

TOWN OF DUDLEY
ANNUAL FALL 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, October 24, 2016 and Tuesday, October 25, 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: Board and Committee Reports- Routine (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: Warrant Article Recommendations- Routine: (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: – Fiscal Year 2017 Supplemental Budget (Town Administrator) – To see if the Town will vote to determine the sums of money the Town will raise and appropriate, borrow or transfer from any available funds to defray the supplemental charges and expenses of the Town and including debt and interest for Fiscal Year 2017 voted under Article 10 on the May 23, 2016 Annual Town Meeting, or take any other action relative thereto:

(Note: Please See Appendix “A” for Departmental Expenditures)

Move to transfer from Overlay Supplus the sum \$140,000.00 as shown in Appendix “A” in the warrant for the purpose of funding Article 3, FY 2017 Supplemental Budget.

ARTICLE 4: FY 2017 Salary Elected Official Salaries (Treasurer/Collector)- To see if the Town will vote to raise and appropriate, borrow, or transfer from any available funds the wage adjustments for the Treasurer/Collector in the amount of Eight Hundred Nine Dollars and Seventy Four Cents (\$809.74) -Account No.: 0001-145-5111-01 and the Town Clerk's salary in the amount of Five Hundred Eighty Dollars and Eighteen Cents (\$580.18) -Account No: 0001-161-5111-01 for or take any other action relative thereto.

Move to transfer from Free Cash the sum of \$1,389.92 for the purpose of funding Article 4 as printed in the warrant (majority vote)

ARTICLE 5: Purchase Highway Department Asphalt Paver (Capital Improvement Planning Committee) –To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the sum of Eighty Thousand Dollars and Zero Cents (\$80,000) for the purchase of a 2017 asphalt paver for the Highway Department, or take any other action relative thereto.

Move to Borrow pursuant to M.G.L. Chapter 44, §Section 7(9) the sum of \$80,000 for purpose of funding Article 5 as printed in the warrant. (2/3 vote)

ARTICLE 6: Purchase Building and Grounds Truck (Capital Improvement Planning Committee) To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the sum of Forty Eight Thousand Five Hundred Dollars and Zero Cents (\$48,500) for the purchase of a 2017 Ford Four Wheel Drive with Plow for the Building and Grounds Department, or take any other action relative thereto.

Move to Pass Over Article 6 as printed in the warrant. (majority vote)

ARTICLE 7 – Triennial Certification of Property (Board of Assessors) — To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of Twenty Three Thousand Dollars and Zero Cents (\$23,000) to fund one third (1/3) of the cost of triennial re-certification of real estate and personal property values for Fiscal Year 2018 as required by the Commonwealth's Department of Revenue, or take any action relative thereto.

Move to transfer from 2015 Assessors Revaluation Article (001-964-5812-00) the sum of \$23,000 for the purpose of funding Article 7 as printed in the warrant. (majority vote)

ARTICLE 8 – Acceptance of land – Oakview Estates, Vitkus Properties (Board of Selectmen) — To see if the Town will vote to authorize the Board of Selectmen to acquire Parcel "C" on a plan of land dated April 9, 2008 entitled "Definitive Survey Plan Prepared for Vikus Properties, LLC, located at Old Southbridge Road, Dudley, MA and recorded with the

Worcester Registry of Deeds in Plan Book 867, Plan 45, to be used for passive recreational use only, or take any other action relative thereto.

Move to Pass Over Article 8 as printed in the warrant (majority vote).

ARTICLE 9: Amend Personnel Bylaw, End of Career Sick Leave (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 20% rate. Regular full time employees may also buy back sick time at the time of retirement at 50% up to a maximum of 65 days. 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. 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 65 days. Elected Town Officials are not eligible for any sick-time buy back including any heretofore accrued, or take any other action relative thereto.

Move to approve Article 9 as printed in the warrant (majority vote).

ARTICLE 10: Restoration of Graves (Cemetery Commissioners) - To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the sum of One Thousand Dollars and Zero Cents (\$1,000) for the purpose of repairing, resetting, restoring and cleaning Eleven (11) gravestones located in the historical section of Corbin Cemetery, or take any other action relative thereto.

Gravestones to be repaired as follows:

Jonathan Day - 1775

Lt. Mark Elwell -1799

Dorothy Elwell -1811

Ellingham Pope - 1826

Benjamin Lee - 1829

Lt. Mark Dodge - 1824

David Dodge - 1776

Mark Dodge - 1824

Colonel William Carter - 1783

Abigail Carter - 1801

Move to transfer from Free Cash the sum of \$1,000 for the purpose of funding Article 10 as printed in the warrant (majority vote).

