

COMMONWEALTH OF MASSACHUSETTS
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING
February 21, 2008

FRANKLIN, SS.

To either of the Constables of the Town of Orange, in the County of Franklin:

GREETINGS:

In the name of the COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections, and in Town affairs, to meet at RUTH B. SMITH AUDITORIUM, ORANGE TOWN HALL, 6 Prospect Street, Orange, Massachusetts 01364 on Thursday the 21st day of Feb, 2008 at 7:00 p.m. then and there to act on the following articles:

The amount of money in the Stabilization Fund. \$112,370.02

The amount of money in the Capital Stabilization Fund. \$182,053.69

The amount of Free Cash in the Treasury, certified by the Director of Accounts is \$ 48,727.00

The amount of Retained Earnings for the Water Enterprise Fund, certified by the Director of Accounts is \$263,420.00

The amount of Retained Earnings for the Sewer Enterprise Fund, certified by the Director of Accounts is \$ 12,885.00

ARTICLE 1: UNPAID BILLS OF THE PLANNING BOARD

To see if the Town will vote to transfer and appropriate the sum of \$29.20 from the FY08 Planning Board account for the payment of a prior fiscal year Athol Daily News bill of the Planning Board, or take any other action relative thereto or thereon.

ARTICLE 2: UNPAID BILLS OF THE BOARD OF SELECTMEN

To see if the Town will vote to transfer and appropriate the sum of \$158.81 from the FY08 Board of Selectmen's account for the payment of a prior fiscal year Athol Daily News bill of the Board of Selectmen, or take any other action relative thereto or thereon.

ARTICLE 3: TREASURER DEPARTMENT

To see if the Town will vote to transfer the sum of \$13,495.78 from the Free Cash to the Short Term and Other Interest account to pay for the Revenue Anticipation Note, or take any other action relative thereto or thereon.

ARTICLE 4: FISHER HILL SCHOOL

To see if the Town will vote to appropriate the sum of \$70,000.00 from the Capital Stabilization Fund for the purpose of constructing a concrete guardrail and retaining wall, or take any other action relative thereto or thereon.

ARTICLE 5: VETERANS BENEFITS

To see if the Town will vote to transfer the sum of \$5,000.00 from Free Cash to Veterans Benefits for the purpose of funding benefits for the Veterans, or take any other action relative thereto or thereon.

ARTICLE 6: SEIU 888 CLERICAL UNION CONTRACT

To see if the Town will vote to transfer from available funds and appropriate a sum to fund a 3 percent wage adjustment and longevity for the first year of the tentative SEIU 888 Clerical contract between the Town and the SEIU 888 Clerical Union for the term from July 1, 2007 through June 30, 2008, or take any other action relative thereto or thereon.

ARTICLE 7: FUNDS FOR PAY INCREASE OF PART-TIME EMPLOYEES, NOT IN ORGANIZED COLLECTIVE BARGAINING UNITS

To see if the Town will vote to transfer from available funds and appropriate a sum to fund a 3 percent wage adjustment effective July 1, 2007 FY 08 for part-time town employees who are not members of presently recognized or certified collective bargaining units or School Department, or to take any other action relative thereto or thereon.

ARTICLE 8: OVERLAY SURPLUS / DOCUMENT LINK

To see if the Town will vote to appropriate the sum of \$4,194.00 from the Overlay Surplus Account for the purpose of the Document Link, or take any action relative thereto or thereon.

ARTICLE 9: OVERLAY SURPLUS / WEBPRO

To see if the Town will vote to appropriate the sum of \$5,000.00 from the Overlay Surplus Account for the purpose of the Assess Pro record card data for Internet access, or take any action relative thereto or thereon.

ARTICLE 10: OVERLAY SURPLUS / GIS DATABASE LINKING

To see if the Town will vote to appropriate the sum of \$7,600.00 from the Overlay Surplus Account for the purpose of GIS Database Linking, or take any action relative thereto or thereon.

