

**TOWN OF DUDLEY
ANNUAL SPRING TOWN MEETING
MAY 23, 2016**

As instructed in the preceding warrant, legal voters of the Town of Dudley assembled in the Shepherd Hill High School Auditorium on Monday, May 23, 2016. The meeting was brought to order at 7:22 p.m. After the Pledge of Allegiance to the Flag, the Moderator made announcements regarding school grounds policy and proper decorum at a town meeting. The Town Clerk read the service of the warrant.

ARTICLE 1: Unanimously accepted to receive the reports of the several Town Officers and all Committees.

ARTICLE 2: Unanimously accepted to hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee.

The FAA recommended that Article 3 be accepted as printed in the warrant; the motion was seconded. Ken Butkiewicz made a motion to amend the article by adding that the recycling/transfer fees be placed in a revolving account to offset the budget. The Moderator asked Town Counsel for his opinion. Attorney Gary Brackett stated that the recycling/transfer fees account was not in the original warrant and therefore the amendment was outside the scope of the article. Mr. Butkiewicz made a motion to appeal the ruling of the Moderator; there was not a second to the motion. The Moderator asked if there was any further discussion. Seeing none he brought the article as written to a vote.

ARTICLE 3: Accepted by majority vote to establish and authorize for fiscal year 2017 revolving funds established pursuant to the provisions of Chapter 44, §53E ½ of the Massachusetts General Laws. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset the costs for each fund. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed the amount listed by each fund as noted below.

Genealogical Research Revolving Fund – Total expenses not to exceed \$3,000.00

Police Detail Cruiser Use Revolving Fund - Total expenses not to exceed \$50,000.00

Fire Code Violation Fund - Total expenses not to exceed \$7,500.00

Gift Shop Revolving Fund - Total expenses not to exceed \$2,000.00

West Main St. Donations/Court of Honor/Veteran's Bricks - Total expenses not to exceed \$6,000.00

Web Site Fees - Total expenses not to exceed \$3,000.00

Arrest Warrant Services - Total expenses not to exceed \$10,000.00

Firearms Permit Services - Total expenses not to exceed \$15,000.00

- Fire Outside Detail** - Total expenses not to exceed \$15,000.00
- Board of Health – Education** - Total expenses not to exceed \$1,000.00
- Gas Inspector Fuel Burner Inspector, Plumbing Inspector and Wire Inspector** - Total expenses not to exceed \$20,000.00 per inspector
- Hazardous Materials Collection Revolving Fund** - Total expenses not to exceed \$9,000.00
- Planning Services Revolving Fund** - Total expenses not to exceed 1,000.00
- Municipal Hearings** - Total expenses not to exceed 2,000.00
- Cemetery Fees** - Total expenses not to exceed \$2,000.00
- Council on Aging Meals** - Total expenses not to exceed \$5,000.00
- Library Lost Books** - Total expenses not to exceed \$5,000.00
- Animal Care** - Total expenses not to exceed \$15,000.00

ARTICLE 4: Unanimously accepted to accept General Laws Chapter 60 § 15B, which allows the Town to establish a tax title collection revolving funds for the Treasurer-Collector. Said funds to be received by the Town Treasurer and credited to the said revolving fund and in no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed. Total expenses not to exceed \$75,000.00.

FAA Chairman Kerry Cyganiewicz made a motion to accept Article 5 with the amount of \$10,772.58 to be transferred from Free Cash; the motion was seconded.

ARTICLE 5: Unanimously accepted to transfer from Free Cash the sum of Ten Thousand Seven Hundred Seventy Two Dollars and Fifty Eight Cents (\$ 10,772.58) to pay unpaid bills of a prior fiscal year.

- Treasurer – Mega Property Group - \$3,491.00 (2015 Invoice)
- Town Hall – WGL Energy Systems - \$6,249.08 (2015 invoice)
- Wiring Inspector – Assistant Wiring Inspector, Aldo Noelle - \$1,032.50 for past services (2015 invoices).

The FAA recommended to approve Article 6 as printed in the warrant. The motion was made and seconded.

ARTICLE 6: Unanimously accepted to transfer from available funds from the below past articles to reduce the Fiscal 2016 snow deficit Account #0001-423-5700-02 in the amount of Eight Thousand Nine Hundred Thirty Eight Dollars and Sixteen Cents (\$8,938.16).

<u>ACCOUNT #</u>	<u>ITEM</u>	<u>Balance in</u> <u>account</u>
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0001-950-5801-27	LANDFILL MONITORING	3,000.17
0001-968-5807-00	PP EQUIP ART 7	39.48
0001-968-5824-00	POLICE AGREEMENT	1,881.71
0001-968-5825-00	REHAB WALDRON	2,155.70
0001-969-5812-00	CLEANUP ART	1,611.10
0001-969-5815-00	W DUDLEY BRIDGE	<u>250.00</u>
	TOTAL	8,938.16

Further, to close out completed Article, Account #0001-968-5820-00, entitled: Center Road Improvement, in the amount of Nine Hundred Eighty Dollars and One Cent (\$980.01), into the Stabilization Fund, Account #0803-000-5781-00.

