

TOWN OF TEMPLETON
WARRANT FOR ANNUAL TOWN MEETING
MAY 16, 2015

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

Saturday, May 16, 2015 at 9:00 a.m.

then and there to act on the following articles:

The Town Meeting was opened by Carol Harris, Town Clerk.
Nominations were accepted for the position of Temporary Moderator.
Derek Hall was elected as Temporary moderator for this annual town meeting.

ARTICLE 1 CONSENT AGENDA

To see if the Town will vote to establish a consent agenda for Town Meeting to adopt one or more non-controversial articles in one motion; or take any other action relative thereto.

Submitted by the Board of Selectmen

REPORTS OF TOWN OFFICERS

To see if the Town will vote to accept the reports of the Town Officers as printed in the 2014 Town Report; or take any other action relative thereto.

Submitted by the Board of Selectmen

REPORTS OF TOWN COMMITTEES

To see if the Town will vote to allow any of the Town Committees to present their reports; or to take any other action relative thereto.

Submitted by the Board of Selectmen

REVOLVING FUNDS

To see what revolving funds pursuant to Chapter 44, Section 53E1/2 of the General Laws of the Commonwealth the Town will authorize or reauthorize for various boards, commissions or departments of the Town, for the fiscal year beginning July 1, 2015 and ending June 30, 2016; or take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted to approve Reports of Town Officers; Reports of Town Committees and the following Revolving Funds:

A Council on Aging Transportation Revolving Fund, into which shall be deposited fees charged from the use of the Council on Aging Van and for which the spending authority is the COA Director, the use of such Revolving Fund shall be for wages and expenses for operation of the van, provided that the amount to be expended in Fiscal Year 2016 shall not exceed Five Thousand Dollars (**\$5,000.00**); and

A Cemetery Department Burial Revolving Fund, into which shall be deposited fees charged for weekend burials, and for which the spending authority is the Cemetery Commissioner, the use of such funds shall be for wages associated with such burials and for Cemetery capital improvements, provided that the amount to be expended in Fiscal Year 2016 shall not exceed Eight Thousand Dollars (**\$8,000.00**); and

A Board of Appeals Hearings Revolving Fund, into which shall be deposited application fees and for which the spending authority shall be the Board of Appeals, the use of such fund shall be to pay for expenses related to hearings and applications and provided that the amount to be expended for Fiscal Year 2016 shall not exceed Three Thousand Dollars (**\$3,000.00**); and

A Board of Health Recycling Revolving Account, into which shall be deposited the receipts collected from the sale of recycling equipment and the disposal of recyclable goods, and for which the spending authority shall be the Board of Health, the use of such funds shall be to expand the recycling program, provided that the amount to be expended in Fiscal Year 2016 shall not exceed Ten Thousand Dollars (**\$10,000.00**); and

A Fire Department Inspections Revolving Account, into which shall be deposited inspectional fees collected from the fire inspections and for which the spending authority shall be the Fire Chief, the use of such fund shall be for the expansion and improvement of the fire services inspection program, provided that the amount to be expended in Fiscal Year 2016 shall not exceed Five Thousand Dollars (**\$5,000.00**)

Passed/May 16th @ 9:14am

ARTICLE 2 FISCAL 2015 FINANCIAL TRANSFERS

To see if the Town will vote to approve financial transfers within the Fiscal 2015 operating budget; or take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted to approve the following financial transfers:

Transfer from:

Transfer to:

