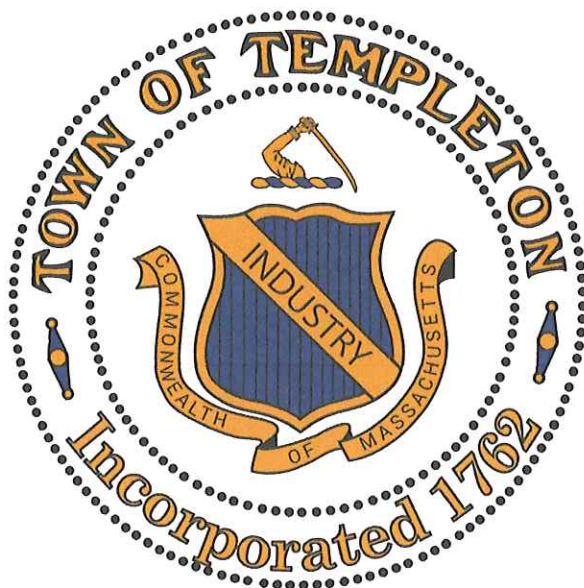


# TOWN OF TEMPLETON

## FALL TOWN MEETING REPORT

### VOTER INFORMATION

November 14, 2017 @ 7:00 PM



**Narragansett Regional Middle School  
460 Baldwinville Road, Baldwinville**

<http://www.templeton1.org>

**TOWN OF TEMPLETON, MA  
FALL TOWN MEETING  
VOTER INFORMATION**

November 7, 2017

Templeton has an Open Town Meeting/SelectBoard form of government. While there are many things the SelectBoard can do on a day to day basis, there are many things it cannot do. The SelectBoard cannot adopt by-laws, accept state laws, appropriate money or transfer it between accounts, buy or sell land and the like. These powers are held by the legislative body.

In our Town the legislative body is the Open Town Meeting; a form of government in which any registered citizen can appear, ask questions, speak on matters under consideration, make motions and amendments, and cast their vote as they deem in the best interests of the Town.

The Town will hold its Fall Town meeting on November 14, 2017 to act upon matters that will allow it to set the tax rate, comply with changes in state law, and adjust its budget for reasons not foreseen when it was prepared much earlier this year. It is also intended to deal with other matters that it is not believed by their sponsors can wait until the 2018 Annual Town Meeting.

This Voter Information Guide provides you with the actual articles to be considered, the motions that it is anticipated will be made by the SelectBoard, the reasons behind the article and the consequences of the article passing or not passing. Here is the format it follows:

Article # and Title  
Article Sponsor  
Vote Required

Full Text of the warrant article as printed in the Town Meeting warrant as posted.

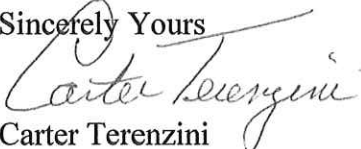
[Explanation of the article.]

Motion as proposed by the SelectBoard  
**Recommendation of Town Boards**

Please feel free to contact me directly at Town Hall in person between 10 a.m. and 4 p.m. Monday through Wednesday, by email at [townadministrator@templeton1.org](mailto:townadministrator@templeton1.org), or by phone on 1.603.498.0958 at any time if you have questions you would like to ask before the meeting.

I look forward to meeting you at the Fall Town Meeting.

Sincerely Yours



Carter Terenzini  
Town Administrator

## TABLE OF CONTENTS & EXHIBITS

<b>Moderator's Rules</b>	<b>4</b>
<b>Common Terms of Finance</b>	<b>5</b>
<b>ARTICLE 1: FY 2013, 2014 and 2015 General Fund Operating Budget Deficits Resolution</b> <b>EXHIBIT A: Excerpts of Policy Re: Budgeting &amp; Uses of Free Cash</b>	<b>6</b> <b>20</b>
<b>ARTICLE 2: FY 2015 Sewer Fund Operating Budget Deficit Resolution</b>	<b>7</b>
<b>ARTICLE 3: FY 2017 Late Bills</b>	<b>7</b>
<b>ARTICLE 4: Completing the FY 2018 Planned Revenue Transfer</b>	<b>8</b>
<b>ARTICLE 5: FY 2018 Operating Budget Backfill</b>	<b>9</b>
<b>ARTICLE 6: FY 2018 Operating Budget Re: Extraordinary Inspection Work Load</b>	<b>10</b>
<b>ARTICLE 7: FY 2018 Capital Expenditures</b>	<b>10</b>
<b>ARTICLE 8: Permit the Application of Bond Sale Premium to Pay Project Costs</b> <b>EXHIBIT B: Article 8 Supplement: Entirety of MGL 44 - §20</b>	<b>11</b> <b>21</b>
<b>ARTICLE 9: Rescission of Authorized but Unissued Debt</b>	<b>12</b>
<b>ARTICLE 10: Acceptance of Statute Re: Abandoned Funds</b> <b>EXHIBIT C: Article 10 Supplement: Entirety of MGL 200 A - §9A</b>	<b>13</b> <b>22</b>
<b>ARTICLE 11: Deposits to Stabilization &amp; OPEB Accounts</b>	<b>13</b>
<b>ARTICLE 12: Zoning By-Law Amendment Re: Baldwinville Road</b> <b>EXHIBIT D: Baldwinville Road Map</b>	<b>14</b> <b>24</b>
<b>ARTICLE 13: Zoning By-Law Amendment Re: Patriots Road</b> <b>EXHIBIT E: Patriots Road Map</b>	<b>15</b> <b>25</b>
<b>ARTICLE 14: Acquisition of Certain Lands of the Walter Fernald Corporation for Conservation and Passive Recreation Purposes</b> <b>EXHIBIT F: Fernald Property Map</b>	<b>15</b> <b>26</b>
<b>ARTICLE 15: Amending the General By-Laws Re: Date of Town Meeting &amp; Election</b>	<b>18</b>
<b>ARTICLE 16: FY 2018 Templeton Cable TV Committee</b>	<b>19</b>

## Moderator's Rules

Our Town Meeting is run by a Town Moderator who the voters elect for a one-year term. Our By-Laws call for the most current issue of TOWN MEETING TIME to be considered the general guideline for all procedures of town meetings, except those procedures already provided for by the by-laws. Subject to change, I have some additional rules that I follow. Those are to

- 1.) Call the meeting to order and go over some housekeeping issues such as the location of free exits, asking you to silence cell phones and electronic devices and the like.
- 2.) Pledge of Allegiance.
- 3.) The Constable's return of the Warrant to show that it was properly served and posted.
- 4.) Introduction of Special Guests and the like.
- 5.) As I call each Article, a Motion will be read and seconded (generally by the SelectBoard unless it is a citizen petition) and shown on the screen behind me.
- 6.) I will then ask for the Recommendation of the Advisory Committee (just the vote).
- 7.) Return to the Motion maker for any explanation.
- 8.) Open the floor for discussion (including first recognizing the Advisory Committee for any particular reasons behind their recommendation).
- 9.) Anyone wishing to speak on any issue must first proceed to a microphone and be recognized by the Moderator. I will not entertain any shout outs and you must use a microphone unless I permit otherwise. You will be asked to state your name and address every time you are given permission to speak. You may also be asked if you are speaking as a resident or on behalf of a board or committee.  
  
