

# TOWN OF TEMPLETON

## WARRANT FOR ANNUAL TOWN MEETING

MAY 15, 2019

WORCESTER, ss.

To either of the Constables of the Town of Templeton in said County:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and Town affairs to meet in the Narragansett Regional Middle School, 460 Baldwinville Road, Baldwinville, in said Templeton on:

Wednesday, May 15, 2019, at 7:00 p.m.

Then and there to act on the following articles:

### ARTICLE 1: LATE BILLS

To see if the Town will vote to authorize the payment of late bills from prior fiscal years from the FY '19 budgets of the following departments in the following amounts:

Department	Amount	Reason
DPW - Highway Division	\$1,269	Late Bills
DPW - Buildings & Grounds	\$288	Late Bills

Or take any other action related thereto.

Submitted by the Board of Selectmen

9/10ths Vote Required

Advisory Committee recommends favorable action on this article. (6 yes)

On a motion duly made and seconded the town voted to authorize the payment of late bills from prior fiscal years from the FY '19 budgets of the following departments in the following amounts:

Department	Amount
DPW - Highway Division	\$1,269
DPW - Buildings & Grounds	\$288

Passed by 9/10, May 15<sup>th</sup> @ 7:09 pm

**ARTICLE 2: FISCAL YEAR 2019 OPERATING BUDGET AMENDMENT(s)**

To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars and No Cents **(\$50,000.00)** for supplemental appropriations to the Fiscal Year 2019 Operating Budget as follows:

<b>Department</b>	<b>Amount</b>	<b>Reason</b>
<b>Selectmen</b>	<b>\$7,500</b>	<b>Litigation &amp; Codification</b>
<b>Veterans Services</b>	<b>\$12,500</b>	<b>Growth in Client Census</b>
<b>Highway</b>	<b>\$15,000</b>	<b>Main St. Bridge &amp; Veh. Maint.</b>
<b>Town Accountant</b>	<b>\$5,000</b>	<b>Coverage for Med. Leave</b>
<b>Snow &amp; Ice</b>	<b>\$10,000</b>	<b>FY '19 Deficit</b>

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

**Submitted by the Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of Fifty Thousand Dollars and No Cents **(\$50,000.00)** for supplemental appropriations to the Fiscal Year 2019 Operating Budget as follows:

<b>Department</b>	<b>Amount</b>	<b>Reason</b>
<b>Selectmen</b>	<b>\$7,500</b>	<b>Litigation &amp; Codification</b>
<b>Veterans Services</b>	<b>\$12,500</b>	<b>Growth in Client Census</b>
<b>Highway</b>	<b>\$15,000</b>	<b>Main St. Bridge &amp; Veh. Maint.</b>
<b>Town Accountant</b>	<b>\$5,000</b>	<b>Coverage for Med. Leave</b>
<b>Snow &amp; Ice</b>	<b>\$10,000</b>	<b>FY '19 Deficit</b>

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

**Passed/May 15<sup>th</sup> @ 7:12 pm**

**ARTICLE 3: FISCAL 2019 SUPPLEMENTAL SPECIAL ARTICLE**

To see if the Town will vote to appropriate the sum of Seventeen Thousand Five Hundred Dollars and No Cents **(\$17,500.00)** for legal services in connection with the sale of Baldwinville Elementary School, planning, review and support of potential zoning amendments, and negotiations of Host Community Agreements (HCAs) with parties desiring to cultivate, process and retail cannabis in the community and to meet said appropriation by a transfer of said sum from certified free cash.

Or take any other action related thereto.

**Submitted by the Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

**A motion was duly made and seconded to move the article.**

**Passed/May 15<sup>th</sup> @ 7:32 pm**

On a motion duly made and seconded the town voted to appropriate the sum of Seventeen Thousand Five Hundred Dollars and No Cents (**\$17,500.00**) for legal services in connection with the sale of Baldwinville Elementary School, planning, review and support of potential zoning amendments, and negotiations of Host Community Agreements (HCAs) with parties desiring to cultivate, process and retail cannabis in the community and to meet said appropriation by a transfer of said sum from certified free cash.

**Passed/May 15<sup>th</sup> @ 7:33 pm**

**ARTICLE 4: SUPPLEMENTAL CONTRIBUTIONS TO RESERVE ACCOUNTS**

To see if the Town will vote to appropriate the sum of One Hundred Thirty Thousand Dollars and No Cents (**\$130,000.00**) to make deposits into its Operations (OPEX) and Capital (CAPEX) Stabilization Fund(s) and the OPEB reserve account as follows:

OPEX	\$92,500
CAPEX	\$22,500
OPEB	\$15,000

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

**Submitted by the Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of One Hundred Thirty Thousand Dollars and No Cents (**\$130,000.00**) to make deposits into its Operations (OPEX) and Capital (CAPEX) Stabilization Fund(s) and the OPEB reserve account as follows:

OPEX	\$92,500
CAPEX	\$22,500
OPEB	\$15,000

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

**Passed/May 15<sup>th</sup> @ 7:37 pm**

**ARTICLE 5: CONSENT AGENDA**

To see if the Town will vote to approve a consent agenda consisting of the following non-controversial actions or take any other action relative thereto. Such items may be voted as a

block, or singly, or in any combination but, however voted, will be treated for accounting and legislative purposes as if each item were voted as a separate article.

**A. REPORTS OF TOWN OFFICERS**

Accept the reports of the Town Officers as printed in the 2018 Town Report:

**B. REPORTS OF TOWN COMMITTEES**

Allow any of the Town Committees to present their reports;

**C. SET ANNUAL SPENDING LIMITS OF REVOLVING FUNDS**

Set the annual spending limits of the Town's previously created revolving funds as follows:

Burial & Improvement Fund	\$10,000
Recycling Fund	\$10,000
Plumbing & Gas Inspector Fund	\$7,500
Electrical Inspector Fund	\$12,500
Community Services Fund	\$10,000

Or take any other action related thereto.

**Submitted by the Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to approve a consent agenda consisting of the following non-controversial actions or take any other action relative thereto. Such items may be voted as a block, or singly, or in any combination but, however voted, will be treated for accounting and legislative purposes as if each item were voted as a separate article.

**A. REPORTS OF TOWN OFFICERS**

Accept the reports of the Town Officers as printed in the 2018 Town Report:

**B. REPORTS OF TOWN COMMITTEES**

Allow any of the Town Committees to present their reports;

**C. SET ANNUAL SPENDING LIMITS OF REVOLVING FUNDS**

Set the annual spending limits of the Town's previously created revolving funds as follows:

Burial & Improvement Fund	\$10,000
Recycling Fund	\$10,000
Plumbing & Gas Inspector Fund	\$7,500
Electrical Inspector Fund	\$12,500

**Passed/May 15<sup>th</sup> @ 7:39 pm**

**ARTICLE 6: NARRAGANSETT REGIONAL SCHOOL DISTRICT**

To see if the Town will vote to raise and appropriate the sum of Seven Million Four Hundred Seventy Nine Thousand Four Hundred Six Dollars and No Cents (**\$7,479,406.00**), or some lesser amount, to fund the Town’s assessed share of the costs of the Narragansett Regional School District for FY’20, contingent upon the passage of a ballot question pursuant to G.L. c. 59, §21C(g) (Proposition 2 ½);  
Or take any other action relating thereto.

**Submitted by the Board of Selectmen for the Narragansett Regional School District  
Majority Vote Required  
Advisory Committee recommends favorable action on this article. (5 yes – 1 no)**

A **substitute motion** was duly made and seconded to raise and appropriate the sum of Six Million Four Hundred Ninety One Thousand Seventy dollars and No Cents (**\$6,491,070.00**), or some lesser amount, to fund the Town’s assessed share of the costs of the Narragansett Regional School District for FY’20.

**A motion was duly made and seconded to move the substitute motion.  
Passed/May 15<sup>th</sup> @ 8:37 pm**

**On the substitute motion.  
Defeated/May 15<sup>th</sup> @ 8:38 pm**

**A motion was duly made and seconded to move the main motion.  
Passed/May 15<sup>th</sup> @ 8:48 pm**

On a motion duly made and seconded the voted to raise and appropriate the sum of Seven Million Four Hundred Seventy Nine Thousand Four Hundred Six Dollars and No Cents (**\$7,479,406.00**), or some lesser amount, to fund the Town’s assessed share of the costs of the Narragansett Regional School District for FY’20, contingent upon the passage of a ballot question pursuant to G.L. c. 59, §21C(g) (Proposition 2 ½).

**Passed/May 15<sup>th</sup> @ 8:49 pm**

**ARTICLE 7: AMENDING BY-LAWS RE: TRENCH BY-LAW**

To see if the Town will vote to amend Section LVX to its General By-Laws to be entitled “Trench By-Law”, for the purpose of regulating digging and excavation, with deletions (in strikethrough) and additions (in bold italic) to the existing by-law, to read as follows:

**Article LVX  
Trench By-Law**

## **Section 1 GENERAL REQUIREMENTS**

- 1.1.1 Work requiring permits—any *excavator* who intends to break any street or sidewalk surface, or excavate any road or shoulder shall contact the Templeton Highway Department.
- 1.1.2 Granting of permit—this permit will be granted if the proposed work is in the best interest of the Town and its inhabitants, is appurtenant to a building permit duly issued by the Building Inspector, or is in conjunction with the construction of a road shown on an approved subdivision plan. The permit is conditional upon the permittee’s willingness to abide by the Specifications.
- 1.1.3 Permit Fees—Application forms for a permit hereunder are available from the Templeton Highway Department, 381 Baldwinville Road, Templeton, MA. The permit fee is \$100.00. All fees are non-refundable.
  - 1.1.3.1 Permit fees *may* be waived ***for projects that serve a public interest.*** Performance Deposits are NOT waived in any instance.
- 1.1.4 Plan Approval—Plans or sketches showing the proposed work, must be submitted with the application, and are subject to the approval of the Highway Superintendent or his designee.
- 1.1.5 Interpretation of Specifications—The Superintendent or his designee will be solely responsible for the interpretation of these Specifications, and all work hereunder must be done to his satisfaction.
- 1.1.6 Time Limits—The Superintendent or his designee, in his judgment, may extend any time limit in these Specifications if weather or other conditions beyond control of the permittee have hindered the proper completion of the work.
- 1.1.7 Inspection Schedule—Routine inspections will normally be required at the following phases of construction, however, this schedule will be adjusted to fit the size and complexity of individual jobs. The Highway Department will generally provide only the minimum amount of inspection necessary to insure reasonable compliance with these specifications. The contractor must notify the Highway Department at least 24 hours in advance of the following:
  - 1.1.7.1 Prior to the issuance of a permit hereunder, a site inspection with features such as road bounds, private property bound, stone wall, pavement sidewalks, trees.
  - 1.1.7.2 After the excavation and installation of the proposed utility and later during the compaction of backfill and installation of surface gravel.
  - 1.1.7.3 After installation of the temporary patch
  - 1.1.7.4 After installation of the final patch.
  - 1.1.7.5 Prior to the release of the bond
  - 1.1.7.6 At other specific times deemed necessary by the Superintendent or his designee.
- 1.1.8 Emergency Utility Repair—Contractors may undertake emergency underground repair of their facilities without a permit when such repairs must be made at night or on weekend or holidays provided that a permit is applied for on the first regular business day following the repair, and the company takes all reasonable measures provided for in these Specifications for the care and safety of the public.
- 1.1.9 Public Safety—as required by Section 1 of chapter 82A of the General Laws and 520 CMR 14.04, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety

- hazard that may exist as a result of leaving said open trench unattended.
- 1.2.1 General—The permittee, from the time the work commences until the work has been approved in writing by the Superintendent or his designee, shall be responsible for the safety of the public. Depending on the nature of the work, traffic control devices shall be applied.
  - 1.2.2 Detours—If the nature of the work requires the closing of all or a portion of a public way, the Police Chief must be contacted for proper traffic control.
  - 1.2.3 Warning Devices—If the nature of the work requires the closing of all or a portion of a public way, the Police Chief must be contacted for proper traffic control.
  - 1.2.4 “Dig Safe”—Section 40 of chapter 82 of the General Laws requires that contractors notify public utility companies at least 72 hours before any excavation in a public way. A telephone call to the Underground Plant Damage Prevention System “Dig Safe” satisfies this requirement. The “Dig Safe” job number assigned by the Underground Plant Damage Prevention System must be included on the permit application. A permit cannot be issued until the applicant demonstrates compliance with Section 40 of chapter 82 of the General Laws.