Further, to close out completed Article, Account #0001-969-5814-00, entitled: Mechanical Services, in the amount of Four Hundred Fifty-Four Dollars and Seventeen Cents (\$454.17), into Free Cash, Account #0001-000-3590-00.

ARTICLE 7: Unanimously accepted to transfer the sum of One Thousand Dollars (\$1,000.00) from the Arrest Warrant Services Account #0909-000-5780-00, and the sum of Three Thousand Dollars (\$3,000.00) from the Firearms Services Revolving Fund Account #0910-000-5780-00 to the Police Overtime Account #0001-210-5131-01 to cover costs incurred during the fiscal year.

FAA Chairman Kerry Cyganiewicz made a motion to pass over Article 8; the motion was seconded.

ARTICLE 8: Passed Over by unanimous vote to see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of Twenty Three Thousand Dollars (\$ 23,000.00) to fund one third (1/3) of the cost of triennial re-certification of real estate and personal property values for FY2018 as required by the Commonwealth's Department of Revenue.

FAA Chairman Kerry Cyganiewicz made a motion to pass over Article 9 as written; the motion was seconded.

ARTICLE 9: Passed Over by unanimous vote to see if the Town will amend the Town of Dudley Employee Handbook under Benefits § 8 (j) as follows: **Proposed Text** (with **bold** text denoting new text and ~~strikeouts~~ indicating deleted text)

~~Regular full-time employees may elect to have the Town buy back unused sick leave at the employee's accrued hourly rate of pay at the time of the request. The maximum number of days the Town will buy back in one fiscal year is 15 days at the 20% rate of the accrued hourly rate, except at the time of retirement. Regular part-time employees are eligible as above at the prorated basis.~~

~~Exempt employees may accrue 15 days per year to a maximum of 65 days. Regular full-time employees with over 65 days on June 30, 2005 shall retain the days saved, but may not accrue any more until their total shall fall below 65 days. Exempt employees are not eligible for sick time buy back, except at the time of retirement, at 20% of the accrued rate. Elected town officials are not eligible for any sick time buy back including any heretofore accrued.~~

~~Regular full-time employees with over 65 days on June 30, 2005 shall retain the days saved, but may not accrue any more until their total shall fall below 65 days.~~

Regular full-time employees may elect to have the Town buy back unused sick leave at the employee's rate of pay at the time of the request. The maximum number of days the Town will buy back in one fiscal year is 15 days at the 50% rate. Regular part-time employees are eligible as above at the prorated basis. Exempt employees may accrue 15 days per year to a maximum of 150 days. Exempt employees are not eligible for annual sick time buy back, except at the time of retirement at the 50% rate up to a maximum of 150 days. Elected Town Officials are not eligible for any sick-time buy back including any heretofore accrued.

The FAA recommended that Article 10 be approved as printed with the source of funding as noted in the warrant; the motion was seconded by Selectman Steven Sullivan.

The Moderator recognized Ken Butkiewicz who asked why the Parks line item was zero funded. The Moderator recognized Town Administrator Greg Balukonis explained that the money to operate the town beach was approved at last Fall's town meeting and that the beach will be fully operational and open for 32 hours per week. Mr. Balukonis did not have the exact amount appropriated but stated that it was approximately \$7,000.00.

Town Administrator Balukonis also stated that the budget that the voters had before them was \$17,489,297 and he was pleased to report that it is a balanced budget that it addresses the town's needs and it addresses the needs of the Enterprise Funds and also the schools. At this time it reduces the need to use the Stabilization Funds or other monies to balance the budget and that is

a step in the right direction. The overall budget increase is about 1.5% and that required cooperation from all municipal departments and schools to get to that number and he wanted to thank them for their effort.

The Moderator asked if there was any further discussion; hearing none, he called for a vote. The motion to accept Article 10 as written was approved by unanimous vote.

The Moderator recognized Dudley-Charlton Regional School District Superintendent Gregg Desto. Mr. Desto, on behalf of the Dudley Charlton Regional School Committee and the entire district, thanked the Town Administrator, the Board of Selectmen and the Finance Committee for working with the them throughout the year. He also thanked the Police, Fire and Highway departments for their cooperation and their help that has helped keep the students safe throughout the year. He thanked the voters and the townspeople for supporting the school budget and by extension supports the children of Dudley. He assured the people that the school system would continue to do whatever they could to deliver a great school system.

ARTICLE 10: Unanimously accepted to accept the FY '17 to defray the charges and expenses of the Town and provide for a reserve fund (s) and including debt and interest for the ensuing year beginning on July 1, 2017.