01-710-5900-5923	Debt Service	157,011.30		01-491-5400-5421	Cemetery Expenses	78,270.40
				01-916-5100-5173	Medicare	32,748.39
				01-911-5100-5172	Retirement	43,866.62
				01-945-5700-5743	General Insurance	1,805.27
				01-241-5100-5100	Building Insp. Salary	320.62
01-541-5100-5110	COA Salaries	13,000		01-241-5100-5100	Building Insp. Salary	144.88
				01-135-5400-5421	Town Acct. Expense	11,603.50
				01-141-5100-5100	Assessors Salaries	544.67
				01-146-5100-5111	Asst. Collector Salary	706.95
03-500-5015-5221	11/05/14 STM Art. 4 -Unpaid Bills	17,202.22		01-135-5100-5100	Town Acct. Salary	10,603.50
				01-246-5100-5100	Plumbing/Gas Salary	6,598.72
01-725-5900-5924	Short Term Interest	3,499.58		01-913-5100-5171	Unemployment Comp	1,176.95
				01-246-5100-5100	Plumbing/Gas Salary	1,001.28
				01-146-5100-5111	Asst. Collector Salary	1,321.35
01-145-5100-5100	Treasurer Salary	5,526.72		01-135-5400-5421	Town Acct. Expense	4,123.34
				01-913-5100-5171	Unemployment Comp.	1,403.38
01-130-5700-5781	Advisory Board Reserve	27,000		01-913-5100-5171	Unemployment Comp.	22,098.03
				01-945-5700-5741	Group Insurance	4,901.97
01-210-5100-5110	Police Salaries	12,496.31		01-210-5100-5100	Police Chief Salary	12,496.31
01-192-5200-5201	Diesel Fuel	23,500		01-945-5700-5741	Group Insurance	\$23,500
01-145-5400-5423	Harpers Payroll Exp	3,500		01-543-5700-5770	Veterans Benefits	29,059.77
01-543-5400-5421	Vets. Agent Salary	7,465.64				
01-122-5100-5100	T- Admin. Salary	11,638				
01-241-5100-5110	Build. Clerk Salary	3,171.53				

01-175-5100-5110	Plan. Sec. Salary	253.27			
01-510-5100-5110	Health Agent	124			
01-541-5400-5421	COA Expense	2,907.33			
01-422-5100-5100	Mechanic Salary	43.68	01-945-5700-5741	Group Insurance	7,151.13
01-146-5100-5100	Collector's Salary	566.45			
01-161-5100-5100	Town Clerk Salary	424.43			
01-541-5400-5421	COA Expense	2,092.67			
01-161-5100-5113	Asst. Clerk Salary	727.64			
01-421-5100-5100	Hyw. Super. Salary	447.60			
01-491-5100-5100	Cem. Super. Salary	418.88			
01-510-5100-5120	Health Salaries	521.20			
01-541-5100-5100	COA Director	1,908.58			
01-141-5100-5120	Assessor Admin.	5279.68	01-911-5100-5172.	Retirement	5279.68
	Totals	\$302,726.71		Totals	\$302,726.71

Passed Unanimously/May 16th @ 9:26am

ARTICLE 3 DEBT EXCLUSION FOR HIGHWAY DEPARTMENT EXCAVATOR

To see if the Town will raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to be spent by the Highway Department for the purchase of an excavator; or take any other action relative thereto.

Submitted by the Board of Selectmen

NO MOTION

ARTICLE 4 CHAPTER 90 ACCEPTANCE

To see if the Town will vote to accept and expend a sum of money from the Town of Templeton's Fiscal Year 2016 Chapter 90 apportionment from the Commonwealth of Massachusetts, and any additional sums of money that may be available in accordance with the Commonwealth of Massachusetts Chapter 90 program and to authorize the Board of Selectmen to enter into a contract with the Commonwealth of Massachusetts,

Department of Transportation, and to borrow in anticipation of 100% reimbursement of said amounts; or to take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted that the sum of Three Hundred Thirty Eight Thousand, Three Hundred Fifty One Dollars (**\$338,351**) be appropriated under the provisions of Chapter 90 of the General Laws for the Highway Superintendent, with the approval of the Board of Selectmen, to spend to obtain any materiel, equipment, and/or services incidental to the repair and maintenance of public ways; and that the Treasurer of the Town, with the approval of the Board of Selectmen, be authorized to borrow in anticipation of receipt of such funds from the Commonwealth in furtherance of such project(s), and that the Board of Selectmen be authorized to apply for, accept, and expend any federal, state, and/or private grants without further appropriation; and to meet this appropriation by transferring an equal sum from Chapter 90 available funds.

Passed Unanimously/May 16th @ 9:29am

ARTICLE 5 FY 2016 OPERATING BUDGET & SALARIES OF TOWN

OFFICIALS

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, a sum of money to pay for municipal operating expenses, bonded debt and school assessments for Fiscal Year 2016; and further, to set the salary and compensation of elected and appointed officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws; or to take any other action relative thereto.

