

**TOWN OF TEMPLETON  
WARRANT FOR SPECIAL TOWN MEETING  
MAY 11, 2010**

**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 Tuesday, May 11, 2010 at 8:00 p.m., then and there to act on the following articles:

Article 1. To see if the Town will vote to transfer the sum for Fourteen Thousand Dollars **(\$14,000.00)** from the General Insurance account to supplement the Group Insurance Expense account for the FY'10 fiscal year, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer the sum for Fourteen Thousand Dollars **(\$14,000.00)** from the General Insurance account to supplement the Group Insurance Expense account for FY'10.

**Passed Unanimously/May 11<sup>th</sup> @ 8:03**

Article 2. To see if the Town will vote to transfer the sum of One Thousand, Eight Hundred Dollars **(\$1,800.00)** from the General Insurance account to supplement the Unemployment Insurance account for the FY'10 fiscal year, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer the sum of One Thousand, Eight Hundred Dollars **(\$1,800.00)** from the General Insurance account to supplement the Unemployment Insurance account for FY'10.

**Passed Unanimously/May 11<sup>th</sup> @ 8:05**

Article 3. To see if the Town will vote to transfer from the Capital Stabilization Fund the sum of Twenty-One Thousand, Six Hundred Thirty-One Dollars **(\$21,631.00)** to purchase and equip a new, four-wheel drive, F150, pickup truck for Animal Control, to include an extended 100,000 mile warranty, or to take any other action relative thereto.

A motion was duly made and seconded to allow Kim Landry the Animal Control Officer to speak.

**Passed Unanimously/May 11<sup>th</sup> @ 8:13**

A motion was duly made and seconded to move the question.

**Passed/May 11<sup>th</sup> @ 8:14**

On a motion duly made and seconded the Town voted to transfer from the Capital Stabilization Fund the sum of Twenty-One Thousand, Six Hundred Thirty-One Dollars (**\$21,631.00**) to purchase and equip a new, four-wheel drive, F150, pickup truck for Animal Control, to include an extended 100,000 mile warranty.

**Passed by 2/3 vote/May 11<sup>th</sup> @ 8:15**

- Article 4. To see if the Town will vote to appropriate the sum of Fourteen Thousand Dollars (**\$14,000.00**) from the Templeton CPA Historic Preservation Reserve Account to preserve the bronze World War I Monument on the Templeton Common, with such funds to be expended under the direction of the Board of Selectmen; and provided, however, that such funds shall not be expended unless the Massachusetts Historical Commission approves the grant request from the Templeton Cemetery Department to reimburse 50% of the allowed project costs and any funds reimbursed to the Town shall be returned to the Community Preservation Fund, and to authorize the Board of Selectmen to enter into a grant agreement and to grant a historic preservation agreement to the Massachusetts Historical Commission, as necessary, or take any other action relative thereto.

On a motion duly made and seconded the Town voted to appropriate the sum of Fourteen Thousand Dollars (**\$14,000.00**) from the Templeton CPA Historic Preservation Reserve Account to preserve the bronze World War I Monument on the Templeton Common, with such funds to be expended under the direction of the Board of Selectmen; and provided, however, that such funds shall not be expended unless the Massachusetts Historical Commission approves the grant request from the Templeton Cemetery Department to reimburse 50% of the allowed project costs and any funds reimbursed to the Town shall be returned to the Community Preservation Fund, and to authorize the Board of Selectmen to enter into a grant agreement and to grant a historic preservation agreement to the Massachusetts Historical Commission, as necessary.

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

- Article 5. To see if the Town will vote to appropriate a sum of money from the Templeton CPA Open Space Reserve Account, and to raise and appropriate, transfer from

available funds, or borrow an additional sum, as necessary, to acquire by gift, purchase, eminent domain or otherwise, the property on Dudley Road identified by Assessor's Map # 2-11-2, comprised of 96.27 acres, more or less, for the purpose of conservation and passive recreation purposes, that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and other Massachusetts statutes relating to conservation, said land to be managed and controlled by the Conservation Commission of the Town of Templeton, and to authorize the Board of Selectmen and/or the Conservation Commission, on such terms and conditions as it deems appropriate, to acquire such property, execute documents and take any other action necessary to effectuate this vote; provided further that the Board of Selectmen and/or the Conservation Commission shall be authorized to grant to a non-profit corporation or trust a conservation restriction in said property; and provided, however, that such funds shall not be expended unless the Town is approved for a LAND grant from the Massachusetts Department of Conservation Resources for reimbursement of a percentage of the purchase price, and to authorize the Board of Selectmen, in consultation with the Conservation Commission, to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth deemed necessary under Chapter 132A, Section 11, and to enter into such grant agreements and execute any and all instruments as may be necessary to accomplish the foregoing, or take any other action relative thereto.