GENERAL FUND	BUDGET FY 2017
ACCOUNTANT	64,819
ANIMAL CONTROL	14,558
ASSESSORS	97,312
BUILDING & GROUNDS	137,315
BUILDING INSPECTOR	55,078.27
CEMETERY COMMISSION	1200
CLERK (TOWN) – (Includes Town Clerk salary of \$60,339)	101,818
COLLECTOR	
CONSERVATION	7,808.49
COUNCIL ON AGING	102
EMERGENCY MGT	1,000
ECONOMIC DEVELOPMENT COMM	100
F.A.A.	10,699.45
FIRE DEPARTMENT	929,269.79
HEALTH	35,381

HIGHWAY	829,614.28
HISTORICAL COMM.	650
INFORMATION Tech.	15,110
INSPECTORS –SEALER OF WEIGHTS	2,501
LIBRARY	280,528.89
MODERATOR	1
MUNICIPAL EXPENSES	246,161
PARKS	0
PERSONNEL BOARD	650
PLANNING BOARD	43,226.90
POLICE	1,272,641
RECYCLING	136,590
SELECTMEN	138,642
TOWN ADMINISTRATOR	127,238
TREASURER – (To include Treasurer/Collector Salary of \$84,213)	2,739,48
TREE WARDEN	9,500
VETERANS SERVICES	126,109.00
ZONING BOARD OF APPEALS	3,077.32
TOTAL GENERAL FUND:	7,428,049.39
<u>SCHOOLS</u>	
DUDLEY-CHARLTON REGIONAL	7,259,715
SO. WORCESTER COUNTY REG. VOC.	812,386
TOTAL EDUCATION:	8,072,101
<u>ENTERPRISE FUNDS:</u>	
Water Department	986,173.70
Sewer Department	1,002,972.35
TOTAL ENTERPRISE FUNDS:	1,989,146.05
TOTAL TOWN BUDGET (Less State Assessments):	17,489,297
GENERAL FUND BUDGET REVENUE SOURCES:	
Taxation (Real property, personal and debt exclusions)	9,275,511
New Growth	175,000

Debt Exclusions	1,496,872
State Aid & Reimbursements	1,879,348
Overlay Surplus	91,000
Local Receipts	2,750,261
Additional Raise and Appropriate	0
Total Revenue Sources:	15,667,992
WATER & SEWER REVENUES	1,989,146
OTHER SOURCES	0
Less Assessments:	
State & County & Regional Assessments	24,922
Cherry Sheet Offset	17,919
2015 Snow and Ice	125,000
Overlay – Assessors	
Total Assessments	167,841
Total Revenue Sources Less Assessments:	17,489,297
TOTAL GENERAL FUND BUDGET (including schools) – Less State Assessments:	17,489,297
TOTAL ENTERPRISE BUDGET	
Sewer Funding: From Sewer Fees & Charges	1,002,972.35
Water Funding: From Water Fees & Charges	986,173.70
Total Enterprise Budget (Sewer & Water)	1,989,146.05

The FAA recommended that Article 11 be accepted as printed in the warrant; the motion was seconded. The Moderator recognized the Town Clerk, Ora E. Finn who made a motion to amend Article 11 by adding the sentence “This by-law will be effective beginning January 1, 2017.” The motion was seconded and accepted by unanimous vote.

ARTICLE 11: Unanimously accepted as amended to amend the Town Bylaws, Article 27 – Dog Control Bylaw, as follows: Amend Section 3 – License Requirements, Vaccination, Fees, Exceptions, by adding to the end of G. “There shall be no license fee for the first or second dog owned by persons aged 70 and older as of January 1st of the licensing year. Each additional dog shall be licensed and pay the fee in accordance with this section. This by-law will be effective January 1, 2017.”

The FAA made a motion to pass over Article 12; the motion was seconded. The Moderator recognized Selectman Steven Sullivan who informed the voters that Article 12 will be brought up again at the Fall Annual Town Meeting. He further stated that the Board of Selectmen is fully committed to supporting this article and that the firemen deserve this equipment.

ARTICLE 12: Passed Over by unanimous vote to see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of Eighteen Thousand Eight Hundred Seventy Nine Dollars (\$18,879.00) for the purchasing of ten (10) sets of fire gear.

The FAA motioned to approve Article 13 as written and that the sum of \$1,100.00 be transferred from Free Cash; the motion was seconded.

ARTICLE 13: Unanimously accepted to transfer from Free Cash the sum of One Thousand One Hundred Dollars (\$1,100.00) to the Maturing Debt Interest Account #00001-145-5915-02 for the interest payment of the remount of Ambulance 2.

The FAA motioned to accept Article 14 as printed; the motion was seconded. The Moderator recognized John Briare who asked how property owners would be assessed the betterments, would it be by owner or linear foot? Town Administrator Greg Balukonis was recognized by the Moderator. Mr. Balukonis informed the voters that property owners along the road to be repaired would equally be assessed, not by linear footage.

ARTICLE 14: Unanimously accepted to amend the Dudley General Bylaws by adding the following. New Article to be numbered Article 49:

ROAD BETTERMENT BYLAW

1. Authority of Scope.

The following shall govern any repairs made pursuant to this article:

A. The Board of Selectmen is hereby authorized to make provision for permanent repairs on private ways and roads, including improvements to grading, drainage, paving, resurfacing and curbing.

B. The Board of Selectmen shall vote that such repairs are required by public convenience and necessity before the repairs may be undertaken.

C. Such repairs shall be made only if the Board of Selectmen receives a petition signed by abutters who own cumulatively at least 50% of the linear footage of such way/road. The petition shall be accompanied by certification evidencing ownership of the linear footage of each abutter.