Any amendments to the main motion must be submitted to me in writing.  
  
Anyone unruly or disorderly will be given a warning and advised that they are out of order. If the situation continues they will be escorted out of the meeting and placed in a convenient place until the meeting is adjourned.
- 10.) If I am not certain of a voice vote or if a vote declared by me is immediately questioned by seven (7) or more people standing and or recognized by me, I will proceed to a hand count.

Otherwise general parliamentary procedure and common courtesy rule the meeting.

Derek Hall  
Town Moderator



## Common Terms of Finance

As you read the warrant articles there will be some terms that are unique to public finance or particular to Massachusetts. Below are some definitions of those terms to help you better understand what the request might be for and how it is to be funded.

**Fiscal Year:** Most government entities follow a budget year of their choosing, or that is specified by the state, that is different than the January 1 to December 31 calendar year. Templeton follows a Fiscal Year (FY) of July 1 of a year to June 30 of the following year. We always refer to the Fiscal Year as of the year in which it ends (June 30, 2018 is FY '18).

**Free Cash:** Most budgets assume you collect every dollar – and spend every dollar - you think you will. That never really happens. There are often variations. Free Cash is defined as the remaining, unrestricted funds from operations of the previous fiscal year (i.e. after any liabilities or potential variances you cannot account for) including unexpended free cash from the prior year. In simplest terms, it is actual receipts in excess of revenue estimates and unspent amounts in the appropriation line items. Free cash is not available for appropriation until certified by the Department of Revenue (DOR) Director of Accounts.

**Retained Earnings:** This is the phrase used for free cash of an enterprise fund (such as Sewer).

**Other Post-Employment Benefits (OPEB):** We promise the people we hire (under certain conditions) that we will give them other benefits (health, dental, and life insurance) beyond just their retirement monies. We are required to calculate how much money it would take to pay for those other benefits and to develop a plan to set that money aside to cover this promise.

**Stabilization Fund:** The state allows the Town to set up funds in which it can set aside monies in anticipation of paying for allowable, generally unforeseen (i.e. think “rainy day” funds) or high cost items expenditures. Generally speaking, it takes a majority vote to put money into these funds and a 2/3 vote to withdraw money from them. The Town has two such funds.

**Capital Expense (CAPEX):** This covers replacement or major repair of our equipment or facilities such as Town Hall and the like.

**Operating (OPEX):** This provides monies to getting through major economic downturns without having to devastate services, high cost unforeseen assessments the state or others might require of us, and the like.

**ARTICLE 1**  
**FY 2013, 2014 and 2015 General Fund Operating Budget Deficits Resolution**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to appropriate the sum of Two Hundred Twenty Three Thousand Three Hundred Ninety Six Dollars and No Cents (\$223,396.00) to cover operating deficits in the general fund operating budget during the Fiscal Years 2013, 2014, and 2015 as follows:

FY 2013	\$112,192
FY 2014	\$59,494
FY 2015	\$51,710

And to meet said appropriation by a transfer of said sum from free cash, or take any other action related thereto.

**Summary:** During FY '13 the Town changed accounting software and much of the accounting data did not transfer properly. The lack of reliable beginning balances, along with staff turnover, kept the Town from quickly correcting the accounts. We could not rely upon the budget versus actual financials. That caused some departments to unknowingly overexpend their accounts in FY '13, '14 and '15. We also had small unresolved deficits in our snow and ice account for FY '13 and '14. These deficits are now being eliminated by an application of free cash. If we do not eliminate these deficits at the meeting, the State will require we add them to the so-called tax recap. We must then reduce our budget by the same amount. This will require that we reduce services and delay issuing our tax bills.

**Anticipated Motion:** I move to appropriate the sum of Two Hundred Twenty Three Thousand Three Hundred Ninety Six Dollars and No Cents (\$223,396.00) to cover operating deficits in the general fund operating budget during the Fiscal Years 2013, 2014, and 2015 as follows:

FY 2013	\$112,192
FY 2014	\$59,494
FY 2015	\$51,710

And to meet said appropriation by a transfer of said sum from free cash.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**

**Recommended by the Advisory Committee \_\_ Yes, \_\_ No, \_\_ Absent or Recusal(s)**

[Committee withholds its recommendation until the Meeting.]

[After the vote, the Committee came to learn the difference between amounts requested and the management letter were FY '13 and '14 snow and ice deficits of \$12k from the FY '16 consolidated balance sheet.]

	FY'13	FY'14	FY'15
Operating Deficits-Pg. 10 of Management Letter	\$102,192	\$57,662	\$51,710
Snow & Ice Deficits-Pg. 13 of FY'16 Audit*	\$10,000	\$1,832	
TOTAL	\$112,192	\$59,494	\$51,710

\*Minor \$1 variation due to rounding. The entirety of the FY'13 to FY'16 Audit is available at:  
<http://www.templeton1.org/home/news/audit-information-for-fy13-fy14-fy15-fy16>



**ARTICLE 2**  
**FY 2015 Sewer Fund Operating Budget Deficit Resolution**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to appropriate the sum of One Hundred Twenty Thousand Eight Hundred Thirty Eight Dollars and No Cents (\$120,838.00) to cover operating deficits in the sewer fund operating budget during the Fiscal Year 2015, and to meet said appropriation by a transfer of said sum from the retained earnings of the sewer enterprise fund, or take any other action related thereto.

**Summary:** In FY '15 the budget templates provided to the various departments by the Advisory Committee had an error in the formulas and did not capture all of the proposed expenses. Unfortunately, this error was not caught by the Sewer Department and their budget was short by the amount they needed to fully pay the Town for their indirect expenses. This deficit is being eliminated on their books by an application of retained earnings. If we do not eliminate this deficit at the meeting, the State may require we add it to the so-called tax recap and then reduce our budget by the same amount. This will require that we reduce services and delay issuing our tax bills.