On a motion duly made and seconded the Town voted to appropriate Two Hundred Thousand Dollars (**\$200,000.00**) from the Community Preservation Fund, with Thirty-Four Thousand Dollars (**\$34,000.00**) of such funds to be transferred from the Community Preservation Open Space Reserve Account and the remaining One Hundred Sixty-Six Thousand Dollars (**\$166,000.00**) to be transferred from the Community Preservation Budgeted Reserve Fund to acquire by gift, purchase, eminent domain or otherwise, the property on Dudley Road identified by Assessor's Map # 2-11-2, comprised of 96.27 acres, more or less, for the purpose of conservation and passive recreation purposes, that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and other Massachusetts statutes relating to conservation, said land to be managed and controlled by the Conservation Commission of the Town of Templeton, and to authorize the Board of Selectmen and/or the Conservation Commission, on such terms and conditions as it deems appropriate, to acquire such property, execute documents and take any other action necessary to effectuate this vote; provided further that the Board of Selectmen and/or the Conservation Commission shall be authorized to grant to a non-profit corporation or trust a conservation restriction in said property; and provided, however, that such funds shall not be expended unless the Town is approved for a LAND grant from the Massachusetts Department of Conservation Resources for

reimbursement of a percentage of the purchase price, and to authorize the Board of Selectmen, in consultation with the Conservation Commission, to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth deemed necessary under Chapter 132A, Section 11, and to enter into such grant agreements and execute any and all instruments as may be necessary to accomplish the foregoing.

