

**TOWN OF TEMPLETON
WARRANT FOR SPECIAL TOWN MEETING
MAY 10, 2011**

WORCESTER, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and Town affairs to meet in the Narragansett Regional Middle School, 460 Baldwinville Road, Baldwinville, in said Templeton on Thursday, May 10, 2011 at 8:00 p.m., then and there to act on the following articles:

Article 1. To see if the Town will vote to transfer from available funds or otherwise provide the sum of Two Thousand, Two Hundred, Eighty-Three Dollars and Twenty-Nine Cents (**\$2,283.29**) to pay the Worcester Regional Retirement System military service fund in conformity with Chapter 32, Section 22 (7) (c)(ii) of the General Laws as assessed for fiscal year 2011 due to the deployment of a Town employee, or to take any other action relative thereto.
Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted to transfer from the Group Insurance Expense account the sum of Two Thousand, Two Hundred, Eighty-Three Dollars and Twenty-Nine Cents (**\$2,283.29**) to pay the Worcester Regional Retirement System military service fund in conformity with Chapter 32, Section 22 (7) (c)(ii) of the General Laws as assessed for fiscal year 2011 due to the deployment of a Town employee.

Passed Unanimously/May 10th @ 8:01

Article 2. To see if the Town will vote to transfer from the Group Insurance Account the sum of Two Thousand, Five Hundred Dollars (**\$2,500.00**) for fiscal year 2011 to update the Assessors maps, or to take any other action relative thereto.
Submitted by the Board of Assessors

On a motion duly made and seconded the Town voted to transfer from the Group Insurance account the sum of Two Thousand, Five Hundred Dollars (**\$2,500.00**) for fiscal year 2011 to update the Assessors maps.

Passed Unanimously/May 10th @ 8:02

Article 3. To see if the Town will vote to transfer from the Group Insurance Account the sum of Four Thousand, Seven Hundred Dollars (**\$4,700.00**) to supplement the Veterans Services Account for fiscal year 2011, or to take any other action relative thereto.
Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted to transfer from the Group Insurance account the sum of Four Thousand, Seven Hundred Dollars (**\$4,700.00**) to supplement the Veterans Services Account for fiscal year 2011.

Passed Unanimously/May 10th @ 8:03

- Article 4. To see if the Town will vote to transfer from the Sewer Department Expense account the total sum of Thirteen Thousand, One Hundred, Forty-Nine Dollars and Fifty-Four Cents (**\$13,149.54**), Twelve Thousand, Nine Hundred, Seventy-Three Dollars (**\$12,973.00**) to pay Harbor Consulting for the purchase, installation and integration of a new billing system, per contract, and the sum of One Hundred Seventy-Six Dollars and Fifty-Four Cents (**\$176.54**) for shipping and handling, or to take any other action relative thereto.

Submitted by the Board of Selectmen

No Motion was made.

- Article 5. To see if the Town will vote to transfer from the Sewer Department Expense account the sum of Seven Thousand, Five Hundred Dollars (**\$7,500.00**) to pay ASA International for software services pursuant to the implementation of a new billing system, per contract, or to take any other action relative thereto.

Submitted by the Board of Selectmen

No Motion was made.

- Article 6. To see if the Town will vote to appropriate the total sum of Seventy Thousand Dollars (**\$70,000**) from the Templeton CPA Historic Preservation Reserve Account and General CPA Budgeted Reserve Fund for preserving three tombs at the Common Burial Ground on the Templeton Common located at 1 Wellington Road rear, with such funds to be expended under the direction of the Board of Selectmen; provided, however, that such funds shall not be expended unless the Massachusetts Historical Commission approves the grant request from the Templeton Cemetery Department to reimburse 50% of the allowed project costs, and that any funds reimbursed to the Town shall be returned to the Community Preservation Fund and further, to authorize the Board of Selectmen to enter into a grant agreement with, and grant a historic preservation restriction in the property to the Massachusetts Historical Commission, as may be necessary, or take any other action relative thereto.