ARTICLE 11: OVERLAY SURPLUS / ASSESSORS REVALUATION

To see if the Town will vote to appropriate the sum of \$35,366.87 from the Overlay Surplus Account for the purpose of the future Town Revaluation, Interim Yearly Adjustment, Yearly

New Growth, Support Web Pro, Document Link and GIS Database Linking, or take any action relative thereto of thereon.

ARTICLE 12: ASSESSORS OVERLAY SURPLUS

To see if the Town will vote to transfer the sum of \$52,160.87 from the Overlay Surplus Account to the Stabilization Fund, or take any action relative thereto or thereon.

ARTICLE 13: SEWER EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, deed, take by eminent domain or otherwise acquire, for no monetary consideration, a permanent Sewer Easement in the Town of Orange with the right to enter upon said land at any time to construct, use and maintain a sewer line, together with the right of ingress and egress over, under and around land shown as Easement 1 on a plan entitled "Easement Plan of Land in Orange (Franklin Co.) Massachusetts Surveyed for Dufresne-Henry, Inc." dated September 10, 2003 by Roberge Associates Land Surveying, more particularly bounded and described as follows:
Beginning at a point S 77°07' W a distance of 99+/- feet from a drill hole at the northwest corner of the intersection of South Main Street and West River Street; thence,
S 77°07' 01" W a distance of 25.21 +/- feet along the northerly sideline of West River Street to a point, thence;
N 20°17' 11" W a distance of 80 +/- feet over land of Arcangelo Mariano to a point at land of Gary Moise, thence;
N 58°49' E a distance of 25 +/- feet along land of Gary Moise to a point, thence;
S 20°17' 11" E a distance of 88 +/- feet over land of Arcangelo Mariano to a point on the northerly sideline of West River Street, which is the point of beginning, having an area of 2,108 square feet.

Grantor: Arcangelo V. Mariano

Deed Reference: B. 4788, P. 50

or take any other action relative thereto or thereon.

ARTICLE 14: SEWER EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, deed, take by eminent domain or otherwise acquire, for no monetary consideration, a permanent Sewer Easement in the Town of Orange with the right to enter upon said land at any time to construct, use and maintain a sewer line, together with the right of ingress and egress over, under and around land shown as Easement 2 on a plan entitled "Easement Plan of Land in Orange (Franklin Co.) Massachusetts Surveyed for Dufresne-Henry, Inc." dated September 10, 2003 by Roberge Associates Land Surveying, more particularly bounded and described as follows:
Beginning at a point on the southeasterly boundary of land of Gary Moise 19+/- feet from the corner of a brick building; thence,
S 58°49' W a distance of 25 +/- feet along land of Arcangelo Mariano to a point, thence;
N 20° 17' 11" W a distance of 13 +/- feet over land of Gary Moise to a point, thence;

N 86° 19' 36" W a distance of 99 +/- feet over land of Gary Moise to a point at land of O'Connell Engineering & Financial, Inc., thence;
N 07°30' E a distance of 25 +/- feet along land of O'Connell Engineering & Financial, Inc., to a point, thence;
S 86° 19' 36" E a distance of 114 +/- feet over land of Gary Moise to a point 27 feet +/- from a brick building, thence;
S 20° 17' 11" E a distance of 25 +/- feet over land of Gary Moise to the point of beginning, having an area of 3,135 square feet.

Grantor: Gary H. Moise
Deed Reference: B. 4025, P. 224
or take any other action relative thereto or thereon.

