

**Commonwealth of Massachusetts
Town of Hardwick
Special Town Meeting
October 22, 2015
Hardwick Elementary School**

County of Worcester s.s.

To the Town Clerk and Constables, Town of Hardwick

Greetings:

Moderator, Ryan Witkos called this Special Town Meeting to order at 7 PM and called for a 5 minute recess.

Moderator, Ryan Witkos called this recessed Special Town Meeting to order at 7:09 pm and asked for those who wished, to join him in the Pledge of Allegiance to the Flag.

The Moderator, Rayn Witkos read the call of the warrant for this Special Town Meeting and declared the warrant has been duly posted and service returned in accordance with Town Bylaws and State Law.

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 Schoolhouse Drive, Gilbertville, Massachusetts on Thursday, October 22, 2015 at 7:00 P.M., 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. To see if the Town will vote to accept the reports of all officers and committees as printed in the 2014 Annual Report, or take any other action relative thereto.

TABLED. Town Report will be delivered on Wednesday, October 28, 2015.

Article 2. To see if the Town will vote to amend the FY 16 budget as voted at the Annual Town Meeting on June 13, 2015 under Article 16, and to transfer between line items or from other available funds, or to raise and appropriate a sum of money as may be needed therefor, or take any other action relative thereto.

Sponsor: Board of Selectmen

Motion made, seconded and voted by more than a 2/3 vote* to amend the FY 16 budget as voted at the Annual Town Meeting on June 13, 2015 under Article 16, and to transfer the sum of Twelve Hundred Dollars (\$1,200.) from Free Cash to the Tree Warden Expense Account (001.294.5700.000) and further by raising and appropriating the sum of Thirty Seven Thousand, One Hundred Eighteen Dollars and Forty Nine Cents (\$37,118.49) bringing the total of money to be raised and appropriated in the FY/16 budget to Four Million, Eight Hundred Twenty Thousand, Thirty One dollars and Seventy Five Cents (\$4,820,031.75) for the following purposes;

FCA

Free Cash	\$1,200.	Tree Warden Expense
Raise & Appropriate	\$12,000.	Veteran Benefit Expense
Raise & Appropriate	\$ 2,351.28	2% COLA Elected Officials
Raise & Appropriate	\$ 6,576.39	2% COLA Appointed Officials
	\$ 208.44	2% COLA MART (to be reimbursed by MART)
Raise & Appropriate	\$ 16,190.82	Salary Adjustments
	\$37,326.93	

(*As allowed by Town of Hardwick – ATM – 6/16/07 – A#27 & MGL, C39s15.)

<u>Appointed Position</u>	FY 16 ATM SALARY	2% COLA	TOTAL
Animal Inspector	1476.04	29.52	1505.56
Animal Control Officer	1476.04	29.52	1505.56
Building Inspector	20808.00	416.16	21224.16
Building Commissioner	2550.00	51.00	2601.00
Civil Defense Dir.	1428.00	28.56	1456.56
Civil Defense Asst.	728.28	14.57	742.85
Custodian	6524.94	130.50	6655.44
Dog Officer	1476.04	29.52	1505.56
Recycling Coordinator	13763.23	275.26	14038.49
Recycling Laborer 1	5578.88	111.58	5690.46
Recycling Laborer 2	4821.47	96.43	4917.90
Recycling Laborer 3	4501.19	90.02	4591.21
Recycling Laborer 4	2759.14	55.18	2814.32
Fire Department			
Deputy Fire Chief	902.70	18.05	920.75
Fire Chief	16646.40	332.93	16979.33
Fire Clerk PT	7803.00	156.06	7959.06
Highway Department			
Foreman	44083.57	881.67	44965.25
Clerk	15895.30	317.91	16213.21
Truck Driver	39378.02	787.56	40165.58
Truck Driver	34312.23	686.24	34998.47
Other Departments			
Planning Board Clerk	2229.72	44.59	2274.31
Conservation Clerk	6331.52	126.63	6458.15
Veterans Agent	1844.77	36.90	1881.67
Assessor (FT)	55137.03	1102.74	56239.77
COA Director	31264.02	625.28	31889.30
Police Clerk	5100.00	102.00	5202.00