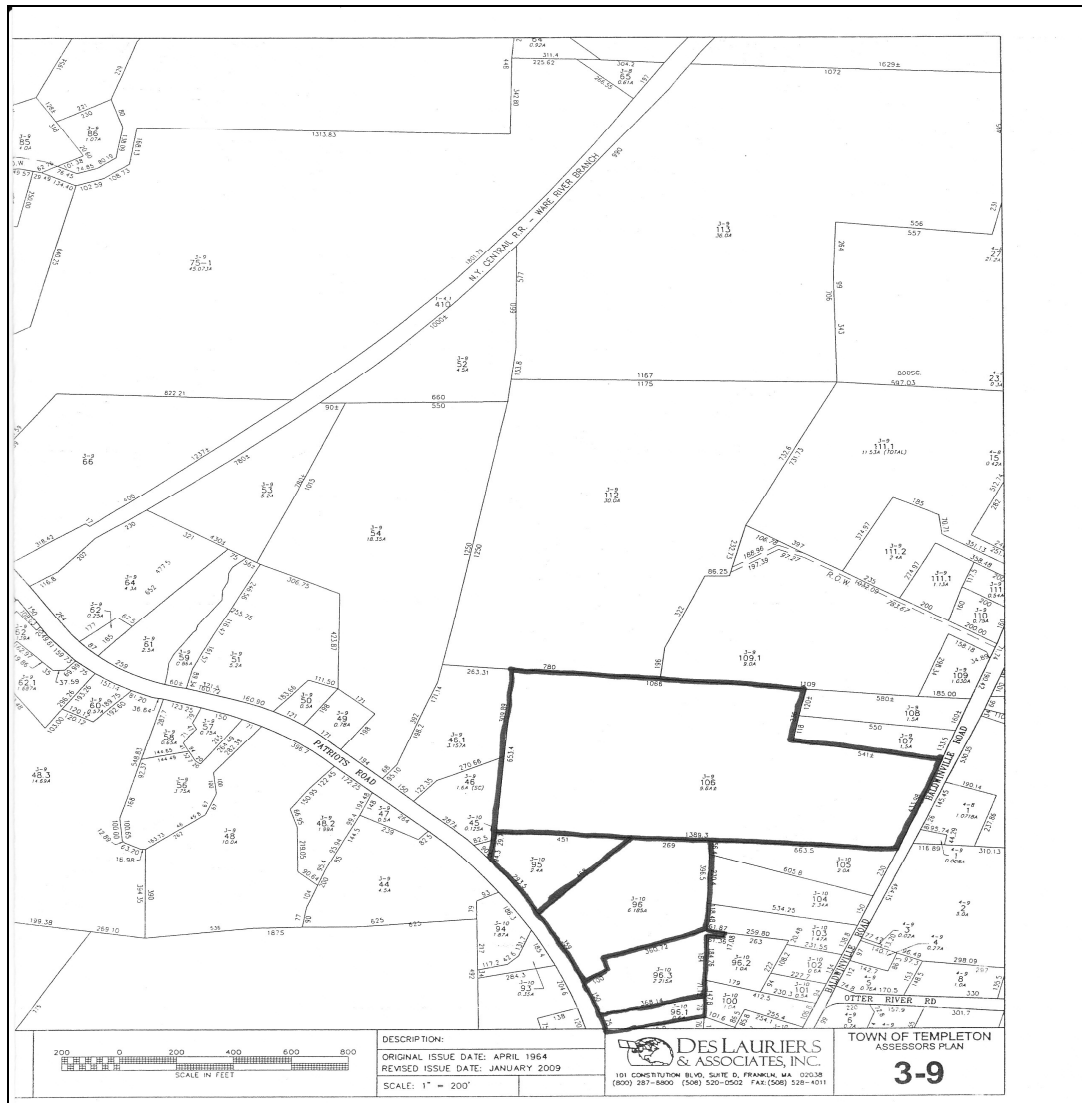
**Passed/May 11<sup>th</sup> @ 8:29**

Article 6. To see if the Town will vote to amend the charge of the Municipal Building and Police Station Study Committee to include overseeing the design, construction and/or rehabilitation of a municipal building for Town offices and/or a Police Station and rename the committee to the Municipal Building/Police Station Study and Project Oversight Committee, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to amend the charge of the Municipal Building and Police Station Study Committee to include overseeing the design, construction and/or rehabilitation of a municipal building for Town offices and/or a Police Station and rename the committee to the Municipal Building/Police Station Study and Project Oversight Committee.

**Passed/May 11<sup>th</sup> @ 8:30**

Article 7. To see if the Town will vote to amend the Town of Templeton Zoning Map to rezone the following parcels of land, which are split between the Residential-Agricultural-1 (RA-1) and Residential-Agricultural-2 (RA-2) districts, to zone the parcels Residential-Agricultural-1 (RA-1) in their entirety: Map 3-9, Parcels 95, 96, 96.1 and 96.3; Map 3-10, Parcel 106, or to take any other action relative thereto. A map of the subject property is available for inspection at the Town Clerk's office.



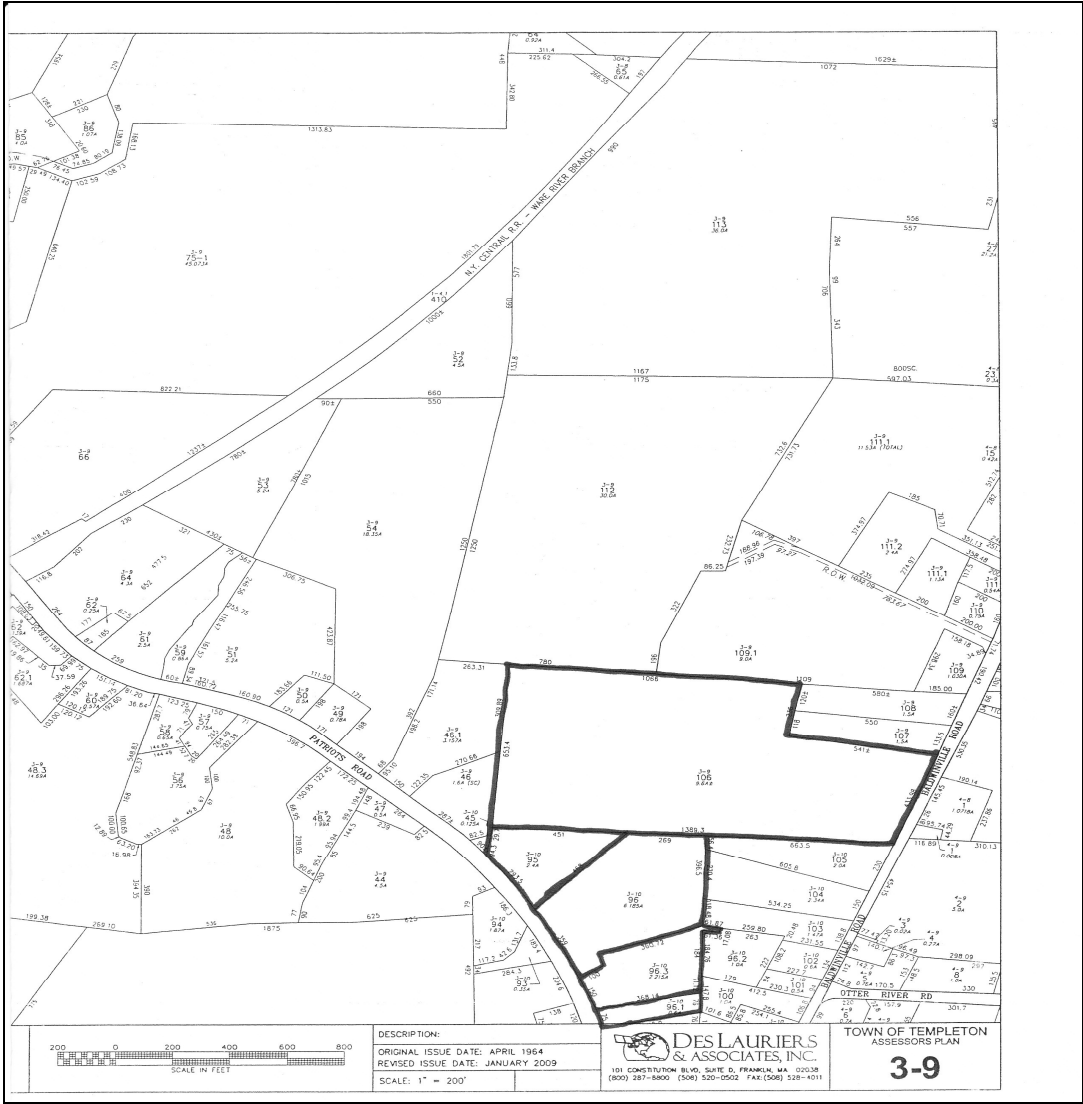
On a substitute motion duly made and seconded