Submitted by the Board of Selectmen

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

Passed Unanimously/May 16th @ 10:35am

On a motion duly made and seconded the Town voted that Thirteen Million, Four Hundred Twenty-Eight Thousand, Three Hundred Sixty-Nine Dollars (**\$13,428,369**) be hereby appropriated to pay for municipal and schools operating expenses and for debt service and the Worcester County Retirement assessment for Fiscal Year 2016, and to set the salary and compensation of all elected and appointed officers of the Town as provided by Section 108 of Chapter 41 of the General Laws, as set forth in a document entitled "Town of Templeton FY 2016 General Fund Budget," and to meet this appropriation from the FY'16 tax levy and other general revenues of the town.

MODERATOR	0
SELECTMEN	232,056
ADVISORY BOARD	50,400
TOWN ACCOUNTANT	81,470

ASSESSORS	69,369
TREASURER/COLLECTOR	76,423
ASST. TREASURER/COLLECTOR	70,400
TOWN COUNSEL	50,000
TECHNOLOGY/TELEPHONE/WEB	41,500
TOWN CLERK	78,429
TOTAL GENERAL GOVERNMENT	750,047

CONSERVATION COMMISSION	3,738
AGRICULTURAL COMMISSION	0
OPEN SPACE COMMITTEE	0
PLANNING BOARD	32,515
BOARD OF APPEALS	100
TOTAL LAND PLANNING	36,353

TOWN REPORTS/STREET LIST	1,500
TOWN BUILDINGS	102,950
TOWN VEHICLES	100,000
TOWN TRAVEL	0
INSURANCE	1,330,012
RETIREMENT	612,557
TOTAL OTHER GENERAL GOVERNMENT	2,147,019

POLICE DEPARTMENT	749,472
FIRE DEPARTMENT	316,506
FIRE DEPARTMENT- EMS	0
BUILDING INSPECTOR	67,953
SEALER OF WEIGHTS & MEASURES	1,500
ANIMAL INSPECTOR	500
ANIMAL CONTROL	20,500
EMERGENCY MANAGEMENT	1,000
TREE WARDEN	5,000
COMMUNICATIONS COMMISSION	250,814
OTHER PUBLIC SAFETY	1,300
TOTAL PUBLIC SAFETY	1,414,545

HIGHWAY ADMINISTRATION	395,959
VEHICLE & MACHINERY MAINTENANCE	135,490
SNOW & ICE REMOVAL	125,000
STREET LIGHTING	19,478
SOLID WASTE DISPOSAL	6,360

CEMETERY DEPARTMENT	<u>143,157</u>
TOTAL PUBLIC WORKS AND FACILITIES	825,444

BOARD OF HEALTH	61,960
COUNCIL ON AGING	95,715
VETERANS BENEFITS	<u>99,240</u>
TEMPLETON SCHOLARSHIP FUND	4,000
TOTAL HUMAN SERVICES	260,915

BOYNTON LIBRARY	68,678
RECREATION COMMISSION	8,560
ARTS COUNCIL	100
HISTORICAL COMMISSION	250
CELEBRATION	<u>1,500</u>
TOTAL CULTURE AND RECREATION	79,088

<u>CHARGES, ABATMENTS & OFFSETS</u>	197,549
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<u>LONG & SHORT TERM DEBT SERVICE</u>	1,709,097
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TOTAL - TOWN BUDGET	7,420,057
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SCHOOL ASSESSMENTS

School Committee Stipends	0
<i>5 Elected Templeton Members - NRSD</i>	
School Committee expense	0
Narragansett Regional School Assessment	5,396,832
Montachusett Regional Vocational School Assessment	611,480
TOTAL SCHOOL ASSESSMENTS	6,008,312

TOTAL TOWN AND SCHOOLS	13,428,369
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GRAND TOTAL GENERAL FUND	13,458,369
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Passed/May 16th @ 10:36am

ARTICLE 6 FUNDING FOR AMBULANCE DEPARTMENT OPERATIONS

To see if the Town will vote to transfer a sum of money from the Fire Department/ Ambulance -- Receipts Reserved for Appropriation Account or to otherwise raise and appropriate a sum of money to fund Ambulance Department operations, with any unexpended monies in the Ambulance budget being returned to the Receipts Reserved for Appropriation Account and with any unexpended balances in the Receipts Reserved for Appropriation Account being carried forward to the subsequent fiscal year; or to take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted that Two Hundred Forty Four Thousand, Four Hundred Six Dollars (**\$244,406**) be hereby appropriated from the Fire Department/Ambulance -- Receipts Reserved for Appropriation Account, to be spent by the Fire Chief to pay for the operation of the Ambulance Service within the Fire Department during Fiscal 2016, with any unexpended monies in the Ambulance budget being returned to the Receipts Reserved for Appropriation Account and with any unexpended balances in the Receipts Reserved for Appropriation account being carried forward to the subsequent fiscal year.

