

**Commonwealth of Massachusetts  
Town of Hardwick  
Warrant for Special Town Meeting  
March 21, 2019  
Hardwick Elementary School**

County of Worcester, s.s.

To the Town Clerk and Constables, Town of Hardwick

Moderator, Ryan J. Witkos called this meeting to order at 6 o'clock and read the call of the warrant and declared this meeting has been posted and service returned to the Town Clerk as required by Town Bylaw and MGL.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Hardwick, qualified to vote in town affairs, to meet at the Hardwick Elementary School, 76 School House Drive, Gilbertville, Massachusetts on Thursday the twenty first day of March, 2019 A.D. at six o'clock in the evening, then and there to act on the following articles:

**Motion made, seconded and voted unanimously to dispense with the reading of the articles and to take them up in their order as they appear on the warrant.**

**Article 1. Bills from Prior Fiscal Year FY2018**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to pay any outstanding prior fiscal year's invoices; or take any action in relative thereto.

Sponsor: Board of Selectmen

**Motion made, seconded and voted unanimously to transfer from Free Cash**

**\$21.00 to the Highway Expense Account #001.422.5700.0000**

**\$487.35 to the Fire Department Expense Account #001.220.5700.0000**

**\$1,141.20 to the Legal Expense Account #001.151.5300.0000**

**\$342.00 to the Hardwick Center Water District Expense Account #001.450.5700.0000**

**\$10,000.00 to the Emergency Services Agreement Expense Account #001.220.5190.0001**

**for a total of Eleven Thousand, Nine Hundred Ninety One Dollars and Fifty Five Cents  
(\$11,991.55) FCA**

**Article 2. Gilbertville WWPCF - Bills from Prior Fiscal Year FY2018**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to Gilbertville Expense Account # 600.000.5700.0001 and Gilbertville USDA Loan Account # 001.710.5910.0000 to pay any outstanding prior fiscal year's invoices for the Gilbertville Wastewater Pollution Control Facility; or take any action in relative thereto.

Sponsor: Sewer Commission

**Motion made, seconded and voted unanimously for the Town to transfer from Free Cash**

**\$1,478.71 to the Gilbertville Expense Account #600.000.5700.0001**

**\$3,801.84 to the Gilbertville USDA Loan Account #001.710.5910.0000**

**for a total of Five Thousand, Two Hundred Eighty Dollars and Fifty Five Cents (\$5,280.55).**

**FCA**

**Article 3. Unprovided for Accounts in the Current Fiscal Year FY2019**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money for unprovided for accounts in the current fiscal year FY2019; or take any action in relative thereto.

Sponsor: Board of Selectmen

**Motion made, seconded and voted unanimously for the Town to transfer from Free Cash**

**\$3,602.72 to the Worcester Regional Retirement System Expense Account #001.911.5690.0000**

**\$4,800.00 to the Police Department Expense Account #006.210.5700.0000**

**\$2,500.00 to the Police Department Cruiser Expense Account #001.210.5240.0000**

**\$21,000.00 to the Police Department Reserve Officer Salary Account #001.210.5110.0004**

**\$13,000.00 to the Police Department Officer Salary Account #001.210.5190.0000**

**for a total of Forty Four Thousand, Nine Hundred Two Dollars and Seventy Two Cents (\$44,902.72)**

**FCA**

**Article 4. Reserve Fund**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, a sum of money to the Reserve Fund Account # 001.132.5700.0000; or take any action in relative thereto.

Sponsor: Board of Selectmen

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of Sixteen Thousand, Four Hundred Dollars (\$16,400.00) to the Reserve Fund Account # 001.132.5700.0000.**

**FCA**

**Article 5. WWPCF Wheelwright – Inflow and Filtration Plan**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to fund the Inflow and Infiltration Plan for the Waste Water Pollution Control Facility at the Wheelwright location as required by DEP; or take any action in relative thereto.

Sponsor: Sewer Commissioners

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of Eighty Nine Thousand, Two Hundred Fifty Dollars (\$89,250.00) to fund the Inflow and Infiltration Plan for the Waste Water Pollution Control Facility at the Wheelwright location as required by DEP. FCA**

**Article 6. Municipal Office Building Remediation**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to fund the Mold and Asbestos Remediation at the Municipal Office Building 307 Main Street. or take any action in relative thereto.

