

TOWN MEETING ACTIONS

TOWN OF DUDLEY

ANNUAL SPRING 2016 TOWN MEETING WARRANT

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

To either of the Constables in the Town of Dudley, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Dudley, qualified to vote in elections and town affairs, to meet in the Shepherd Hill Regional High School Auditorium in said Dudley on **Monday, May 23, 2016 and Tuesday, May 24, 2016, if needed**, and other such times as may be voted, if needed at 7:00 P.M. then and there to take action on the following articles:

**ARTICLE 1: (Selectmen)** -To see if the Town will vote to receive the reports of the several Town Officers and all Committees, or take any other action relative thereto.

Approve Article 1 as printed in the warrant (majority vote)

**ARTICLE 2: (Selectmen)** - To hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee, or take any other action relative thereto.

Approve Article 2 as printed in the warrant (majority vote)

**ARTICLE 3: (Accountant - Revolving Accounts)** - To see if the Town will 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

Or take any other action relative thereto.

Approve Article 3 as printed in the warrant (majority vote)

**ARTICLE 4: ( Treasurer/Collector) Tax Title Revolving Fund** – To see if the Town will 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, or take any other action relative thereto.

Approve Article 4 as printed in the warrant (majority vote)

**ARTICLE 5: (Selectmen) Unpaid Bills of a Prior Year** – To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds 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, or take any other action relative thereto.

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).

Approve Article 5 as printed in the warrant with the funding source Free Cash 001-000-3590-01 (4/5ths vote)

**ARTICLE 6 (Town Accountant)-** To see if the Town will vote 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 account</u>
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 #0001-000-3590-0.

Or take any other action relative thereto.

Approve Article 6 as printed in the warrant (2/3rds vote)

**ARTICLE 7 – (Police Department)** – To see if the Town will vote 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, or take any other action relative thereto.

Approve Article 7 as printed in the warrant (majority vote)

**ARTICLE 8: ( Board of Assessors)** 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.

Article 8 to be passed over (majority vote).

**ARTICLE 9: (Personnel Board)** - 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.

Article 9 to be Passed Over (majority vote).

**ARTICLE 10: (Selectmen) FY 2017 Budget** - To see if the Town will vote to determine the sums of money the Town will raise and appropriate, borrow, or transfer from available funds to defray the charges and expenses of the Town and provide for a reserve fund (s), determining the compensation for elected offices and including debt and interest for the ensuing year beginning on July 1, 2016, or take any other action relative thereto.

(Note: Please See "Appendix A" for Fiscal Year 2017 Detail Departmental Expenditures.)

GENERAL FUND	BUDGET FY 2017
ACCOUNTANT	\$64,819.00
ANIMAL CONTROL	\$14,558.00
ASSESSORS	\$97,312.00
BUILDING & GROUNDS	\$137,315.00
BUILDING INSPECTOR	\$55,078.27
CEMETERY COMMISSION	\$1,200.00
CLERK (TOWN) – (Includes Town Clerk salary of \$60,339)	\$101,818.00
COLLECTOR	Combined with Treasurer
CONSERVATION	\$7,808.49
COUNCIL ON AGING	\$102.00
EMERGENCY MGT	\$1,000.00
ECONOMIC DEVELOPMENT COMM	\$100.00
F.A.A.	\$10,699.45
FIRE DEPARTMENT	\$929,269.79
HEALTH	\$35,381.00
HIGHWAY	\$829,614.28
HISTORICAL COMM.	\$650.00
INFORMATION Tech.	\$15,110.00
INSPECTORS –SEALER OF WEIGHTS	\$2,501.00
LIBRARY	\$280,528.89
MODERATOR	\$1.00
MUNICIPAL EXPENSES	\$246,161.00
PARKS	\$0
PERSONNEL BOARD	\$650.00
PLANNING BOARD	\$43,226.90
POLICE	\$1,272,641.00

RECYCLING	\$136,590.00
SELECTMEN	\$138,642.00
TOWN ADMINISTRATOR	\$127,238.00
TREASURER/COLLECTOR – (To include Treasurer/Collector Salary of \$84,213)	\$2,739,348.00
TREE WARDEN	\$9,500.00
VETERANS SERVICES	\$126,109.00
ZONING BOARD OF APPEALS	\$3,077.32
<b>TOTAL GENERAL FUND:</b>	<b>\$7,428,049.39</b>
<b>SCHOOLS</b>	
DUDLEY-CHARLTON REGIONAL	\$7,259,715.00
SO. WORCESTER COUNTY REG. VOC.	\$812,386.00
<b>TOTAL EDUCATION:</b>	<b>\$8,072,101.00</b>
<b>ENTERPRISE FUNDS:</b>	
Water Department	\$986,173.70
Sewer Department	\$1,002,972.35
<b>TOTAL ENTERPRISE FUNDS:</b>	<b>\$1,989,146.05</b>
<b>TOTAL TOWN BUDGET (Less State Assessments):</b>	<b>\$17,489,297</b>
<b>GENERAL FUND BUDGET REVENUE SOURCES:</b>	
Taxation (Real property, personal and debt exclusions)	\$9,275,511
New Growth	\$175,000.00
Debt Exclusions	\$1,496,872
State Aid & Reimbursements	\$1,879,348
Overlay Surplus	\$91,000
Local Receipts	\$2,750,261
Stabilization Fund	\$0
<b>Total Revenue Sources:</b>	<b>\$15,667,992</b>
WATER & SEWER REVENUES	\$1,989,146
OTHER SOURCES – ADDITIONAL RAISE & APPROPRIATE	\$0