Total Appointed 6576.39

<u>Elected Officials</u>	FY 16 ATM SALARY	2 % COLA	TOTAL
Assessors	9625.00	192.50	9817.50
Town Clerk	30380.24	607.60	30987.84
Highway Surveyor	69039.01	1380.78	70419.79
Moderator	316.86	6.34	323.20
Board of Health	2026.00	40.52	2066.52
Board of Selectmen	6176.75	123.54	6300.29

Total Elected 2351.28

Total Appointed & Elected 8927.67

MART Director 2865.00 208.44
 To be reimbursed by MART

<u>SALARY ADJUSTMENT</u>	FY16	INCREASE	REASON
Amin. Asst.	18,994.56	4,748.74	Hrs. Incrs.
Fin. Asst.	16,848.00	2,349.36	Up to Min.
Treas. Sal.	32,619.60	715.00	Up to Min.
Town. Col. Sal.	32,619.60	715.00	Up to Min.
Youth Dr./Coord Sal.	11,500.00	3,724.76	Up to Min.
Paige Lib. Dir. Sal	17,968.00	3,467.88	Up to Min.
Paige Lib. Asst.	9,984.00	<u>470.08</u>	Up to Min.
TOTAL SALARY ADJ.		16,190.82	

Article 3. To see if the Town will vote to amend the FY 16 Water Pollution Control Facilities Enterprise Fund budget as voted at the Annual Town Meeting on June 13, 2015 under Article 12, and to transfer between line items or from other available funds, or to raise and appropriate from enterprise receipts or otherwise a sum of money as may be needed therefor or take any other action relative thereto.

Sponsor: Board of Sewer Commissioners

Motion made, seconded and voted unanimously for the Town to amend the FY 16 Water Pollution Control Facilities Enterprise Fund budget as voted at the Annual Town Meeting on June 13, 2015 under Article 12, by transferring the sum of Two Thousand, Three Hundred Eighty Six Dollars and Ninety Cents (\$2,386.90) from Sewer Retained Earnings and the sum of Twenty One Thousand Dollars (\$21,000.) from Contracted Operation Services (660-00305700-000) to the Sewer Superintendent Salary Account (6660-000-5110-000) in the following manner:

\$2,329.60 – Salary Adjustment Asst. Operator
57.30 - 2% Cola Adjustment - Commissioners
\$2,386.90

\$21,000.00 - Sewer Superintendent Salary for remainder (9months) FY/16.
FCA

Article 4. To see if the Town will vote to transfer a sum of money from Sewer Retained Earnings to the Sewer Enterprise Account, or take any other action relative thereto.

Sponsor: Board of Sewer Commissioners

Motion made, seconded and voted by more than a 2/3 vote* for the Town to transfer the sum of Fifty Seven Thousand, Eight Hundred Nineteen Dollars and Ten Cents (\$57,819.10) from Sewer Retained Earnings to the Sewer Enterprise Account for Wheelwright Waste Water Treatment Plant Expenses. FCA
(*As allowed by Town of Hardwick – ATM – 6/16/07 – A#27 & MGL, C39s15.)

Article 5. To see if the Town will vote to transfer a sum of money from available funds in the Treasury to the Town House Expense Account, or take any other action relative thereto.

Sponsor: Board of Selectmen

Motion made, seconded and voted unanimously for the Town to transfer the sum of Eight Thousand, One Hundred Dollars (\$8,100.) from Free Cash to the Town House Expense Account for elevator repairs. FCA

Article 6. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the rental, lease, purchase or eminent domain taking of a certain parcel of land, Map# 111, Lot # 13 and any other incidental and related expenses as may be necessary for general municipal purposes, and to authorize the Board of Selectmen to rent, lease, purchase or take such property, and to enter into any agreement and to execute any instrument(s) for the Town of Hardwick as may be necessary to effectuate the rental, lease, purchase or eminent domain taking for the use by various municipal departments, or take any other action relative thereto.