Sponsor: Board of Selectmen

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of Thirty One Thousand, One Hundred Fifty Dollars (\$31,150.00) to fund the Mold and Asbestos Remediation at the Municipal Office Building 307 Main Street. FCA**

**Article 7. Hardwick Center Water**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to fund the repairs to the Hardwick Center Water System; or take any action in relative thereto.

Sponsor: Board of Selectmen

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of Fourteen Thousand Dollars (\$14,000.00) to fund the repairs to the Hardwick Center Water System. FCA**

**Article 8. Recycling Center Compactor**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to fund the purchase of a two-yard Compactor for the Recycling Center; or take any action in relative thereto.

Sponsor: Recycling Commission

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of Nine Thousand, Three Hundred Seventy Five Dollars (\$9,375.00) to fund the purchase of a two-yard Compactor for the Recycling Center. FCA**

**Article 9. Fire Department SCBA Air Packs**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to fund the purchase of SCBA air packs for the Fire Department; or take any action in relative thereto.

Sponsor: Fire Department

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of One Hundred Thousand, Three Hundred Eighty Six ollars and Seventy Cents (\$100,386.70) to fund the purchase of SCBA air packs for the Fire Department. FCA**

**Article 10. Highway Department Camera and Locator**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to fund the purchase of a Camera and Locator for Collection System and a Ventilator Blower for the Highway Department; or take any action in relative thereto.

Sponsor: Highway Department

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of Nine Thousand, Seven Hundred Sixteen Dollars (\$9,716.00) to fund the purchase of a Camera and Locator for Collection System and a Ventilator Blower for the Highway Department. FCA**

**Article 11. Police Department Tasers and Holsters**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, borrow or any combination thereof, a sum of money to fund the purchase of tasers and holsters for the Police Department; or take any action in relative thereto.

Sponsor: Police Department

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of Twelve thousand, SixtyEight Dollars (\$12.068.00) to fund the purchase of tasers and holsters for the Police Department. FCA**

**Article 12. Feasibility Study on Waste Water Systems**

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury or borrow or any combination thereof, a sum of money to fund 25% of a Feasibility Study on the Waste Water Pollution Control Systems; or take any action in relative thereto.

Sponsor: Board of Selectmen

**Motion made, seconded and voted unanimously for the Town to transfer from available funds in Free Cash the sum of Seven Thousand, Five Hundred dollars (\$7,500.00) to fund 25% of a Feasibility Study on the Waste Water Pollution Control Systems. FCA**

**Article 13. Free Cash Appropriations**

To see if the Town will vote to appropriate a sum of money from Free Cash to the Stabilization Fund Account # 250.000.1040.0000; or take any action in relative thereto.

Sponsor: Board of Selectmen

**Motion made, seconded and voted unanimously for the Town to transfer the sum of One Hundred Seventy Five Thousand, Two Hundred Eleven Dollars and Forty Eight Cents (\$175,211.48) from Free Cash to the Stabilization Fund Account # 250.000.1040.0000. FCA**

**Article 14. Amend Zoning Bylaws: Section 9.0 Solar Energy Facilities**

To see if the Town will vote to amend the Hardwick Zoning Bylaw Section 9.0 – Solar Energy Facilities by adding the following section:

9.2.1 - A six-month moratorium will be in effect on all applications for ground mounted solar energy facilities over 10 kilowatts referenced in the Use Regulations Section 3.2.6.1.3; or take any action in relative thereto.

Sponsor: Planning Board

*Motion made for the Town to amend the Hardwick Zoning Bylaw Section 9.0 – Solar Energy Facilities by adding the following section:*

*9.2.1 - A six-month moratorium will be in effect on all applications for ground mounted solar energy facilities over 10 kilowatts referenced in the Use Regulations Section 3.2.6.1.3.*

The moderator declared to disallow this motion and have the Planning Board make the motion for this article as they are the sponsors of this article.

**Motion made, seconded and voted unanimously to TABLE this article.**

**Article 15. Amend the General Bylaws: Article XII Financial Affairs Section 1**

To see if the Town will vote to amend the General By-laws under ARTICLE XII – Financial Affairs - by **deleting** Section 1 – “An audit of the accounts of the Town shall be made annually under the supervision of the State Division of Accounts as provided by section 35 of Chapter 44 of the MGL” and **replacing** it with a new Section 1 as follows:

Section 1 – An audit of the Accounts of the Town shall be made annually in accordance with the provisions of MGL, Chapter 44, section 35, which audit shall be compliant with any standards established by the Department of Revenue, Director of Accounts pursuant to MGL, Chapter 44, section 38; or take any other action relative thereto.