<b>Less Assessments:</b>	
State & County & Regional Assessments	\$24,922
Cherry Sheet Offset	\$17,919
2015 Snow and Ice	\$0
Overlay – Assessors	\$125,000
<b>Total Assessments</b>	<b>\$167,841</b>
<b>Total Revenue Sources Less Assessments:</b>	<b>\$17,489,297</b>
<b>TOTAL GENERAL FUND BUDGET (including schools) – Less State Assessments:</b>	<b>\$17,489,297</b>
<b>TOTAL ENTERPRISE BUDGET</b>	
<b>Sewer Funding: From Sewer Fees &amp; Charges</b>	<b>\$1,002,972.35</b>
<b>Water Funding: From Water Fees &amp; Charges</b>	<b>\$986,173.70</b>
<b>Total Enterprise Budget (Sewer &amp; Water)</b>	<b>\$1,989,146.05</b>

Approve Article 10 as printed in the warrant with the sources of funds as noted above (majority vote)

**ARTICLE 11: (Town Administrator)-** To see if the Town will vote 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 1<sup>st</sup> of the licensing year. Each additional dog shall be licensed and pay the fee in accordance with this section, or take any other action relative thereto”.

Approve Article 11 as printed in the warrant (majority vote)

**ARTICLE 12: (Fire Department )-** 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, or take any other action relative thereto.

Article 12 to be Passed Over (majority vote).

**ARTICLE 13: (Treasurer/Collector)** - To see if the Town will vote to raise and appropriate, borrow or transfer from available funds 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, or take any other action relative thereto.

Approve Article 13 as printed in the warrant with the funding source Free Cash 001-000-3590-01 (majority vote).

**ARTICLE 14: (Selectmen) Road Betterment Bylaw – Private Road Betterments -**

To see if the Town will vote 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,  
Or take any action relative thereto.

Approve Article 14 as printed in the warrant (majority vote)

**ARTICLE 15: (Town Clerk)-** To see if the Town will vote 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, or take any other action relative thereto.

Approve Article 15 as printed in the warrant (majority vote)

**ARTICLE 16: (Planning Board) - ZONING BYLAWS AMENDMENT -**

**LARGE-SCALE, GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS  
ZONING BYLAW AMENDMENTS**

To see if the Town will vote 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 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 are prohibited in Residential Districts (RES 10, RES 15, RES 30, RES 43, and RES 87), Commercial Districts (BUS 15), Light Industrial Districts (LI 43 and LI 87), Conservation District, and Floodplain District. Large Ground-Mounted Solar Photovoltaic Installations are allowed as of right in the Industrial Districts of IND 43 and IND 130 and the Town Refuse Disposal District.**

This bylaw is not intended to regulate systems of less than 250 KW or roof-mounted systems. It is not intended to regulate systems that are consumptive power systems where all power that is generated is utilized to power onsite operations.

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Amend by deleting Section 3.12.05 in its entirety as follows:

**3.12.05 Special Requirements for Large Scale Solar Power Generation Installations in Residential Districts** (Added 4/19/2014)

**A. — Lot Requirements**

~~All LGSPIs proposed in a residential zone must be on a lot which contains an area of not less than four acres and meets the setbacks and other Design Standard requirements under Section 3.12.04.G.~~

**B. — Special Permit**

~~The construction and use of LGSPIs in Residential Districts shall require a special permit issued by the Planning Board, in accordance with the procedures outlined in Section 5.01.04 of the Zoning Bylaws of the Town of Dudley, prior to their construction, installation or modification.~~

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Amend by adding text in bold and deleting text with strikethrough to Section 2.03.02 as follows:

**Section 2.03.02, Use by District Chart**

<u>DISTRICT</u>										
ACTIVITY OR USE	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
<u>RENEWABLE ENERGY RESOURCES</u>										
Large Ground-Mounted Solar Photovoltaic Installations (250 kW and Greater)	SPNP	SPNP	SPNP	SPNP	SPNP	SPNP	P	P	SPNP	SPNP

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 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 (13)** 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

Approve Article 16 as printed in the warrant (2/3rds vote).

**ARTICLE 17: (Selectmen) - Dam Inspection Appropriation** – To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for dam inspections and Phase 1 Reports for Peter Pond Dam and Carpenter Pond Dam as required by the Massachusetts Office of Dam Safety, or take any other action relative thereto.

Approve Article 17 as printed in the warrant (majority vote)

**ARTICLE 18: (Town Clerk)** -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, or take any other action relative thereto.