D. The Town shall have no liability as a result of undertaking any such repairs to private ways or roads, and shall be held harmless on account of any damages whatever caused by such repairs by agreement executed by the abutters who petitioned therefor.

E. The private way/road shall have been opened to the public to use for a minimum two (2) years or more prior to the undertaking of such repairs.

F. The Board of Selectmen shall determine the scope of repairs, including whether and to what extent any of the following shall be undertaken: grading, paving, resurfacing, scraping and filling of holes and impressions with sand, gravel, or other suitable materials. Drainage repairs shall be included to the extent required by public convenience and necessity, as determined by the Board of Selectmen, upon advice and cost estimates from the Highway Superintendent.

2. Betterments:

A. The costs of the repairs and of borrowings undertaken by the Town pursuant to MGL Chapter 44 shall be apportioned to and among the benefited property owners along the road so repaired/improved as a betterment pursuant to MGL Chapter 80. Benefited property owners shall be those who utilize the repaired/improved road(s) to access their property. Unless otherwise required by any applicable law, the formula to be used for such assessments shall be to equally apportion such costs to each owner as listed in the records of the Board of Assessors directly abutting along and /or adjacent to the road to be repaired/improved, whether or not such owners property directly faces or is located along the road where the specific location of the repairs undertaken pursuant to this Article, on the basis of the total costs of such repairs and borrowings.

B. The Board of Assessors of the Town is authorized to set the number of years that a betterment may be assessed for any period up to twenty-five (25) years. The Town shall accept settlement of the full amount within 30 days or shall bill the property owner for the total cost to be divided over a period of years, with interest to be computed at a rate established by the Board of Selectmen on recommendation of the Town Administrator, such rate to be at a minimum rate of 2% above the rate of interest charged said Town on any funds borrowed by the Town for this

purpose. The Town Administrator shall take appropriate steps to ensure that the Town shall record appropriate orders to secure payment in the same manner as the Town acquires a lien for a betterment assessment pursuant to MGL Chapter 80,

The FAA recommended that Article 15 be approved as written in the warrant. The recommendation was so moved and seconded.

ARTICLE 15: Unanimously accepted to amend the Dudley General Bylaws, Article 1 § 1 as follows: The Annual Town Meeting for the adoption of the fiscal budget, ~~various non-financial articles~~ and other business shall be held ~~the last Monday~~ the Monday preceding Memorial Day in May and a second session for the consideration of financial articles and other business shall be held on a Monday in the month of October or November after a public meeting by the Board of Selectmen in June of each year to vote on the date. ~~on the first Monday in November, unless said Monday is a legal holiday or the following day is a State Election in which case instead on the preceding Monday.~~ Town Meetings shall be held at Town Hall or other adequate place to be designated by the Board of Selectmen in the warrant announcing the meeting.

The Moderator announced that he would add into the language of Article 16. He asked that the motion be as written with exception to amendment under Section 3.12.02-Applicability by striking it in its entirety and replacing it with the following: “This bylaw applies to large-scale ground-mounted solar photovoltaic installations, as defined herein, proposed to be constructed with special permits and site plan review which are applied for after the effective date of this by-law.”

The Moderator recognized the FAA. The FAA recommended approval of Article 16 as amended. The motion was made and seconded.

The Moderator deferred to the Planning Board Chairman Guy Horne. Mr. Horne informed the voters that a public hearing was legally posted and held by the Planning Board regarding Article 16; the Board recommended to accept the article as amended.

The Moderator asked if there was further discussion. Seeing none he moved the vote; the motion to approve Article 16 as amended was accepted by unanimous vote.

ARTICLE 16: LARGE-SCALE, GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS ZONING BYLAW AMENDMENTS

Unanimously accepted as amended to amend the Zoning Bylaws pertaining to large-scale, ground mounted solar photovoltaic installations as follows:

1. Amendment to the text of Section 3.12.02 prohibiting such installations in the following zoning districts: RES 10, RES 15, RES 30, RES,43, RES 87, BUS 15, LI 43, AND LI 87 and permitting such installations as-of-right in the following districts: IND 43 and IND 130;
2. Deleting Section 3;.12.05, referring to special requirements for such installations in residential districts, in its entirety;
3. Amending Section 2.03.02, Use by District Chart, to prohibit such installations in the following districts: RES 10, RES 15, RES 30, RES,43, RES 87, BUS 15, LI 43, AND LI 87 by changing the “SP” designation in said Use by District Chart to “NP”;
4. Amending Section 3.07.00, Town Refuse Disposal District, by adding such installations as an as-of-right use;
5. Amending Section 2.01.00, Zoning Districts, to specify the actual number of zoning districts in the Town of Dudley;
6. Amending Section 2.01.01, Establishment of Districts, by adding the RES 43 district to the list of existing residential districts; or take any action related thereto.