Sponsor – Town Clerk

**Motion made, seconded and voted unanimously for the Town to amend the General By-laws under ARTICLE XII – Financial Affairs - by deleting Section 1 – “An audit of the accounts of the Town shall be made annually under the supervision of the State Division of Accounts as provided by section 35 of Chapter 44 of the MGL” and replacing it with a new Section 1 as follows:**

**Section 1 – An audit of the Accounts of the Town shall be made annually in accordance with the provisions of MGL, Chapter 44, section 35, which audit shall be compliant with any standards established by the Department of Revenue, Director of Accounts pursuant to MGL, Chapter 44, section 38.**

**Article 16. Amend the General Bylaws: Article XII Financial Affairs Section 2**

To see if the Town will vote to amend the General By-laws under ARTICLE XII – Financial Affairs - by **deleting** Section 2 – Each officer, board or committee authorized to spend money shall, on or before December 15 of each year, transmit to the town accountant all unpaid bills outstanding as of that date” and **replacing** it with a new Section 2 as follows:

Section 2 – Each officer, department, board and committee authorized to spend money shall, on or before June 15 of each fiscal year transmit to the Town Accountant all unpaid bills outstanding as of that date; or take any other action relative thereto.

Sponsor – Town Clerk

**Motion made, seconded and voted unanimously for the Town to amend the General By-laws under ARTICLE XII – Financial Affairs - by deleting Section 2 – Each officer, board or committee authorized to spend money shall, on or before December 15 of each year, transmit to the town accountant all unpaid bills outstanding as of that date” and replacing it with a new Section 2 as follows:**

**Section 2 – Each officer, department, board and committee authorized to spend money shall, on or before June 15 of each fiscal year transmit to the Town Accountant all unpaid bills outstanding as of that date.**

**Article 17. Amend the General Bylaws: Article XII Financial Affairs Section 5**

To see if the Town will vote to amend the General By-laws as voted at the Special Town Meeting of September 9, 2003 under Article #8 by **deleting** Section 5 of ARTICLE XII – Financial Affairs - as follows:

Section 5 - All monies received by any Town Officer or Department excluding the Town Clerk, Tax Collector and Fire Chief shall be paid upon their receipt into the Treasury and shall be kept in a fund separate from all monies, and shall be expended without further appropriation to compensate the employee or person for such services provided; or take any other action relative thereto.

Sponsor – Town Clerk

**Motion made, seconded and voted unanimously for the Town to amend the General By-laws as voted at the Special Town Meeting of September 9, 2003 under Article #8 by deleting Section 5 of ARTICLE XII – Financial Affairs - as follows:**

**Section 5- All monies received by any Town Officer or Department excluding the Town Clerk, Tax Collector and Fire Chief shall be paid upon their receipt into the Treasury and shall be kept in a fund separate from all monies, and shall be expended without further appropriation to compensate the employee or person for such services provided.**

**Article 18. Amend the General Bylaws: Animal Control**

To see if the Town will vote to amend the General By-laws as voted at the Annual Town Meeting of June 13, 2015 under Article #19 by **deleting** the words “4 dogs or less” from ARTICLE III – Animal Control – Section 4. FEES – KENNEL and **replacing** it with the words “more than 4 dogs”; or take any other action relative thereto.

Sponsor – Town Clerk

**Motion made, seconded and voted unanimously for the Town to amend the General By-laws as voted at the Annual Town Meeting of June 13, 2015 under Article #19 by deleting the words “4 dogs or less” from ARTICLE III – Animal Control – Section 4. FEES – KENNEL and replacing it with the words “more than 4 dogs”.**

**Article 19. Amend the General Bylaws: Article XI Finance Committee**

Article #5 - To see if the Town will vote to amend the General By-laws as voted at the Annual Town Meeting of June 18, 2011 under Article #8 by **deleting** from ARTICLE XI – Finance Committee the second sentence of Section 2 – “The terms of office of said members shall commence immediately upon qualification and shall expire at the final adjournment of the annual town meeting at which time their successors are appointed” and **replace** the second sentence with a new second sentence as follows:

“The terms of office of said members shall commence immediately upon qualification and shall expire at the close of the fiscal year at which time said expiring member terms may be reappointed or a new member shall be appointed”.