Passed Unanimously/May 16th @ 10:39am

ARTICLE 7 FIRE DEPARTMENT AMBULANCE LEASE

To see if the Town will vote to transfer a sum of money from the Fire Department/Ambulance -- Receipts Reserved for Appropriation Account (22-300-3560-3283) to fund the second year of a lease/purchase agreement for an ambulance for the Fire/Ambulance Department; or take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted that Fifty Seven Thousand Dollars (**\$57,000**) be hereby appropriated for the Town Administrator to expend to pay for the second year of the ambulance lease/purchase agreement, and to meet this appropriation \$57,000 be hereby transferred from the Fire/Ambulance Department - Receipts Reserved for Appropriation Account, (22-300-3560-3283)

Passed Unanimously/May 16th @ 10:41am

ARTICLE 8 TRANSFER FOR SENIOR CENTER CONSTRUCTION

To see if the Town will vote to transfer \$48,000 from the Trout Brook Condo Project Account to the Council on Aging -- Senior Center Construction Account (30-300-3502-

1000) to provide for a portion of the costs for constructing and equipping the new Senior Community Center located on the southerly side of Bridge Street; or take any other action relative thereto.

Submitted by the Board of Selectmen for the Senior Center Oversight Committee

On a motion duly made and seconded the Town voted to transfer **\$48,000** from the Trout Brook Condo Project Account to the Council on Aging -- Senior Center Construction Account (30-300-3502-1000) to provide for a portion of the costs for constructing and equipping the new Senior Community Center.

Passed/May 16th @ 10:42am

ARTICLE 9 WAGE AND SALARY INCREASES UNDER THE BOARD OF SELECTMEN

To see if the town will vote, in accordance with the provisions of M.G.L. Ch. 150E, s7 to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money for the purpose of funding new cost items contained in any collective bargaining agreements entered into by the Board of Selectmen, on behalf of the Town, with any group of employees, groups of employees, or non-bargaining employees serving under its jurisdiction; or take any other action related thereto

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted that the Town Administrator be authorized to expend funds from line item entitled the "Wage and Salary Adjustment Account" of the appropriations voted in Article 5 of this warrant for the purpose of funding new cost items contained in any collective bargaining agreements entered into after Town Meeting by the Board of Selectmen, on behalf of the Town, with any group of employees, groups of employees, or non-bargaining employees serving under its jurisdiction.

Passed Unanimously/May 16th @ 10:44am

ARTICLE 10 FUNDING FOR ASSESSORS' TRIENNIAL RECERTIFICATION

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to be spent by the Board of Assessors for the Assessors' 2016 Triennial Recertification; or take any other action relative thereto.

Submitted by the Board of Selectmen

On a motion duly made and seconded the Town voted that Thirty Thousand Dollars (**\$30,000**) be raised and appropriated from the Fiscal Year 2016 tax levy and other general revenues of the Town to be spent by the Board of Assessors for the 2016 Triennial Recertification.

Passed/May 16th @ 10:46am

ARTICLE 11 FY 2016 SEWER DEPARTMENT BUDGET

To see if the Town will vote to appropriate a sum of money to operate the Sewer Department, said sum is to be used for salaries, operating, maintenance, legal, engineering and other expenses of the Templeton Sewer Department, to be spent by the Sewer Commission, utilizing revenues realized from sewer user charges and fees, entrance fees, tipping fees paid by disposal contractors and other fees and monies collected as per Sewer Department Rules by the Town of Templeton Sewer Department; or to take any other action relative thereto.

Submitted by the Board of Selectmen for the Sewer Commission

Kent Songer was allowed to speak

An amended motion was duly made and seconded.

Passed/by a hand count yes-47, no-30/May 16th @ 11:07am

On an amended motion duly made and seconded the Town Voted that Nine Hundred Eighty Thousand, Twenty Nine Dollars (**\$980,029**) be hereby appropriated to operate the Sewer Department (Sewer Enterprise Fund) for Fiscal Year 2016, said sum to be used for salaries, operating, maintenance, legal, engineering and other expenses of the Templeton Sewer Department; said sum to be raised from revenues of sewer user charges and fees, entrance fees and tipping fees paid by disposal contractors and other fees and monies collected as per Sewer Department Rules by the Town of Templeton Sewer Department with each Sewer Commissioner being paid \$2,000.00 per year.