ARTICLE 15: SEWER EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, deed, take by eminent domain or otherwise acquire, for no monetary consideration, a permanent Sewer Easement in the Town of Orange with the right to enter upon said land at any time to construct, use and maintain a sewer line, together with the right of ingress and egress over, under and around land shown as Easement 3 on a plan entitled "Easement Plan of Land in Orange (Franklin Co.) Massachusetts Surveyed for Dufresne-Henry, Inc." dated September 10, 2003 by Roberge Associates Land Surveying, more particularly bounded and described as follows:
Beginning at a point on the easterly boundary of land of O'Connell Engineering & Financial, Inc., S 07°30' W a distance of 46 +/- feet from a drill hole in a concrete retaining wall, thence;
S 07°30' W a distance of 25 +/- feet along land of Gary Moise to a point, thence;
N 86°19' 36" W a distance of 204 +/- feet over land of O'Connell Engineering & Financial, Inc., to a point, thence;
N 74°12' 02" W a distance of 95 +/- feet over land of O'Connell Engineering & Financial, Inc., to a point at land of Erving Paper Mills, thence;
N 25°29' E a distance of 25 +/- feet along land of Erving Paper Mills to a point, thence;
S 74°11' 32" E a distance of 88 +/- feet over land of O'Connell Engineering & Financial, Inc., to a point, thence;
S 86°19' 36" E a distance of 203 +/- feet over land of O'Connell Engineering & Financial, Inc., to the point of beginning, having an area of 7,385 square feet

Grantor: O'Connell Engineering & Financial, Inc.
Deed Reference: B. 2955, P. 223
or take any other action relative thereto or thereon.

ARTICLE 16: SEWER EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, deed, take by eminent domain or otherwise acquire, for no monetary consideration, a permanent Sewer Easement in the Town of Orange with the right to enter upon said land at any time to construct, use and maintain a sewer line, together with the right of ingress and egress over, under and around land shown as Easements 4 and 8 on a plan entitled "Easement Plan of Land in Orange

(Franklin Co.) Massachusetts Surveyed for Dufresne-Henry, Inc.” dated September 10, 2003 by Roberge Associates Land Surveying, more particularly bounded and described as follows:

Easement 4:

Beginning at an iron pin at the northwest corner of land of Arcangelo Mariano, thence;

S 06°42' 46” W a distance of 21 +/- feet over land of Erving Paper Mills to a point on the northerly sideline at the northerly end of Foundry Street, thence;

N 80°01' 44” W a distance of 25.04 +/- feet along said northerly sideline of Foundry Street to a point, thence;

N 06°42' 46” E a distance of 71.35 +/- feet over land of Erving Paper Mills to a point, thence;

N 24°23' 20” W a distance of 25 +/- feet over land of Erving Paper Mills to a point at land of Peter A. & Nancy Gerry, Tr., thence;

N 15°40' E a distance of 15 +/- feet to an iron pin thence;

N 30°35' W a distance of 90 +/- feet to a point, thence;

N 24°23' 20” W a distance of 20 +/- feet to a point, thence;

N 18°09' W a distance of 103 +/- feet to a point, thence;

N 64°59' W a distance of 89 +/- feet to a concrete bound, thence;

S 86°37' W a distance of 14 +/- feet to a point, the last six courses being along land of Peter A. & Nancy Gerry, Tr., thence;

N 66°33'17” W a distance of 39 +/- feet to a point, thence;

S 83°38' 22” W a distance of 122.68 +/- feet to a point, thence;

N 65°33' 25” W a distance of 331.83 +/- feet to a point, the last three courses being over land of Erving Paper Mills, thence;

S 24°33' 58” W a distance of 32 +/- feet over land of Erving Paper Mills to a point in the line of Easement 7, shown as Point A at land of Peter A. & Nancy Gerry, Tr., thence;

N 65°22' W a distance of 25 +/- feet along said northerly boundary of Peter A. Gerry to a point, thence;

N 24°33' 58” E a distance of 32 +/- feet to a point, thence;

N 65°32' 36” W a distance of 93.75 +/- feet to a point, thence;

N 10°36' 46” W a distance of 190.66 +/- feet to a point, thence;

N 79°27' 38” E a distance of 25 +/- feet to a point, thence;

S 10°37' 05” E a distance of 177.65 +/- feet to a point, thence;