**Anticipated Motion:** I move to appropriate the sum of One Hundred Twenty Thousand Eight Hundred Thirty Eight Dollars and No Cents (\$120,838.00) to cover operating deficits in the sewer fund operating budget during the Fiscal Year 2015, and to meet said appropriation by a transfer of said sum from the retained earnings of the sewer enterprise fund.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**

**Recommended by the Advisory Committee 6 Yes, 0 No, 1 Absent or Recusal(s)**

**ARTICLE 3**  
**FY 2017 Late Bills**  
**Submitted by the Board of Selectmen**  
**Nine-Tenths Vote Required**

To see if the Town will vote to authorize the payment of late bills from prior fiscal years in the amount of Sixty Three Dollars and Ninety Two Cents (\$63.92), or take any other action related thereto.

**Summary:** Every year we close our books for a Fiscal Year on or about July 15<sup>th</sup>. If we know a bill might come in after that date we can often encumber the amount we need and carry those monies over into the next Fiscal year to pay the bill when it is received. Sometimes bills are not received in time and sometimes we did not anticipate the bill. When this happens, we cannot pay the bills without your permission. If approved, we will pay these late bills out of the Building & Grounds FY '18 budget. No new money is requested.

**Anticipated Motion:** I move to authorize the payment of late bills from prior fiscal years in the amount of Sixty Three Dollars and Ninety Two Cents (\$63.92) from the FY '18 operating budget of the account entitled DPW – Buildings and Grounds.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**  
**Recommended by the Advisory Committee 6 Yes, 0 No, 1 Absent or Recusal(s)**

**ARTICLE 4**  
**Completing the FY 2018 Planned Revenue Transfer**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to transfer the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from the Ambulance Receipts Reserved for Appropriation, as planned in presenting the FY 2018 general fund budget to the Annual Town Meeting, to support the FY 2018 General Fund Operating Budget, or take any other action related thereto.

**Summary: Just before the Annual Town Meeting, DOR met with us to review our revenue estimates. They wanted to make sure they were sound and we were not being too optimistic. For the first time ever, they required that we not appropriate any more money from the ambulance reserve than we had in the account on the day of the Town Meeting. We had planned to transfer \$325,000 to support the Advanced Life Support but only had \$225,000 on hand that we could transfer. This will complete the transfer of the amount that we told you at the Annual Town Meeting was needed. If the meeting does not complete this transfer, we will need to reduce the budget of the EMS accounts by the amount sought. This will require that we reduce services and delay issuing our tax bills.**

**You will likely see similar “completion” articles like this at these next several meetings while the higher receipts from the ALS service build up so that they are sufficient at the time of the Annual Town meeting.**

**Anticipated Motion:** I move to transfer the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) from the Ambulance Receipts Reserved for Appropriation, as planned in presenting the FY 2018 general fund budget to the Annual Town Meeting, to support the FY 2018 General Fund Operating Budget.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**  
**Recommended by the Advisory Committee \_\_\_ Yes, \_\_\_ No, \_\_\_ Absent or Recusal(s)**  
[Committee withholds its recommendation until the Meeting.]



**ARTICLE 5**  
**FY 2018 Operating Budget Backfill**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to supplement the amounts appropriated in the FY 2018 Operating Budget as follows:

<u>Dept.</u>	<u>Amount</u>
DPW - B & G	\$2,500
DPW - Highway	\$5,000
Fire & EMS	\$15,000
Treasurer/Collector	\$7,500

And to meet said appropriation by a transfer of said sum from free cash, or take any other action related thereto.

**Summary: The budget is prepared in late winter based upon assumptions which sometimes do not prove out 6+/- months later. In this instance we had planned to trade in our lawn tractors when buying new ones, buy a dump body for a 1994 6 wheel truck, hope an increase for fire equipment repairs from \$2,000 to \$10,000 would cover our needs and that our retiring employee in the Treasurer/Collector office would be fully retired prior to June 30 having used up all of their vacation time. These plans did not materialize. After a review of the condition of the lawn tractors we found it was better to salvage parts from them. We were \$2,500 short and had to tap our general expense account. The condition of the truck getting the new dump body deteriorated dramatically as did several sanders. We were \$5,000 short to replace those sanders and had to tap our general expense account. The ladder truck needed \$18,000 in repairs and the Treasurer/Collector unexpectedly resigned leaving us to ask our Deputy to not retire until the next fiscal year (where they earned a new allotment of vacation time we had to pay them for when they could retire). If these accounts are not backfilled, we may have great difficulty in carrying out our duties with the limited funding that remains. We will have to curtail the hours the Treasurer/Collector's office is open to the public.**

**Anticipated Motion:** I move to appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to supplement the amounts appropriated in the FY 2018 Operating Budget as follows:

<u>Dept.</u>	<u>Amount</u>
DPW - B & G	\$2,500
DPW - Highway	\$5,000
Fire & EMS	\$15,000
Treasurer/Collector	\$7,500

And to meet said appropriation by a transfer of said sum from free cash.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**  
**Not Recommended by the Advisory Committee 1 Yes, 4 No, 2 Absent or Recusal(s)**  
[Committee does not believe this is an appropriate use of free cash.]

**ARTICLE 6**  
**FY 2018 Operating Budget Re: Extraordinary Inspection Work Load**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to authorize additional compensation for the plumbing/gas and electrical inspectors, above and beyond that to be paid from their respective revolving funds, to account for the extraordinary inspection work load created by the construction of the new elementary school, and to appropriate the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00) to the account of the Office of Development Services to cover these services and that of the Building Inspector, and to meet said appropriation by a transfer of said sum from free cash, or to take any other action related thereto.

**Summary: The Town’s Building Inspector is part-time. The Plumbing/Gas and Electrical Inspectors are paid as a percentage of the fees we charge but with a limit on how much they can earn each year. This approach is sufficient to cover our normal building permits (houses, decks, roofs, small commercial projects and the like). However, it does not work well for large complex projects such as the new Elementary School. We cannot pay them directly out of the building permit fee(s) we will receive in this Fiscal Year. We will need to set aside pay for them to inspect this project each year from free cash. You will likely see an article like this for this project at two more Town Meetings.**

**Anticipated Motion:** I move to authorize additional compensation for the plumbing/gas and electrical inspectors, above and beyond that to be paid from their respective revolving funds, to account for the extraordinary inspection work load created by the construction of the new elementary school, and to appropriate the sum of Twenty Five Thousand Dollars and No Cents (\$25,000.00) to the account of the Office of Development Services to cover these services and that of the Building Inspector, and to meet said appropriation by a transfer of said sum from free cash.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**  
**No Recommendation by the Advisory Committee [3 Yes, 3 No, 1 Absent or Recusal(s)]**  
[Dissenting members did not feel this is an appropriate use of free cash.]