ARTICLE 11: Fire Station Renovation and Construction (Board of Selectmen and Capital Improvement Planning Committee) - To see if the Town will vote to authorize the Treasurer, with approval from the Board of Selectmen, to borrow, pursuant to M.G.L. Chapter 44 §7(3)(9A), a sum of money to expended under the control of the Fire Station Building Committee as follows:

The Town appropriate the sum of Six Million Five Hundred Thousand Dollars (\$6,500,000) for the design, renovation, construction, demolition and furnishing, including incidental costs for improvements to the existing fire station located at 128 West Main Street, Dudley, MA and to meet said appropriation, the Treasurer, with the approval of the Selectmen, to authorize to borrow such sum under and consistent with M.G.L c. 44, § 7(3)(9A) or any other source of authority. Said amount shall be subject to a Proposition 2 ½ debt exclusion ballot question in accordance with M.G.L. Chapter 59§ 21C(k), or take any other action relative thereto.

Move to Borrow pursuant to M.G.L. Chapter 44 §7(3)(9A) the sum of \$6,500,000 to expended under the control of the Fire Station Building Committee for the purposes set forth in Article 11 as printed in the warrant. and that said appropriation shall be contingent on a Proposition 2 ½ debt exclusion ballot question in accordance with M.G.L. Chapter 59§ 21C(k). (2/3 vote)

ARTICLE 12: Purchase Fire Fighter Gear (Fire Department) - To see if the Town will vote to raise and appropriate, borrow or transfer from any 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.

Move to transfer from Free Cash the sum of \$18,879.00 for the purpose of funding Article 12 as printed in the warrant. (majority vote)

ARTICLE 13: Uninterruptible Power Supply (UPS) System for Dudley Municipal Complex (Capital Improvement Planning Committee)-- To see if the town will vote to raise and appropriate, borrow or transfer from any available funds the amount of Sixty Thousand Dollars and Zero Cents (\$60,000) to replace the UPS system in the Dudley Municipal Complex, including design and related incidental costs, or take any other action relative thereto.

Move to transfer from Free Cash the sum of \$60,000 for the purpose of funding Article 13 as printed in the warrant. (majority vote)

ARTICLE 14: Funding Employee Merit Pool (Board of Selectmen) – To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the sum of Twelve Thousand Dollars (\$12,000) to be to fund merit increases for department heads and non-union employees as recommended by the Personnel Board and Board of Selectmen, or take any other action relative thereto.

Move to transfer from Overlay Surplus the sum of \$8,000 and 2015 Assessors Revaluation Article (001-964-5812-00) the sum of \$4,000 for the purposes of funding Article 14 as printed in the warrant. (majority vote)

ARTICLE 15: Unpaid Bills of a Prior Year (Board of Selectmen) — To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the amount of Eight Hundred Eighty Dollars and Fifty Cents (\$880.50) for the purpose of paying unpaid invoices from Fiscal Year 2016, or take any other action relative thereto.

Harrington Memorial Hospital -	\$ 98.00
Stonebridge Press -	\$144.00
Stonebridge Press -	\$147.00
Aftermath-	\$290.00
Pitney Bowes	<u>\$201.50</u>
Total from Available Funds	\$880.50

Move to transfer from Free Cash the sum of \$880.50 for the purpose of funding Article 16 as printed in the warrant (4/5 vote).

ARTICLE 16: PEG Access and Cable Fund (Town Accountant) - To see if the Town will vote to accept M.G.L Chapter 44, Section 53F ¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for Fiscal Year 2017, which begins on July 1, 2016. Current PEG Cable Account Numbers 0700-000-5780-00 and 0700-000-5781-00 to be combined into one account (0700-000-5780-00), or take any other action relative thereto.

Move to approve Article 16 as printed in the warrant (majority vote).

ARTICLE 17: Fund Road Improvements (Highway Department)– To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the amount of Thirty Three Thousand Dollars and Zero Cents (\$33,000) said amount received from the Town of Oxford for permanent road repairs on Oxford Avenue due to the sewer line installation to the Highway Department’s Road Maintenance Account (0001-429-5714-02), or take any other action relative thereto.

Move to Pass Over Article 17 as printed in the warrant. (majority vote)

ARTICLE 18: Fund Tree Removal at Corbin Cemetery (Highway Department)– To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the amount of Fifteen Thousand Dollars and Zero Cents (\$15,000) for the purpose of removing several large and decaying trees and various limbs in Corbin Cemetery, or take any other action relative thereto.