S 65°32' 36” E a distance of 430.66 +/- feet to a point, thence;

N 83° 35' 45” E a distance of 122.68 +/- feet to a point, thence;

S 66°29' 59” E a distance of 125.86 +/- feet to a point, thence;

S 37°14' 58” E a distance of 56.36 +/- feet to a point, thence;

S 24°23' 20” E a distance of 220.61 +/- feet to a point, the last ten courses being over land of Erving Paper Mills, thence;

S 74°11' 32” E a distance of 26 +/- feet over land of Erving Paper Mills to a point at land of O'Connell Engineering & Financial, Inc., thence;

S 25°29' W a distance of 25.29 +/- feet along land of O'Connell Engineering & Financial, Inc. to a point, thence;

N 74°12' 02” W a distance of 13 +/- feet over land of Erving Paper Mills to a point, thence;

S 06°42' 46” W a distance of 41 +/- feet over land of Erving Paper Mills to the point of beginning, having an area of 29,957 square feet.

Easement 8:

Beginning at a point that is S 24°33' 58" W a distance of 21 +/- feet from Point A in the line of Easement 4, thence;

S 24°33' 58" W a distance of 23 +/- feet over land of Erving Paper Mills to a point at the land of Peter A. & Nancy Gerry, Tr., thence;

N 36°22' W a distance of 29 +/- feet along land of Peter A. & Nancy Gerry, Tr., to a point, thence;

N 24°33' 58" E a distance of 23 +/- feet over land of Erving Paper Mills to a point at the land of Peter A. & Nancy Gerry, Tr., thence;

S 36°22' E a distance of 29 +/- feet along land of Peter A. & Nancy Gerry, Tr., to the point of beginning, having an area of 572 square feet.

Grantor: Erving Paper Mills

Deed Reference: B. 942, P. 452 and B. 871, P. 184

or take any other action relative thereto or thereon.

ARTICLE 17: SEWER EASEMENT

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, deed, take by eminent domain or otherwise acquire, for no monetary consideration, a permanent Sewer Easement in the Town of Orange with the right to enter upon said land at any time to construct, use and maintain a sewer line, together with the right of ingress and egress over, under and around land shown as Easements 5, 6, 7, 9, and 10 on a plan entitled "Easement Plan of Land in Orange (Franklin Co.) Massachusetts Surveyed for Dufresne-Henry, Inc." dated September 10, 2003 by Roberge Associates Land Surveying, more particularly bounded and described as follows:

Easement 5:

Beginning at an iron pin at an easterly corner of land of Peter A. & Nancy Gerry, Tr., thence;

S 15°40' W a distance of 15 +/- feet along land of Erving Paper Mills to a point, thence;

N 24°23' 20" W a distance of 101 +/- feet over of land Peter A. & Nancy Gerry to a point at land of Erving Paper Mills, thence;

S 30°35' E a distance of 90 +/- feet along land of Erving Paper Mills to the point of beginning; having an area of 486 square feet.

Easement 6:

Beginning at a concrete bound at a northwesterly corner of land of Peter A. & Nancy Gerry, Tr., thence;

S 64°59' E a distance of 89 +/- feet along land of Erving Paper Mills to a point, thence;

S 18°09' E a distance of 103 +/- feet along land of Erving Paper Mills to a point at land of Peter A. & Nancy Gerry, Tr., thence;

N 24°23' 20" W a distance of 75 +/- feet to a point, thence;

N 37° 18' 18" W a distance of 46.79 +/- feet to a point, thence;

N 66°33' 17" W a distance of 74 +/- feet to a point, the last three courses being over land of Peter A. & Nancy Gerry, Tr., thence;

N 86°37' E a distance of 14 +/- feet along land of Erving Paper Mills to the point of beginning, having an area of 1,276 square feet.