Summary: A typographical error occurred with Article 7. On the Attorney Generals recommendation, proper notice was given to citizens by posting a correction in the Town Offices, mailing such correction to “interested parties” as identified in MA Gen Law Ch. 40A, section 5, and by publishing such notice of the correction within the Gardner News on 3/16/10.

A typographical error occurred and the Map numbers indicted within the Warrant article are incorrect. The correct language is as follows:

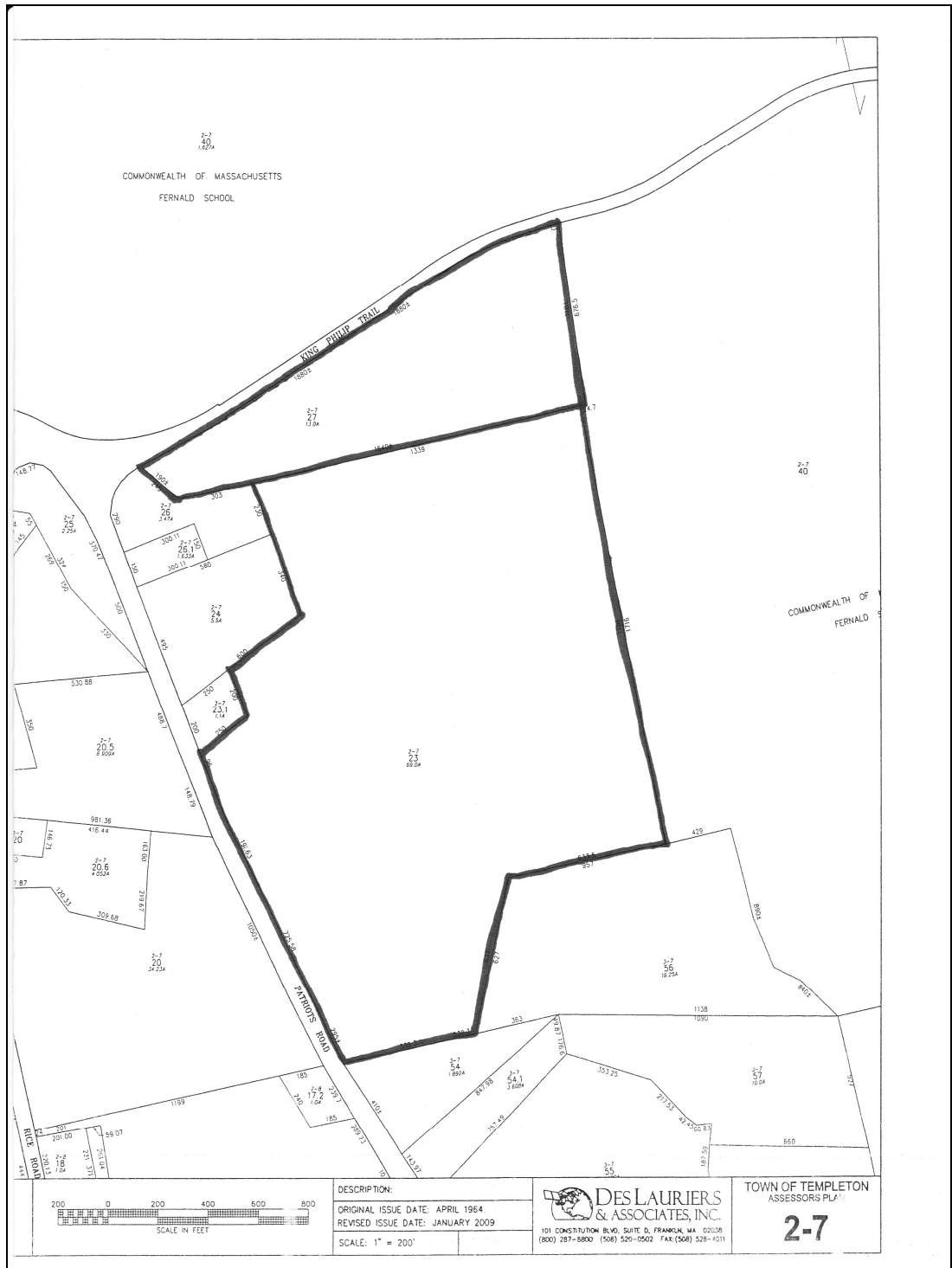
The Town voted to amend the Town of Templeton Zoning Map to rezone the following parcels of land, which are split between the Residential-Agricultural-1 (RA-1) and Residential-Agricultural-2 (RA-2) districts, to zone the parcels

Residential-Agricultural-1 (RA-1) in their entirety: Map 3-10, Parcels 95, 96, 96.1 and 96.3; Map 3-09, Parcel 106, or to take any other action relative thereto. A map of the subject property is available for inspection at the Town Clerk's office.