## **Section 2 EXCAVATIONS**

- 2.1.1 Preservation of physical features—All excavations and other work within the limits of a town way will be conducted in a manner which will minimize damage or disruption to such features as stonewalls, trees, fences, guard rails, etc.
- 2.1.2 Working around public shade trees—Any work within the drip line of public shade tree must be approved by the Templeton Tree Warden.
- 2.1.3 New Roads—The cutting of paved road surfaces less than five years old will not be permitted, unless approved by the Highway Superintendent or his designee.
- 2.1.4 Seasonal limit for construction—No paved road surface may be cut between November 15 and March 15 except in the interest of public safety and convenience the Highway Superintendent or his designee may issue a permit for an emergency repair to an existing facility.
- 2.2.1 Materials: Approval of materials—All materials used on construction within public ways shall be subject to approval by the Superintendent or his designee. This will include but not be limited to, the size, type, and quality of pipe, the type of gravel backfill, the quality of the patching material, etc. Cold patch as a temporary or permanent patching material will not be allowed except that between November 15 and March 15 it may be used for temporary patches on emergency cuts allowed under Section 1.1.8.
- 2.2.2 Trenches—For the purposes of this chapter, a “trench” shall be defined as an excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at bottom, is no greater than 15 feet and the words “excavator”, “excavation”, and “emergency” shall have the same meaning as defined in section 40 of chapter 82 of the General Laws.
- 2.2.3 Pavement cut-backs—After excavation is commenced, the bituminous or

- concrete street or sidewalk surface shall be cut vertically in a line parallel to the centerline of construction and approximately one foot wider on all sides than the excavation, using an approved power tool, to allow for trench excavation without further distributing the road or sidewalk surface on either side of the trench.
- 2.2.4 Backfill—The backfill shall consist of the excavated material if it is declared suitable by the Superintendent or his designee. Backfill will be placed in successive layers of not more than six (6) inches of compacted depth. If, in the opinion of the Superintendent or his designee, the excavated material is unsuitable, the applicant in an approved location shall dispose of the entire rejected material. In its place, the applicant shall bring in suitable fill material consisting of approved gravel or borrow, as directed. After thorough tamping around and beneath the utility, the six (6) in layers of backfill will be thoroughly compacted as follows: if dry, it shall be moistened and then compacted by tamping with mechanical rammers, or by hand tampers having a tamping face not exceeding 25 square inches in area. The final 12 inches of backfill will, in all cases, consist of crushed gravel thoroughly tamped and made even with surrounding surface.
- 2.2.5 Ready mixed flowable fill—The use of ready mixed flowable fill (or controlled low strength material) as trench backfill of all pavement cuts in excess of 30 inches in depth is encouraged in all cases, especially for such cuts on numbered routes. The composition of the mix shall be approximately as follows:
- 2.2.6 Cement 50-75 lbs, Sand 3,160 lbs, water 500-560 lbs. Final cured material is to be excavatable and have a load bearing about the same as fully compact gravel. When this material is used, the final patch can be placed not less than 12 hours after the backfill is placed. If the final patch is not placed within 36 hours, a temporary patch according to section 2.2.7 shall be applied not less than 12 hours after the flowable backfill is placed.
- 2.2.7 Patching requirements—After backfill is in place and satisfactorily compacted, the applicant shall apply at once a 1 ½ inch temporary patch course over the entire excavated area (bituminous-concrete type I-1 hot top) to be left in place for at least one month and not more than three months, until no further settling can be reasonably expected. At that time the applicant shall remove the temporary patch course. Any uneven edges of the existing pavement will be cut vertically with an approved power tool and tack coated with asphalt emulsion (RC-2). For oil treated roads, the permanent patch must be three (3) inches of bituminous concrete (type I-1) in layers of 1 ½ inches each. For bituminous-concrete surfaced roads, the permanent patch must be four (4) inches of bituminous concrete (type I-1) laid in two (2) courses, a 2-1/2 inch binder course and a 1-1/2 inch top course. If existing pavement is of a greater depth, the patch should be of the same depth. At no time should the bituminous-concrete be laid in layers greater than 2 1/1 inches. When the patch has been completed, the joints should be painted with RC-2 and sealed with sand.
- 2.2.8 Nights, weekends, and holidays—No trench shall be left open overnight or over weekends and holidays, and no unattended trench shall be left open at any time unless the applicant has implemented one of the safeguards described in 520 CMR 14.04.



- 2.2.9 Accessibility—All driveways to homes and places of business shall be bridged and open to travel overnight.
- 2.2.10 Shoulders: Restoration of road shoulders—All road shoulders must be carefully returned to their original condition.
- 2.2.11 Restoration of lawns—Lawns will be restored with a minimum of four (4) inches of loam, fertilized, rolled, and seeded.

**Section 3 PERFORMANCE DEPOSITS AND INSURANCE**

- 3.1. Performance deposits
  - 3.1.1 Deposit amount—all permits issued hereunder shall require a certified check in the amount of fifteen hundred dollars (\$1,500.00) to be deposited in an escrow account as a guarantee to abide by these specifications.
  - 3.1.2 Special deposits—street cuts over thirty (30) feet in length or significantly larger in scope than usual shall be secured by a larger amount, determined by the Highway Department Superintendent or his designee. However, the minimum deposit shall be fifteen hundred dollars (\$1,500.00). Letters of credit will be accepted only for amounts exceeding ten thousand dollars (\$10,000.00) and must be approved by the Superintendent.
  - 3.1.3 Deposit release—When permanent patching, re-loaming, and seeding, and all work required by the permit issued hereunder has been approved in writing by all the Superintendent or his designee, the town will refund to the applicant the amount of the deposit, less any amounts as noted below.
  - 3.1.4 Deposit forfeiture—In the event ***an applicant defaults its obligations as outlined in this bylaw and*** town personnel or equipment must be utilized to make emergency repairs or to complete unfinished work required by the permit issued hereunder, the cost of such repair or work will be deducted from the deposit. A standard multiplied of 2.5 will be applied to all labor and material costs to determine the amount to be deducted. If the repair or completion cost exceeds the amount of the deposit, the applicant must pay the different to the Town of Templeton. ***The utilization of town personnel or equipment shall take place in accordance with the appropriations process outlined in section 53 of chapter 44 of the General Laws.***
  - 3.2.1 Insurance requirements—A certificate of insurance indemnifying the Highway Department against claims for injury death, or property damage during construction, and naming the Town as an additional insured, must be filed with the permit application. The limits shall conform with the following schedule:
    - 3.2.2 General
      - Workmen’s Compensation and Employer’s Liability Insurance in Compliance with Statutory Limits
      - Comprehensive General Liability Insurance- each occurrence and aggregate amount
      - Automobile Liability Insurance
      - Bodily Injury: each person/each occurrence
      - Property Damage: each occurrence

## **Section 4 VIOLATIONS**

- 4.1.1 Expiring of permits—If after three (3) months from the date of the permit the repair to the town way is not completed according to these Specifications and to the satisfaction of the Superintendent or his designee, the permittee will be notified in writing by the Superintendent or his designee that the permit has expired. If no action is taken by the applicant to complete the unfinished work within thirty (30) days of the date of the written notice, the Highway Department will then complete the necessary work in any manner deemed appropriate and deduct from all deposit all costs of completing the work in accordance with these specifications.
- 4.1.2 Emergency repairs—if at any time during the life of the permit the permittee allows the construction to exist in a condition dangerous to users of the road, then the Superintendent or his designee may, without written notice to the permittee, make the necessary arrangements to correct the unsatisfactory condition. The cost of such work will then be deducted from the deposit in accordance with Section 3.1.4 of these specifications at the time the deposit is refunded.
- 4.1.3 The Highway Superintendent or his designee has the authority to refuse a permit if a contractor violated these Specifications on previous construction sites.

## **Section 5 CONDITIONS AND REQUIREMENTS PURSUANT TO G.L. C. 82A and 520 CMR 7.00 et seq. (as amended)**

- 5.1 By signing the application the applicant understands and agrees to comply with the following:
- 5.2 No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82 of the General Laws, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of Chapter 164 (DIG SAFE)
- 5.3 Trenches may pose a significant health and safety hazard. Pursuant to section 1 of chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said safety department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- 5.4 Persons engaging in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health

Administration on excavations: 29 CFR 1926.650 et. seq. Entitled subpart P “Excavations”.

- 5.5 Persons engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced.
- 5.6 By applying for, accepting, and signing this permit, the applicant hereby attests to the following: (1) that they have read and understand the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that they have read and understand the federal safety standards promulgated by the Occupational Safety and Health Administration on Excavations: 29 CFR 1926.650 et. seq., entitled Subpart P “Excavations” as well as any other excavation requirements established by this municipality; and (3) that they are aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A of the General Laws.
- 5.7 This permit shall be posted in plain view on the site of the trench. For additional information, please visit the Department of Public Safety’s website at [www.mass.gov/dps](http://www.mass.gov/dps).

Or take any other action in relation thereto.

**Submitted by Town Counsel**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to waive the reading and approve the article as published, excepting the phrase “To see if the Town will vote to...” and the phrase “Or Take any other action related thereto.” provided, however, that the reference to the words “... Section LVX...” in line 1 shall read “... Article LVII...” and the reference in the title to “...LVX...” shall read “...LVII...”.

**Passed Unanimously/May 15<sup>th</sup> @ 8:51 pm**

**A motion was duly made and seconded to reconsider Article 6.**

**Defeated/May 15<sup>th</sup> @ 8:54 pm**

**A motion was duly made and seconded to take Article 8 out of order and upon the conclusion of the vote upon Article 15.**

**Passed Unanimously/May 15<sup>th</sup> @ 8:57 pm**

#### **ARTICLE 8: AMENDING BY-LAWS RE: NON-CRIMINAL DISPOSITION**

To see if the Town will vote to amend the General Bylaws of the Town of Templeton by striking Article XXXVII and inserting in its place the following:

**Article XXXVII**  
**Non-Criminal Disposition of Bylaw, Rule or Regulation Violations**

Section 1. Non-Criminal Disposition Any person taking cognizance of a violation of a specific Town Bylaw, Rule, or Regulation which said person is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for the offender's required appearance. Such notice shall be signed by the enforcing persons, and shall be signed by the offender whenever practicable in acknowledgement that such notice has been received.

The enforcement officer shall proceed to give notice as necessary as provided in Section 21D of Chapter 40 of the General Laws, and the appropriate department head shall thereupon deliver a copy thereof to the Clerk of the Court before which the offender has been notified to appear.

Any person notified to appear before the Clerk of the District Court may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the Town Clerk such specific sum of money not exceeding \$300 (three hundred dollars) as provided in the Bylaw, Rule, or Regulation which has been violated. Such payment shall if mailed be made only by postal note, money order, or check. Upon receipt of such payment the Town Clerk, the District Court shall be notified of payment, which shall thereupon operate as a final disposition of the case. An appearance under this provision shall not be deemed to be a criminal proceeding.

If any person so notified to appear desires to contest the violation rather than confess it, such person may request in writing a hearing in said District Court. Such hearing shall then be assigned and held before a Judge, Clerk, or Assistant Clerk, as the court shall direct. If the Clerk or other judicial officer finds that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying a specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the Judge, Clerk, or Assistant Clerk shall order, which payment shall operate as a final disposition of the case.

If the case is not disposed of pursuant to the above, then the enforcing person who issued the original notice shall determine whether to apply for the issuance of a complaint in the applicable District Court, and the matter shall proceed in accordance with the rules of the District Court for criminal business.

The non-criminal disposition of any one or more of the following violations is hereby authorized:

- a. Any violation of an order of the Town's Board of Health relating to public health

which is authorized by the General Laws, any special law applicable to the Town, the provisions of the State Sanitary Code, or other State regulation, or any Town bylaw, rule, or regulation.

- b. Any violation of an order of a Town building official relating to public safety which is authorized by the General Laws, any special law applicable to the Town, the provision of the State Building code, or other State regulation, or any Town bylaw, rule, or regulation.
- c. Any violation of an order of a Town fire official relating to public safety which is authorized by the General Laws, any special law applicable to the Town, the provisions of the State Fire Prevention Code or any other State regulation, or any Town bylaw, rule, or regulation.
- d. Any violation of any other Town bylaw, or any rule or regulation of any Town officer, board, or department.