Sponsor: Police Chief

Motion made, seconded and voted by more than a 2/3 vote* for the Town to borrow the sum of One Hundred Seventy Five Thousand Dollars (\$175,000.) and to authorize the Board of Selectmen to acquire by rental, lease, purchase or eminent domain for general municipal purposes, Assessor Map# 111, Lot # 13 and any other incidental and related expenses as may be necessary, and to authorize the Treasurer to borrow and issues bonds and notes

therefore with the approval of the Selectmen and to authorize the Selectmen to enter into any agreement and execute any instruments for the Town as may be necessary to effectuate this vote.

. FCA

(* As allowed by Town of Hardwick – ATM – 6/16/07 –A#27 & MGL C39s15.)

Article 7. To see if the Town will vote to transfer a sum of money from available funds in the treasury to the Fire Department Hydrant Maintenance Account, or take any other action relative thereto.

Sponsor: Fire Chief

TABLED.

Article 8. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money to lease and equip a new pick-up truck with plow for the Highway Department, or take any other action relative thereto.

Sponsor: Interim Highway Surveyor

Motion made, seconded and voted by more than a 2/3 vote* for the Town to transfer the sum of Ten Thousand, Eight Hundred Eighty Nine Dollars and Eighty Nine Cents (\$10,889.89) from the Stabilization Account to lease and equip a new pick-up truck with plow for the Highway Department, and to authorize the Board of Selectmen to enter into a lease agreement for a term in excess of three years.

FCA

(* As allowed by Town of Hardwick – ATM – 6/16/07 –A#27 & MGL C39s15.)

Article 9. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money for Highway Department Building Garage Door Maintenance including any incidental and related expenses, or take any other action relative thereto.

Sponsor: Interim Highway Surveyor

Motion made, seconded and voted unanimously for the Town to transfer the sum of Twelve Thousand Dollars (\$12,000.) from the Stabilization Account for Highway Department building garage door maintenance including any incidental and related expenses.

FCA

Article 10. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money for maintenance of road machinery for the Highway Department, or take any other action relative thereto.

Sponsor: Interim Highway Surveyor

TABLED.

Article 11. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money to the Town Road Account, or take any other action relative thereto.

Sponsor: Interim Highway Surveyor

TABLED.

Article 12. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money to the Highway Department General Account, or take any other action relative thereto.

Sponsor: Interim Highway Surveyor

TABLED.

Article 13. To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury, borrow or any combination thereof a sum of money to repair and/or replace the Highway building roof including all incidental and related expenses, or take any other action relative thereto.

Sponsor: Interim Highway Surveyor

TABLED.

Article 14. To see if the Town will vote to amend the General Bylaw "CURB CUT/DRIVEWAY BYLAW" as voted at the Annual Town Meeting of June 17, 2006 under Article # 26 in the following manner –

After Section # 17 add a new Section #18 –

NON CRIMINAL DISPOSITION PROCEDURE - as allowed by MGL C40, s21D as an alternative to initiating criminal proceeding.

Whoever violates any provision of this Curb Cut/Driveway Bylaw shall, unless otherwise provided for by a fine under a MGL or CMR shall pay a fine in the amount of \$100.00 for the first offense and in the amount of \$200.00 for the second offense. A violation of the above provisions shall constitute a separate violation per day.

The enforcing officers for the Highway Department shall be the Highway Surveyor or his designee, the Building Commissioner or his designee, or any police officer of the Town.

Fines collected under this bylaw shall be paid into the Town's General Fund, or take any other action relative thereto.

Sponsor: TOWN CLERK

Motion made, seconded and voted by more than a 2/3 vote* for the Town to amend the General Bylaw "CURB CUT/DRIVEWAY BYLAW" as voted at the Annual Town Meeting of June 17, 2006 under Article # 26 in the following manner –

After Section # 17 add a new Section #18 –

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The enforcing officers for the Highway Department shall be the Highway Surveyor or his designee, the Building Commissioner or his designee, or any police officer of the Town.