(Inserted at the request of the Planning Board)

PROPOSED VOTE:

VOTED: That the Zoning Bylaws be and hereby is amended as per the text below:

PROPOSED TEXT (with **bold text** denoting new text and ~~strikeouts~~ indicating deleted text):

Amend by adding text in bold to Section 3.12.02 as follows:

Section 3.12.02, Applicability

This bylaw applies to large-scale ground-mounted solar photovoltaic installations, as defined herein, proposed to be constructed with special permits and site plan review which are applied for after the effective date of this bylaw. This bylaw also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment as determined by the Building Inspector or their designee.

Large Ground-Mounted Solar Photovoltaic Installations (250 kW and Greater)	SPNP	SPNP	SPNP	SPNP	SPNP	SPNP	P	P	SPNP	SPNP
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Amend by adding text in bold and deleting text with strikethrough to Section 3.07.00 as follows:

3.07.00 TOWN REFUSE DISPOSAL DISTRICT

Within this district residential use is not allowed. The use permitted as a matter of right ~~is~~ are town refuse disposal **and Large Ground-Mounted Solar Photovoltaic Installations**. Uses permitted by special permit are dog shelters, municipal or governmental buildings or related supporting facilities, municipal parks or playgrounds. No special permit will be issued where refuse is buried.

Amend by adding text in bold and deleting text with strikethrough to Section 2.01.00 as follows:

2.01.00 ZONING DISTRICTS

For the purpose of this bylaw the Town of Dudley is hereby divided into the ~~five~~ **six (56)** major zoning district categories which are subdivided into ~~ten~~ **thirteen (1013)** zoning classifications.

Amend by adding text in bold to Section 2.01.01 as follows:

2.01.01 Establishment of Districts

The following districts are illustrated, defined and bounded on the map entitled “Zoning Map, Dudley, Massachusetts” on file with the Town Clerk. That map and all explanatory matter thereon is hereby made a part of this bylaw.

Residential Districts

- RES-10 General Residential
- RES-15 Single Family Residential
- RES-30 Single Family Residential
- RES-43 Single Family Residential**

RES-87 Single Family Residential

Commercial Districts

BUS-15 Business or General Residential

Industrial Districts

IND-43 Industry

IND-130 Industry

LI-43 Light Industry

LI-87 Light Industry

Conservation District

CON-Conservation

Floodplain District

FPD-Floodplain

Town Refuse Disposal District

TRFD-Town Refuse Disposal

The FAA motioned to approve Article 17 with the following funding sources: \$2,800.00 to be transferred from Free Cash and \$3,600.00 be transferred from the Dams account; the motion was seconded.

ARTICLE 17: Unanimously accepted to the transfer the sum of \$2,800.00 from Free Cash and the transfer the sum of \$3,600.00 from the Dams account for dam inspections and Phase 1 Reports for Peter Pond Dam and Carpenter Pond Dam as required by the Massachusetts Office of Dam Safety.

The FAA recommended and made a motion to pass over Article 18; the motion was seconded and accepted by majority vote.

ARTICLE 18: Passed Over by majority vote to see if the Town will vote to raise and appropriate, borrow or transfer, the sum of Thirty Thousand Dollars (\$30,000.00) for the purchase of a new digital signboard to be displayed in front of the Dudley Municipal Complex.

The FAA recommended that Article 19 be amended by reducing the number of police cruisers requested from five (5) to three (3) and that the amount of \$225,000.00 be reduced to \$135,000.00. A motion to approve Article 19 as amended was made and seconded.

The Moderator recognized Police Chief Steven Wojnar who explained that the purpose of seeking approval for Article 19 was to establish a rotation of one (1) new police cruiser each year for three years. He informed the voters that the question would appear on the June 13th annual town election ballot and would cost \$11.00 per homeowner based on an average home assesment. Multiple citizens expressed their support for the request. Selectman Paul Joseph further clarified that should the question be approved at the election that the money added to the tax rate would be a temporary increase (debt exclusion) not a permanent 2 ½ override.

The Moderator asked if there was futher discussion, hearing none he called for a standing vote on the article as amended. The Moderator announced that the motion to amend passed by a 2/3 majority.

ARTICLE 19: As declared by the Moderator, it was approved by a 2/3 majority to borrow the sum of One Hundred Thirty Five Thousand Dollars (\$135,000.00) for the purchase and equipping of three (3) police cruisers over the next five fiscal years commencing in Fiscal Year 2017, and authorize the Treasurer with the approval of the Board of Selectmen to issue bonds or notes that may be necessary for the purposes therein pursuant to MGL Chapter 44, Section 7 or any enabling authority, however said appropriation shall be contingent on passage of a debt exclusion ballot question under so called Proposition 2 ½ as provided for in MGL Chapter 59, Section 21c (k).

The Moderator read a revised version of Article 20 that included the language of the article up to line 11 and ending with the phrase “Board of Selectmen”. The remaining portion of the article as printed deals with a debt exclusion and the town is not allowed to vote on a debt exclusion article without an amount certain. At this point in the process regarding this particular parcel, the amount certain has not been presented to the Board of Selectmen via 61A. So as a result, the debt exclusion portion of the article cannot be voted on at this meeting.

The Moderator read Article 20 into the record as revised and then recognized the FAA.

The FAA recommended that Article 20 be approved as read. It was so moved and seconded.