Passed/May 16th @ 11:08am

ARTICLE 12 SENIOR EXEMPTION -- COST OF LIVING ADJUSTMENT

To see if the Town will vote to increase the cost of living adjustment, as provided by the Department of Revenue, to 1.63% for Fiscal Year 2016 to be used to increase the exemption granted to certain senior citizens, surviving spouses and minors under M.G.L., Chapter 59, Section 5, Clause 17D. The senior exemption was approved as Article 17 of the May 3, 1999 the Annual Town Meeting, and the exemption is partially reimbursed by the Department of Revenue; or take any other action relative thereto.

Submitted by the Board of Selectmen for the Board of Assessors

On a motion duly made and seconded the Town voted that the cost of living adjustment, for the Fiscal Year 2016 be hereby established in the amount of One Point Six Three Percent (**1.63 %**) to be used to increase the exemption granted to certain senior citizens, surviving spouses and minors under M.G.L., Chapter 59, Section 5, Clause 17D., which

statute was accepted by the Town under Article 17 of the May 3, 1999 Annual Town Meeting.

Passed Unanimously/May 16th @ 11:10am

ARTICLE 13 COMMUNITY PRESERVATION FUNDS FOR TOWN CLERK

VAULT

To see if the Town will vote to appropriate Thirty Four Thousand, Four Hundred Thirty Four Dollars and Sixty-six Cents (**\$34,434.66**) from the Templeton Community Preservation General Reserve Fund to purchase and install a state-approved vault to store Town records and for all associated site preparation work required for installation of the vault at the designated Town site; or to take any other action related thereto.

Submitted by the Board of Selectmen for the Community Preservation Committee

An amended motion was duly made and seconded.

Passed Unanimously/May 16th @ 11:15am

On an amended motion duly made and seconded the Town voted that Forty Thousand Dollars (**\$40,000.00**) be appropriated from the Community Preservation General Reserve Fund to be spent by the Town Administrator to construct a fire and water proof vault at 160 Patriot's Road for the Town Clerk.

Passed Unanimously/May 16th @ 11:16am

ARTICLE 14 TRANSFER TO THE STABILIZATION FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Stabilization Fund; or to take any other action relative thereto.

Submitted by the Board of Selectmen

A motion duly made and seconded to **PASS OVER** this article.

Passed/May 16th @ 11:18am

ARTICLE 15 COMMUNITY PRESERVATION COMMITTEE FUNDING

To see if the Town will vote pursuant to Chapter 44B of the General Laws, also known as the Community Preservation Act to appropriate and/or reserve a sum of money from the Community Preservation Fund for: (i) the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee; (ii) the acquisition, creation and preservation of open space; (iii) the acquisition, preservation, rehabilitation and restoration of historic resources; (iv) the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; (v) the acquisition, creation, preservation and support of community housing; and (vi) the rehabilitation or restoration of open space and community housing acquired or created under such Act; and further, to authorize the Board

of Selectmen with the approval of the Community Preservation Committee, to acquire by purchase, gift or eminent domain such real property interests in the name of or enforceable by the Town, acting by and through the Board of Selectmen or such other Town board as the Board of Selectmen may designate, including real property interests in the form of permanent affordable housing restrictions, historical preservation restrictions and conservation restrictions that will meet the requirements of Chapter 184 of the General Laws, as may be necessary and proper to carry out the foregoing; or to take any other action relative thereto.

Submitted by the Board of Selectmen on behalf of the Community Preservation Committee

On a motion duly made and seconded the Town voted that sums be appropriated or reserved from the Community Preservation annual revenues, which include the amount to be collected as a surcharge on real property and the October 2015 state match, as recommended by the Community Preservation Committee for CPC administrative expenses, community preservation projects and other expenses as follows:

Appropriate **\$12,200** or (5%) of the FY 2016 revenues and state match for Committee administrative expenses; and reserve 1) **\$24,400** or (10%) of the FY 2016 revenues and state match for the Historic Resources Reserve ; and 2) **\$24,400** or (10%) of the FY 2016 revenues and state match for the Community Housing Reserve; and 3) **\$24,000** or (10%) of the FY 2016 revenues and state match for the Open Space and Recreation Reserve; and 4) **\$158,600** or (65%) of the FY 2016 revenues and state match for the Budgeted Reserve.