**ARTICLE 7**  
**FY 2018 Capital Expenditures**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to appropriate the sum of One Hundred Sixty Seven Thousand Five Hundred Dollars and No Cents (\$167,500.00) for a program of capital expenditures as generally identified below:



<u>Dept.</u>	<u>Item</u>	<u>Amount</u>
DPW – B&G	Boiler Replacement	\$7,500
DPW- Highway	6 Wheel Dump Truck	\$160,000

And to meet said appropriation by a transfer of said sum from free cash, or take any other action related thereto.

**Summary:** It is feared that the boiler in the emergency management building in Baldwinville may fail during this coming winter. The Director has been able to obtain about \$5,500 in grants toward its replacement. We need approximately \$7,500 more to have sufficient funds to cover the replacement. Our 1994 6-wheel dump truck has deteriorated to the point it is feared it may not make it through the winter season. There is a seven-month lead time to get it. This will allow us to have the new truck in place by next spring and - hopefully - before this one fails. The \$160,000 will be supplemented with the monies we originally planned to use to buy a new dump body for it to complete the purchase.

**Anticipated Motion:** I move to appropriate the sum of One Hundred Sixty Seven Thousand Five Hundred Dollars and No Cents (\$167,500.00) for a program of capital expenditures as generally identified below:

<u>Dept.</u>	<u>Item</u>	<u>Amount</u>
DPW – B&G	Boiler Replacement	\$7,500
DPW- Highway	6 Wheel Dump Truck	\$160,000

And to meet said appropriation by a transfer of said sum from free cash.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**  
**Recommended by the Advisory Committee 6 Yes, 0 No, 1 Absent or Recusal(s)**

**ARTICLE 8**  
**Permit the Application of Bond Sale Premium to Pay Project Costs**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied or take any other action related thereto.

**Summary:** When we borrow money, the banks offer us a premium to borrow from them. Previously we applied that premium, after we paid the costs of issuing the debt, to offset the annual principal and interest payments. The state changed the law in the fall of 2016. We must now use any excess premium to reduce the amount we borrow or for other capital



**projects. We have chosen to follow the first approach in this article which will line up prior borrowing authorizations with the change in the state law and allow us to use the excess premium to reduce the total we borrow.**

**Anticipated Motion:** I move to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)  
Recommended by the Advisory Committee 6 Yes, 0 No, 1 Absent or Recusal(s)**

**ARTICLE 9  
Rescission of Authorized but Unissued Debt  
Submitted by the Board of Selectmen  
Majority Vote Required**

To see if the Town will vote to rescind authorized but un-issued debt pursuant to the following town meeting approval(s):

<u>Purpose</u>	<u>Meeting Date</u>	<u>Warrant Article</u>	<u>Amount Rescinded</u>
Community Septic	December 1, 2008	9	\$195,000

Or take any other action related thereto.

**Summary: The Town authorized the borrowing of \$400,000 to make loans to people who needed to upgrade their septic systems. We borrowed \$205,000. The Board of Health does not believe it needs the balance that was authorized. This will reduce the amount of authorized debt that we carry on our books.**

**Anticipated Motion:** I move to rescind authorized but un-issued debt pursuant to the following town meeting approval(s):

<u>Purpose</u>	<u>Meeting Date</u>	<u>Warrant Article</u>	<u>Amount Rescinded</u>
Community Septic	December 1, 2008	9	\$195,000

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)  
Recommended by the Advisory Committee 6 Yes, 0 No, 1 Absent or Recusal(s)**

**ARTICLE 10**  
**Acceptance of Statute Re: Abandoned Funds**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to adopt MGL Ch. 200A §9A, which provides a method of dealing with abandoned funds held in the custody of the Town, or take any other action related thereto.

**Summary: The Town has about \$30,000 in checks that have not been cashed going back a number of years. We could turn it over to the State Treasurer under the abandoned property program. The Town Auditor recommends we adopt a version of this program intended for cities and towns. We still have to try to locate these people and give them a last chance to claim their monies, but it becomes Town property if they do not.**

**Anticipated Motion:** I move to adopt MGL Ch. 200A §9A, which provides a method of dealing with abandoned funds held in the custody of the Town.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**  
**Recommended by the Advisory Committee 6 Yes, 0 No, 1 Absent or Recusal(s)**

**ARTICLE 11**  
**Deposits to Stabilization & OPEB Accounts**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to appropriate the sum of One Hundred Ninety Seven Thousand Five Hundred Dollars and No Cents (\$197,500.00) to make deposits into its Operations (OPEX) and Capital (CAPEX) stabilization accounts and the OPEB reserve account as follows:

OPEX	\$137,500
CAPEX	\$40,000
OPEB	\$20,000

And to meet said appropriation by a transfer of said sum from free cash, or take any other action related thereto.

**Summary: This will use a portion of the Town's free cash to begin to build these accounts up to their needed levels.**

**Anticipated Motion:** I move to appropriate the sum of One Hundred Ninety Seven Thousand Five Hundred Dollars and No Cents (\$197,500.00) to make deposits into its Operations (OPEX) and Capital (CAPEX) stabilization account(s) and the OPEB reserve account as follows:



OPEX	\$137,500
CAPEX	\$40,000
OPEB	\$20,000

And to meet said appropriation by a transfer of said sum from free cash.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**

**Recommended by the Advisory Committee 5 Yes, 1 No, 1 Absent or Recusal(s)**

[Committee intends to offer an amendment to transfer an added \$160k into the stabilization account.]

**ARTICLE 12**  
**Zoning By-Law Amendment Re: Baldwinville Road**  
**Submitted by the Planning Board**  
**Two-Third Vote Required**

To see if the Town will vote to amend the Town’s Zoning Map by re-zoning the parcels identified as Map 4-06 Parcels 19.3, 23, 23.2, 24, 25, 25.1, 26, 26.10, 26.12, 27, 27.1, & 28; Map 4-07 Parcels 48.1, 52, & 53 on the records of the Town’s Board of Assessors, from Residential Agricultural One Acre (R-A-1) Zoning District to Highway Business (HB) Zoning District; or take any other action relative thereto.

[Note: A copy of the zoning map showing the location of these parcels is on file in the Office of the Town Clerk and available on the Town’s web site.]