Submitted by the Community Preservation Committee

On a motion duly made and seconded the Town voted to appropriate the total sum of Seventy Thousand Dollars (**\$70,000**) of which Thirty-Seven Thousand, Six Hundred Eighteen Dollars and Sixty-Seven Cents (**\$37,618.67**) will transferred from the Templeton CPA Historic Preservation Reserve account and the sum of Thirty-Two Thousand, Three Hundred Eighty-One Dollars

and Thirty-Three Cents (**\$32,381.33**) will be transferred from the General CPA Budgeted Reserve Fund for preserving three tombs at the Common Burial Ground on the Templeton Common located at 1 Wellington Road rear, with such funds to be expended under the direction of the Board of Selectmen; provided, however, that such funds shall not be expended unless the Massachusetts Historical Commission approves the grant request from the Templeton Cemetery Department to reimburse 50% of the allowed project costs, and that any funds reimbursed to the Town shall be returned to the Community Preservation Fund and further, to authorize the Board of Selectmen to enter into a grant agreement with, and grant a historic preservation restriction in the property to the Massachusetts Historical Commission, as may be necessary.
Passed/May 10th @ 8:12

Article 7. To see if the Town will vote to delete Article X-Licensing of Junk Collectors-of the Town of Templeton By-laws and to adopt the following by-law in its place:

1. The Board of Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale or barter of junk, old metals or second hand articles, pursuant to the provisions of Chapter 140 of the General Laws of the Commonwealth of Massachusetts.
2. All such licenses may be revoked for cause after a hearing and shall expire on December 31st of each year.
3. Every keeper of a shop for the purchase, sale or barter of junk, old metal or second hand articles shall keep a book in which shall be written at the time of every purchase of any such article, a description thereof, including all distinguishing marks, the name, age and residence of the person from whom, and the day and hour when such purchase was made, and a transaction number. Such books shall be made available at all reasonable times for inspection by any police officer of the Town of Templeton, or of any person authorized by the Board of Selectmen to make such inspection.
4. Whenever necessary to make an inspection to enforce the provisions of this Bylaw, or when the Chief of Police or his designee has reasonable grounds to believe more likely than not that a specific article held by a licensee is associated with criminal conduct, the Chief of Police or his designee, a State Police Officer or an individual authorized by the Board of Selectmen may enter upon any premises used by a licensee, at any reasonable time, to examine all articles taken in by sale, or kept or stored in or upon the premises, and all books and inventories relating thereto.

Every such licensee, his clerk, agent, servant or other person in charge of the premises shall exhibit to such officer on demand, any or all such articles, books and inventories.

Every keeper of such shop shall put in a suitable and conspicuous place on his shop, a sign having his name and occupation legibly inscribed thereon in letters at least two inches high. Every such shop shall be closed except from 7:00 o'clock a.m. to 9:00 o'clock p.m. of each day, and no licensee shall purchase or sell articles regulated under this Bylaw beyond such hours.

5. No dealer in junk, old metals or second hand articles shall directly or indirectly purchase or receive by way of barter or exchange such goods, or allow such goods to be deposited upon or within his premises, shop or vehicle, by any minor, knowing or having reason to believe him to be such.
6. When any junk, old metals or second-hand articles shall be sold by a dealer within one week from the time of purchase or receipt of the same, such dealer shall enter in his book, the name and address of the purchaser with such other facts as may be necessary to keep track of the goods, including all distinguishing marks and numbers of the articles bought, the amount they paid for the articles, the time and date of the transaction, and a transaction number.
7. No dealer in junk, old metals or second-hand articles shall carry on his business in any other place than that designated for his license, unless consent to relocation is granted by the Board of Selectmen, or to take any other action relative thereto.

Submitted by the Police Chief

No Motion was made.

Article 8. To see if the Town will vote to adopt the following by-law relative to marijuana or tetrahydrocannabinol on Town property:

1. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any area owned by or under the control of the Town, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.

2. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with G.L. c. 94C, § 47A.
3. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state his true name and address to said official.
4. This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen or its duly authorized agents, or any police officer.
5. The fine for a violation of this bylaw shall be three hundred dollars (\$300.00) for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect, or to take any other action relative thereto.

Submitted by the Police Chief

A motion was duly made and seconded to table Article 8.

A motion was duly made and seconded to allow Chief Whitaker to speak.

Passed/May 10th @ 8:20

On the motion to table Article 8.

Defeated/May 10th @ 8:24

A motion was duly made and seconded to vote by Secret Ballot.

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

Passed/May 10th @ 8:28

On the motion to vote by Secret Ballot.

Defeated/May 10th @ 8:30

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

Passed/May 10th @ 8:31

On a motion duly made and seconded the Town voted to amend the Town of Templeton By-laws to adopt the following by-law relative to marijuana or tetrahydrocannabinol on Town property as follows:

1. No person, whether in or upon a vehicle, motor vehicle, conveyance, or on foot, shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any area owned by or under the control of the Town, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any place to which the public has a right of access as invitees or licensees.
2. Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with G.L. c. 94C, § 47A.
3. Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state his true name and address to said official.
4. This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen or its duly authorized agents, or any police officer.
5. The fine for a violation of this bylaw shall be three hundred dollars (\$300.00) for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Passed/May 10th @ 8:32

Mr. Steven Drury submitted a protest.