Section 2. Governing Law This bylaw is intended to comply fully with the provisions of Section 21D of Chapter 40 of the General Laws, and to authorize the non-criminal disposition of the infraction set forth above pursuant to the civil infraction procedure set forth in said Section 21D of Chapter 40 of the General Laws, the provisions of which shall be controlling in all instances in any case in which the enforcement officer elects to proceed with the non-criminal disposition of an alleged violation of any bylaw, regulation, or rule pursuant to the authority of this bylaw.

Section 3. Schedule of Civil Assessments The civil assessment for any violation shall be the amount(s) set forth in the law, bylaw, order, or regulation being enforced. Where no such amount is noted in the law, bylaw, order, or regulation being enforced, the civil assessment for any violation shall be as follows:

1. Board of Health

- a. A violation of the provisions of the rules and regulations of the board of health  
Fine Allowed: \$300  
Fine Schedule: As established in the Rules & Regulations  
Enforcing Agent: Board of Health or Designee
- b. Property Maintenance (§198-5)  
Fines Allowed:
  - 1st Offense: \$25
  - 2nd Offense: \$50
  - 3rd Offense: 100
  - 4th or Any Subsequent Offenses: \$200Each occurrence of a violation on any day shall be deemed a separate offense.  
Enforcing Agent: Board of Health, Building Inspector, or Designee

- c. Dog Waste (§133-11)  
Fines Allowed:  
  - 1st Offense: \$25
  - 2nd Offense: \$50
  - 3rd Offense: \$100
  - 4th or Any Subsequent Offense: \$200
Each occurrence of a violation on any day shall be deemed a separate offense  
Enforcing Agent: Board of Health, Animal Control Officer, Police Department, or Designee
  
- d. Wells (Chapter 272)  
Fine Allowed: Not less than \$100 or more than \$300. Every day past 30 days of notice of violation shall be a separate violation.  
Enforcing Agent: Board of Health or Designee

## **2. Board of Selectmen**

- a. A violation of the provisions of the Rules and Regulations of the Board of Selectmen  
Fine Allowed: \$300  
Fine Schedule: As established in Rules and Regulations  
Enforcing Agent: Board of Selectmen or Designee
  
- b. Removal of Sand and Gravel (§145-12)  
Fines Allowed:  
  - 1st Offense: \$50
  - 2nd offense: 100
  - 3rd or Any Subsequent Offenses: \$200
Enforcing Agent: Board of Selectmen or Designee
  
- c. Dog Under Control (§133-6)  
Fines Allowed:  
  - 1st Offense: \$100
  - 2nd Offense: \$150
  - 3rd Offense: \$300
Enforcing Agent: Board of Selectmen, Animal Control Officer, Police Department, or Designee

## **3. Planning Board**

- a. Recreation Tracks (§206-3)  
Fine Allowed: \$25 for each day of the offense.  
Enforcing Agent: Highway Department or Designee

## **4. Conservation Commission**

- a. Violation of Wetland and River Protection Act

Fine Schedule

1st Offense: \$50 per day up to 15 days

2nd Offense: \$100 per day up to 15 days

3rd Offense: \$300 per day up to 15 days

Enforcing Agent: Conservation Commission or Designee

b. Failure to Comply with Order of Conditions

Fine Schedule

1st Offense: \$50 per day up to 15 days

2nd Offense: \$100 per day up to 15 days

3rd Offense: \$300 per day up to 15 days

Enforcing Agent: Conservation Commission or Designee

c. Failure to Comply with Enforcement Order

Fine Schedule

1st Offense: \$50 per day up to 15 days

2nd Offense: \$100 per day up to 15 days

3rd Offense: \$300 per day up to 15 days

Enforcing Agent: Conservation Commission or Designee

d. Stormwater Drainage (§240-6)

Fine Allowed: \$50 for each offense

Enforcing Agent: Conservation Commission

e. Trash and Littering

Fine Schedule

1st Offense: \$50 per day up to 15 days

2nd Offense: \$100 per day up to 15 days

3rd Offense: \$300 per day up to 15 days

Enforcing Agent: Conservation Commission or Designee

**5. Fire Department**

a. Town of Templeton Fire Prevention Regulations (527 CMR 1.00-50.00 and MGL 148)

Fine allowed:

1st Offense: Warning

2nd Offense: \$50

3rd Offense: \$100

4th Offense: \$200

5th or Any Subsequent Offense: \$200

Enforcing Agent: Fire Department or Designee

b. Stormwater Management (§235-11)

Fines Allowed:

1st Offense: \$100

2nd Offense: \$200

3rd or Any Subsequent Offense: \$300  
Enforcing Agent: Stormwater Permit Granting Authority or Designee

- c. Emergency Radio Communications (§124-16)  
Fine Allowed: \$300 for each offense per day until appropriate compliance is reached.  
Enforcing Agent: Fire Department or Designee

## **6. Highway Department**

- a. Excavation of Public Ways Without A Permit  
Fine Allowed: \$200  
Fine Schedule
  - 1st Offense: \$50
  - 2nd Offense: \$100
  - 3rd Offense: \$150
  - 4th Offense or Any Subsequent Offense: \$200Enforcing Agent; Highway Department or Designee
- b. Obstruction of Streets and Sidewalks  
Fine Allowed: \$100  
Fine Schedule
  - 1st Offense: \$50
  - 2nd Offense: \$50
  - 3rd or Any Subsequent Offense: \$100Enforcing Agent; Highway Department or Designee
- c. Driveway Cuts and Drainage Without a Permit  
Fine Allowed: \$200  
Fine Schedule
  - 1st Offense: \$50
  - 2nd Offense: \$100
  - 3rd Offense: \$150
  - 4th Offense or Any Subsequent Offense: \$200Enforcing Agent; Highway Department or Designee
- d. Failure to Perform or Complete Work Per Permit Requirements  
Fine Allowed: \$200  
Fine Schedule
  - 1st Offense: \$50
  - 2nd Offense: \$100
  - 3rd Offense: \$150
  - 4th Offense or Any Subsequent Offense: \$200Enforcing Agent; Highway Department or Designee
- e. Snow Plowing and Removal  
Fine Allowed: \$50



Fine Schedule

1st Offense: \$25

2nd Offense: \$25

3rd Offense or Any Subsequent Offense: \$50

Enforcing Agent: Highway Department or Designee

- f. Drainage from Private Property (§240-6)  
Fine Allowed: \$50 for each offense  
Enforcing Agent: Highway Department or Designee
  
- g. Distributing Handbills  
Fine Allowed: \$50  
Fine Schedule  
1st Offense: \$25  
2nd Offense: \$25  
3rd Offense or Any Subsequent Offense: \$50  
Enforcing Agent; Highway Department or Designee
  
- h. Trash and Littering  
Fine Allowed: \$300  
Fine Schedule  
1st Offense: \$50  
2nd Offense: \$100  
3rd Offense or Any Subsequent Offense: \$300  
Enforcing Agent; Highway Department or Designee

Unless otherwise specified in the bylaws, each day during which a violation continues to occur shall be deemed a separate offense.

**7. Police Department**

- a. Door to Door Sales  
Fine Allowed: \$50  
Enforcing Agent: Police Department or Designee
  
- b. Rude, Indecent Speech or Behavior  
Fine Allowed: \$50  
Enforcing Agent: Police Department or Designee
  
- c. Loitering  
Fine Allowed: \$50  
Enforcing Agent: Police Department or Designee
  
- d. Fireworks  
Fine Allowed: \$50  
Enforcing Agent: Police Department or Designee

- e. Skateboards and Roller Skates  
Fine Allowed: \$50  
Enforcing Agent: Police Department or Designee
- f. Public Consumption (§107-1)  
Fine Allowed: \$300  
Enforcing Agent: Police Department or Designee
- g. Public Consumption of Marijuana (§190-1)  
Fine Allowed: \$300 for each offense  
Enforcing Agent: Police Department or Designee
- h. Unregistered Motor Vehicles  
Fine Allowed: \$50  
Enforcing Agent: Police Department or Designee
- i. Operation of Automobiles on Frozen Surfaces  
Fine Allowed: \$50  
Enforcing Agent: Police Department or Designee
- j. Street Numbers (§124-1)  
Fine Allowed: \$20 for each offense. Each day shall constitute a separate offense  
Enforcing Agent: Police Department or Designee
- k. Water Use (§267-9)  
Fine Allowed  
    1st offense: \$50  
    2nd or Any Subsequent Offense: \$100  
Enforcing Agent: Board of Light and Water  
Commissioners, Manager of Municipal Light and Water Plant, or  
Police Department or Designee
- l. Unauthorized Digging  
Fine Allowed: \$300  
Enforcing Agent: Police Department or Designee
- m. Open Container of Alcohol  
Fine Allowed: \$500 for each offense  
Enforcing Agent: Police Department or Designee
- n. Open Container of Marijuana (§190-6)  
Fine Allowed: \$500 for each offense  
Enforcing Agent: Police Department or Designee

- o. Jake Brake (§278-1)  
Fine Allowed  
1st Offense: \$100  
2nd or Any Subsequent Offense: \$300  
Enforcing Agent: Police Department or Designee

Or take any other action in relation thereto.

**Submitted by Town Counsel**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (5 yes, 1 no)**

**An amended motion was duly made and seconded to strike section 7B.**

**Defeated/May 16<sup>th</sup> @ 7:53**

**A motion was duly made and seconded to move the article.**

**Passed Unanimously/May 16<sup>th</sup> @ 8:02**

On a motion duly made and seconded the town voted to waive the reading and approve the article, as published, excepting the phrase “To see if the Town will vote to...” and the phrase “Or Take any other action related thereto.” provided, however, that the word “...Dog...” in subsection 1c shall read “...Animal...” and the amount of \$500 in subsections 7m and 7n shall read not more than \$300.

**Passed/May 16<sup>th</sup> @ 8:03 pm**

#### **ARTICLE 9: AMENDING THE BY-LAWS RE: ALCOHOL OPEN CONTAINER**

To see if the Town will vote to amend Article XXV of the bylaws to add Section 2, to read as follows:

No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, possess an open container of alcohol in the passenger area of any motor vehicle. A person who violates this section shall be punished by a civil penalty of not more than \$500. For purposes of this section, “open container” shall mean that the package containing alcohol has its seal broken or from which the contents have been partially consumed or fully consumed and “passenger area” shall mean the area designated to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle’s trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

**Submitted by Chief of Police**

**Majority Vote Required**

**Advisory Committee recommends against this article. (2 yes, 4 no)**

An amended motion was duly made and seconded to amend Article XXV of the bylaws to add Section 2, to read as follows:

No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, possess an open container of alcohol in the passenger area of any motor vehicle. A person who violates this section shall be punished by a civil penalty of not more than \$300. For purposes of this section, "open container" shall mean that the package containing alcohol has its seal broken or from which the contents have been partially consumed and "passenger area" shall mean the area designated to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

**Passed Unanimously/May 15<sup>th</sup> @ 9:12 pm**

#### **ARTICLE 10: AMENDING BY-LAWS RE: MARIJUANA OPEN-CONTAINER**

To see if the Town will vote to amend Section XII to its General By-Laws to add Section 6, to read as follows:

Possession of marijuana in motor vehicles. No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, possess an open container of marijuana or marijuana products in the passenger area of any motor vehicle. A person who violates this section shall be punished by a civil penalty of not more than \$500. For purposes of this section, "open container" shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed and "passenger area" shall mean the area designated to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

Or take any other action in relation thereto.

**Submitted by Chief of Police**

**Majority Vote Required**

**Advisory Committee recommends against this article. (6 against)**

**A motion was duly made and seconded to move the article.**

**Passed Unanimously/May 15<sup>th</sup> @ 9:29**

On a motion duly made and seconded the town voted to amend **Article XXI** to its General By-Laws to add Section 6, to read as follows:

Possession of marijuana in motor vehicles. No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, possess an open container of marijuana or marijuana products in the passenger area of any motor vehicle. A person who violates this section shall be punished by a civil penalty of not more than \$300. For purposes of this section, "open container" shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed and "passenger area" shall mean the area designated to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

**Passed/May 15<sup>th</sup> @ 9:29 pm**

**ARTICLE 11: AMENDING BY-LAWS RE: ENGINE BRAKING**

To see if the Town will vote to amend the General By-laws by inserting a new Article LVXI, Engine Braking, as follows:

No operator of a diesel truck shall use engine braking (also known as exhaust braking or Jake braking) while operating a vehicle on a public way in the Town of Templeton except in an emergency. Whoever violates this bylaw shall be punished by a fine of One Hundred Dollars (\$100) for the first offense and Three Hundred Dollars (\$300) for the second and subsequent offenses. The owner of the vehicle may be cited in lieu of the operator.