Move to transfer from Free Cash the sum of \$15,000 for the purpose of funding Article 18 as printed in the warrant. (majority vote)

ARTICLE 19: Operation of Town Beach (Board of Selectmen) - To see if the Town will vote to raise and appropriate, borrow or transfer from free cash to supplement the Beach Gift Account (#0704-000-5784-00) the sum of Eight Thousand One Hundred Seventy Dollars (\$8,170.00) for continued operation of the Town Beach, including salaries and expenses, of take any other action relative thereto.

Move to transfer from Free Cash the sum of \$8,170 for the purpose of funding Article 19 as printed in the warrant. (majority vote)

ARTICLE 20: Amend Capital Improvement Planning Committee Bylaw- Article 38 (Capital Improvement Planning Committee)– To see if the Town will vote to amend by adding the following bolded underlined text to Article 38 as Section 3 as follows “The Capital Improvement Planning Committee shall make its recommendation to the Board of Selectmen **no later than thirty (30) days prior to the Fall Town Meeting. Reports submitted less than thirty (30) days notice shall not be considered by the Board of Selectmen or the Finance, Appropriation and Advisory Committee (FAA) for any action unless the Board of Selectmen determines otherwise by a 4/5 vote**”, or take any other action relative thereto.

Move to approve Article 20 as printed in the warrant (majority vote).

ARTICLE 21: Amend Zoning Bylaws (Planning Board)– To see if the Town will vote to amend the Zoning Bylaws, **Section 2.03.02 USE BY DISTRICT CHART, ACTIVITY OR USE, COMMERCIAL**, Motor Vehicle Rental, Sales and Service: to be changed from prohibited use (NP) to a permitted use as a matter of right (P) in the LI43 and LI87 Zoning Districts; and to amend the Zoning Bylaws, **Section 2.03.02 USE BY DISTRICT CHART, ACTIVITY OR USE, INDUSTRIAL**, Bulk Storage, Outdoor, and, Contractor; yard: to be changed from prohibited uses (NP) to permissible uses contingent upon Site Plan Review and approval by the Planning Board (P-SPR) in the LI43 and LI87 Zoning Districts, or take any other action relative thereto.

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

Section 2.03.02 USE OF DISTRICT CHART, ACTIVITY OR USE, COMMERCIAL

	<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>Commercial</u> Animal Kennel or Hospital	NP	NP	NP	SP	SP	P	P	P	NP	NP
Business or Professional Offices	NP	NP	NP	NP	NP	P	P	P	P-SPR	P-SPR
Funeral Home	SP	SP	NP	NP	NP	P	NP	NP	NP	NP
Motor Vehicles Rental, Sales, Service	NP	NP	NP	NP	NP	P	P	P	NP P	NP P

Section 2.03.02 USE OF DISTRICT CHART, ACTIVITY OR USE, INDUSTRIAL

<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
Industrial Light Manufacturing of Consumer Goods	NP	NP	NP	SP	SP	P ⁺	P	P	P-SPR	P-SPR
Other Manufacturer Processing & Research	NP	NP	NP	NP	NP	NP	P	P	P-SPR	P-SPR
Other Manufacturing (§24/10) Processing & Research	SP	SP	NP	NP	NP	P ⁺	P	P	P-SPR	P-SPR
Bulk Storage Indoors	NP	NP	NP	NP	NP	NP	P	P	NP-P-SPR	NP-P-SPR
Outdoor	NP	NP	NP	NP	NP	NP	P	P	NP-P-SPR	NP-P-SPR

Move to approve Article 21 as printed in the warrant (2/3 vote)

ARTICLE 22: Digital Sign for Dudley Municipal Complex (Board of Selectmen and Capital Improvement Planning Committee)– To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the amount of Twenty Three Thousand Six Hundred Seventy Eight Dollars and Zero Cents (\$23,678) for the purpose of purchasing and installing a Programmable Electronic Digital Message Sign, or take any other action relative thereto.

Move to transfer from Free Cash the sum of \$23,678 for the purpose of funding Article 22 as printed in the warrant. (majority vote)

ARTICLE 23: Late Charges for Municipal Collections Bylaw (Police Department) –To see if the Town will vote to adopt the following Article:

All municipal charges and bills shall be due and payable within thirty (30) days of date of mailing by the Treasurer/Collector or other Town Official empowered to do so.

All receivables which remain unpaid after said thirty (30) days shall accrue interest payable to the Town at a rate to be determined by the Board of Selectmen as permitted by State Law.

This By-law is authorized under the provisions of Chapter 40, Section 21E, of the Massachusetts General Laws:

G.L. c. 40, section 21E reads as follows: “Any city or town may, by ordinance or by-law, and any district by vote of the district meeting, establish due dates for the payment of municipal charges and bills, and may fix a rate at which interest shall accrue if such charges remain unpaid

after such due dates; provided, however, that the rate of interest shall not exceed the rate at which interest may be charged on tax bills under the provisions of section fifty-seven of chapter fifty-nine”, or take any other action relative thereto.