Article 9. To see if the Town will vote to amend the Town of Templeton Zoning Map to rezone land in the RA-2 district to a new “Airport District” to include land owned by the City of Gardner and comprises the Gardner Municipal Airport, as shown on a map available for inspection at the Town Clerk’s office and attached to this warrant, or to take any other action relative thereto.

No Motion was made.

Article 10. To see if the Town will vote to amend the Town of Templeton Zoning Bylaws to insert a new section 3.8, called the "Airport District," as follows:

Proposed Airport District

3.8 Airport District

3.8.1 Purpose

Templeton is the host community of the Gardner Municipal Airport. The Airport serves the aviation needs of the surrounding region and is an important asset to the overall economic prosperity of north-central Massachusetts. The purposes of the District are:

1. To provide for future development of the Airport so that it may better serve the aviation needs of the region.
2. To protect the health, safety, and welfare of the Town of Templeton from airport development and to minimize adverse impacts on natural resources and residential neighborhoods.
3. To promote the economic development of Templeton by encouraging non-airport uses that are compatible with airport operations.

3.8.2 Extent of the District

The Airport District is shown on the Templeton Zoning Map and encompasses the area owned by the City of Gardner and designated as the Gardner Municipal Airport.

3.8.3 Uses that Require Site Plan Review

The following uses are allowed by right upon site plan approval of the Planning Board pursuant to Section 9.4 of the Zoning Bylaw.

1. Uses required for airport operations and support services, including but not limited to runways, taxiways, terminals, hangars, airport administration offices, equipment garages, tie-downs, aviation fuel storage, control towers, navigational aids, weather data collection devices, and other uses and structures necessary for the day-to-day operation of an airport.
2. Establishments providing aircraft related services such as engine repair, bodywork, aircraft design, sales of aircraft, and aircraft related equipment and services.
3. Emergency medical flight services.
4. Establishments providing services customarily associated with air transportation such as travel agencies, auto rentals, and taxi stands.
5. Recreational services dependent upon air transportation, such as skydiving, airplane rides, glider flights, ultralight aircraft flights, hot air ballooning, etc.

6. Establishments for the training of pilots, navigators, air traffic controllers, mechanics, and other air transportation related trades.
7. Changes to parking areas, taxiways, runways, and other paved surfaces.

3.8.4 Special Permit Uses in the Airport District

The Town recognizes the following uses may have unwanted effects on surrounding properties, abutting neighborhoods and the overall safe operation of the Airport. For these reasons the uses listed below are allowed by Special Permit of the Planning Board. All requirements of Section 9.3 of the Zoning Bylaw shall apply.

1. Aircraft manufacturing and restoration
2. Outdoor storage facilities
3. Hotel, motel, or inn
4. Light manufacturing operations
5. Business and professional offices
6. Research and Development laboratories
7. Airfreight handlers, distribution centers, and warehousing
8. Non-profit clubs and lodges
9. Commercial kennels
10. Motor vehicle repair and service garages
11. Indoor commercial recreation or fitness facilities
12. Solar energy facilities

3.8.5 Gardner Airport Commission Approval

Where the Gardner Airport Commission is not the applicant, each application to the Planning Board for a special permit or site plan approval shall contain a letter from the Commission stating its approval or opposition of the proposed use and its reasons therefore.