Or take any action in relation thereto.

**Submitted by Chief of Police**

**Majority Vote Required**

**Advisory Committee recommends against this article. (4 against, 1 in favor, 1 abstain)**

**A substitute motion was duly made and seconded that the town vote to amend the General By-laws by inserting a new Article LVIII, Engine Braking, as follows:**

**No operator of a diesel truck shall use engine braking (also known as exhaust braking or Jake braking) while operating a vehicle on a public way, where such use is prohibited by the issuance of a Traffic Order by the Board of Selectmen after the holding of a noticed public hearing, in the Town of Templeton except in an emergency. Whoever violates this bylaw shall be punished by a fine of One Hundred**

**Dollars (\$100) for the first offense and Three Hundred Dollars (\$300) for the second and subsequent offenses.**

**Defeated/May 15<sup>th</sup> @ 9:43 pm**

On a motion duly made and seconded the town voted to amend the General By-laws by inserting a new Article *LVIII*, Engine Braking, as follows:

No operator of a diesel truck shall use engine braking (also known as exhaust braking or Jake braking) while operating a vehicle on a public way, *where such use is prohibited by the issuance of a Traffic Order by the Board of Selectmen after the holding of a noticed public hearing*, in the Town of Templeton except in an emergency. Whoever violates this bylaw shall be punished by a fine of One Hundred Dollars (\$100) for the first offense and Three Hundred Dollars (\$300) for the second and subsequent offenses.

The owner of the vehicle may be cited in lieu of the operator.

**Passed by hand count/Y-50, N-43/May 15<sup>th</sup> @ 9:49 pm**

#### **ARTICLE 12: AMENDING BY-LAWS RE: VETERAN'S ADVISORY BOARD**

To see if the Town will vote to amend Article LVI, Sections 1 and 4, of its General By-Laws by making certain deletions (in strikethrough) and additions (in bold italic) as follows:

##### Section 1. Establishment, Terms and Conflicting Service

There shall be a Veterans Advisory Board consisting of ~~five (5)~~ *seven (7)* residents of the Town who shall be registered voters. Veterans appointed as members shall have received an honorable discharge for their service. Members shall be appointed by the Board of Selectmen for a term of three (3) years commencing on July 1. The terms shall be staggered such that no more than two (2) members shall have their terms expire each year. Members shall serve until their successor is appointed and duly qualified. ~~There shall be no compensation for members.~~

Town Officers and Town employees, elected or appointed, are not eligible to be members *provided however that the Town's Veteran Services Officer, or designee, shall serve as a non-voting ex-officio member provided, however, that this person shall be designated by the Chairman as a voting member whenever the Committee lacks a quorum because of a recusal of a member or to provide a sufficient number of members to establish a quorum and conduct business.* Any member of said Board who shall be elected or appointed to Town office, except as provided for herein, shall forthwith, upon his qualification in such office, and any other member who shall move from Town shall, upon moving, cease to be a member of said Board. Members of the committee shall serve without compensation *provided, however, that the Veteran's Services Officer's compensation, if any, or the salary of the Veterans' Services Officer's designee may include compensation for time spent serving on the Board.*

The Board shall have a Chairman and a Clerk who shall act in the absence of the Chairman. The Board shall choose its own officers.

##### Section 4. Reports

~~The Committee shall annually file a report on its work, to include such recommendations as it deems worthy of consideration, with the Board of Selectmen in December of each year.~~

**Submitted by Veterans Services Officer**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to amend Article LVI, Sections 1 and 4, of its General By-Laws by making certain deletions (in strikethrough) and additions (in bold italic) as follows:

Section 1. Establishment, Terms and Conflicting Service

There shall be a Veterans Advisory Board consisting of ~~five (5)~~ ***seven (7)*** residents of the Town who shall be registered voters. Veterans appointed as members shall have received an honorable discharge for their service. Members shall be appointed by the Board of Selectmen for a term of three (3) years commencing on July 1. The terms shall be staggered such that no more than three (3) members shall have their terms expire each year. Members shall serve until their successor is appointed and duly qualified. ~~There shall be no compensation for members.~~

Town Officers and Town employees, elected or appointed, are not eligible to be members ***provided however that the Town's Veteran Services Officer, or designee, shall serve as a non-voting ex-officio member provided, however, that this person shall be designated by the Chairman as a voting member whenever the Committee lacks a quorum because of a recusal of a member or to provide a sufficient number of members to establish a quorum and conduct business.*** Any member of said Board who shall be elected or appointed to Town office, except as provided for herein, shall forthwith, upon his qualification in such office, and any other member who shall move from Town shall, upon moving, cease to be a member of said Board. Members of the committee shall serve without compensation ***provided, however, that the Veteran's Services Officer's compensation, if any, or the salary of the Veterans' Services Officer's designee may include compensation for time spent serving on the Board.***

The Board shall have a Chairman and a Clerk who shall act in the absence of the Chairman. The Board shall choose its own officers.

~~Section 4. Reports~~

~~The Committee shall annually file a report on its work, to include such recommendations as it deems worthy of consideration, with the Board of Selectmen in December of each year.~~

**Passed Unanimously/May 15<sup>th</sup> @ 9:55 pm**

**A motion was duly made and seconded to reconsider Article 10.**

**Defeated/May 15<sup>th</sup> @ 9:59**

**A motion was duly made and seconded to adjourn the town meeting to Thursday May 16<sup>th</sup> @ 7:00pm.  
Passed by hand count/Y-61, N-22/May 15<sup>th</sup> @ 10:16 pm**

**ARTICLE 13: AMENDING BY-LAWS RE: WIRELESS COMMUNICATIONS FACILITIES AND TOWERS**

To see if the Town will vote to amend the General Bylaws of the Town of Templeton by deleting Article XL (Wireless Communication Facilities and Towers) in its entirety and amend the Zoning Bylaw by adding new Section 9 to read as follows:

**SECTION 9: WIRELESS COMMUNICATIONS FACILITIES AND TOWERS**

**§ 9-1. Purpose.**

The purpose of this bylaw shall be to regulate the placement, design, construction, removal, and modifications of wireless communications facilities and towers and to protect Templeton's historic, cultural, natural, and aesthetic resources.

**§ 9-2. Permit granting authority.**

The special permit granting authority shall be the Planning Board.

**§ 9-3. Special permit required; review criteria; exemptions.**

- A. No wireless communications facility shall be erected, constructed, installed or operated without first obtaining a special permit from the Planning Board. A special permit is required for new tower construction (or Substantial Change of a preexisting tower) and for all new wireless communications facilities (or Substantial Change of a preexisting facility) to be mounted on a tower or structure.
- B. All applications will be reviewed by the Board of Health and Conservation Commission, who will submit their written recommendations within 45 days.
- C. A public hearing shall be opened within sixty-five (65) days of the filing of the application; provided that the Planning Board shall file its decision with the Town Clerk within 150 days for new facilities and within 60 days for any co-locations requiring a special permit, unless such times are extended by written agreement with the applicant.
- E. Exemptions.
  - (1) The following types of wireless communications facilities and towers are exempt from the requirements of this bylaw:
    - (a) Amateur radio tower: construction or use of an antenna structure by a federally licensed amateur radio operator as exempted by MGL c. 40A, § 3.



(b) A tower or antenna erected by the Town exclusively for municipal public safety communications purposes.

(2) This bylaw is exempt from Chapter 300, Zoning, Article III, lot size, frontage, and setback requirements of the Town bylaws.

#### **§ 9-4. Consistency with federal law.**

These regulations are intended to be consistent with Section 704 of the 1996 Telecommunications Act.

#### **§ 9-5. Definitions.**

As used in this bylaw, the following terms shall have the meanings indicated:

**ABANDONED TOWER** — A tower not being used for the purpose for which it was permitted for a period of 12 months.

**ADEQUATE COVERAGE** — Coverage is adequate within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station without objectionable noise (or excessive bit-error rate for digital) and without calls being dropped. In the case of cellular communications in a rural environment, this would be signal strength of at least -90 dBm. It is acceptable for there to be minor, temporary loss of signal within the area of adequate coverage. The outer boundary of the area of adequate coverage is that location past which the signal does not regain uniformity.

**ANTENNA** — A device used to transmit and/or receive electromagnetic waves, which is attached to a tower or other structure.

**ANTENNA SUPPORT STRUCTURE** — Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

**AVAILABLE SPACE** — The space on a tower or structure to which antennas of a wireless communications provider are both structurally able and electromagnetically able to be attached.

**BASE STATION** — The primary sending and receiving site in a wireless communications facility network. More than one base station and/or more than one variety of wireless communications provider may be located on a single tower or structure.

**BUILDING FOR EQUIPMENT SHELTER** — An enclosed structure used to contain batteries, electrical equipment, telephone lines, transmitters, etc. used by the carriers on the towers.

**BUILDING-MOUNTED ANTENNA SUPPORT STRUCTURE** — Any antenna support structure mounted on, erected on, or supported in whole or part by a building or structure occupied and/or used for purposes other than wireless telecommunications.

**CARRIER** — A company that provides wireless service as defined by Section 704 of the 1996 Telecommunications Act.

**CHANNEL** — The segment of the radiation spectrum to or from an antenna, which carries one signal. An antenna may radiate on many channels simultaneously.

**CO-LOCATION** — Locating the wireless communications equipment of more than one provider on a single tower.

**COMMUNICATION TOWER** — A monopole or self-supporting tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving wireless communications. A tower and its equipment are considered a main use of property.

**CONSULTANT** — A registered professional engineer (electrical communication specialty) licensed by the Commonwealth of Massachusetts, hired at the expense of the applicant to review the application and verify that the new tower is necessary at the proposed site, or any other review required under this bylaw.

**dBm** — Unit of measure of the power level of a signal expressed in decibels referenced to one milliwatt.

**EA** — See "environmental assessment."

**ELIGIBLE FACILITIES REQUEST** – Any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

**EMERGENCY POWER** — Electrical generators usually powered by propane gas or diesel fuel so as to provide uninterrupted service in the case of electrical utility failure, provided that any generators used may not emit more than 50 decibels over the ambient noise level at the property line.

**ENVIRONMENTAL ASSESSMENT (EA)** — An EA is the document required by the FCC and NEPA when a personal wireless facility is placed in certain designated areas.

**FAA** — Federal Aviation Administration

**FACILITY SITE** — A property, or any part thereof, which is owned or leased by one or more wireless communications facility(ies) and where required landscaping is located.

**FALL ZONE** — The area on the ground within a prescribed radius from the base of a

tower; typically the area within which there is a potential hazard from falling debris or collapsing material. The fall zone shall be equal to the tower height.

FCC — Federal Communications Commission.

FREQUENCY — The number of cycles completed each second by an electromagnetic wave, measured in hertz (Hz), megahertz (MHz), or one million hertz, or gigahertz (GHz), one billion hertz.

HERTZ — One hertz (Hz) is the frequency of an electric or magnetic field, which reverses polarity once each second, or one cycle per second.

LATTICE TOWERS — A type of mount that is self-supporting with multiple legs and cross bracing of structural steel. See "communication tower."

MONITORING — The measurement, by the use of instruments in the field, of nonionizing radiation exposure from wireless communications facilities, towers, antennas, or repeaters.

MONOPOLE — A type of tower that is self-supporting with a single shaft of wood, steel, or concrete.

NEPA — National Environmental Policy Act.

PREEXISTING TOWERS AND ANTENNAS — Any tower or antenna that was lawfully erected before the effective date of these regulations.

REPEATER — A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas that are not able to receive adequate coverage directly from a base or primary station.

RFI — Radio frequency interference.

RFR — Radio frequency radiation.

SCENIC VIEW — A wide-angle or panoramic field of sight and may include natural and/or man-made structures and activities which may be seen from a stationary viewpoint or as one travels along a roadway, waterway, or path, and may be an object nearby or in the distance such as a mountain, or historic building or a pond.

SELF-SUPPORTING TOWER — A communications tower that is constructed without guy wires.

SPECTRUM — Relating to any transmissions or reception of electromagnetic waves.

STEALTH TOWER — A structure designed to blend with or be hidden by surrounding terrain, architectural design, or buildings.

**STRUCTURALLY ABLE** — The determination that a tower or structure is capable of carrying the load imposed by the proposed new antenna(s) under all reasonable predictable conditions as determined by professional structural engineering analysis.