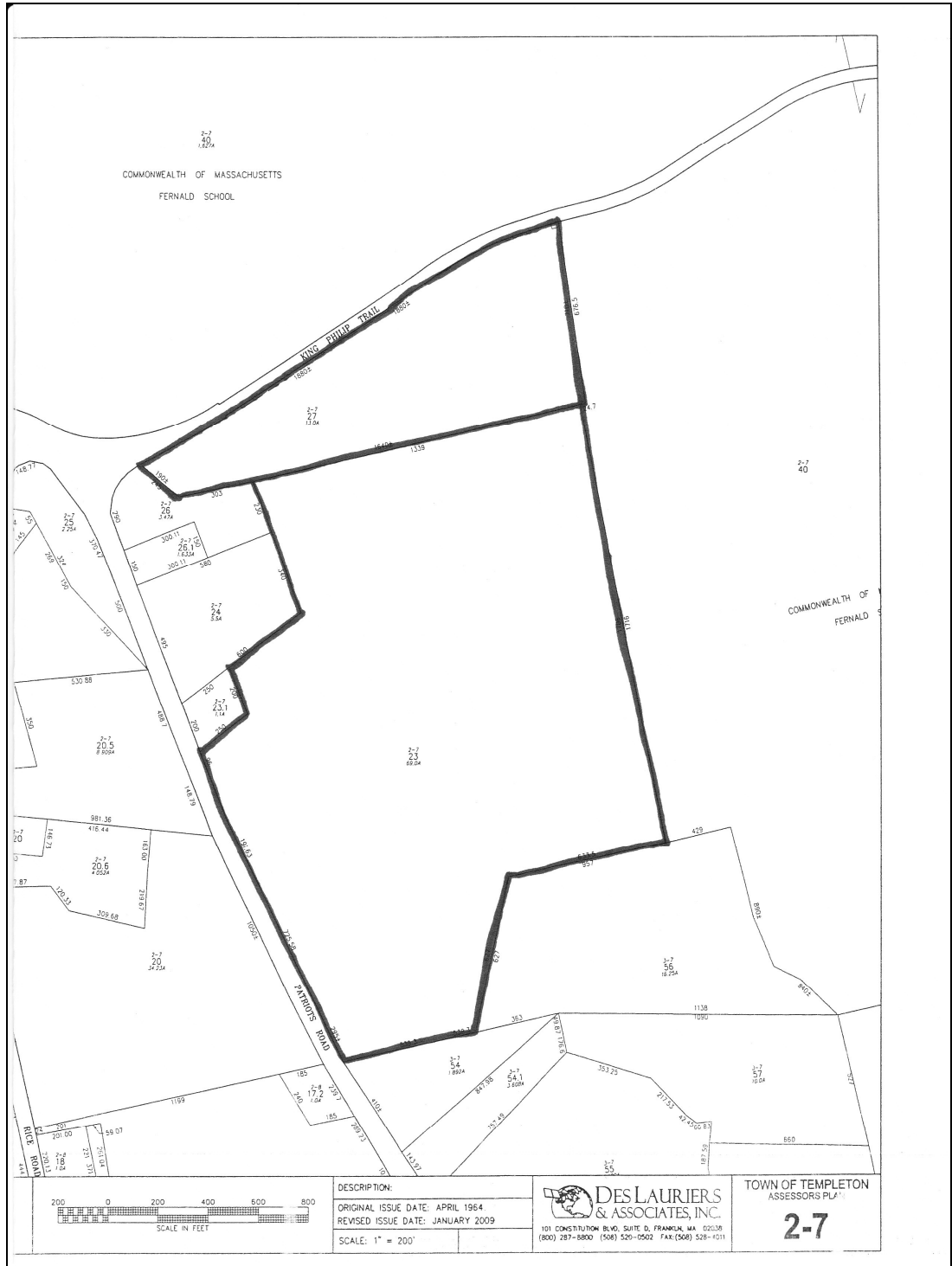
**Passed Unanimously/May 11<sup>th</sup> @ 8:35**

Article 8. To see if the Town will vote to amend the Town of Templeton Zoning Map to rezone the following parcels of land, which are split between the Commercial-Industrial-B (C-I-B) and Residential-Agricultural-2 (RA-2) districts, to zone them Residential-Agricultural-2 (RA-2) in their entirety: Map 2-07, Parcels 23 and 27, or to take any other action relative thereto. A map of the subject property is available for inspection at the Town Clerk's office.