**Summary: Since zoning became a reality in Templeton in 2006, the Planning Board recognized that there will be a need for proposed adjustments to zoning areas to support new growth that includes small business. The area proposed for change has heavy traffic and include many non-conforming small businesses already; helping to put them into zoning compliance. This proposed change will provide opportunity for new small businesses (mom & pops) and encourage local residents to invest in Templeton without having to fit into the commercial industrial area of Templeton, while providing opportunities for employment. (Prepared by the Planning Board).**

**Anticipated Motion:** I move to amend the Town’s Zoning Map by re-zoning the parcels identified as Map 4-06 Parcels 19.3, 23, 23.2, 24, 25, 25.1, 26, 26.10, 26.12, 27, 27.1, & 28; Map 4-07 Parcels 48.1, 52, & 53 on the records of the Town’s Board of Assessors, from Residential Agricultural One Acre (R-A-1) Zoning District to Highway Business (HB) Zoning District.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**

**Recommended by the Advisory Committee 4 Yes, 0 No, 3 Absent or Recusal(s)**



**ARTICLE 13**  
**Zoning By-Law Amendment Re: Patriots Road**  
**Submitted by the Planning Board**  
**Two-Third Vote Required**

To see if the Town will vote to amend the Town's Zoning Map by re-zoning the parcels identified as Map 2-7, Parcels 20, 20.1, 20.5, 23, 23.1, 23.10, 23.20, 24, 25, 26, 26.1 & 40.1; Map 2-8, Parcels 17, 17.2 & 17.4; Map 3-7 Parcels 46, 46.1, 46.2, 46.4, 47.2, 48, 49, 50, 53, 53.2, 53.3, 53.4, 53.5, 54, 54.1, 55, & 55.1; Map 3-8 Parcels 7.6, 7.7, 16, 23, 24, 24.1, 25, 26, 27, 29.1, 32, 35, 35.1, 36, 37, 38, 38.1, 38.2, 39, 41, & 43 on the records of the Town's Board of Assessors, from Residential Agricultural Two Acre (R-A-2) Zoning District to Highway Business (HB) Zoning District; or to take any other action relative thereto.

[Note: A copy of the zoning map showing the location of these parcels is on file in the Office of the Town Clerk and available on the Town's web site.]

**Summary: Since zoning became a reality in Templeton in 2006, the Planning Board recognized that there will be a need for proposed adjustments to zoning areas to support new growth that includes small business. The area proposed for change is on a major numbered route, has heavy traffic and include many non-conforming small businesses already; helping to put them into zoning compliance. This proposed change will provide opportunity for new small businesses (mom & pops) and encourage local residents to invest in Templeton without having to fit into the commercial industrial area of Templeton, while providing opportunities for employment. (Prepared by the Planning Board).**

**Anticipated Motion:** I move to amend the Town's Zoning Map by re-zoning the parcels identified as Map 2-7, Parcels 20, 20.1, 20.5, 23, 23.1, 23.10, 23.20, 24, 25, 26, 26.1 & 40.1; Map 2-8, Parcels 17, 17.2 & 17.4; Map 3-7 Parcels 46, 46.1, 46.2, 46.4, 47.2, 48, 49, 50, 53, 53.2, 53.3, 53.4, 53.5, 54, 54.1, 55, & 55.1; Map 3-8 Parcels 7.6, 7.7, 16, 23, 24, 24.1, 25, 26, 27, 29.1, 32, 35, 35.1, 36, 37, 38, 38.1, 38.2, 39, 41, & 43 on the records of the Town's Board of Assessors, from Residential Agricultural Two Acre (R-A-2) Zoning District to Highway Business (HB) Zoning District.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**  
**Recommended by the Advisory Committee 4 Yes, 1 No, 2 Absent or Recusal(s)**

**ARTICLE 14**  
**Acquisition of Certain Lands of the Walter Fernald Corporation**  
**for Conservation and Passive Recreation Purposes**  
**Submitted by the Community Preservation Committee**  
**Majority Vote Required**

To see if the Town will vote to:

- (a) Acquire by gift or by purchase pursuant to Section 8C of Chapter 40 of the Massachusetts General Laws and any applicable law, all or any portions of and

interests in approximately 102 acres of land supposedly owned by the Walter Fernald Corporation located off of Fernald School Road and Freight Shed Road and identified on the Town's assessing maps as Map 2-7, Parcel 40.6 (35.46+/- acres), Map 2-7, Parcel 40.3 (30.69+/- acres), Map 2-7, Parcel 40.4 (23.30 acres+/-) and Map 2-7, Parcel 40.5 (12.64+/- acres) with all such land to be under the custody, care and control of the Conservation Commission for public open space, conservation and passive recreational purposes; and

- (b) Appropriate the sum of Two Hundred Fifty Nine Thousand One Hundred Fifty Dollars and No Cents (\$259,150.00) for such acquisition and all costs incidental and related thereto, with said appropriation to be met by a transfer of One Hundred Eighty One Thousand Four Hundred Five Dollars and No Cents (\$181,405.00) from the Community Preservation Act account entitled "General Budgeted Reserve" and Seventy Seven Thousand Seven Hundred Forty Five Dollars and No Cents (\$77,745.00) from the Community Preservation account entitled "Open Space" with the expenditure of said sum to be contingent upon the award by the Massachusetts Division of Conservation Services, Executive Office of Energy and Environmental Affairs of a Local Acquisitions, to the Town of a Local Acquisition for Natural Diversity (LAND) Grant of at least One Hundred Fifty Five Thousand Four Hundred Ninety Dollars and No Cents (\$155,490.00) to reimburse the Town for the expenditure of such sum, with (i) seventy percent (70%) of such reimbursement amount to be deposited into the Community Preservation General Budgeted reserve account and (ii) thirty percent (30%) of such reimbursement amount to be deposited into the Community Preservation Open Space account and further that after June 30, 2019 any residual unexpended portion of such appropriated sum shall not be further expended and seventy percent (70%) of the unexpended portion of such sum shall be restored to the Community Preservation General Budgeted Reserve account and thirty percent (30%) of the unexpended portion shall be restored to the Community Preservation Open Space account; and
- (c) Authorize the Conservation Commission to apply for, and accept, such LAND Grant and such other grants or programs for which the Town may qualify for such purposes; and
- (d) Authorize the Board of Selectmen, with approval by the Conservation Commission, to grant to the Commonwealth of Massachusetts' Division of Fish and Wildlife or to any organization whose mission is to protect, preserve, promote, and enhance open space, a conservation restriction on all or any portions of said land preserving such land as public open space and public conservation and public passive recreational land in perpetuity in accordance with Sections 31 – 33 of Chapter 184 and Section 12 of Chapter 44B of the Massachusetts General Laws; and
- (e) Authorize the Board of Selectmen to execute, deliver, grant and accept such deeds, restrictions instruments and agreements as it deems reasonable, appropriate and in the best interests of the town to be necessary to effectuate the purposes of this article,

Or take any other action related thereto.