Easement 7:

Beginning at a point in the line of Easement 4, described as Point A, thence;

S 24°33' 58" W a distance of 21 +/- feet over land of Peter A. & Nancy Gerry, Tr., to a point at the land of Erving Paper Mills, thence;

N 36°22' W a distance of 29 +/- feet along land of Erving Paper Mills to a point, thence;

N 24°33' 58" E a distance of 7 +/- feet over land of Peter A. & Nancy Gerry, Tr., to a point at the land of Erving Paper Mills, thence;

S 65°22' E a distance of 25 +/- feet along land of Erving Paper Mills to the point of beginning, having an area of 342 square feet.

Easement 9:

Beginning at a point that is S 24°33' 58" W a distance of 44 +/- feet from Point A in the line of Easement 4, thence;

S 24°33' 58" W a distance of 23 +/- feet over land of Peter A. & Nancy Gerry, Tr., to a point, thence;

N 65°32' 36" W a distance of 12.5 +/- feet over land of Peter A. & Nancy Gerry, Tr., to a point at the land of Erving Paper Mills, thence;

N 02°30' E a distance of 33 +/- feet along land of Erving Paper Mills to a point, thence;

N 24°33' 58" E a distance of 6 +/- feet over land of Peter A. & Nancy Gerry, Tr., to a point at the land of Erving Paper Mills, thence;

S 36°22' E a distance of 29 +/- feet along land of Erving Paper Mills to the point of beginning; having an area of 558 square feet.

Easement 10:

Beginning at a point on the westerly boundary of Peter A. & Nancy Gerry, Tr., that is S 24°33' 58" W a distance of 67 +/- feet and N 65°32' 36" W a distance of 12.5 +/- feet from Point A in the line of Easement 4, thence;

N 65°32' 36" W a distance of 12.5 +/- feet over land of Erving Paper Mills to a point, thence;

N 24°33' 58" E a distance of 31 +/- feet over land of Erving Paper Mills to a point at the land of Peter A. & Nancy Gerry, Tr., thence;

S 02°30' W a distance of 33 +/- feet along land of Peter A. & Nancy Gerry, Tr., to the point of beginning,

having an area of 191 square feet.

Grantor: Peter A. Gerry to Peter A. Gerry and Nancy Gerry

Trustees of Tire Barns Realty Trust

Deed Reference: B.3027, P. 327

or take any other action relative thereto or thereon.

ARTICLE 18: WATER ENTERPRISE FUND

To see if the Town will vote to appropriate \$225,000.00 from Water Enterprise Fund Retained Earnings for the purpose of installing a satellite well at Well #2 on West River Street, or take any other action relative thereto or thereon.

ARTICLE 19: PROVISIONS OF CHAPTER 43D

To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006 contingent upon the Massachusetts Interagency Permitting Board approving one or more Priority Development Sites in the Town of Orange, or take any other action in relative thereto or thereon.

ARTICLE 20: PRIORITY DEVELOPMENT SITES

To see if the Town will approve the filing of a grant application and a Priority Development Site application with the Massachusetts Interagency Permitting Board for the designation of Priority Development Sites located in downtown Orange as shown on the Map entitled Potential Priority Development Sites, Orange, MA as follows:

Priority Development Site 1 -- All or a portion of the following parcels located along East Main Street, West Main Street, North Main Street, South Main Street, and Prospect Street: Map 107-Block 209, Map 107-Block 210, Map 107-Block 211, Map 107-Block 212, Map 107-Block 213, Map 107-Block 27, Map 107-Block 28, Map 107-Block 29, Map 107-Block 173, Map 107-Block 182, Map 107-Block 183, Map 107-Block 184, Map 107-Block 185, and Map 107-Block 186;

Priority Development Site 2 -- All or a portion of the following parcels located along South Main Street and Chase Court: Map 107-Block 175, Map 107-Block 176, Map 107-Block 177, Map 107-Block 178, Map 107-Block 179, Map 107-Block 180, Map 110-Block 230, and Map 110-Block 231; and

Priority Development Site 3 -- All or a portion of the following parcels located along South Main Street, West River Street and East River Street: Map 110 – Block 225, Map 110-Block 226, Map 110-Block 227, Map 110-Block 228, Map 110-Block 229, and Map 110-Block 14,

or take any other action in relative thereto or thereon.