**SUBSTANTIAL CHANGE** – A modification of a Preexisting Tower or Antenna if it meets any of the following criteria:

- (i) For towers other than towers in the public rights of way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- (ii) For towers other than towers in the public rights of way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) It entails any excavation or deployment outside the current site;
- (v) It would defeat the concealment elements of the eligible support structure;  
Or
- (vi) It does not comply with conditions associated with the siting of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified above.

**TOWER** — A vertical structure for antenna(s) that provides wireless communications services.

**TOWER HEIGHT** — The vertical distance measured from the base of the tower support structure to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the tower height.

**WIRELESS COMMUNICATIONS FACILITY** — All equipment, buildings and locations of equipment (real estate) with which a wireless communications provider transmits and receives the waves that carry its services. This facility may be owned and permitted by the provider or another owner or entity.

**WIRELESS COMMUNICATIONS PROVIDER** — An entity licensed by the FCC to provide telecommunications services to individuals or institutions.

**WIRELESS SERVICES** — Commercial mobile services, unlicensed wireless exchange access services, including cellular services, personal communications services, specialized mobile radio services, and paging services.

**§ 9-6. Permit application requirements.**

- A. An applicant for a wireless communications tower or facility permit must be a wireless communications provider or must provide a copy of its executed contract to provide land or facilities to an existing wireless communications provider at the time that an application is submitted. A permit shall not be granted for a tower or facility to be built on speculation.
  
- B. Applicants for wireless communications towers or facilities shall include the following supplemental information in their filings for special permit approval:
  - (1) Location map. The location of the proposed structure on the most recent United States Geological Survey Quadrangle Map, showing the area within at least a three-mile radius of the proposed tower site.
  
  - (2) A map or sketch of the property proposed to be developed, prepared by a registered land surveyor drawn to scale and with the area to be developed clearly indicated.
  
  - (3) A report from qualified and licensed professional engineers (consultants) that:
    - (a) Describes the facility height, design, and elevation not to exceed 190 feet.
  
    - (b) Documents the height above grade for all proposed mounting positions for antennas to be co-located on a wireless communications tower or facility and the minimum separation distances between antennas.
  
    - (c) Describes the tower's proposed capacity, including the number, height, and type(s) of antennas that the applicant expects the tower to accommodate.

(d) Documents steps the applicant will take to avoid interference with any established public safety wireless communications, and includes both an intermodulation study that predicts no likely interference problems and certification that the study has been provided to the appropriate public safety agencies.

(e) Describes existing and proposed coverage. In the case of new tower proposals, the applicant shall demonstrate that existing wireless communications facility sites and other existing structures within Templeton, in abutting towns, and within a ten-mile radius of the proposed site cannot reasonably be modified to provide adequate coverage and/or adequate capacity to the Town of Templeton.

(f) Describes potential changes to those existing facilities or sites in their current state that would enable them to provide adequate coverage, and provides a detailed computer-generated "actual received level" propagation model that describes coverage of the existing and proposed facilities.

(g) Describes the output frequency, number of channels and power output per channel for each proposed antenna.

(h) Includes a written five-year plan for use of the proposed wireless communications facility, including reasons for seeking capacity in excess of immediate needs if applicable, as well as plans for additional development and coverage within the Town of Templeton.

(i) Demonstrates the tower's compliance with the municipality's setbacks for towers and support structures.

(j) Provides proof that at the proposed site the applicants will be in compliance with all FCC regulations, standards, and requirements, and includes a statement that the applicant commits to continue to maintain compliance with all FCC regulations, standards, and requirements regarding both radiofrequency interference (RFI) and radiofrequency radiation (RFR). The Town of Templeton may hire independent engineers to perform evaluations of compliance with the FCC regulations, standards, and requirements on an annual basis at unannounced times. The Town may allocate to the applicant any reasonable expenses incurred or authorized by it in retaining independent engineers to perform these evaluations.

(4) Commitment to share space. A letter of intent committing the tower owner and his or her successors to permit shared use of the tower if the additional user agrees to meet reasonable terms and conditions for shared use, including

compliance with all applicable FCC regulations, standards, and requirements and the provisions of this bylaw.

(5) Existing structures. For wireless services to be installed on an existing structure, a copy of the applicant's executed contract with the owner of the existing structure must be submitted.

(6) Environmental assessment. To the extent required by the National Environmental Policy Act (NEPA) and as administered by the FCC, a complete environmental assessment (EA) draft or final report describing the probable impacts of the proposed facility shall be submitted to the Planning Board prior to the issuance of a building permit.

(7) Vicinity map. A topography map and a priority resource map showing the entire vicinity within a one-thousand-foot radius of the tower site, including the wireless communications facility or tower, public and private roads and buildings and structures, water bodies, wetlands, landscape features, and historic sites. The map shall show the property lines of the proposed tower site parcel and all easements or rights-of-way needed for access from a public way to the tower.

(8) Proposed site plans of the entire wireless communications facility, professionally drawn to scale, showing all improvements, including landscaping, utility lines, screening, and roads.

(9) Elevations showing all facades and indicating all exterior materials and color of towers, buildings, and associated facilities.

(10) Where the proposed site is forested, the approximate average height of the existing vegetation within 200 feet of the tower base.

(11) Construction sequence and estimated time schedule for completion of each phase of the entire project.

(12) Any additional information requested by the Planning Board.

C. Plans shall be drawn at a minimum at the scale of one inch equals 50 feet. The permit application shall be signed under the penalties of perjury.

D. All permit requests shall be submitted during a regular scheduled meeting.

**§ 9-7. Tower and antenna design; site and location requirements; abandoned facilities.**

A. Protection of scenic character.

(1) Proposed facilities shall not unreasonably interfere with any scenic views, paying particular attention to such views from the downtown business area, public parks, natural scenic vistas or historic buildings or districts. Towers shall, when possible, be sited off ridgelines and where their visual impact is least detrimental to scenic views and areas. In determining whether the proposed tower will have an undue adverse impact on the scenic beauty of a ridge or hillside, the Town shall consider, among other things, the following:

(a) The period of time during which the proposed tower will be viewed by the traveling public on a public highway, public trail, or public body of water;

(b) The frequency of the view of the proposed tower by the traveling public;

(c) The degree to which the view of the tower is screened by existing vegetation, the topography of the land, and existing structures;

(d) Background features in the line of sight to the proposed tower that obscure the facility or make it more conspicuous;

(e) The distance of the tower from the viewing vantage point and the proportion of the facility that is visible above the skyline;

(f) The number of travelers or vehicles traveling on a public highway, public trail, or public body of water at or near the critical vantage point; and

(g) The sensitivity or unique value of the particular view affected by the proposed tower.

(2) To assist the Town in its review it may require the applicant to fly or raise a three-foot-diameter balloon at the maximum height of the proposed facility at a location within 50 horizontal feet of the center of the proposed facility. The applicant shall provide photographs of the balloon test taken from at least four vantage points previously designated by the Planning Board.

B. Lighting, bulk, height, glare. All wireless communications facilities, including towers and antennas, shall be designed and constructed so as to minimize the visual impact of the height and mass of said tower. Materials utilized for the exterior of any structure shall be of a type, color, and style so as to minimize glare and blend into the environment. Towers shall not be artificially illuminated.

C. Transmitter building. Facilities buildings shall be built to accommodate all anticipated tenants on a tower.



D. Landscaping and screening. The base of the tower as well as the building accessory to the tower shall be screened from view by a suitable vegetation screen that is consistent with existing vegetation. A planted or existing vegetative screen shall be maintained. Existing on-site vegetation outside the immediate site for the wireless facility shall be preserved or improved. Disturbance to existing topography shall be minimized unless disturbance is demonstrated to result in less visual impact on the facility from surrounding properties and other vantage points.

E. Height limitations. In order to protect public safety and to preserve the scenic, rural character and appearance of Templeton, antennas and all related facilities shall not exceed 190 feet.

F. Fencing and signage; insurance. The area around the tower shall be completely fenced for security to a height of eight feet and gated. Use of multiple strands of barbed wire is required. A painted sign no greater than two square feet stating the name of the facility's owner and a twenty-four-hour emergency number shall be posted on the entry gate. In addition, "No Trespassing" and any other mandated warning signs shall be posted and maintained at the site. No commercial signs or lettering shall be placed on a tower. The tower must be equipped with an anticlimbing device. The wireless communications facility owner shall maintain adequate insurance on all wireless communications facilities.

G. Utilities. All utilities must be routed underground via conduit from a public road to the site where feasible.

H. Access road. Vehicle access to the site shall be required and shall conform to all Conservation Commission guidelines and be at least 18 feet wide. A sturdy, posted, swinging, lockable gate must be installed which is more than 15 feet and less than 30 feet off the public road upon which said access is situated, A Knox box or keys shall be provided to a designated Town official for municipal access. Finish grade must be approved by the Director of Public Works. Easements shall be provided to the Town of Templeton for access and removal in the case of facility/tower abandonment.

I. Removal of abandoned antennas and towers.

(1) The owner of a facility/tower shall annually, by January 15, file a declaration with the Town of Templeton Planning Board certifying the continuing safe operation of said facility/tower installed subject to these regulations. Failure to file a declaration shall mean that the facility/tower is no longer in use and shall be considered abandoned.

(2) A facility/tower shall also be considered abandoned when it has not been used for the purpose for which it was permitted for a period of 12 months.

(3) The applicant or subsequent owners shall provide and maintain a financial surety bond in the amount of \$50,000 payable to the Town of Templeton to

cover the costs of removal of each wireless communications facility applied for and the remediation of the landscape, should the facility be deemed abandoned. The bond shall not limit the applicant's financial liability to the Town for said facility/tower removal. The bond amount shall be reviewed every year by the Planning Board and shall be adjusted if deemed necessary. If the bond is deemed to be adjusted, the applicant shall have 90 days from notice to provide an adjusted bond.

(a) The owner of a facility/tower shall have 90 days to remove said tower from the date it is deemed abandoned as stated above.

(b) The Town may exercise its option to remove said facility/tower at its own discretion upon notification of the owner, any time after the ninety-day waiting period.

J. Emergency power. Emergency power shall emit no more than 50 decibels over ambient noise level at all property lines.

K. Noise. Noise at the site perimeter from the operation of any machinery or equipment shall be minimized.

L. Property consideration. An applicant shall demonstrate that all municipally owned property in the geographic area was considered.

M. Distance of tower or repeaters.

(1) No repeater shall be located less than 25 feet nor more than 70 feet above ground.

(2) No tower or personal wireless service facility, with the exception of repeaters, shall be located:

(a) Within any of the following prohibited areas:

[1] Massachusetts or federally regulated wetlands.

[2] A Massachusetts certified vernal pool.

(b) Within 100 feet horizontally of any Massachusetts regulated wetland.

(c) Within 200 feet of any existing permanently occupied residential dwelling.

(d) Within 200 feet of an existing property line unless incorporated within an existing building, tower, or steeple.

N. Documentation. Engineering and environmental assessment impact as well as FAA notice of determination of no hazard of flight zone shall be submitted with any

application.

O. Co-location requirements. An application for a new (non-co-located) wireless communications tower shall not be approved unless the Planning Board finds that the wireless communications facility planned for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one of the following reasons:

(1) The proposed antennas and equipment would exceed the structural or spatial capacity of the existing or approved tower or facility, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment, at a reasonable cost, to provide coverage and capacity comparable to that of the proposed facility.

(2) The proposed antennas and equipment would cause interference materially impacting the usefulness of other existing or permitted equipment at the existing or approved tower or facility as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts and such interference cannot be prevented at a reasonable cost.

(3) The proposed antennas and equipment, along or together with existing facilities, equipment, or antennas, would create RFI in violation of federal standards or requirements.

(4) The proposed antennas and equipment, alone or together with existing facilities, equipment or antennas, would create RFR in violation of federal standards or requirements.

(5) Existing or approved towers and structures cannot accommodate the planned equipment at a height necessary to function, or are too far from the area of needed coverage to function reasonably, as documented by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.

(6) Aesthetic considerations make it unreasonable to locate the planned wireless communications equipment upon an existing or approved tower or building.

(7) There is no existing or approved tower in the area in which coverage is sought.

(8) Other unforeseen specific reasons make it unreasonable to locate the planned wireless communications equipment upon an existing or approved tower or building.

P. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights when overall permitted

height allows. Towers shall be designed structurally, electrically and in all respects to accommodate both the applicant's and additional antennas when overall permitted height allows.