**Summary: The Town seeks to appropriate \$159,150 from Community Preservation Act funds for the purpose of purchasing (4) parcels of land, totaling approximately 102 acres (see attached, Lots B,C,D,F), at the former Templeton Developmental Center from the**

**Walter Fernald Corporation provided the Town is awarded a Land Acquisition for Natural Diversity (LAND) grant from the Commonwealth of Massachusetts. A Conservation Restriction would be placed on the land to keep it open and would limit its use to passive recreation (including hunting). The proposed purchase price is based on an appraisal done for the Town using CPA funds. These lands were shown to be owned by the Fernald Corp rather than the Commonwealth through the courts and thus the transaction will require an agreement with the landowner as well as receipt of the state grant.**

**The LAND grant would reimburse the Town for up to 70% of the cost. If we do not receive a grant of at least 60% the acquisition cannot go forward. Whatever grant funds we do receive are returned to the CPA accounts.**

**Anticipated Motion: I move to:**

- (a) Acquire by gift or by purchase pursuant to Section 8C of Chapter 40 of the Massachusetts General Laws and any applicable law, all or any portions of and interests in approximately 102 acres of land supposedly owned by the Walter Fernald Corporation located off of Fernald School Road and Freight Shed Road and identified on the Town's assessing maps as Map 2-7, Parcel 40.6 (35.46+/- acres), Map 2-7, Parcel 40.3 (30.69+/- acres), Map 2-7, Parcel 40.4 (23.30 acres+/-) and Map 2-7, Parcel 40.5 (12.64+/- acres) with all such land to be under the custody, care and control of the Conservation Commission for public open space, conservation and passive recreational purposes; and
- (b) Appropriate the sum of Two Hundred Fifty Nine Thousand One Hundred Fifty Dollars and No Cents (\$259,150.00) for such acquisition and all costs incidental and related thereto, with said appropriation to be met by a transfer of One Hundred Eighty One Thousand Four Hundred Five Dollars and No Cents (\$181,405.00) from the Community Preservation Act account entitled "General Budgeted Reserve" and Seventy Seven Thousand Seven Hundred Forty Five Dollars and No Cents (\$77,745.00) from the Community Preservation account entitled "Open Space" with the expenditure of said sum to be contingent upon the award by the Massachusetts Division of Conservation Services, Executive Office of Energy and Environmental Affairs of a Local Acquisitions, to the Town of a Local Acquisition for Natural Diversity (LAND) Grant of at least One Hundred Fifty Five Thousand Four Hundred Ninety Dollars and No Cents (\$155,490.00) to reimburse the Town for the expenditure of such sum, with (i) seventy percent (70%) of such reimbursement amount to be deposited into the Community Preservation General Budgeted reserve account and (ii) thirty percent (30%) of such reimbursement amount to be deposited into the Community Preservation Open Space account and further that after June 30, 2019 any residual unexpended portion of such appropriated sum shall not be further expended and seventy percent (70%) of the unexpended portion of such sum shall be restored to the Community Preservation General Budgeted Reserve account and thirty percent (30%) of the unexpended portion shall be restored to the Community Preservation Open Space account; and
- (c) Authorize the Conservation Commission to apply for, and accept, such LAND Grant and such other grants or programs for which the Town may qualify for such purposes; and



- (d) Authorize the Board of Selectmen, with approval by the Conservation Commission, to grant to the Commonwealth of Massachusetts' Division of Fish and Wildlife or to any organization whose mission is to protect, preserve, promote, and enhance open space, a conservation restriction on all or any portions of said land preserving such land as public open space and public conservation and public passive recreational land in perpetuity in accordance with Sections 31 – 33 of Chapter 184 and Section 12 of Chapter 44B of the Massachusetts General Laws; and
- (e) Authorize the Board of Selectmen to execute, deliver, grant and accept such deeds, restrictions instruments and agreements as it deems reasonable, appropriate and in the best interests of the town to be necessary to effectuate the purposes of this article.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**

**Recommended by the Advisory Committee 6 Yes, 0 No, 1 Absent or Recusal(s)**

**ARTICLE 15**  
**Amending the General By-Laws Re: Date of Town Meeting & Election**  
**Submitted by the Board of Selectmen**  
**Majority Vote Required**

To see if the Town will vote to amend Article II of its Revised General By-laws as follows, or to take any other action relative thereto:

1. By amending Article II, Section 1 by deleting “May” in the first sentence and replacing it with “June”;
2. By amending Article II, Section 2 to read 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 a meeting to be held on the third Tuesday of May and must be completed on or before the fourth Tuesday of May, at a time and place designated by the Board of Selectmen.”

**Summary: Right now, we have the Town election first and then the Annual Town Meeting on a Saturday. This will put the Town Meeting first meaning that the SelectBoard that approved the budget and warrant will be before you. It also means that you will be able to receive presentations on, and debate, any proposed overrides or debt exclusions before you go the polls to vote on them. Also, there has been a drop in attendance at the Annual Town meeting since it was moved to Saturday. It is hoped that moving it back to a weeknight will help improve attendance. Finally, by moving it a bit later in the month we will get a bit more time to work on the budget and hopefully have better information on state aid and the school budgets as we finalize our proposal to you.**

**Anticipated Motion:** I move to amend Article II of its Revised General By-laws as follows:

1. By amending Article II, Section 1 by deleting “May” in the first sentence and replacing it with “June”;

2. By amending Article II, Section 2 to read 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 a meeting to be held on the third Tuesday of May and must be completed on or before the fourth Tuesday of May, at a time and place designated by the Board of Selectmen.”

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**

**Recommended by the Advisory Committee 5 Yes, 1 No, 1 Absent or Recusal(s)**

**ARTICLE 16**  
**FY 2018 Templeton Cable TV Committee**  
**Submitted by the Board of Selectmen for the Cable Committee**  
**Majority Vote Required**

To see if the Town will vote to appropriate the additional sum of Sixty-Five Thousand Dollars and No Cents (\$65,000.00) for the Fiscal Year 2018 operating budget of the Cable TV Advisory Committee to total, in the aggregate, One Hundred Fifty Thousand Five Hundred Five Dollars and No Cents (\$150,505.00), and to meet said appropriation with the receipts and revenues of the Cable Enterprise Fund, or take any other action relative thereto.

**Summary: As with the ambulance receipts, DOR would not let us appropriate monies in excess of what were in the account as of the time of the Town Meeting. Since then we have signed the new cable contract and know our revenue stream with certainty. This will let the Committee tap into that revenue stream to expand public access.**

**Anticipated Motion:** I move to appropriate the additional sum of Sixty-Five Thousand Dollars and No Cents (\$65,000.00) for the Fiscal Year 2018 operating budget of the Cable TV Advisory Committee to total, in the aggregate, One Hundred Fifty Thousand Five Hundred Five Dollars and No Cents (\$150,505.00), and to meet said appropriation with the receipts and revenues of the Cable Enterprise Fund.