Section 2 will read:

During the transition, the terms of the appointed members in office on the effective date of the town meeting vote reducing the membership of the Finance Committee from six to five members shall remain in force and no vacancy on said committee, whether the result of expiration of a term or by removal or resignation before the expiration of a term, shall be filled until the membership of said board shall have reached five. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of the fiscal year at which time said expiring member terms may be reappointed or a new member shall be appointed". Said committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings; or take any other action relative thereto.

Sponsor – Town Clerk

**Motion made, seconded and voted unanimously for the Town to amend the General By-laws as voted at the Annual Town Meeting of June 18, 2011 under Article #8 by deleting from ARTICLE XI – Finance Committee the second sentence of Section 2 – “The terms of office of said members shall commence immediately upon qualification and shall expire at the final adjournment of the annual town meeting at which time their successors are appointed” and replace the second sentence with a new second sentence as follows:**

**“The terms of office of said members shall commence immediately upon qualification and shall expire at the close of the fiscal year at which time said expiring member terms may be reappointed or a new member shall be appointed”.**

**Section 2 will read:**

**During the transition, the terms of the appointed members in office on the effective date of the town meeting vote reducing the membership of the Finance Committee from six to five members shall remain in force and no vacancy on said committee, whether the result of expiration of a term or by removal or resignation before the expiration of a term, shall be filled until the membership of said board shall have reached five. *The terms of office of said members shall commence immediately upon qualification and shall expire at the close of the fiscal year at which time said expiring member terms may be reappointed or a new member shall be appointed*”. Said committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings.**

### **Article 20. Amend the General Bylaws: Article XXII Town Meetings**

Article #6 – To see if the Town will vote to amend the General By-laws under ARTICLE XXII – Town Meetings - by **deleting** Section 2 as follows: “All business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at one o’clock PM on the first Saturday in May of each year.”, and further **replacing** it with a new Section 2 as follows:

Section 2 – The Annual Town Meeting shall be held at one o’clock PM on the first Saturday in May of each year, provided however, that, notwithstanding the provisions of MGL, Chapter 39, section 9, the town by a vote of its Selectmen may delay the Annual Town Meeting, provided further, that a delayed Annual Town Meeting shall complete its business on or before June thirtieth, or take any other action relative thereto.

Sponsor – Town Clerk



*Motion made for the Town to amend the General By-laws under ARTICLE XXII – Town Meetings - by deleting Section 2 as follows: “All business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at one o’clock PM on the first Saturday in May of each year.”, and further replacing it with a new Section 2 as follows:*

*Section 2 – The Annual Town Meeting shall be held at one o’clock PM on the first Saturday in May of each year, provided however, that, notwithstanding the provisions of MGL, Chapter 39, section 9, the town by a vote of its Selectmen may delay the Annual Town Meeting, provided further, that a delayed Annual Town Meeting shall complete its business on or before June thirtieth.*

***Motion made, seconded and voted unanimously to amend this motion by adding the words “following the first Monday” after the word Saturday.***

**Motion made, seconded and voted unanimously for the Town to amend the General By-laws under ARTICLE XXII – Town Meetings - by deleting Section 2 as follows: “All business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at one o’clock PM on the first Saturday in May of each year.”, and further replacing it with a new Section 2 as follows:**

**Section 2 – The Annual Town Meeting shall be held at one o’clock PM on the first Saturday following the first Monday in May of each year, provided however, that, notwithstanding the provisions of MGL, Chapter 39, section 9, the town by a vote of its Selectmen may delay the Annual Town Meeting, provided further, that a delayed Annual Town Meeting shall complete its business on or before June thirtieth.**

**A motion was made, seconded and voted unanimously not in favor of the original motion.**

And you are directed to serve this warrant by posting attested copies thereof in each of the Post Offices in said Hardwick, fourteen days at least before the time of said meeting. Hereof and fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before the time of said meeting.

Given under our hands this 7<sup>th</sup> day of March, 2019.

KENAN P. YOUNG

KELLY G. ALLEN

BOARD OF SELECTMEN - HARDWICK

JULIE QUINK

This is a true copy. Attest.

Eric Vollheim, Constable.

Date: March 7, 2019

This day I have posted attested copies as directed.

Eric Vollheim, Constable.

Date: March 7, 2019

NO QUORUM REQUIRED BY TOWN BYLAW.

59 VOTERS IN ATTENDANCE.

7 NON-REGISTERED PERSONS IN ATTENDANCE.

RESPECTFULLY SUBMITTED,

PAULA L. ROBERTS, CMMC

TOWN CLERK

TOWN OF HARDWICK