On a motion duly made and seconded the Town voted to amend the Town of Templeton Zoning Map to rezone the following parcels of land, which are split between the Commercial-Industrial-B (C-I-B) and Residential-Agricultural-2 (RA-2) districts, to zone them Residential-Agricultural-2 (RA-2) in their entirety: Map 2-07,

Parcels 23 and 27, or to take any other action relative thereto. A map of the subject property is available for inspection at the Town Clerk's office.



Passed Unanimously/May 11<sup>th</sup> @ 8:39



Article 9. To see if the Town will adopt the following General By-law governing the upkeep of residential properties with regard to excessive “junk and debris” being stored on-site, or to take any other action relative thereto.

**Public Nuisance**

Section 1. No owner or tenant shall keep in the public view, on any lot, in any residential district, any substantial amount of junk or debris for more than sixty days.

Section 2. The objectives of this by-law are:

- a. To prevent the depreciation of surrounding residences assessed value;
- b. To protect the health, safety and welfare of the public;
- c. To prevent pollutants from entering the ground water

Section 3. Definitions.

- a. “Junk and Debris” shall mean scrap metal, unsafe and dilapidated accessory buildings, rags, plastics, scrap rubble, debris, building salvage, abandoned autos, machinery, wreckage, batteries, paper, trash, furniture, and other similar items, which are not active for any purpose authorized in a residential district.
- b. "A Substantial Amount" shall mean a quantity of material which occupies more than 375 cubic feet in the aggregate on any lot.

Section 4. Conditions existing at the date of the by-law enactment, which meet the definition of substantial amounts of junk or debris, must be brought into compliance within ninety (90) days of the date of approval of this by-law.

Section 5. Enforcement.

- a. The Building Inspector, in conjunction with the Board of Health Director, shall be charged with the interpretation and enforcement of the by-law.
- b. Anyone found in violation may be fined \$50.00 for each day the violation persists beginning sixty (60) days after notice of violation.

Section 6. Action taken hereunder shall not bar any separate action initiated by any other Town department for health, safety or other violations. Provisions of this by-law are to be interpreted consistently with State and Federal laws and regulations relating to storage/contamination.  
or take any other action relative thereto.

A motion was duly made and seconded to allow Joyce Crouse the Board of Health agent to speak.

**Passed/May 11<sup>th</sup> @ 8:47**

A motion was duly made and seconded to move the question.

**Passed/May 11<sup>th</sup> @ 8:52**

On a motion duly made and seconded the Town voted to adopt the following General By-law governing the upkeep of residential properties with regard to excessive “junk and debris” being stored on-site, or to take any other action relative thereto.

### **Public Nuisance**

Section 1. No owner or tenant shall keep in the public view, on any lot, in any residential district, any substantial amount of junk or debris for more than sixty days.

Section 2. The objectives of this by-law are:

- a. To prevent the depreciation of surrounding residences assessed value;
- b. To protect the health, safety and welfare of the public;
- c. To prevent pollutants from entering the ground water

Section 3. Definitions.

- a. “Junk and Debris” shall mean scrap metal, unsafe and dilapidated accessory buildings, rags, plastics, scrap rubble, debris, building salvage, abandoned autos, machinery, wreckage, batteries, paper, trash, furniture, and other similar items, which are not active for any purpose authorized in a residential district.
- b. "A Substantial Amount" shall mean a quantity of material which occupies more than 375 cubic feet in the aggregate on any lot.

Section 4. Conditions existing at the date of the by-law enactment, which meet the definition of substantial amounts of junk or debris, must be brought into compliance within ninety (90) days of the date of approval of this by-law.

Section 5. Enforcement.

- a. The Building Inspector, in conjunction with the Board of Health Director, shall be charged with the interpretation and enforcement of the by-law.
- b. Anyone found in violation may be fined \$50.00 for each day the violation persists beginning sixty (60) days after notice of violation.

Section 6. Action taken hereunder shall not bar any separate action initiated by any other Town department for health, safety or other violations. Provisions of this by-law are to be interpreted consistently with State and Federal laws and regulations relating to storage/contamination.

**Passed/May 11<sup>th</sup> @ 8:53**

**Hand count was request by seven voters Yes-101 No-28**

Article 10. To see if the Town will adopt the following By-law regarding vacant and abandoned buildings, or to take any other action relative thereto:

**A BY-LAW RELATIVE TO VACANT AND ABANDONED BUILDINGS**

**Section 1. Purpose:** Unsecured, vacant, and abandoned buildings present danger to the safety and welfare of public safety officers and the public, and as such, constitute a public nuisance. This Section is enacted to promote the health, safety and welfare of the public and to minimize hazards to public safety personnel inspecting or entering such buildings, and by preventing unauthorized persons from gaining entry to abandoned and vacant buildings.