**Recommended by the SelectBoard 4 Yes, 0 No, 1 Absent or Recusal(s)**

**Recommended by the Advisory Committee 6 Yes, 0 No, 1 Absent or Recusal(s)**



**Policies Relative to Budgeting & Uses of Free Cash**

**A. GENERAL BUDGET POLICIES**

**The Town will not** balance the budget by *use(ing)* one-time or other **nonrecurring revenues to fund ongoing expenditures**, except in the event of an emergency or extraordinary or unforeseen events. If extraordinary or unforeseen events necessitate a budget in which current revenues are less than current expenditures, and which thus relies one-time revenues to balance, the Board and the Town Administrator shall provide along with the budget a plan to return to a structurally balanced budget in no more than three years.

**The Town budget shall** also reasonably support a financially-sound operating position by maintaining reserves for emergencies and **provide (ing) sufficient liquidity to pay bills on time and avoid revenue anticipation borrowing.**

**B. RESERVE FUNDS/FUND BALANCE POLICIES**

**B-1 FREE CASH**

**Free Cash provides a financial cushion against** events such as a sudden loss of a revenue source, an economic downturn, an emergency or other unanticipated expenditure, non-recurring capital expenditures, and **uneven cash flow**. Free cash can serve as a source for funding capital needs or replenish other reserves. GFOA notes it is essential that governments maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures). The Division of Local Services (DLS) recommends that a municipality strive to generate free cash in an amount equal to 3 to 5% of its annual budget.

**Upon certification of the Town's free cash, the Town Administrator shall prepare a plan of its use to guide the expenditure of free cash.** He shall, first deduct an amount anticipated to be needed at the Annual Town Meeting to meet unanticipated operating deficits such as snow and ice. He shall then deduct for extraordinary or unplanned needs which have arisen since the annual town meeting with a target of having a remainder of no less than fifty percent of the certified free cash. **The remainder shall be, subject to rounding factors, used for contributions to reserves and as working capital for the balance of the fiscal year,** provided that it shall be available for appropriation for capital needs at the annual town meeting, as follows:

- 50% Reserved for Working Capital**
- 35% Transferred to the General Stabilization Fund**
- 10% Transferred to the Capital Stabilization Fund**
- 5% Transferred to the OPEB reserve.**

Entirety of the policy is available on [www.templeton1.org](http://www.templeton1.org)



EXHIBIT B
-----------

**Article 8 Supplement: Entirety of MGL 44 - §20 [effective November 7, 2016]**

Section 20. The proceeds of any sale of bonds or notes shall be used only for the purposes specified in the authorization of the loan; provided, however, that such proceeds may also be used for costs of preparing, issuing and marketing the bonds or notes, except as otherwise authorized by this section. If a balance remains after the completion of the project for which the loan was authorized, the balance may at any time be appropriated by a city, town or district for any purposes for which a loan may be incurred for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any balance not in excess of \$50,000 may be applied, with the approval of the chief executive officer, for the payment of indebtedness. If a loan has been issued for a specified purpose but the project for which the loan was authorized has not been completed and no liability remains outstanding and unpaid on account thereof, a city, by a two-thirds vote of all of the members of the city council, or a town or district, by a two-thirds vote of the voters present and voting thereon at an annual town or district meeting, may vote to abandon or discontinue the project and the unexpended proceeds of the loan may be appropriated for any purpose for which a loan may be authorized for an equal or longer period of time than that for which the original loan, including temporary debt, was issued. Any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes shall be: (i) applied, if so provided in the loan authorization, to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by like amount; or (ii) appropriated for a project for which the city, town or district has authorized a borrowing, or may authorize a borrowing, for an equal or longer period of time than the original loan, including any temporary debt, was issued, thereby reducing the amount of any bonds or notes authorized to be issued for the project by like amount. Notwithstanding this section, no appropriation from a loan or balance thereof shall be made that would increase the amount available from borrowed money for any purpose to an amount in excess of any limit imposed by general law or special act for that purpose. Additions to the levy limit for a debt exclusion are restricted to the true interest cost incurred to finance the excluded project.

**[Note: Explanation From MA DOR Re: Bond Premiums and Surplus Proceeds:**

Section 67 of the MMA Amends MGL c. 44 sec. 20 to allow communities a choice in regard to the treatment of bond premiums (net of issuance costs). Communities will be able to either apply the premiums to the issuance, thereby reducing the amount needed to borrow or to place them in a separate fund and appropriate them for a capital project. It also amends current law by increasing the amount of surplus bond proceeds that can be applied to debt service from \$1,000 to \$50,000.

EXHIBIT C

**Article 10 Supplement: Entirety of MGL 200 A - §9A.**

(a) In any city, town or district that accepts this section in the manner provided in section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue". After the expiration of 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled "Notice of names of persons appearing to be owners of funds held by (insert city, town or district name), and deemed abandoned". The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.



(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section. If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

[NOTE: The following is the language for MGL Ch.4 §

Section 4. Wherever a statute is to take effect upon its acceptance by a municipality or district, or is to be effective in municipalities or districts accepting its provisions, this acceptance shall be, except as otherwise provided in that statute, in a municipality, by vote of the legislative body, subject to the charter of the municipality, or, in a district, by vote of the district at a district meeting.]