Fines collected under this bylaw shall be paid into the Town's General Fund, or take any other action relative thereto.

(* As allowed by Town of Hardwick – ATM – 6/16/07 –A#27 & MGL C39s15.)

Article 15. To see if the Town will vote to amend the Town of Hardwick General Bylaws by adding a new Section entitled "Stretch Energy Code" in the following manner:

Section # STRETCH ENERGY CODE

1 Definitions

2 Purpose

3 Applicability

4 Stretch Energy Code

5 Effective Date

1 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building August 2013 code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for both new construction and existing buildings.

3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

4 Stretch Energy Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Hardwick General Bylaws.

The Stretch Energy Code shall be enforceable by the Inspector of Buildings or Building Commissioner.

5 Effective Date

The Stretch Energy Code was adopted by the October 22, 2015 Special Town Meeting, with a concurrency start date of January 1, 2016 and a sole effective date of July 1, 2016.

, or take any other action relative thereto.

Sponsor: Board of Selectmen

Ryan Witkos, Moderator asked if everyone has a copy of the warrant with the proposed Stretch Energy Code Bylaw that is printed thereon. Voters responded Yes.

Motion made, seconded and voted by more than a 2/3 vote* for the Town to amend the Town of Hardwick General Bylaws by adding a new Section entitled “Stretch Energy Code” in the following manner:

Section # STRETCH ENERGY CODE

1 Definitions

2 Purpose

3 Applicability

4 Stretch Energy Code

5 Effective Date

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This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

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The Stretch Energy Code shall be enforceable by the Inspector of Buildings or Building Commissioner.

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(*As allowed by Town of Hardwick – ATM – 6/16/07 – A#27 & MGL, C39s15.)

Article 16. To see if the Town will vote to provide an option for voters to recall, or remove, elected officials prior to the completion of their term of office or take any other action relative thereto.

Sponsor: Robin Noel/Citizen's Petition

Robin Noel read her Citizen Petition to the voters in attendance from the podium. No copies were available for voters to follow along. The petition was read in the following manner:

For the Town to authorize the Board of Selectmen to petition the General Court for a special act for the Town of Hardwick, as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition in relation thereto of the following:

Town of Hardwick - By Law: Recall Elections

Section 1: Any holder of elective office may be recalled therefrom by the registered voters of the town as herein provided.

Section 2: One hundred or more qualified voters may make and file with the Town Clerk an affidavit containing both the name of the elected official sought to be recalled as well as a statement of the grounds for the recall. The Town Clerk shall thereupon deliver to the ten persons first named on such affidavit a sufficient number of petition blanks demanding such recall, copies of which printed forms he/she shall keep available. Said petition blanks may be completed by printing or typewriter and they shall contain the names of the ten persons to whom they are issued, the name of the person sought to be recalled, the office from which recall is sought, and the grounds for recall as stated in the affidavit. They shall demand the election of a successor to the office and they shall be dated, signed and sealed by the Town Clerk. Said recall petition shall be returned to the office of the Town Clerk not later than five o'clock in the afternoon on or before the first work day following twenty days after the date they are issued, signed by, whichever is less, either 300 or twenty percent of the total number of qualified persons registered to vote in the town as of the date such affidavit was filed with the Town Clerk. To every signature shall be added the place of residence of the signed, giving the street and number, if any. One of the ten persons to whom the recall petition forms is issued shall make an affidavit on each page that statements therein contained are true, and that each signature appended to the petition is the genuine signature of the person whose name it purports to be.

The Town Clerk shall, forthwith following the day of such filing with the office of the Town Clerk, submit the recall petition forms to the Board of Registrars of Voters which shall, within five work days after the day of receipt, certify in writing thereon the number of signatures which are those of qualified persons registered to vote in the town as of the date such affidavit was filed with the Town Clerk. The Board of Registrars of Voters, upon the completion

of their certification, shall return the recall petition forms to the Town Clerk.