Prior to opening a discussion on the article, Moderator Flynn explained that what the body was voting on was essentially a reaffirmation of the Selectmen’s powers if application is provided through Chapter 61A to exercise the right of first refusal. The Selectmen already possess the power to purchase land and they are looking for reaffirmation from the voters going forward. An application under 61A has not been presented to the Selectmen yet and this would not be a binding vote but rather a reaffirmation.

Selectman Steven Sullivan was recognized by the Moderator who explained that the Board of Selectmen had placed this article on the warrant as a place holder and they had not yet received a letter from the land owner offering the Town the right of first refusal. He urged the voters to approve the article and to allow the process to unfold.

Discussion continued with several citizens voicing their concerns and asking questions. The Moderator recognized Town Counsel Attorney Brackett who wanted to clarify two points raised by the audience. The article seeks not only authorization under Chapter 61A for which there is statutory authority to the Selectmen but it also seeks approval for the purchase, sale or eminent domain of the parcel. The article sets forth four methods of possible acquisition. This simply just authorizes the Selectmen but does not mandate them to take this action. It authorizes them to pursue any one of those four methods. The previous speaker asked about the current proceedings before the Zoning Board of Appeals. The Zoning Board has held three public hearings, the Board of Health has held one public hearing to date. Attorney Brackett stated that he does not recommend to those Boards that they stop those proceedings as a result of this current issue. The Town Administrator has sent notice to the property owner at her main address advising her of the requirements to provide notification pursuant to MGL 61A and we are expecting that she will comply although she has not responded to date. So we will continue to work with the Zoning Board on the proceedings that have taken place to this point while at the same time assisting the Selectmen.

The Moderator asked if there was further discussion; hearing none he called for the vote. The motion to accept Article 20 as amended was approved by majority vote.

ARTICLE 20: Approved by majority vote to authorize the Board of Selectmen to exercise its Right of First Refusal under the provisions of MGL Chapter 61A, Section 14 and to acquire by purchase, gift or eminent domain three (3) parcels of land located on Corbin Road in Dudley, the first parcel containing approximately 2.0 acres, and the second parcel containing approximately 48.0 acres and the third parcel containing approximately 5.18 acres all said parcels shown on a Plan titled, "Perimeter Plan of Land" surveyed for Charles and Annabelle Moninski, dated December 14, 2004 and further shown on the Town of Dudley Assessors Map 210, Parcel 017, copy of said Plan on file with the Town Clerk; Property to be used for municipal purposes and /or agricultural purposes, including leasing the property to third party on terms and conditions deemed acceptable to the Board of Selectmen.

The FAA recommended that Article 21 be approved as printed in the warrant. A motion was made and seconded. The Moderator deferred to the Planning Board Chairman Guy Horne. Mr. Horne informed the voters that a public hearing was legally posted and held by the Planning Board regarding Article 21; the Board recommended to accept the article as printed. The motion was accepted by unanimous vote.

ARTICLE 21: Unanimously accepted to amend the Zoning Bylaws of the Town of Dudley Massachusetts, Use by District Chart, Section 2.03.02 as listed below, and the Footnotes for the Use by District Chart, Section 2.03.03 as listed below or take any other action relative thereto.

ADD superscript “14” to all “P” codes in the “District” columns for “Licensed Residential Animal Kennel” in all Residential and Industrial zones as shown below:

2.03.02 Use by District Chart

ACTIVITY OR USE	<u>DISTRICT</u> ⁹									
	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
<u>RESIDENTIAL</u>										
Single Family Home	P	P	P	P	P	P	NP	NP	NP	NP
Two Family Home	P	P ¹	P ¹	P ¹	P ¹	P ¹	NP	NP	NP	NP
Apartment Bldg.	P-SPR	NP	NP	NP	NP	P-SPR	NP	NP	NP	NP
Boarding or Rooming House	SP	SP	SP	SP	SP	P	NP	NP	NP	NP
Motel	NP	NP	NP	NP	NP	SP	NP	NP	NP	NP
Hotel	NP	NP	NP	NP	NP	SP	NP	NP	NP	P-SPR
Licensed Residential (5/24/10)										
Animal Kennel	SP¹³	SP¹³	SP¹³	SP¹³	SP¹³	P	P	P	SP¹³	SP¹³

Replace Animal Kennel Activity or Use (above) with Activity or Use (below):

Animal Kennel	<u>P^{13/14}</u>	<u>P^{13/14}</u>	<u>P^{13/14}</u>	<u>P^{13/14}</u>	<u>P^{13/14}</u>	P	P	P	<u>P^{13/14}</u>	<u>P^{13/14}</u>
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{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded & underlined (i.e. with)}

ADD the following footnote 14 as shown in ***bold italics***:

14 Subject to written approval and annual inspection by the Building Inspector and the Animal Control Officer,

The FAA recommended that Article 22 be approved with the sum of \$55,000.00 to be transferred from Sewer Retained Earnings. The motion was made and seconded.

ARTICLE 22 : Unanimously accepted to transfer from Sewer Retained Earnings the sum of Fifty Five Thousand Dollars (\$55,000.00) from the Sewer Retained Earnings, Account #0060-000-3590-01 for the purchase and installation of two generators for the Luther Lane Pump Station and Lakeview Ave. #1 Pump Station.