EXHIBIT D

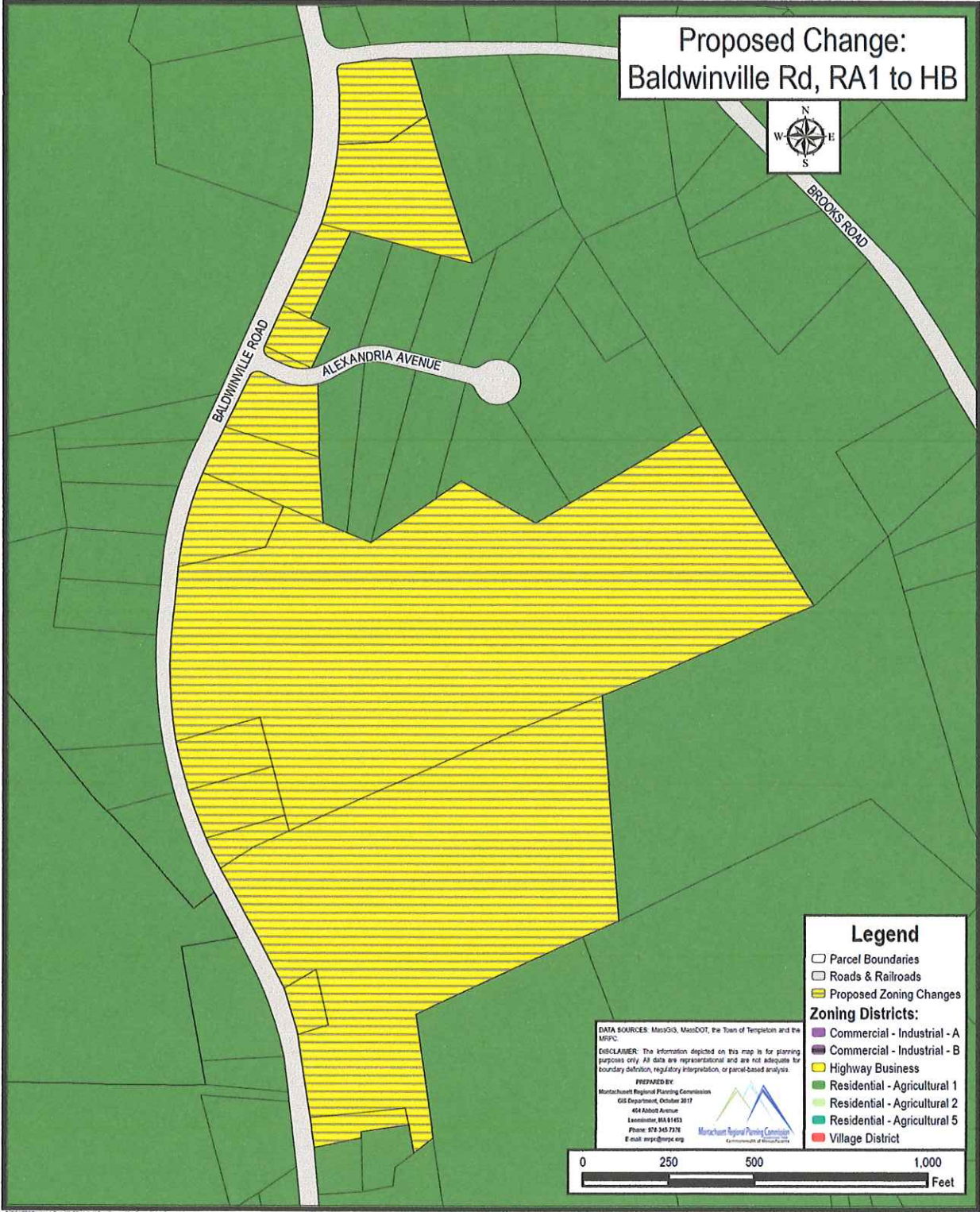
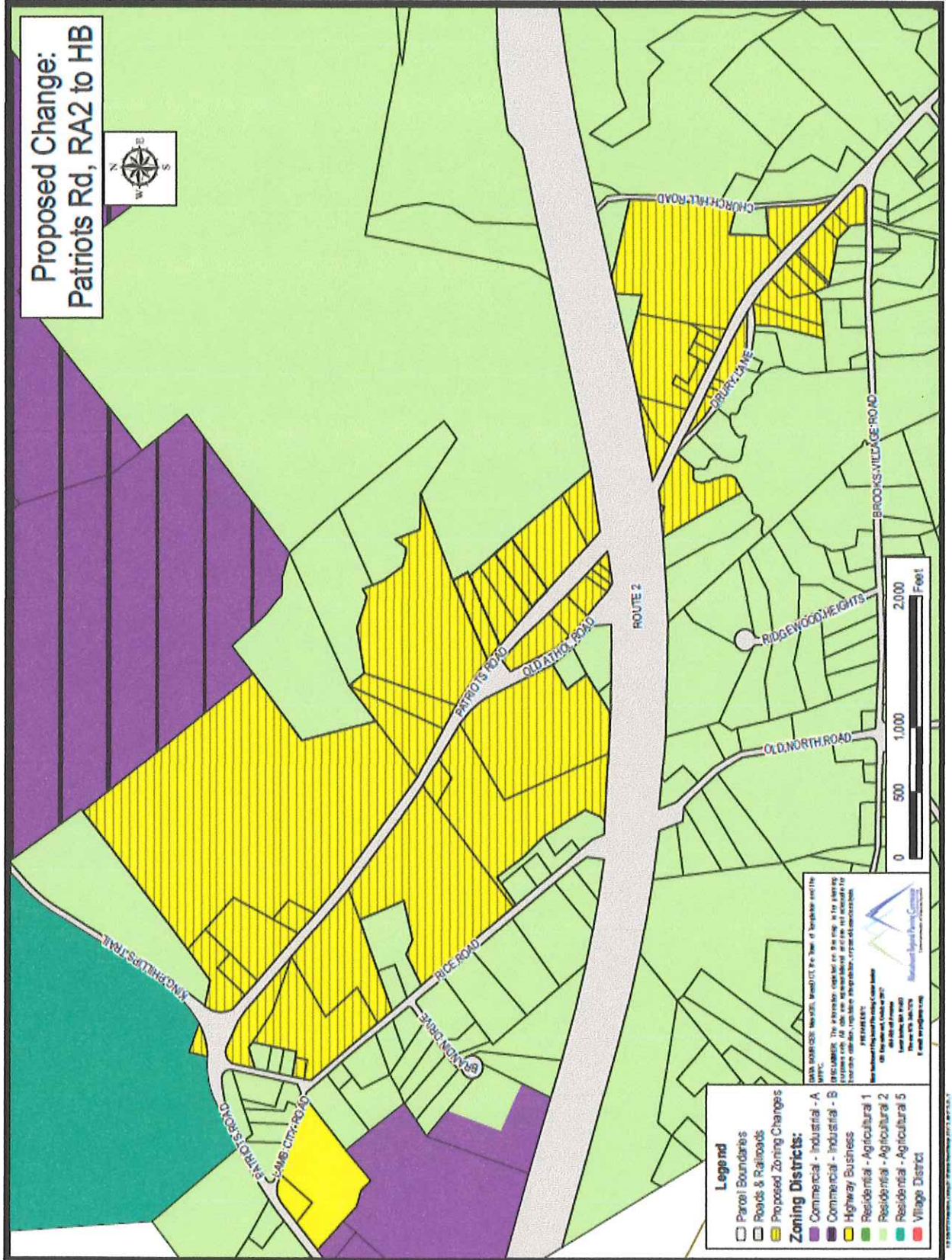




EXHIBIT E





# EXHIBIT F