Q. Wireless communications towers shall be a minimum distance of 2.5 miles from each other unless it is determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts that a closer proximity is need for "adequate coverage" as defined under § 277-5, Definitions. Under no circumstances shall any wireless communications tower be within a distance of one mile of each other unless such tower is a stealth tower and the applicant's technology cannot be used on an existing tower as determined by a qualified engineer (consultant) licensed to practice in the Commonwealth of Massachusetts.

#### **§ 9-8. Modifications to existing facilities and existing special permits.**

A. Notwithstanding anything contained in the Zoning Bylaw to the contrary, an Eligible Facilities Request that does not Substantially Change the physical dimensions of the facility shall be allowed by right (subject to issuance of a building permit) provided the following procedures are adhered to. Any applicant seeking a determination that an Eligible Facilities Request does not Substantially Change the dimensions of the facility shall submit an application along with written documentation sufficient to support its claim to the Building Commissioner. The Building Commissioner shall review and respond to such a request within sixty (60) days of the filing of the application, provided that this time for response may be tolled where the applicant has failed to satisfactorily support its claim and additional documentation is requested in writing by the Building Commissioner.

B. Any alteration of or addition to a previously approved wireless communications facility that does not satisfy Section A, above, shall require an additional special permit. Such alterations and additions may include, but are not limited to, the following:

- i. A change in the number of buildings or facilities permitted on the site;
- ii. Changes in technology used by the wireless communications facility;
- iii. An addition or change of any external equipment or an increase in the height of the tower, including profile of additional antennas, not specified in the original application;
- iv. Change in ownership; or
- v. Co-location of new equipment.

#### **§ 9-9. Continuing obligations.**

A. Upon receiving a permit, the permittee shall annually, by January 15, document that the facility is in compliance with all FCC standards and at the same time the permittee

shall provide a list of the most recent RFR readings at the site, their distances from the tower/transmitter, dates of the readings, and the name of the person or company who or which took the readings.

B. All payment and nonpayment of taxes shall fall under the Chapter 183, Licenses and Permits, Article II, of the Town bylaws.

**§ 9-10. Fees.**

The Town shall establish a schedule of fees to cover permitting and monitoring costs. Fees may include the reasonable costs of an independent technical assessment of the application by a consultant.

**§ 9-11. Severability.**

If a court of competent jurisdiction holds any portion of this bylaw unconstitutional or invalid, the remainder of this bylaw shall not be affected.

**§ 9-12. Conflicts.**

If any definition or term as used in this bylaw is inconsistent with or would result in a conflict with an applicant's compliance with any FCC regulation or licensing requirement, the FCC regulation or licensing requirement shall control.

**§ 9-13. Waivers.**

Strict compliance with these requirements may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Templeton bylaws.

Or to take any other action in relation thereto.

**Submitted by Town Counsel**

**Two-Thirds Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to waive the reading and approve the article as published, excepting the phrase “To see if the Town will vote to...” and the phrase “Or Take any other action related thereto.”; and further to change the numbering of section “§9-3.E” to read “§9-3.D”

**Passed by 2/3 vote/May 16<sup>th</sup> @ 7:08 pm**

**ARTICLE 14: AMENDING OF ZONING MAP**

To see if the Town will vote to amend the Town’s Zoning Map by rezoning the parcels identified on Baldwinville Road; as follows Map 4-06, Parcels 19.3, 23, 23.2, 24, 25, 25.1, 26, 26.10, 16.12, 27, 27.1 and 28; Map 4-07, Parcels 48.1, 52, and 53 (per attached map), from Residential-

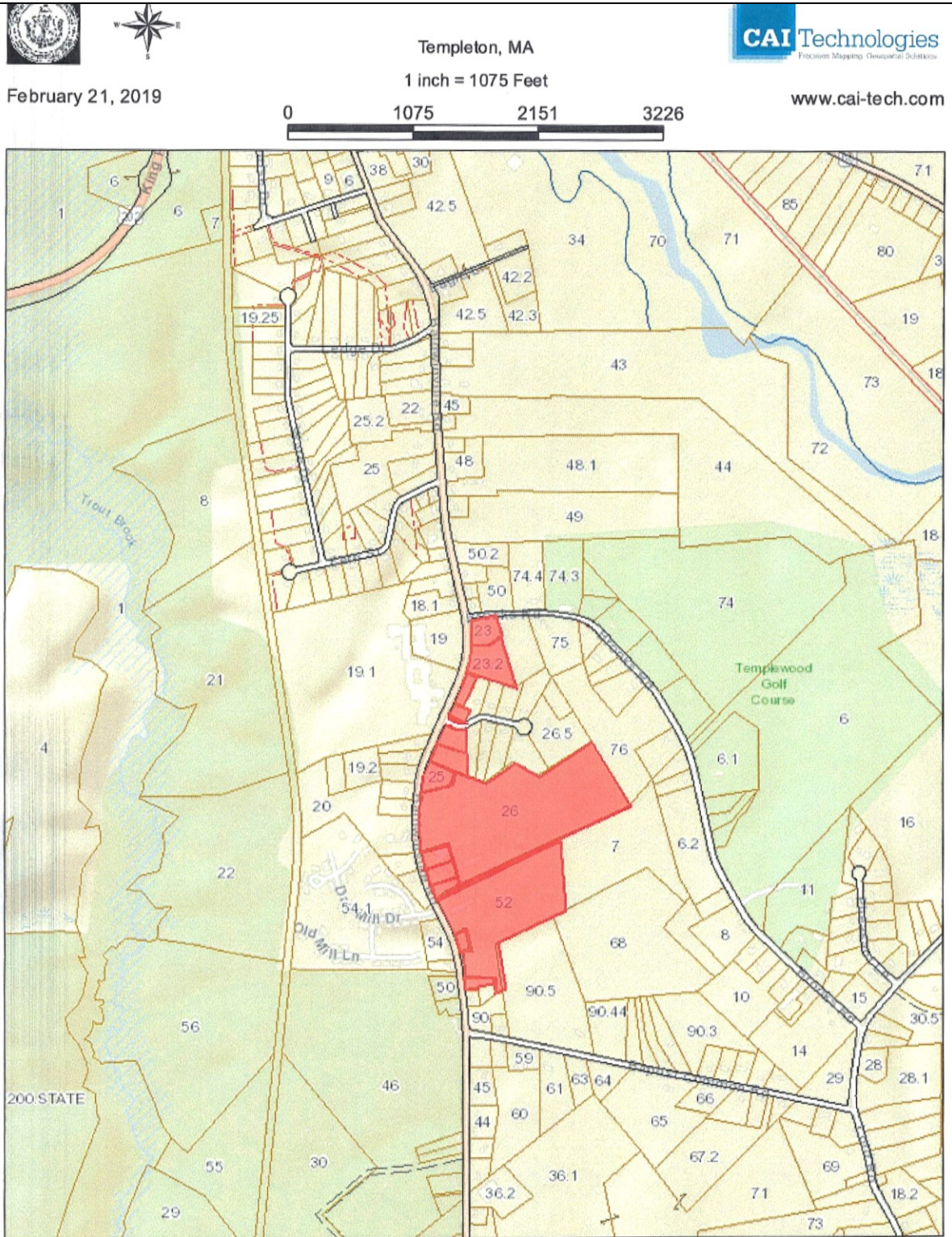
Agricultural-One (R-A-1) Zoning District to Commercial-Industrial-A (C-I-A); or to take any other action relative thereto.

**Submitted by the Planning Board**

**Two-Thirds Vote Required**

**Advisory Committee voted to withhold any recommendation on this article until Town Meeting. (6 yes)**

**Exhibit – Article 14: AMENDING OF ZONING MAP**



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

On a motion duly made and seconded the town voted to amend the Town's Zoning Map by rezoning the parcels identified on Baldwinville Road; as follows Map 4-06, Parcels 19.3, 23, 23.2, 24, 25, 25.1, 26, 26.10, 26.12, 27, 27.1 and 28; Map 4-07, Parcels 48.1, 52, and 53 (per attached map), from Residential-Agricultural-One (R-A-1) Zoning District to Commercial-Industrial-A (C-I-A);

**Passed by 2/3/May 16<sup>th</sup> @ 7:26 pm**

#### **ARTICLE 15: CODIFICATION OF EXISTING TOWN BY-LAWS**

To see if the Town will vote to amend the General Bylaws in order to improve consistency of language and style throughout, and to bring the Bylaws into conformance with current practices and the General Laws of the Commonwealth by adopting the changes to the General Bylaws in the document entitled: "red-line\_draft\_bylaw\_codification\_v9\_02.19.2019\_clean\_copy-2" which is available on the Town's website for inspection; or take any other action relative thereto.

**Submitted by Town Clerk & Town Counsel**

**2/3 Vote Required**

**Advisory Committee voted to withhold any recommendation on this article until Town Meeting. (6 yes)**

On a motion duly made and seconded the town voted to amend the ~~General~~ Bylaws *of the Town of Templeton* in order to improve consistency of language and style throughout, and to bring the Bylaws into conformance with current practices and *with* the General Laws of the Commonwealth by adopting the changes to the General Bylaws in the document entitled: "red-line\_draft\_bylaw\_codification\_v119\_02.19.2019\_04-23-2019\_clean\_copy-2" ~~which is~~ (available on the Town's website for inspection) *as follows:*

- 1) by deleting any and all text shown with a strikethrough and by adding any and all text that is underlined; and*
- 2) by amending any other bylaw adopted or amended at this Town Meeting by renumbering said bylaw to be consistent with the numbering sequence adopted in "red-line\_draft\_v11\_04-23-2019\_clean\_copy" and*
- 3) that if any amendment identified above is not adopted by this Town Meeting or if it is adopted by this Town Meeting but is not approved by the Attorney General, then the corresponding section in the current bylaw shall not be deleted and shall be inserted in the amended bylaws and the numbering sequence shall be amended to conform to the new bylaws.*

**Passed by 2/3/May 16<sup>th</sup> @ 7:36 pm**

#### **ARTICLE 16: SELL TOWN LANDS TO COMMONWEALTH OF MASSACHUSETTS**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain any interest not currently owned by the Town in one or two parcels of land, commonly identified on the Town's assessing maps as: Map 4-02, Parcel 2 (12.00<sup>+/-</sup> acres) and located on Royalston Road and 3-07; and Parcel 58 (15.00<sup>+/-</sup> acres) and located on Athol Road, and thereafter to sell one or both parcels to the Massachusetts Department of Fish and Game, or

such other state agency, with all such land to be under the custody, care and control of the Commonwealth for public open space, conservation and passive recreational purposes, provided however that the costs of the acquisition of interests in said parcels not currently owned by the Town may not exceed the proceeds from said sale, and 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.

**Submitted by the Board of Selectmen**

**Two-Thirds Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to authorize the Board of Selectmen to acquire by purchase, gift, or eminent domain any interest not currently owned by the Town in one or two parcels of land, commonly identified on the Town's assessing maps as: Map 4-02, Parcel 2 (12.00<sup>+/-</sup> acres) and located on Royalston Road and 3-07; and Parcel 58 (15.00<sup>+/-</sup> acres) and located on Athol Road, and thereafter to sell one or both parcels to the Massachusetts Department of Fish and Game, or such other state agency, with all such land to be under the custody, care and control of the Commonwealth for public open space, conservation and passive recreational purposes, provided however that the costs of the acquisition of interests in said parcels not currently owned by the Town may not exceed the proceeds from said sale, and 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.

**Passed Unanimously/May 16<sup>th</sup> @ 8:08 pm**

#### **ARTICLE 17: FY 2019 SEWER DEPARTMENT OPERATING BUDGET**

To see if the Town will vote to appropriate the sum of One Million Three Hundred Eleven Thousand Eight Hundred Sixty Four Dollars and No Cents (\$1,311,864.00) to operate the Sewer Department for Fiscal Year 2020 and to meet said appropriation by a transfer of One Hundred Thirty Five Thousand Five Hundred Seventy Dollars and No Cents (\$135,570.00) from the certified retained earnings of the Sewer Fund and the balance from the receipts and revenues to be collected on behalf of the Sewer Department for said fiscal year.

Or take any other action related thereto.

**Submitted by the Board of Selectmen for the Sewer Commission**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of One Million Three Hundred Eleven Thousand Eight Hundred Sixty Four Dollars and No Cents (\$1,311,864.00) to operate the Sewer Department for Fiscal Year 2020 and to meet said appropriation by a transfer of One Hundred Thirty Five Thousand Five Hundred Seventy Dollars and No Cents (\$135,570.00) from the certified retained earnings of the Sewer Fund and the



balance from the receipts and revenues to be collected on behalf of the Sewer Department for said fiscal year.