The FAA recommended that Article 23 be approved with the sum of \$100,000.00 to be transferred from Sewer Retained Earnings. The motion was made and seconded.

ARTICLE 23: Unanimously accepted to transfer from Sewer Retained Earnings the sum of One Hundred Thousand Dollars (\$100,000.00) from the Sewer Retained Earnings Account #0060-000-3590-01 for the purchase of two new pumps and motors for the Lakeview Ave. #1 Pump Station.

The FAA recommended that Article 24 be approved with the sum of \$800,000.00 to be transferred from Water Retained Earnings. The motion was made and seconded.

ARTICLE 24: Unanimously accepted to transfer the sum of Eight Hundred Thousand Dollars (\$800,000.00) from the Water Retained Earnings Account #0061-000-3590-01 to replace the water main, including incidental costs, on Mill Street and on Pine Street.

The FAA recommended that Article 25 be passed over. The motion was made and seconded.

ARTICLE 25: Passed Over by Majority vote to see if the Town will vote to raise and appropriate, borrow or transfer the sum of Fifteen Thousand Dollars (\$15,000.00) for the purpose of removing several large and decaying trees and various tree limbs in Corbin Cemetery.

The FAA recommended that Article 26 be passed over. The motion was made and seconded.

The Moderator recognized Town Administrator Greg Balukonis. Mr. Balukonis explained that there was no money for this article at the present time and that budget is balanced. He stated that money articles would be on the Fall annual town meeting warrant when funding may be available. The motion was accepted unanimously.

ARTICLE 26: Passed Over by Unanimous Vote to raise and appropriate, borrow or transfer the sum of One Thousand Five Dollars (\$1,500.00) for the purchase of a 6ft rotary mower head for mowing the capped landfill area.

The FAA recommended that Article 27 be passed over and deferred to the Town Administrator. Mr. Balukonis stated that the legal process for street acceptance was not met and that the process could not be circumvented by a vote at town meeting. After a brief conference with Town Counsel the Moderator ruled Article 27 out of order.

ARTICLE 27: Ruled Out of Order by the Moderator - **Acceptance of Tobin Drive, Nellies Way and Stebbins Drive** – To see if the Town will vote to accept as public ways the layout of Tobin Drive, Nellies Way and Stebbins Drive, and to further authorize the Board of Selectmen to acquire by purchase, gift or eminent domain the fee simple or lesser interest in the land within

such ways and any easements related thereto, and to transfer from Free Cash the sum of One Dollar (\$1.00) for the purposes of this Article, or take any other action relative thereto.

The FAA recommended that Article 28 be approved. The motion was made, seconded and approved by majority vote.

ARTICLE 28: Approved by Majority Vote to authorize the Board of Selectmen to approve a payment in lieu of taxes agreement for 20 years duration and subject to other terms and conditions negotiated by the Town and Nexamp, Inc., pursuant to MGL Chapter 59, section 38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes relative to land located at the intersection of Center Road and Farley Road; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with a capacity of approximately 1.3 megawatts.

The FAA recommended that Article 29 be approved as written. The motion was made and seconded.

ARTICLE 29: Unanimously accepted to amend the Dudley General Bylaws by adding the following new Article to be numbered Article 50:

No person, firm, or corporation shall offer for sale, solicit funds, or offer services door-to-door within the Town of Dudley without prior registration with the Dudley Police Department. Said registration shall consist of providing a valid government issued photo identification for all canvassers as well as an official document or identification from the firm, corporation, or organization they represent. All persons are subject to a criminal record check. Individuals who otherwise may be disqualified for not being “of good repute as to morals and integrity,” such as in cases for permits issued to Hawkers or Peddlers under MGL Chapter 101, may be temporarily prohibited from canvassing in town by the Chief of Police or his designee. Those persons denied permission may appeal the Chief’s decision to the Board of Selectmen. Canvassing is to be done during daylight hours only. Provided, nevertheless, the above requirement shall not apply to any political, charitable or religious organizations duly chartered under the laws of the States or of the Federal Government nor shall they apply to persons running for political office. Each violation of this By-law shall be punishable by a fine of Twenty Dollars (\$20.00) for each offense and will be disposed of in accordance with the provisions set forth in these bylaws.

The FAA recommended to amend Article 30 by striking Section 4 in its entirety. The motion to amend was made and seconded. The Moderator recognized Selectman Paul Joseph that requested that sections 5 and 6 be renumbered to 4 and 5.

Discussion ensued on the proposed amendment and several residents spoke in support of the article. The Moderator called for a vote on the motion to amend; the motion was defeated by a

majority vote. Paul Wielock made a motion to accept Article 30 as written; the motion was seconded and accepted by majority vote.

ARTICLE 30: As declared by the Moderator, the following bylaw was accepted by a 2/3 majority.

Dudley Right to Farm Bylaw

Section 1. Legislative Purpose and Intent - The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A§3, Paragraph 1; Chapter 90§ 9, Chapter 111§125A and Chapter 128§1A. We the citizens of the Town of Dudley restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of the Amendment of the Massachusetts Constitution (“Home Rule Amendment”).