3.8.6 Dimensional Regulations

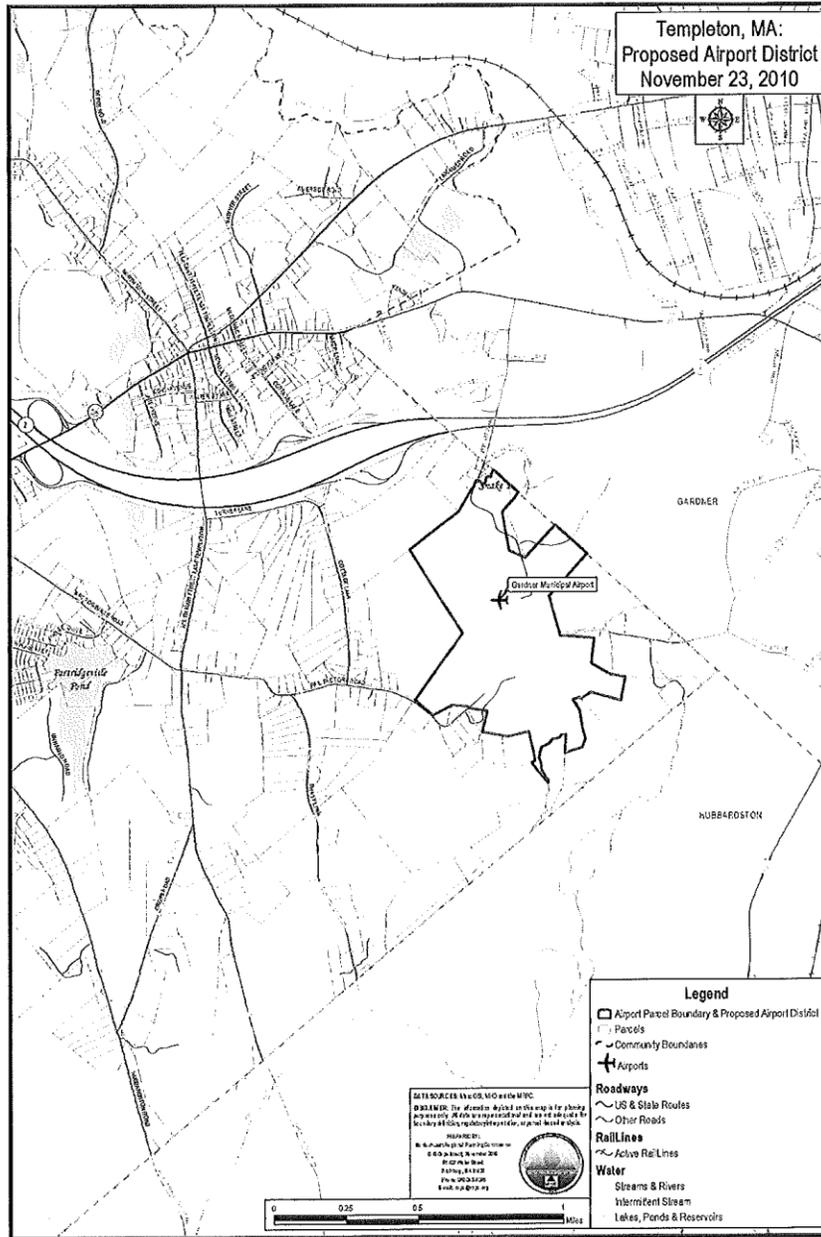
1. Lot Requirements: Aviation-related uses proposed by the Gardner Airport Commission on airport property need not comply with specific dimensional standards but may be subject to reasonable regulation of the Planning Board relating to bulk, setbacks, landscaping, screening, construction materials, lighting, parking and loading, signs, aesthetics, and other measures to protect the environment and preserve neighborhood quality of life. Uses proposed by other entities on sites leased by the Commission or on parcels sold for development shall occur on lots that conform to the minimum lot area, width, buffer, and setback requirements of the Commercial-Industrial A (C-I-A) district.
2. Height Limits: Buildings shall not exceed one story in height unless the Planning Board grants a special permit for a greater height with full consideration for air traffic safety. Structures necessary

for airport operations may exceed height limits and shall comply with regulations of the Federal Aviation Administration.

3.8.7 Special Events

The Commission may hold special events, such as model airplane rallies, automobile exhibits, trade shows, etc. without obtaining site plan approval. If the event will include temporary structures, the sponsor shall comply with the requirements of the State Building Code. The sponsor shall notify the Police Chief and Fire Chief at least ten (10) business days in advance of the event. The Chiefs may set requirements that are necessary for public safety and traffic control or take any other action relative thereto.

Submitted by the Planning Board



No Motion was made.

**A motion was duly made and seconded to dissolve the Special Town Meeting.
Passed Unanimously/May 10th @ 8:34**

And you are hereby directed to serve this warrant by posting attested copies thereof in each precinct; namely at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street, Baldwinville, and at 690 Patriots Road, Templeton, and by delivering a copy to each of the Precinct Clerks fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said County, in the City of Gardner.

Given under our hands this 21st day of April in the year AD 2011.

BOARD OF SELECTMEN

Dennis O'Brien, Chairman

Robert Columbus, Vice Chairman

Christopher Stewart, Clerk

Julie Farrell, Member

Robert Mitchell, Member

A True Copy, ATTEST:

Randy L. Brown
Constable of Templeton

Officer's Return

Worcester, ss

April 21, 2011

This is to certify that I have served the within warrant by posting attested copies thereof in each precinct; namely, at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street, Baldwinville, and at 690 Patriots Road, Templeton, and by delivering a copy to each of the Precinct Clerks fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said County, in the City of Gardner.

Randy L. Brown
Constable of Templeton

Meeting Attendance 05-10-2011

Voters Total 113

Date of this Certification:

May 11, 2011

A True Copy, ATTEST

Carol A. Harris, Templeton Town Clerk