Article 18 to be Passed Over (majority vote)

 **ARTICLE 19: (Police Department)** -To see if the Town will vote to raise and appropriate, borrow, or transfer from available fund the sum of Two Hundred Twenty Five Thousand Dollars (\$225,000.00) for the purchase and equipping of five (5) 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), or take any other action relative thereto

Approve Article 19 as printed in the warrant (2/3rds vote)

**ARTICLE 20: (Board of Selectmen) –Land Acquisition** – To see if the Town will 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; and further to see if the Town will vote to raise and appropriate by taxation, transfer from any available source of funds, or borrow, or any combination a sum of money for the acquisition of said parcels and expenses related thereto and authorize the Treasurer with the approval of the Board of Selectmen is authorized 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), and further to authorize the Board of Selectmen enter into all agreements, apply for and accept any gifts, and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purposes of this Article, or act in relative thereto.

Approve Article 20 as printed in the warrant (2/3rds vote)

**ARTICLE 21: (Town Clerk)** – To see if the Town will vote 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

DISTRICT<sup>9</sup>

ACTIVITY OR USE	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
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RESIDENTIAL

Single Family Home	P	P	P	P	P	P	NP	NP	NP	NP
Two Family Home	P	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	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	<del>SP<sup>13</sup></del>	<del>SP<sup>13</sup></del>	<del>SP<sup>13</sup></del>	<del>SP<sup>13</sup></del>	<del>SP<sup>13</sup></del>	P	P	P	<del>SP<sup>13</sup></del>	<del>SP<sup>13</sup></del>

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

Animal Kennel	<u>P<sup>13/14</sup></u>	<u>P<sup>13/14</sup></u>	<u>P<sup>13/14</sup></u>	<u>P<sup>13/14</sup></u>	<u>P<sup>13/14</sup></u>	P	P	P	<u>P<sup>13/14</sup></u>	<u>P<sup>13/14</sup></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,*

Or take any other action relative thereto.

Approve Article 21 as printed in the warrant (2/3rds vote).

**ARTICLE 22 : (Water/Sewer Department)** – To see if the Town will vote to transfer from available funds 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, or to take any other action relative thereto.

Approve Article 22 as printed in the Warrant with funds transferred from Sewer Retained Earnings (majority vote).

**ARTICLE 23: (Water/Sewer Department)** –To see if the Town will vote to transfer from available funds 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, or to take any other action relative thereto.

Approve Article 23 as printed in the warrant with funds transferred from Sewer Retained Earnings (majority vote).

**ARTICLE 24: (Water/Sewer Department)** – To see if the Town will vote 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 or to take any other action relative thereto.

Approve Article 24 as printed in the warrant with funds transferred from Water Retained Earnings (majority vote).

**ARTICLE 25: (Highway Department)** -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, or take any other action relative thereto.

Article 25 to be Passed Over (majority vote)

**ARTICLE 26: (Highway Department)** - To see if the Town will 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, or take any other action relative thereto.

Article 26 to be Passed Over (majority vote)

**ARTICLE 27: (Board of Selectmen) – 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 raise and appropriate the sum of One Dollar (\$1.00) for the purposes of this Article, or take any other action relative thereto.

Recommendation at Town Meeting on Article 28 as printed in the warrant with the funding source Free Cash 001-000-3590-01 (2/3rds vote).

**ARTICLE 28: (Selectmen) – Approval Solar PILOT Agreement** - To see if the Town will 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, or take any other action relative thereto.

Approve Article 28 as printed in the warrant (majority vote)

**ARTICLE 29: (Police Department –Solicitors Bylaw) –** To see if the Town will vote to amend the Dudley General Bylaws by adding the following 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, or take any other action relative thereto.

Approve Article 29 as printed in the Warrant (majority vote).

**ARTICLE 30: Petition Article –  
(Dudley Conservation Land Trust) –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 or 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.

### **ARTICLE 31 – (Petition Article)**

#### **Amend Zoning By-law 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 the effective date of this bylaw.

### **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, or take any other action relative thereto.

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You are hereby directed to serve this warrant by posting attested copies thereof, at the Dudley Municipal Center and on the Town of Dudley Web site and by posting notice of availability of the Warrant on one (1) Cable Access Channel.

Warrant to be posted at least seven (7) days before holding of said meeting. Hereof, fail not, and make due return of this warrant with your doing thereon, to the Town Clerk at the time of holding of said meeting.

Given under our hands this 3<sup>rd</sup> of May in the year Two Thousand and Sixteen.

Steven Sullivan, Chairman

John Marsi, Vice-Chairman

Peter Fox, Clerk

Paul M. Joseph

Jonathan Ruda

Dudley Board of Selectmen

I have notified and warned the inhabitants of the Town of Dudley by posting up attested copies of the same at the Dudley Municipal Center on the \_\_\_\_ of \_\_\_\_ 2016 and Shepherd Hill Regional High School on the \_\_\_\_ of \_\_\_\_ 2016. I also observed it posted on the Town's Website and notice of availability on the Dudley Cable Access Channel on the \_\_\_\_ of \_\_\_\_ 2016.

Thereby making my return to the Dudley Town Clerk on the \_\_\_\_ of \_\_\_\_ 2016.

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Theodore Baron, Sr., Constable, Town of Dudley