**Passed Unanimously/May 16<sup>th</sup> @ 8:10 pm**

**ARTICLE 18: DEPOSITS TO RESERVE ACCOUNTS OF THE SEWER FUND**

To see if the Town will vote to appropriate the sum of Twenty Five Thousand Dollars and No Cents (\$25,000) to make deposits into the OPEB reserve account of the Sewer Fund and to meet said appropriation by a transfer of said sum from the certified retained earnings of the Sewer Fund.

Or take any other action related thereto.

**Submitted by the Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of Twenty Five Thousand Dollars and No Cents (\$25,000) to make deposits into the OPEB reserve account of the Sewer Fund and to meet said appropriation by a transfer of said sum from the certified retained earnings of the Sewer Fund.

**Passed Unanimously/May 16<sup>th</sup> @ 8:11 pm**

**ARTICLE 19: SEWER CAPITAL PROJECT – FY ‘20**

To see if the Town will vote to appropriate the sum of Eighty Thousand Dollars and No Cents (**\$80,000**) for realigning and paving portions for the WWTP interior roadway and to meet said appropriation by a transfer of said sum from the certified retained earnings of the Sewer Fund.

Or take any other action related thereto.

**Submitted by the Board of Selectmen for the Sewer Commission**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of Eighty Thousand Dollars and No Cents (**\$80,000**) for realigning and paving portions for the WWTP interior roadway and to meet said appropriation by a transfer of said sum from the certified retained earnings of the Sewer Fund.

**Passed Unanimously/May 16<sup>th</sup> @ 8:12 pm**

**ARTICLE 20: FY 2019 CABLE DEPARTMENT OPERATING BUDGET**

To see if the Town will vote to appropriate the sum of Two Hundred Four Thousand Nine Hundred Eighty Nine Dollars and No Cents (\$204,989.00) to operate the Cable Department for Fiscal Year 2020 and to meet said appropriation by a transfer of Seventy Nine Thousand Nine Hundred Eighty Nine Dollars and No Cents (**\$79,989.00**) from the certified retained earnings of

the Cable Fund and the balance from the receipts and revenues to be collected on behalf of the Cable Department for said fiscal year.

Or take any other action related thereto.

**Submitted by the Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of Two Hundred Four Thousand Nine Hundred Eighty Nine Dollars and No Cents (**\$204,989.00**) to operate the Cable Department for Fiscal Year 2020 and to meet said appropriation by a transfer of Seventy Nine Thousand Nine Hundred Eighty Nine Dollars and No Cents (**\$79,989.00**) from the certified retained earnings of the Cable Fund and the balance from the receipts and revenues to be collected on behalf of the Cable Department for said fiscal year.

**Passed Unanimously/May 16<sup>th</sup> @ 8:14 pm**

**ARTICLE 21: FUNDING OF COMMUNITY PRESERVATION ACCOUNT(S)**

To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars and No Cents (**\$300,000.00**) to the several accounts of the Community Preservation Committee, as recommended by the Community Preservation Committee, as follows:

	Amount	% of Total
Administrative Account	\$15,000	5%
Historic Resources Reserve	\$30,000	10%
Community Housing Reserve	\$30,000	10%
Open Space & Recreation Reserve	\$30,000	10%
General Reserve	<u>\$195,000</u>	65%
Total	\$300,000	100%

And to meet said appropriation by a transfer from the Community Preservation annual revenues, which include the amount to be collected as a surcharge on real property, and the October 2019 state match for CPC permissible expenses.

Or take any other action related thereto.

**Submitted by the Board of Selectmen on behalf of the Community Preservation Committee**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of Three Hundred Thousand Dollars and No Cents (**\$300,000.00**) to the several accounts of the Community Preservation Committee, as recommended by the Community Preservation Committee, as follows:

	Amount	% of Total
Administrative Account	\$15,000	5%
Historic Resources Reserve	\$30,000	10%
Community Housing Reserve	\$30,000	10%
Open Space & Recreation Reserve	\$30,000	10%
General Reserve	<u>\$195,000</u>	65%
Total	\$300,000	100%

And to meet said appropriation by a transfer from the Community Preservation annual revenues, which include the amount to be collected as a surcharge on real property, and the October 2019 state match for CPC permissible expenses.

**Passed Unanimously/May 16<sup>th</sup> @ 8:17 pm**

**ARTICLE 22: EXPENDING OF COMMUNITY PRESERVATION RESERVES**

To see if the Town will vote to appropriate the sum of Fifty Two Thousand Dollars and No Cents (**\$52,000.00**) for expenditure by the Templeton Recreation Committee for improvements to Gilman Waite Park including relocating the baseball field and associated fencing and other improvements to the fields and park and to meet said appropriation by a transfer of funds from the Open Space and Recreation Reserve of the Community Preservation Act.

Or take any other action related thereto.

**Submitted by the Board of Selectmen on behalf of the Community Preservation Committee  
Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of Fifty Two Thousand Dollars and No Cents (**\$52,000.00**) for expenditure by the Templeton Recreation Committee for improvements to Gilman Waite Park including relocating the baseball field and associated fencing and other improvements to the fields and park and to meet said appropriation by a transfer of funds from the Open Space and Recreation Reserve of the Community Preservation Act.

**Passed Unanimously/May 16<sup>th</sup> @ 8:19 pm**

**ARTICLE 23: TEMPLETON SCHOLARSHIP FUND**

To see if the Town will vote to raise and appropriate the sum of Four Thousand Dollars and No Cents (**\$4,000.00**) to the Templeton Scholarship Fund to be expended by the Templeton Scholarship Committee for the purpose of awarding scholarships to eligible applicants from the Town of Templeton.

Or take any other action related thereto.

**Submitted by the Board of Selectmen for the Templeton Scholarship Committee  
Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to raise and appropriate the sum of Four Thousand Dollars and No Cents (**\$4,000.00**) to the Templeton Scholarship Fund to be expended by the Templeton Scholarship Committee for the purpose of awarding scholarships to eligible applicants from the Town of Templeton.

**Passed Unanimously/May 16<sup>th</sup> @ 8:20 pm**

**ARTICLE 24: PROPERTY VALUATION ACCOUNT**

To see if the Town will vote to raise and appropriate the sum of Twenty Two Thousand Five Hundred Dollars and No Cents (**\$22,500.00**), to be expended by the Board of Assessors for Interim Work, Five-year Recertification, Cyclical Inspections, and costs associated with carrying out these activities and fulfilling the intent of this article including the purchase or licensing of software, or take any other action relative thereto.

Or take any other action related thereto.

**Submitted by the Board of Selectmen for the Board of Assessors**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to raise and appropriate the sum of Twenty Two Thousand Five Hundred Dollars and No Cents (**\$22,500.00**), to be expended by the Board of Assessors for Interim Work, Five-year Recertification, Cyclical Inspections, and costs associated with carrying out these activities and fulfilling the intent of this article including the purchase or licensing of software, or take any other action relative thereto.

**Passed Unanimously/May 16<sup>th</sup> @ 8:21 pm**

**ARTICLE 25: SET THE SALARIES OF ELECTED TOWN OFFICIALS**

To see if the Town will vote, in accord with MGL Ch. 41 §108, to fix or maintain the salaries of certain elected officials for Fiscal Year 2020 as follows:

Town Clerk	\$ 58,143.00	Yearly
Board of Selectmen	\$ 500.00	Yearly
Sewer Commissioner (Each)	\$ 2,000.00	Yearly

Or take any other action related thereto.

**Submitted by the Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (3 yes, 1 no, 2 abstain)**

**A substitute motion was duly made and seconded to have article 25 read as follows.**

In accord with MGL Ch. 41 section 108, to fix or maintain the salary of elected officials for Fiscal Year 2020 as follows:

Town Clerk	\$ 58,143.00	Yearly
------------	--------------	--------

**A motion was duly made and seconded to move the substitute motion.  
Passed/May 16<sup>th</sup> @ 8:27 pm**

**On substitute motion.  
Defeated/ May 16<sup>th</sup> @ 8:27**

On a motion duly made and seconded the town voted in accord with MGL Ch. 41 §108, to fix or maintain the salaries of certain elected officials for Fiscal Year 2020 as follows:

Town Clerk	\$ 58,143.00	Yearly
Board of Selectmen ( <i>Each</i> )	\$ 500.00	Yearly
Sewer Commissioner (Each)	\$ 2,000.00	Yearly

**Passed/May 16<sup>th</sup> @ 8:33 pm**

**ARTICLE 26: FY 2019 GENERAL FUND OPERATING (OPEX) BUDGET**

To see if the Town will vote to appropriate the sum of Nine Million Six Hundred Ninety Thousand Two Hundred Seventy Four Dollars and no cents **(\$9,690,274.00)** for the operations of General Government for Fiscal Year 2020, and to meet said appropriation with a transfer of Two Hundred Fifty Thousand Dollars and No Cents **(\$250,000.00)** from the Ambulance receipts reserved for appropriation, anticipated receipts, and the balance from taxation.  
Or take any other action related thereto.

**Submitted by the Board of Selectmen  
Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (5 yes, 1 no)**

On a motion duly made and seconded the town voted to appropriate the sum of Nine Million Six Hundred Ninety Thousand Two Hundred Seventy Four Dollars and no cents **(\$9,690,274.00)** for the operations of General Government for Fiscal Year 2020, and to meet said appropriation with a transfer of Two Hundred Fifty Thousand Dollars and No Cents **(\$250,000.00)** from the Ambulance receipts reserved for appropriation, anticipated receipts, and the balance from taxation.

Dept Code	Name	FY 20 Budget
120	Selectmen (1)	\$ 358,250
130	Advisory Committee (2)	\$ 49,395
135	Town Accountant	\$ 193,470
141	Assessor	\$ 92,000
147	Treasurer/Collector	\$ 133,750
155	IT & Communications	\$ 100,000
161	Town Clerk	\$ 107,250
200	Police & Dispatch	\$ 1,340,500
220	Fire & EMS	\$ 732,750
230	Emergency Management	\$ 1,750

250	Development Services	\$	162,000
400	Highway	\$	605,001
410	Building & Grounds	\$	305,000
420	Snow & Ice	\$	147,500
500	Veteran's Service	\$	104,122
600	Senior Services	\$	152,999
610	Library	\$	79,640
620	Recreation & Culture	\$	9,750
700	Debt Service	\$	2,590,147
900	Insurance & Benefits	\$	2,425,000
		\$	<b>9,690,274</b>

- (1) Contains Reserve Transferable by SelectBoard for CBAs and Merit & Equity Raises for Non-Union Personnel.
- (2) Contains MGL Ch. 40 §6 Reserve Transferable by Advisory Committee for "...emergency or unforeseen expenditures..."

**Passed Unanimously/May 16<sup>th</sup> @ 8:45**

**ARTICLE 27: SUPPLEMENTAL FY 2020 OPERATING BUDGET RE: EXTRAORDINARY INSPECTION WORK LOAD**

To see if the Town will vote to appropriate the sum of Twenty Five Thousand Dollars and No Cents (**\$25,000.00**) for supplemental appropriations to the FY 2020 Operating Budget of the Office of Development Services for additional compensation for the building, plumbing/gas and electrical inspectors, above and beyond that to be paid from their regular annual salary and respective revolving funds, to account for the extraordinary inspection work load created by the construction of the new elementary school, and to meet said appropriation by a transfer of said sum from free cash.

Or take any other action related thereto.

**Submitted by the Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to appropriate the sum of Twenty Five Thousand Dollars and No Cents (**\$25,000.00**) for supplemental appropriations to the FY 2020 Operating Budget of the Office of Development Services for additional compensation for the building, plumbing/gas and electrical inspectors, above and beyond that to be paid from their regular annual salary and respective revolving funds, to account for the extraordinary inspection work load created by the construction of the new elementary school, and to meet said appropriation by a transfer of said sum from free cash.

**Passed Unanimously/May 16<sup>th</sup> @ 8:48 pm**

**ARTICLE 28: CAPITAL BUDGET A - LEASE OF FIRE/EMS AMBULANCE**

To see if the Town, will vote to (a) raise and appropriate the sum of Fifty Six Thousand Dollars and No Cents (**\$56,000.00**) to pay for the first year of a five year lease for a fully equipped

ambulance with said lease not to exceed Two Hundred and Eighty Thousand Dollars and No Cents (**\$280,000.00**) in total, and have a so called escape clause for lack of appropriation in addition to provisions for an early pay-off, without penalty, and a One Dollar (\$1.00) buy-out upon the conclusion of all regularly schedule lease payments and (b) appropriate the sum of Seventy Thousand Dollars and No Cents (**\$70,00.00**) to write down the purchase price of said items such that they may be leased within the foregoing limits set in this article and to meet said appropriation by a transfer of said sum from certified free cash.  
Or take any other action related thereto.