**Section 2. Definitions.** The following words and phrases, when used in this section, shall have the following meanings:

“Abandoned Building” – (1) a vacant building, the ownership responsibilities of which have been surrendered or relinquished, whether intentionally or by failure to occupy and maintain such property; or, (2) buildings, structures and premises for which the owner cannot be identified or located by delivery of certified mail at the last known or registered address, which persistently or repeatedly becomes unprotected or unsecured or, which is or has been occupied by unauthorized persons.

“Building” – any combination of materials having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons or property, excluding: accessory structures that are incidental to the principal structure located on the same lot, such as, but not limited to, dog houses and storage sheds; structures used on a seasonal basis such as vacation premises or resort facilities; and structures that are temporarily vacant for owner or tenant change or for remodeling.

“Certificate of Building Closure” – certificate issued by the Commissioner to the owner of a vacant building or abandoned building upon compliance with the provisions of Section 3 herein.

“Commissioner” – the Building Commissioner or his or her designee.

“Director” – the Director of the Health Department or his or her designee.

“Dangerous Building” - any unoccupied building that has been neglected and deteriorated; or abandoned, vacated, unused or open to weather to such an extent that it is a danger or potential danger to life of property.

“Fire Chief” – the Chief of the Templeton Fire Department or his or her designee.

“Owner” – (1) a person, trust, partnership, corporation or other entity owning legal or equitable title to real property or possessing legal or equitable interest in real estate or, (2) an authorized agent of the person or entity holding legal or equitable interest to real property, including, but not limited to, any person specified as a “contact person” pursuant to Section 3 Paragraph 6 herein. This term shall include a mortgagee in possession.

“Unsecured Building: - any vacant or abandoned building not continuously secured, maintained, locked or boarded to prevent unauthorized entry or which fails to provide protection from weather damage.

“Vacant Building” – (1) any unoccupied real property which is empty or remains empty and is not continuously maintained, for twenty-one consecutive days or longer by occupants having custody or legal right of entry to said property or (2) any building which exhibits dilapidated walls, roof or doors which will fail to prevent the entry of a trespasser.

**Section 3. Notification Requirements.** Any owner who knows or reasonably should know that a building owned by said owner is or will become vacant or abandoned as those terms are defined herein or, any owner who intends to abandon or vacate a building owned or controlled by said owner shall forthwith:

- 1) File a Vacant & Abandoned Building Certificate Application in a form proscribed and amended from time to time by Director, Commissioner and the Fire Chief setting forth the following: the status of such building, including in such notice, the name, address, and telephone number of the owner; the location of the building; the length of time the building has been vacant; the estimated time the building will remain vacant; and, the nature of the contents of the building; and,
- 2) File one set of space utilization floor plans for said building with the Fire Chief and one set of plans with the Commissioner. This requirement may be waived by the Fire Chief upon request for good cause; and,

- 3) Remove from the building, hazardous material, as that term is defined in M.G.L. c. 21K, to the satisfaction of the Fire Chief.; and,
- 4) Secure all windows and door openings and ensure that that building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Initiative Board-up Procedures, or provide twenty-four (24) hour on-site security personnel in the building. When a building is located within a complex of buildings owned by a single owner, twenty-four (24) hour on-site security shall be provided within the building or within the complex wherein the building is located; and,
- 5) Post “No Trespassing” signs on the building. Said requirement may be waived by the Fire Chief or the commissioner upon request for good cause; and,
- 6) Provide the Fire Chief, Commissioner and Director with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the building as may be required by the Fire Chief or Director; and,
- 7) Maintain liability insurance on the building and furnish the Commissioner with a copy of said certificate of insurance; and,
- 8) As may be required by the Commissioner, provide a cash bond acceptable to the Commissioner, in the sum of not less than Five Thousand (\$5,000.00) Dollars, to secure the continued maintenance of the building throughout its vacancy and remunerate the Town for any expenses incurred in inspecting, securing, marking or making such building safe.
- 9) Payment of the appropriate Certification Fee or Certification Renewal Fee as from time to time amended.

Upon satisfactory compliance with the above-provisions, the Commissioner shall issue a Certificate of Building Closure. Said Certificate shall be valid for a period not to exceed six (6) months from the date of issuance. Said Certificate may be renewed at the discretion of the Commissioner subject to continued compliance with this By-law and the payment of the appropriate renewal fee as amended from time to time. Under no circumstances shall a Vacant & Abandoned Building Certificate or any extension thereof exceed six (6) months in duration from the date of issuance.

**Section 4. Signs/Markings.** When required pursuant to this section, signs or markings shall be applied on the front of the building, and elsewhere as the Fire Chief may require, at or above the second floor level and shall not be placed over doors, windows, or other openings. All signs/markings shall be visible from the street and, when requested by the Fire Chief, shall be placed on the sides and rear of the building. Signs/markings shall be a minimum of 24 inches by 24 inches, with lines of 2-inch width, and shall have a reflective background, or be painted with reflective paint, in contrasting colors. Signs/markings shall be applied directly on the surface of the building and shall state the date of posting and the most recent date of inspection by the Fire Chief and Director.