ARTICLE 21: CEMETERY DEPARTMENT

To see if the Town will vote to transfer the sum of \$1,600.00 (the original purchase price) from Cemetery Sale of Lots account to unrestricted Cemetery Perpetual Care account to purchase lots back from the Eastern Star of Massachusetts Charitable Foundation, or take any other action relative thereto or thereon.

ARTICLE 22: CEMETERY DEPARTMENT

To see if the Town will vote to transfer the sum of \$2,400.00 from Cemetery Sale of Lots account to unrestricted Cemetery Perpetual Care account to reimburse that account, for the purchase of a truck from the Water Department, or take any other action relative thereto or thereon.

ARTICLE 23: CEMETERY DEPARTMENT

To see if the Town will vote to transfer the sum of \$725.00 from Cemetery Sale of Lots account to unrestricted Cemetery Perpetual Care account to reimburse that account, for repairs to the Cemetery building electrical, or take any other action relative thereto or thereon.

ARTICLE 24: AIRPORT REVOLVING ACCOUNT

To see if the Town will vote to transfer the sum of \$17,000.00 from the Airport Revolving Fund Account to the Airport Aviation Gas Expense Account to purchase aviation fuel, or take any other action relative thereto or thereon.

ARTICLE 25: LANDFILL MONITORING ACCOUNT

To see if the Town will vote to appropriate the sum of \$2,510.00 from the Landfill Monitoring Account and to authorize the Board of Selectmen in accordance with M.G.L. c.44 §28c (f) to pay for expenditures of the cost of monitoring and maintenance of existing inactive landfill, or take any other action relative thereto or thereon.

ARTICLE 26: TRANSFER TO FINANCE COMMITTEE RESERVE FUND

To see if the Town will vote to transfer the sum of \$9,000.00 from Sewer Enterprise Fund Retained Earnings to the Finance Committee reserve fund to pay back transfers from Finance Committee reserve fund for Engineering Service related to the Administrative Consent Order and Notice of Non-Compliance for Waste Water Treatment Plant, or take any other action relative thereto or thereon.

ARTICLE 27: TRANSFER OF FUNDS FOR GROUP HEALTH INSURANCE

To see if the Town will vote to transfer and appropriate the sum of \$1,392.35 from Free Cash to reimburse the Group Health Insurance Trust for additional expenses incurred in FY08 for a Ch. 111F claim, or take any other action relative thereto or thereon.

ARTICLE 28: FREE CASH TRANSFERS

To see if the Town will vote to transfer and appropriate sums of money to be specified at the Special Town Meeting for the purpose of shortages in department line items, or take any other action relative thereto or thereon.

ARTICLE 29: FIRE DEPARTMENT FIREFIGHTER GRANT

To see if the Town will vote to transfer and appropriate a matching grant payment for the portion of a Federal Grant from Stabilization Fund, or take any other action relative thereto or thereon.

ARTICLE 30: STABILIZATION FUND TRANSFER

To see if the Town will vote to transfer a sum or sums of money from available funds to the Stabilization Fund, under M.G.L. c40, §5b, or take any other action relative thereto or thereon.

HERE OF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 6th day of February 2008.

Steven E. Adam, Chairman

Robert F. Andrews, Vice-Chairman

Richard P. Sheridan, Clerk
BOARD OF SELECTMEN
A true copy.

ATTEST:

Posted as Directed

Constable of Orange, Massachusetts

Franklin SS.

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Orange, by posting up attested copies of the same at the Town Hall, Post Office in Orange and the Library in North Orange 14 days at least before the time of holding said meeting.

_____ Constable of Orange

_____ Date