**Submitted by the Board of Selectmen**

**Two-Thirds Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to (a) raise and appropriate the sum of Fifty Six Thousand Dollars and No Cents (**\$56,000.00**) to pay for the first year of a five year lease for a fully equipped ambulance with said lease not to exceed Two Hundred and Eighty Thousand Dollars and No Cents (**\$280,000.00**) in total, and have a so called escape clause for lack of appropriation in addition to provisions for an early pay-off, without penalty, and a One Dollar (\$1.00) buy-out upon the conclusion of all regularly schedule lease payments and (b) appropriate the sum of Seventy Thousand Dollars and No Cents (**\$70,00.00**) to write down the purchase price of said items such that they may be leased within the foregoing limits set in this article and to meet said appropriation by a transfer of said sum from certified free cash.

**Passed by 2/3/May 16<sup>th</sup> @ 8:56 pm**

**ARTICLE 29: CAPITAL BUDGET B – ROLLING STOCK, STUDIES & HARDWARE**

To see if the Town will vote to appropriate the sum of Five Hundred Seventy Four Thousand Two Hundred and Fifty Dollars and No Cents (\$574,250.00) toward a program of capital purchases and improvements, as generally illustrated below:

User Dept	Item	\$s
<b>PD</b>	Mobile Radar Unit	\$4,000
	Cruiser	\$42,000
<b>DPW - Highway</b>	F550 Dump w/plow	\$67,500
	Salt Shed	\$30,000
	Street Sweeper	\$100,000
	Hot Box	\$20,250
	Mobark Chipper	\$77,500
	Street Sign Replacement Program	\$7,500
	MS-4 CB Plan/Map	\$22,500
	Truck Lift w/Install	\$25,000

	Various Repairs for Vehicle Transfers	\$15,000
	Rolling Stairs/Ladder	\$1,500
	Pavement Saw w/Dolly	\$2,000
<b>DPW - B&amp;G</b>	JDX 754 Lawn Tractor	\$1,500
	Town Hall Cameras	\$3,000
<b>Fire</b>	Ambulance #2 Stryker Load System	\$60,000
	Vehicle Exhaust System	\$37,500
	SCBA Tanks/Various Gear	\$5,000
<b>IT</b>	Server & DPW	\$32,500
<b>Town Clerk</b>	Voting Machines	\$20,000
	<b>Program Totals</b>	<b>\$574,250</b>

and to meet said appropriation by a transfer of Five Hundred Fifty Five Thousand, Seven Hundred Fifty Dollars and No Cents (**\$555,750.00**) from certified free cash and a transfer of Eighteen Thousand Five Hundred Dollars and No Cents (**\$18,500.00**) from overlay surplus. Or take any other action related thereto.

**Submitted by Board of Selectmen**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

**Michael Currie was appointed temporary moderator for this article.**

On a motion duly made and seconded the town voted to appropriate the sum of Five Hundred Seventy-Four Thousand Two Hundred and Fifty Dollars and No Cents (**\$574,250.00**) toward a program of capital purchases and improvements, as generally illustrated below:

<b>User Dept</b>	<b>Item</b>	<b>\$s</b>
<b>PD</b>	Mobile Radar Unit	\$4,000
	Cruiser	\$42,000
<b>DPW - Highway</b>	F550 Dump w/plow	\$67,500
	Salt Shed	\$30,000
	Street Sweeper	\$100,000
	Hot Box	\$20,250



	Mobark Chipper	\$77,500
	Street Sign Replacement Program	\$7,500
	MS-4 CB Plan/Map	\$22,500
	Truck Lift w/Install	\$25,000
	Various Repairs for Vehicle Transfers	\$15,000
	Rolling Stairs/Ladder	\$1,500
	Pavement Saw w/Dolly	\$2,000
<b>DPW - B&amp;G</b>	JDX 754 Lawn Tractor	\$1,500
	Town Hall Cameras	\$3,000
<b>Fire</b>	Ambulance #2 Stryker Load System	\$60,000
	Vehicle Exhaust System	\$37,500
	SCBA Tanks/Various Gear	\$5,000
<b>IT</b>	Server & DPW	\$32,500
<b>Town Clerk</b>	Voting Machines	\$20,000
	<b>Program Totals</b>	<b>\$574,250</b>

and to meet said appropriation by a transfer of Five Hundred Fifty-Five Thousand, Seven Hundred Fifty Dollars and No Cents **(\$555,750.00)** from certified free cash and a transfer of Eighteen Thousand Five Hundred Dollars and No Cents **(\$18,500.00)** from overlay surplus.  
**Passed Unanimously/May 16<sup>th</sup> @ 9:17 pm**

**ARTICLE 30: MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL**

To see if the Town will vote to raise and appropriate the sum of Six Hundred Forty Nine Thousand Eight Hundred Seventeen Dollars and No Cents (\$649,817.00) as the amount assessed upon the Town for the Fiscal Year 2020 assessment by the Montachusett Regional Vocational Technical School District for the purposes of educating and transporting the Town’s enrolled students and capital and debt expenses provided, however, that any stated amount shall be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town, for Fiscal Year 2020.

Or take any other action relative thereto.

**Submitted by the Board of Selectman for the Montachusett Regional Vocational Technical School District**

**Majority Vote Required**

**Advisory Committee recommends favorable action on this article. (6 yes)**

On a motion duly made and seconded the town voted to raise and appropriate the sum of Six Hundred Forty Nine Thousand Eight Hundred Seventeen Dollars and No Cents (\$649,817.00) as

the amount assessed upon the Town for the Fiscal Year 2020 assessment by the Montachusett Regional Vocational Technical School District for the purposes of educating and transporting the Town's enrolled students and capital and debt expenses provided, however, that any stated amount shall be reduced to any lesser amount which shall subsequently be certified by the school committee and certified to the Town, for Fiscal Year 2020.

**Passed Unanimously/May 16<sup>th</sup> @ 9:21 pm**

**ARTICLE 31: CITIZEN'S PETITION: FLUORIDE WARNING ON WATER BILLS**

Shall the Town vote to approve a warning concerning Templeton citizen's fluorosis risk the additive poses to infants, to be added to all water bills and consumer confidence reports (which must be mailed to all water consumers, be posted online, and available at the Selectmen's Office and the Light and Water Department). The warning is as follows:

"Your public water supply is fluoridated. According to the Centers for Disease Control Prevention, if your child under the age of 6 months is exclusively consuming infant formula reconstituted with fluoridated water, there may be an increased chance of dental fluorosis. Consult your child's health care provider for more information.".  
Or take any other action related thereto.

**A citizen's petition submitted by Peter Farrell and 16 others**

**Advisory Committee submits no recommendation on this article. (5 yes, 1 abstain)**

**A motion was duly made and seconded to move the article.**

**Passed Unanimously/May 16<sup>th</sup> @ 9:33**

A motion was duly made and seconded to see if the town would vote to approve a warning concerning Templeton citizen's fluorosis risk the additive poses to infants, to be added to all water bills and consumer confidence reports (which must be mailed to all water consumers, be posted online, and available at the Selectmen's Office and the Light and Water Department). The warning is as follows:

"Your public water supply is fluoridated. According to the Centers for Disease Control Prevention, if your child under the age of 6 months is exclusively consuming infant formula reconstituted with fluoridated water, there may be an increased chance of dental fluorosis. Consult your child's health care provider for more information.".

**Defeated/May 16<sup>th</sup> @ 9:33 pm**

**ARTICLE 32: CITIZEN'S PETITION: FLUORIDE LEGISLATION**

Move that the town will vote to authorize the Board of Selectmen to seek Special Legislation 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 is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition or take any other action thereon or in relation to.

An Act authorizing Annual Town Meeting as the responsible party on any and all decisions involving fluoridating or not fluoridating the public water supply.

Section 1. Notwithstanding Section 8C, Chapter 111, Title XVI, Part 1 of the general laws of or any general of special law to the contrary, the legislative body at Annual Town Meeting with a majority vote shall be authorized to make any and all decisions in regards to fluoridating or not fluoridating the public water supply however should town meeting vote to fluoridate the public water supply oversight on fluoride dose shall go to the town Board of Health. Annual town meeting shall also make decisions on health warning involving water fluoridation and any other decisions involving fluoride and the public water supply.

Section 2. Upon effective date of this act the Legislative body at Annual Town Meeting shall become the responsible party for all matters concerning fluoride and the public water supply.

Section 3. This act shall take effect upon passage.

**A citizen's petition submitted by Peter Farrell and 15 others  
Advisory Committee submits no recommendation on this article. (5 yes, 1 abstain)**

**A motion was duly made and seconded to move the article.  
Passed Unanimously/May 16<sup>th</sup> @ 9:42**

A motion was duly made and seconded to see if the town would vote to move to authorize the Board of Selectmen to seek Special Legislation 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 is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition or take any other action thereon or in relation to.

An Act authorizing Annual Town Meeting as the responsible party on any and all decisions involving fluoridating or not fluoridating the public water supply.

Section 1. Notwithstanding Section 8C, Chapter 111, Title XVI, Part 1 of the general laws of or any general of special law to the contrary, the legislative body at Annual Town Meeting with a majority vote shall be authorized to make any and all decisions in regards to fluoridating or not fluoridating the public water supply however should town meeting vote to fluoridate the public water supply oversight on fluoride dose shall go to the town Board of Health. Annual town meeting shall also make decisions on health warning involving water fluoridation and any other decisions involving fluoride and the public water supply.

Section 2. Upon effective date of this act the Legislative body at Annual Town Meeting shall become the responsible party for all matters concerning fluoride and the public water supply.

Section 3. This act shall take effect upon passage.  
**Defeated/May 16<sup>th</sup> @ 9:42 pm**

**ARTICLE 33: CITIZENS PETITION: RE: SEWER ENTERPRISE FUND**

Shall the town vote to establish a town by-law that includes with the duties and responsibilities of the Sewer Commission all things related to the Sewer Enterprise including: all legal matters, engineering, personnel and all other duties and responsibilities that will allow the Sewer Commissioners to operate and maintain the town’s Publicly Owned Treatment Works (POTW). This by-law shall supersede any other town by-law in the matters of personnel and legal and shall put the Sewer Commissioners in charge of executive matters involving all matters of the Sewer Enterprise that do not conflict with State or Federal laws. Or to take any other action relative there too.

**A citizen’s petition submitted by Tom Jeleniewski and 14 others  
Advisory Committee submits no recommendation on this article. (5 yes, 1 abstain)**

**No motion was made.**

A motion was duly made and seconded to dissolve the Annual Tow Meeting.  
**Passed Unanimously/May 16<sup>th</sup> @ 9:43**

And you are hereby directed to serve this warrant by posting attested copies thereof in each precinct; namely at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, and at the Town Hall at 160 Patriots Road, East Templeton, seven (7) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said Worcester County, in the City of Gardner.

Given under our hands this 10<sup>th</sup> day of April, 2019.

**BOARD OF SELECTMEN**

\_\_\_\_\_  
John Caplis, Chairman

\_\_\_\_\_  
Diane Haley Brooks, Vice Chairman

\_\_\_\_\_  
Julie Richard, Clerk

\_\_\_\_\_  
Doug Morrison, Member

\_\_\_\_\_  
Vacancy, Member

True Copy: ATTEST

\_\_\_\_\_  
Signature of Constable – Town of Templeton

\_\_\_\_\_  
Printed Name of Constable Signing Above

OFFICER’S RETURN  
WORCESTER, SS

April 22, 2019

This is to certify that I have served the within warrant by posting attested copies thereof in each precinct; namely, at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, and at the Town Hall at 160 Patriots Road, East Templeton, fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said Worcester County, in the City of Gardner.

\_\_\_\_\_  
Signature of Constable – Town of Templeton

\_\_\_\_\_  
Printed Name of Constable Signing Above

A True Copy, ATTEST:

\_\_\_\_\_  
Carol A. Harris  
Town Clerk of Templeton

Meeting Attendance 05-15-2019  
Voters Total 199

Meeting Attendance 05-16-2019  
Voters Total 83