**Section 5. Fines/Failure to Comply and Enforcement.**

1. Failure to comply with any provision of Section 3. above shall be punished by a fine of Three Hundred (\$300.00) Dollars with each day of violation constituting a separate offence. The Commissioner and/or the Fire Chief shall be enforcing persons for purposes of this section
2. No owner of a vacant building or abandoned building shall allow said building to become or remain unsecured or dangerous. If it appears that any vacant or abandoned building is unsecured or dangerous, the Commissioner shall send written notification to the owner, requiring that the owner promptly secure or cause the building to be secured. If the owner fails to comply with any order issued pursuant to this Section, the Fire Chief or Commissioner may immediately seek to obtain the proceeds secured by the bond filed pursuant to Section 3 Paragraph 8 herein and shall enter upon the premises and cause the building to be inspected, secured and marked using said proceeds.
3. The Commissioner or Fire Chief, upon being informed of the existence of any abandoned building or a vacant building without a Certificate of Building Closure, shall cause notice to issue to the owner of the status of said building and shall order said person to immediately obtain a Certificate of Building Closure. If any person fails to comply with said order, the Fire Chief or Commissioner may enter the premises to inspect, secure and mark the building.
4. All unsecured vacant and unsecured abandoned buildings shall be immediately referred to the Director and Commissioner for a determination relative to whether the building is a nuisance or dangerous pursuant to M.G.L. c. 139 and M.G.L. c. 143 and procedures promulgated there under.

**Section 6. Expenses.** The owner of an abandoned building or an owner of a vacant building, who fails to obtain a Certificate of Building Closure as required herein, shall be liable to the Town for expenses incurred by the Town in securing such building. The Commissioner shall provide the owner with a written statement of all costs associated with inspecting, securing and marking the building. If the owner fails to pay or reimburse the Town within sixty (60) days of notice of expenses, the Town shall record the notice of claim in the Worcester District Registry of Deeds (or the Land Court Department) forthwith, establishing a lien on the property for the balance due.

**Section 7. Notices.** Notices required pursuant to section 5 shall be served in the following manner:

1. Personally on the owner, or the lessee, or the mortgagee in possession, or the contact person specified pursuant to Section 3 Paragraph 6; or
2. Left at the last and usual place of abode of the owner, or contact person as specified pursuant to Section 3 Paragraph 6 if such place of abode is known and is within or without the Commonwealth; or,
3. By certified or registered mail, return receipt requested, to the owner, or the lessee, or the mortgagee or contact person specified pursuant to Section 3 Paragraph 6 if such address is known and is within the Commonwealth.
4. If the residence and whereabouts of the owner or, the owner's lessee or, the mortgagee or, the owner's agent are unknown or are outside the Commonwealth,

then the notice shall be served by posting a copy thereof in a conspicuous place on the property and by advertising it for at least three out of five consecutive days in one or more newspapers of general circulation within the Town.

If any Section, sub-Section, or phrase of this By-law were held for any reason, to be unconstitutional, such decision shall not affect the validity of the remaining portion or portions of this By-law. or to take any other action relative thereto.

A motion was duly made and seconded to allow Joyce Crouse the Board of Health agent to speak.

**Passed Unanimously/May 11<sup>th</sup> @ 9:17**

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

**Passed/May 11<sup>th</sup> @ 9:31**

**A motion was duly made and seconded to adjourn the Special Town Meeting.**

**Passed Unanimously/May 11<sup>th</sup> @ 9:32**

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, at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street, Baldwinville, and at 690 Patriots Road, Templeton, and by delivering a copy to each of the Precinct Clerks 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 County, in the City of Gardner.

Given under our hands this 22<sup>nd</sup> day of April in the year 2010.

BOARD OF SELECTMEN

\_\_\_\_\_  
Gerald Skelton, Chairman

\_\_\_\_\_  
Dennis O'Brien, Vice Chairman

\_\_\_\_\_  
Julie Farrell, Clerk

\_\_\_\_\_  
Robert Columbus, Member

\_\_\_\_\_  
Christopher Stewart, Member

A True Copy, ATTEST:

Randy L. Brown  
Constable of Templeton

Officer's Return

Worcester, ss

April 22, 2010

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, at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street, Baldwinville, and at 690 Patriots Road, Templeton, and by delivering a copy to each of the Precinct Clerks 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 County, in the City of Gardner.

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Randy L. Brown  
Constable of Templeton

A True Copy, ATTEST:

Carol A. Harris  
Town Clerk of Templeton

Meeting Attendance 05-11-2010

Voters Total 158

Date of this Certification:

May 12, 2010

A True Copy, ATTEST

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Carol A. Harris, Templeton Town Clerk