Section 3: If said recall petition forms shall be certified by the Board of Registrars of Voters to contain, whichever is less, either 300 or twenty percent of the qualified persons registered to vote, and if the petition shall be found and certified by the Town Clerk to be sufficient, the Town Clerk

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shall give notice without delay, in writing, to the elected **official** whose recall is sought by sending to said **official** a copy of the affidavit and the recall petition form together with notice of the number of qualified voters certified by the Board of Registrars of Voters who signed the recall petition forms and the total number of qualified voters in the town as of the most recent town election.

If the **official** to whom notice is directed by the Town Clerk does not resign the office within five days following receipt of the aforesaid notice from the Town Clerk, the Town Clerk shall give notice in writing to the Board of Selectmen not later than one work day following the expiration of the foregoing five days. The Board of Selectmen shall order a special election to be held not more than forty-five days after receipt of the notice from the Town Clerk as aforesaid, and not less than thirty days from the date of the order. If, however, any other town election is to be held within sixty days of receipt by the Board of Selectmen of notice from the Town Clerk, the recall election shall be postponed and shall be held at such time in conjunction with such other election. If a vacancy occurs in the office for any reason after a recall election has been ordered by the Board of Selectmen, the recall election shall nevertheless proceed as provided for herein.

Section 4: Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Town Clerk shall place his name on the ballot without nomination. The number of signatures of qualified voters required to place the name of a candidate on the official ballot for use at a recall election shall not be less than twentyfive. The publication of the warrant for the recall election and the conduct of the recall election shall be in accordance with the General Laws regulating elections, unless otherwise provided in this act.

Section 5: The incumbent shall continue to perform the duties of this office until the recall election. If then reelected, he shall continue in office for the remainder of his unexpired term subject to recall as before, except as provided in this section. If not reelected in the recall election, he 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 days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

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Section 6: The ballots used at the recall election shall submit the following proposition in the order indicated:

For the recall of (name of official) []

Against the recall of (name of official) []

Immediately at the right of the each proposition there shall be a square in which the voter, by making a cross mark (x) may vote for either of such propositions. Under the propositions shall appear the word "Candidates" and the directions for the voters required by law, and beneath the word "Candidates" shall be the names of the candidates nominated as hereinabove provided.

If a majority of the votes cast is against the recall, the votes for the candidates need not be counted. If a majority of the votes cast is in favor of the recall, the official shall be deemed to be recalled and the ballots for candidates shall then be counted. The candidate receiving the highest number of votes shall be declared elected. If the official is recalled he/she shall be deemed removed upon certification of the elections results by the Town Clerk. The candidate receiving the highest vote and therefore elected, shall serve for the balance of the unexpired term of the official removed.

Section 7: No recall petition shall be filed against an official within six months after he takes office, nor, in the case of an official elected in a recall election, until six months after that election. No recall shall be filed against an official subjected to a recall election, for the same offense, and not recalled thereby, until at least six months after the election.

Section 9: This act shall take effect upon its passage which his/her recall was submitted to the voters.

Section 8: No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him/her, shall be appointed to any town office within one year after such recall or such resignation.

Section 9: This act shall take effect upon its passage which his/her recall was submitted to the voters. (STM 10/22/2015, Act, Legislature).

Taken from the Town of Brimfield.

Ryan Witkos, Moderator called for a vote.

Motion made, seconded and the motion was defeated by a vote of 42 opposed and 25 in favor

Article 17. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act authorizing the Board of Selectmen to appoint the Highway Surveyor for the Town of Hardwick, as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition in relation thereto of the following:

AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF HARDWICK TO APPOINT THE HIGHWAY SURVEYOR

Section 1. Notwithstanding section 1 of chapter 41 of the General Laws or any other general or special law to the contrary there shall be a Highway Surveyor for the town of Hardwick. The Highway Surveyor shall have all the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred and imposed by law on a Highway Surveyor. The Highway Surveyor shall be appointed by the Board of Selectmen for a term not to exceed three years and may be removed, after the opportunity for a hearing by the Board of Selectmen of the town.