Move to approve Article 23 as printed in the Warrant. (majority vote)

ARTICLE 24: Accept MGL Chapter 61A, Section 1 (Board of Assessors) — Excise Exemption – Military – To see if the Town will vote to accept the provisions of the eighth paragraph of the M.G.L. Chapter 60A, Section 1 that reads as follows:

In any city or town accepting the provisions of this paragraph, the excise imposed by this chapter shall not apply to a motor vehicle owned and registered by a resident who is in active and full-time military service as a member in the armed forces of the United States or the National Guard, Army or Air, of any state, and has been deployed or stationed outside the territorial boundaries of the continental United States for a period of at least 45 days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, he shall not be subject to the foregoing period of service qualification for the calendar year in which he is wounded or killed. This exemption shall apply only to a motor vehicle owned and registered by a military member in his own name or jointly with a spouse for a non-commercial purpose and a military member may qualify for this exemption for only 1 motor vehicle for each calendar year. A municipality which accepts the provisions of this paragraph shall, in connection with the issuance of warrant to collect unpaid motor vehicle or trailer excise tax from a delinquent taxpayer, add \$3 to the fee prescribed in clause 9 of section 15 of chapter 60. The acceptance by a municipality of this paragraph shall take effect on the first day of January next occurring after the approval by the municipality to accept this paragraph.

Move to approve Article 24 as printed in the Warrant. (majority vote)

ARTICLE 25: Accept MGL Chapter 90, Section 17C for Local “Safety Zones” (Police Department) — To see if the Town will adopt the newly approved Chapter 90 Section 17C and Section 18B of the General Laws, or take any other action relative thereto.

Move to approve Article 25 as printed in the Warrant (majority vote).

ARTICLE 26: Central Massachusetts Stormwater Coalition (Town Administrator)– To see if the Town will vote to determine the sums of money Four Thousand Dollars (\$4,000) the Town will raise and appropriate, borrow or transfer from available funds to fund Dudley’s portion of the Intermunicipal Agreement for Participation in the Central Massachusetts Regional Stormwater Coalition for Fiscal Year 2017, or take any other action relative thereto.

Move to transfer from Free Cash the sum of \$4,000 for the purpose of funding Article 26 as printed in the warrant. (majority vote)

ARTICLE 27: Add to Stabilization Fund (Town Administrator) — To see if the town will vote to raise and appropriate, borrow or transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000) to be added to the Stabilization Fund, or take any other action relative thereto.

Move to transfer from Free Cash the sum of \$100,000 for the purpose of funding Article 27 as printed in the warrant. (2/3 vote)

ARTICLE 28: Funding for Mill/Pine Streets Project (Water/Sewer Commissioners) – To see if the Town will vote to transfer the sum of Two Hundred Thousand Dollars and Zero Cents (\$200,000) from the Water Retained Earning Account #0061-000-3590-01 to the Water Main Project (Pine/Mill Street) #0061-900-5844-00 for the purpose of covering additional expenses incurred with the replacement of the water main on Mill Street and Pine Street, or take any other action relative thereto.

Move to transfer from Water Retained Earnings Account (0061-000-3590-01) to Water Main Project (Pine/Mill Streets) #0061-900-5844-00 for the purpose of funding Article 28 as printed in the Warrant (majority vote).

ARTICLE 29: Police Vehicles Supplemental Appropriation– (Capital Improvement Planning Committee) To see if the Town will vote to raise and appropriate, borrow or transfer from any available fund the sum of Eight Thousand Five Hundred Dollars and Zero Cents (\$8,500) to cover costs associated with the purchase of one police cruiser, or take any other action relative thereto.

Move to transfer from Free Cash the sum of \$8,500 for purpose of funding Article 29 as printed in the Warrant. (majority vote)

ARTICLE 30: Amend Dog Control Bylaw (Town Clerk) To see if the Town will vote to amend the Town By-laws, Article 27-Dog Control Bylaw, Section 3, paragraph G as follows:

“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 section shall not apply to residential or commercial kennel licenses.* This by-law will be effective January 1, 2017”. And to further amend the article by re-numbering this amended portion of paragraph G to Section 3, paragraph F “Fees”, #8, or take any other action relative thereto.

Move to approve Article 30 as printed in the warrant (majority vote).

ARTICLE 31: Fund Archival Preservation (Petition Article) – To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of Ten Thousand Dollars and Zero Cents (\$10,000) for the purpose of archival preservation, or take any other action relative thereto.

Move to transfer from Free Cash the sum of \$10,000 for the purpose of funding Article 31 as printed in the warrant (majority vote).
