire Literacy Network.

A motion was made to accept Article 13 as read.

The motion was seconded.

Discussion: Is that the bookmobile? The selectmen replied it is not the bookmobile. Southern Berkshire Literacy Network teaches English as a seconded language to those who need it.

Article 13 passed unanimously.

ARTICLE 14. To see if the Town will vote to raise and appropriate \$1,000.00 for Berkshire South (formerly known as Southern Berkshire YMCA).

A motion was made to accept Article 14.

The motion was seconded.

Article 14 passed unanimously.

ARTICLE 15. To see if the Town will vote to raise and appropriate \$3,000.00 for the Scholarship Fund.

A motion was made to accept Article 15 as read.

The motion was seconded.

Was this the requested amount? The reply was yes and it was lower last year. Do we feel this is enough? Did we spend all the monies last year? Yes all the monies were spent. This is a donation from the town to the fund, anyone can donate to the fund.. The town can do more? Yes the town can do more. Can we move the amount to be more at this meeting? The moderator replied they can. Who do the scholarships go to? They go the Otis students who are continuing a higher education. They get the money the 2nd semester the second year of college.

A motion was made to amend Article 15 to see if the Town will vote to raise and appropriate \$4,000.00 for the Scholarship Fund.

Discussion: Barry Weinstein, Scholarship Committee Member said; “Kids are coming back now saying they got their scholarship, and because of the increased cost of transportation and running a car from here to Berkshire Community College and Springfield Colleges are becoming so prohibited that they need additional money.” The Scholarship Committee decided this year to give money to a previous recipient who is doing very well in school, and they feel the individual needs the money. Linda O’Neil said there is a donation account with \$3,000 dollars in it and people can donate to that fund. A voter said people should donate personally if they feel the amount should be higher.

The motion was seconded.

The amendment to Article 15 passed. 46 yes, 30 no

A motion was made to accept Article 15.

The motion was seconded.

Article 15 passed, 5 opposed.

ARTICLE 16. To see if the Town will vote to establish a Revolving Fund under the provisions of Massachusetts General Laws Chapter 44, Section 53E1/2 for Demolition Debris Removal from Town of Otis Compactor Station site. Fees received from residents disposing of demolition debris at Otis Compactor Site would be credited to said Revolving Fund and expended for removal of demolition debris from the Compactor Site only by authorization of the Town of Otis Board of Selectmen. Expenditures from said Revolving Fund not to exceed \$25,000 for fiscal year 2008. The Otis Board of Selectmen recommends approval of the Revolving Fund.

A motion was made to accept Article 16 as read.

The motion was seconded.

Discussion: If I am remodeling and have to take debris to the dumpster, and have to pay \$20.00, according to this he can not call to have it hauled away unless he talks to the board of selectmen? The monies come out of the revolving fund to pay for hauling the debris away. Where does the money go now? Does it go someplace different then general fund? Selectmen replied it is the same each year.

Article 16 passed.

ARTICLE 17. To see if the Town will vote \$136,277.00 as an Available Fund under Executive Office of Transportation Chapter 90 State Aid to Highways Program.

A motion was made to accept Article 17.

The motion was seconded.

Discussion: What is Chapter 90 State Aid? This is state money given to towns for road work. The voters of the Town of Otis have to authorize the spending of the state money.

Article 17 passed unanimously.

ARTICLE 18. To see if the Town will vote to appropriate \$55,680.00 for operation and maintenance of municipal sewer system and to meet the appropriation, transfer funds from sewer user fees.

A motion was made to accept Article 18.

Discussion: This is not money that we are being asked to raise, it is a transfer in fees; am I correct? Yes.

The motion was seconded.

Article 18 passed unanimously.

ARTICLE 19. To see if the Town will vote to maintain separate Revolving Funds pursuant to MGL, Chapter 44, Section 53E 1/2 for the following fees. Fees received by Town Officials shall be credited to the respective revolving fund and expended for payment only by the authorization of the Town Treasurer. Respective expenditures from said Revolving Funds shall not exceed the amounts shown below for fiscal year 2008 without prior approval from the Board of Selectmen:

Plumbing & Gas Inspector	\$15,000.00
Wire Inspector	\$15,000.00
Fire Department Inspections	\$6,000.00
Sanitation Inspector	\$9,000.00

A motion was made to accept Article 19 as read.

The motion was seconded.

Article 19 passed unanimously.

ARTICLE 20. To see if the Town will vote to raise and appropriate \$7,300.00 for the maintenance and upgrades to the GIS/GPS system/Website budget.

A motion was made to accept Article 20 as read.

The motion was seconded.

Presentation: Robert Rocke presented the launch of the Town of Otis's new website: www.townofotisma.com. Robert Rocke also showed the mapsonline gis website and its features.