This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within the Town of Dudley by allowing agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This Bylaw shall apply to all jurisdictional areas within the Town.

Section 2. Definitions:

Farm: The word “farm” or “agricultural” or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing and harvesting of any agricultural, aqua cultural, floricultural, viticultural or horticultural commodities;
- Growing or harvesting of forest products upon forest land, and any other forestry of lumbering operations;
- Raising of livestock, including horses;
- Keeping of horses; and
- Keeping and raising of poultry, pigeons, swine, cattle, sheep goats, ratites (such as emus, ostriches, rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;

- Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- Application of manure, fertilizers and pesticides. Organic farming is encouraged;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to the agricultural output or services of the farm;
- Processing, slaughtering and packaging of the agricultural output of the farm and the operation of a farmers' market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager and used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right to Farm Declaration:

The Right to Farm is hereby recognized to exist with the Town of Dudley. The above described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject to state statute, regulation, or local zoning law.

Section 4. Precedence

In the event of conflict between this Bylaw and all other town regulations, this Bylaw shall take precedence. In the event of conflict between this Bylaw and federal or state law, federal or state law shall take precedence respectfully.

Section 5. Resolution of Disputes

Any person who seeks to complain about the operation of a farm, or its effects may, notwithstanding any other available remedy, file a grievance with the Board of Selectmen, The Building Inspector, Zoning Board of Appeals, Conservation Commission or Board of Health, depending on the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have.

Section 6. Severability Clause

If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Dudley hereby declares the provisions of this Bylaw to be severable.

The Moderator asked if the petitioner for Article 31 was present. Chairman Guy Horne stepped forward stating that it was a zoning article and informed the voters that a public hearing was legally posted and held by the Planning Board regarding Article 31; the Board, per Town Counsel's recommendation, motioned to amend the article by striking the words : "effective date of this by-law" in Section 3:13:02 and replace it with the date of "September 1, 2016". The purpose of this amendment is so that this by-law does not interfere with the current proposed cemetery that is under review by the Zoning Board of Appeals.

The motion to amend was seconded.

ARTICLE 31: As declared by the Moderator, this article was accepted as amended by a 2/3 majority.

3:13:00-Cemeteries

3:13:01 Purpose

The purpose of this bylaw is to reasonably regulate the development of new cemeteries within the Town. This bylaw will provide standards for the placement, design, construction and operation of new cemeteries that address public safety, conserve health, protect water supply, and minimize impacts on scenic, natural and historic resources.

3:13:02 Applicability

The bylaw applies to all new cemeteries as defined herein, proposed to be constructed after September 1, 2016.

3:13:03 General Requirements and Specifications

A. Location – New cemeteries may be located in the permissible districts defined in section 2:03:02 Use by District Chart. Due regard shall be shown for all natural features, such as large trees, water courses, scenic points, historic spots, stone walls and other community assets which if preserved will add attractiveness and value to the cemetery. The location of any new cemeteries or expansion of existing cemeteries must be approved by the Town of Dudley Board

of Health in accordance with Massachusetts General Law Chapter 114, including Section 35, Lands to be used for burial.

B. Design Standards - New cemeteries will have a maximum lot size of three (3) acres (130,680 square feet) and follow all dimensional setback requirements for the district in which it is to be located. See section: **2:04:02 Density Requirement Table (Setbacks, Etc.)**. No burial plots will be located within any of the required dimensional setbacks.

All streets within the cemetery are to be designed and built per the Town of Dudley “Rules and Regulations Governing the Subdivision of Land” design standards.

A minimum of ten (10) designated parking spaces shall be provided within the cemetery in an effort to reduce on street parking and an adequate snow storage area will also be provided for the parking spaces to be used in the winter months: **4:01:00 Parking Standards**.

All utilities shall be placed underground.

Lighting of the cemetery and street lights will not be allowed. Lighting will be allowed on any structures within the cemetery for safety/security purposes. These lights shall be designed to minimize glare on abutting properties and be directed downward with full cut-off fixtures to reduce light pollution.

One (1) non-illuminated sign not exceeding three (3) square feet in area and denoting the cemetery may be visible from the street/public way.

Every abutting property shall be visually screened from the cemetery through any one of a combination of the following: Location, distance, planting, existing vegetation, trees, hedges, retaining wall, stone wall and/or fencing (the fencing may not exceed (6) feet in height).

C. Operation – The operation of all cemeteries will follow Massachusetts General Laws Chapter 114. Graves will be constructed as specified by the Town of Dudley Board of Health.

Cemeteries will provide for perpetual care of the cemetery and keep them respectfully, neat, clean and in good landscaped order.

Selectman Paul Joseph made a motion to adjourn. The motion was seconded by Selectman Peter Fox and unanimously accepted.

Brought to order at 7:22 p.m.
Adjourned: 9:11 p.m.
Voters Present: 246
Action Taken on Articles: 1-31

A True Copy.

Attest: Ora E. Finn
Ora E. Finn, CMMC, Dudley Town Clerk