The Board of Selectmen may establish an employment contract for the Highway Surveyor for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

Section 2. Upon the effective date of this act, the elected office of Highway Surveyor shall be abolished and the term of such office terminated; provided, however, that any incumbent of such office serving on the effective date of this act shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was elected or until said individual otherwise vacates such office. After the expiration of the term of the incumbent Highway Surveyor, or a sooner vacating of the office, the Board of Selectmen shall appoint a Highway Surveyor as under section 1.

Section 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of Highway Surveyor and the appointment of Highway Surveyor and the appointed Highway Surveyor shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the office of the elected Highway Surveyor shall be assigned to the office of the appointed Highway Surveyor.

Section 4. This act shall take effect upon its passage.

Or take any other action relative thereto.

Sponsor: Joe Raskett/Citizen's Petition

Joseph Raskett, Citizen Petitioner provided the Moderator and Town Clerk with a copy of the motion to his article and stated copies of his article were available to voters at the table along with other handouts for this meeting as voters entered this meeting.

Joseph Raskett moved and a second was made for the Town of Hardwick to authorize the Board of Selectmen to petition the General Court for a special act authorizing the Board of Selectmen to appoint the Superintendent of Streets for the Town of Hardwick, as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition in relation thereto of the following:

AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF HARDWICK TO APPOINT THE SUPERINTENDENT OF STREETS

Section 1. Notwithstanding any general or special law to the contrary there shall be a Superintendent of Streets for the town of Hardwick. The Superintendent of Streets shall under the direction of the selectmen, have full charge of all repairs and labor upon public ways and sidewalks; and in relation to such matters he shall have the powers, perform the duties and be subject to the liabilities and penalties of surveyors of highways and road commissioners. The Superintendent of Streets shall be appointed by the selectmen for a

term not to exceed three years and may be removed, after the opportunity for a hearing by the Selectmen of the Town.

The Board of Selectmen may establish an employment contract for the Superintendent of Streets for salary, fringe benefits and other conditions of employment, including, but not limited to, severance pay, reimbursement for expenses incurred in the performance of the duties of office, liability insurance and conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

Section 2. Upon the effective date of this act, the elected office of Highway Surveyor shall be abolished and the term of such office terminated; provided, however, that any incumbent of such office serving on the effective date of this act shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was elected or until said individual otherwise vacates such office. After the expiration of the term of the incumbent Highway Surveyor, or a sooner vacating of the office, the Board of Selectmen shall appoint a Superintendent of Streets as under Section 1.

Section 3. No contracts or liabilities in force on the effective date of this act shall be affected by the abolition of the elected office of Highway Surveyor and the appointment of a Superintendent of Streets shall, in all respects, be the lawful successor of the office so abolished. All records, property and equipment of the office of the elected highway surveyor shall be assigned to the office of the appointed Superintendent of Streets.

Section 4. This act shall take effect upon its passage.

A motion was made and seconded to table this article. The Moderator called for a vote and declared the motion to table this article is defeated by more than a 2/3 vote*.

(* As allowed by Town of Hardwick – ATM – 6/16/07 –A#27 & MGL C39s15.)

Ryan Witkos, Moderator called for a vote on the motion on the floor. The motion passed favorably with a vote of 49 in favor and 14 opposed.

Motion made, seconded and voted unanimously to dissolve this Special Town Meeting at 8:44 PM.

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 5th day of October 2015.

Kenan P. Young
Harry T. Comerford
Richard V. Kmiec

BOARD OF SELECTMEN

This is a true copy. ATTEST. Eric Vollheim, Constable. Date: October 5, 2015

This day I have posted attested copies as directed. Eric Vollheim, Constable. Date: October 5, 2015

Motion made, seconded and voted unanimously to dissolve this Special Town Meeting at 8:44 PM.

71 voters in attendance
9 non-registered persons were in attendance
No quorum required by Town Bylaw.

Respectfully submitted,

PAULA L. ROBERTS, CMMC
TOWN CLERK
TOWN OF HARDWICK