Discussion: Who is responsible for maintaining and posting the minutes on the website? Robert Rocke said the Town Clerk is a power user of the site and is the official keeper of the minutes. She will directly post the minutes onto the website. Will this add a lot of hours to her position? Robert Rocke; “No because all minutes will come electronically and it is a simple conversion that takes about 30 seconds. Not necessarily will all minutes be posted on the sight, the key minutes will be posted.” What do you mean as the key ones? Selectmen’s meetings, all boards meeting, planning board, and conservation commission. Minutes that are posted will probably be a month old due to them being typed up, approved at the next meeting, then submitted to the town clerk, and then posted to the sight. Howard Levin explained how the work has been parceled out so the work load is leveled among users, and if it needs to be redistributed it will. Robert Rocke explained the emergency banner, which is under the control of the selectmen, will notify the public of an emergency such as a road closure.

Are association minutes going to be posted, for example Lion Hill road association? Robert Rocke; “No, this is an official Town of Otis website for official town business.” Robert Rocke thanked Patricia Richard from the recreation center for her help. Laurie Nikituk thanked the Town for launching a website because she uses it in her business.

Does the Town have its own and have possession of its own GPS System? Larry Gould, Building Inspector, said there is in-house software with Mass GIS data, but no pin point GPS capabilities. The maps online is web based for everyone.

Does mapsonline have legal standing? There are properties that go back to the 19th century and the debarkation was a nailed sardine can to a hemlock tree. If the Town of Otis puts up your map with my property on it what legal standing does that have? Chris Morris said; “It is there as a guide, and you would still need rely on the deed information for factual information.” Robert Rocke; “The locations are for information they are not cast in stone, if it comes down to a legal problem they are going to rely on the deed.” Gail Palmer said mass land records have deed information online. Robert Rocke said these links are on the website. Howard Levin; “The goal for the GIS system internally is so the building inspector does know where all wells and Septic systems would be, and the fire department would know where people with oxygen are located incase of a power failure. It will make everyone’s life a lot simpler and more consistent.”

Article 20 passed.

ARTICLE 21. To see if the Town will vote to raise and appropriate \$500.00 for the Southern Berkshire Regional Emergency Planning Committee.

A motion was made to accept Article 21.

The motion was seconded.

Article 21 passed unanimously.

ARTICLE 22. To see if the Town will vote to raise and appropriate \$7,725.00 for the purpose of Tax Title collections.

A motion was made to accept Article 22.

The motion was seconded.

Discussion: What is the money used for? Karen Fink, Town Treasurer replied the money is used for properties in tax title and the cost is \$500.00 in legal fees for each property to get into land court. After the properties go to land court all left over monies will go back into the town. Her goal is to do 15 properties at a time. How many properties are in tax title? Karen said approximately 90. Some of those properties have only been in tax title for 1 year.

When is the town going to have a development plan for town owned properties? The selectmen replied in due time. We are working a little at a time.

Article 22 passed.

ARTICLE 23. To see if the Town will vote to transfer \$2,100.00 from the Erbe Building budget to the Maintenance budget for fiscal year 2008.

A motion was made to pass over Article 23.

The motion was seconded.

Discussion: Why is Article 23 being passed over? The oil for the Erbe building is not paid up yet. We are passing over the article because the money is not in the account. What do we get a month for rent for the Erbe Building? \$500 per month

Article 23 was passed over unanimously.

ARTICLE 24. To see if the Town will vote to transfer \$400,000.00 from the Free Cash account to the Stabilization account.

A motion was made to accept Article 24.

The motion was seconded.

Discussion: What is the purpose? Putting money into the stabilization account is like putting money in the bank. The stabilization fund requires a 2/3rds vote, so it can't be as accessible. If you want to use money from the stabilization account, then we would need a 2/3rd vote to spend that money. Isn't the town's credit rating related to the stabilization fund ,and we get a better rate if we need to purchase something? Yes, we build that account up. Thus we want to borrow the money from ourselves rather than someone else.

What sort of interest bearing accounts are these funds in? The treasurer explained how she has a legal list of funds telling where to invest the Town's money. "Most of the banks are aggressively pursuing us." She is getting 3 % on some accounts. She is trying to invest it so we get the best interest rate for our money.

Article 24 passed unanimously.

ARTICLE 25. To see if the Town will vote to transfer a sum not to exceed \$3,000.00 from Free Cash for the installation of a new security system at the Otis Library and Museum.

A motion was made to accept Article 25.

The motion was seconded.

Discussion: What is wrong with the current system we have? It is not up to the current code. Are we talking the bugler system or the fire alarm? Ann Cooper and

Anita Weinstein replied it is both; the fire alarm box is broken. Bob Austin explained right now it is \$108 dollars each time they come to reset the system.
Article 25 passed, 2 opposed.

ARTICLE 26. To see if the Town will vote to transfer a sum not to exceed \$3,000.00 from Free Cash for the installation of garage door openers at the Highway Garage.

A motion was made to accept Article 26.
The motion was seconded.
Article 26 passed unanimously.

ARTICLE 27. To see if the Town will vote to raise and appropriate \$5,000.00 for the Bicentennial Celebration.

A motion was made to accept Article 27.
The motion was seconded.
Article 27 passed unanimously.

ARTICLE 28. To see if the town will vote, pursuant to M.G.L. Ch. 41, Section 81A, to increase the Otis Planning Board membership from five members to seven members, said additional members to be elected at the next annual town election, each member to serve a term of five years.

A motion was made to accept Article 28.
The motion was seconded.

Discussion: This year's annual town election or next year? Moderator said it would be 2009. Why 7 instead of 5? This will eliminate problems obtaining the proper quorum.

Doesn't the quorum factor rise when you add members? Hal said that now with 5 members they need 3 members for a quorum. With seven members they would need 4 members for a quorum. How does this help then? Hal says they are hoping the additional members might fix the quorum problems. Howard said additional members would give diversified opinions with the advances of the developments in the town.

Article 1 passed, 1 opposed.

ARTICLE 29. To see if the Town will vote to assess taxes in excess of the amount allowed pursuant to G. L. c. 59, § 21C, as follows;

"Shall the Town of Otis be allowed to assess an additional \$335,911.47 in real estate and personal property taxes for the fiscal year beginning July 1st, 2008;

\$187,983.00 of said amount being for the purpose of funding the operating budget of the Farmington River School for the fiscal year beginning July 1st, 2008;

\$45,600.00 of said amount being for the purpose of funding the operating budget of the Otis Rescue Squad for the fiscal year beginning July 1st, 2008;

\$36,795.00 of said amount being for the purpose of funding the Farmington River School bond assessment for the fiscal year beginning July 1st, 2008;

\$20,825.00 of said amount being for the purpose of funding the operating budget of the Otis Library and Museum for the fiscal year beginning July 1st, 2008;

**\$20,250.00 of said amount being for the purpose of funding the operating budget of the Otis Recreation Commission for the fiscal year beginning July 1st, 2008;
and**

\$24,458.47 of said amount being for the purpose of defraying the Town's expenses for the fiscal year beginning July 1st, 2008?

A motion was made to accept Article 29.

The motion was seconded.

Is this Article on the Ballot on Tuesday? Yes

What happens if we vote yes tonight and no at the Election, Why are we voting twice? If we vote yes tonight and no on Tuesday then it does not pass. Then what is the point of voting tonight? State Law requires if you raise the levy more then 2 ½ percent, plus a little wiggle room for new growth, anything beyond that has to go on an all day ballot. It is the state law.

What percentage of an increase is this? According to the assessors it is between 11-12% total. How much onto the tax rate of \$6.20 will be added to the tax rate? It would add \$.86 per thousand to the tax rate making it \$7.06 if everything is approved. If this meeting wanted to freeze expenditures at last years level can it be done? We would have to go back and reopen all the articles from tonight that were voted on and revote them. If we vote this in now, this will still go to another vote on Tuesday? Yes. Now if we do not vote this in tonight then it will not be on the ballot on Tuesday? No the election will still be held, but if it does not pass in either place then it is dead.

Article 29 passed.

ARTICLE 30. To see if the town will vote to approve the following home rule petition to permit the Town of Otis to adopt its own speeding ordinances or take any other action thereon;

“Whereas the Town of Otis is concerned with the safety and well-being of the citizens of Otis; and

**Whereas, the speed of motor vehicles on city ways and the use of said ways by certain types of motor vehicles seriously impacts on that safety and well-being;
and**

Whereas, under the statutes of the Commonwealth of Massachusetts, control over speed limits and use of ways by certain types of vehicles is controlled by agencies of the Commonwealth and not by the town; and

Whereas, Town Meeting desires to vest control of these matters which so affect its citizens in local and not state hands;

Now, therefore, Town Meeting hereby petitions the Great and General Court of the Commonwealth of Massachusetts to enact a home rule petition substantially as attached hereto, said petition allowing speed limits and prohibitions on the use of ways under control of the Town Meeting to be enacted by local ordinance. The General Court may make only such clerical or editorial changes to the form of the bill unless the Board of Selectmen approves amendments to the bill prior to the enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general objectives of this petition.”

A motion was made to accept Article 30.

The motion was seconded.

What roads will this affect? This will affect all the roads beginning with Tolland Road. There is a steady flow of traffic, people are speeding, and there is no posted speed limits there. Would these speed limit signs be placed anyplace and at any speed without the state approval? It could not be done without an arbitrary manner. The town would have to do a traffic study. How are we going to do a traffic study? They would use the same traffic study form as the state, but not the same engineering study. Will this include route 8 & 23. No only town roads.

Does this require an amendment to the general bylaw? No

Can we now say semi-trucks cannot go down certain roads based on the wording of the article? Chris Morris; “No it is exclusive to only setting speed limits.”

Do we have enough manpower (police) to enforce this? Once the speed limit is posted the police will be enforcing it.

Can we try this for a year and if it does not work can we rescind? An article can always be rescinded. If we did it on a trail basis then it would be a lot of work to go back and undo the changes.

Can the words, “and prohibitions,” be removed from the article? The article has the same wording for all the towns. The selectmen said they don’t know why it is in there.

The moderator called the question, which means discussion ends. Counted 64 yes, 7 no.

Article 30 passed.

The moderator commended the people of the town, committees of the town to help the town continue in the direction it is going.

A motion was made to adjourn the meeting.

The motion was seconded.
The meeting adjourned at 8:45 pm.

Respectfully submitted,

Lyn Minery
Town Clerk