Passed Unanimously/May 16th @ 11:22am

ARTICLE 16 COOK POND ESTATES PUMP STATION

To see if the Town will authorize the Board of Sewer Commissioners, upon satisfactory inspection by and other terms deemed advisable to the Board of Sewer Commissioners, and with approval by the Board of Selectmen, to acquire by gift, purchase or eminent domain the parcel located off Hubbardston Road in Templeton known as Map 3-13, Parcel 30.13 and any portions thereof, interests therein, and improvements thereto, including the sewer pump station, and the sewer force main located in the rights of way and serving the subdivision known as Cook Pond Estates as shown on the subdivision plan containing 11 sheets and recorded at the Worcester County Registry of Deeds in Plan Book 796, as Plan No. 86 together with permanent easements within such rights of way as shown on said plan for access, maintenance and all purposes related to the operation of said sewer force main; to see if the Town will vote to appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; or to take any other action related thereto.

Submitted by the Board of Selectmen on behalf of the Board of Sewer Commissioners

Luanne Royer was allowed to speak.

Kent Songer was allowed to speak.

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

Passed Unanimously/May 16th @ 12:03pm

Main motion.

Defeated (as a 2/3 vote was required) by hand count, y-58, no-36 @ 12:09pm

ARTICLE 17 AGRICULTURAL COMMISSION

To see if the Town will vote to amend the second paragraph of Article 47 of the May 16, 2006 Annual Town Meeting to read as follows, or to take any other action relative thereto:

The Commission shall consist of five (5) members from the resident farming community of Templeton. Members shall be appointed by the Board of Selectmen for three (3) year terms unless a vacancy occurs, whereupon said vacant position shall be appointed by the Board of Selectmen for the unexpired term of the vacancy.

Submitted by the Board of Selectmen on behalf of the Agricultural Commission

On a motion duly made and seconded the Town voted that the second paragraph of Article 47 as approved by vote of the May 16, 2006 Annual Town Meeting be amended to read as follows:

The Commission shall consist of five (5) members from the resident farming community of Templeton. Members shall be appointed by the Board of Selectmen for three (3) year terms unless a vacancy occurs whereupon said vacant position shall be appointed by the Board of Selectmen for the unexpired term of the vacancy.

Passed/May 16th @ 12:13pm

A ten minutes break was taken.

ARTICLE 18 ZONING AMENDMENT FROM V TO C-I-A

To see if the Town will vote to amend the Town's Zoning Map by rezoning the parcels identified as Assessors' Map 5-05, Parcels 60 and 61 and Assessors' Map 1-4.1, Parcel 265 from the Village (V) Zoning District to the Commercial-Industrial-A (C-I-A) Zoning District; or take any other action relative thereto.

Submitted by the Board of Selectmen on behalf of the Planning Board

On a motion duly made and seconded the Town voted that the Town's Zoning Map be amended by rezoning the parcels identified as Assessors' Map 5-05, Parcels 60 and 61 and Assessors' Map 1-4.1, Parcel 265 from the Village (V) Zoning District to the Commercial-

Industrial-A (C-I-A) Zoning District.
Passed by 2/3 vote/May 16th @ 12:30pm

ARTICLE 19 ZONING AMENDMENT: FROM R-A-1 TO V

To see if the Town will vote to amend the Town's Zoning Map by rezoning the parcel identified as Assessors' Map 3-10, Parcel 99 and 100 from the Residential-Agricultural-One Acre (R-A-1) Zoning District to the Village (V) Zoning District; or take any other action relative thereto.

Submitted by the Board of Selectmen for the Planning Board

On a motion duly made and seconded the Town voted that the Town's Zoning Map be amended by rezoning the parcels identified as Assessors' Map 3-10, Parcels 99 and 100, from the Residential-Agricultural-One Acre (R-A-1) Zoning District to the Village (V) Zoning District..

Passed Unanimously/May 16th @ 12:33pm

ARTICLE 20 DISCONTINUATION OF TEMPLETON TOWN ROADS

To see if the Town will vote pursuant to G.L. c. 82, section 21 to discontinue the rights of way known as Freight Shed Road, Hill Road, Elliot Road, Norcross Hill Road and Fernald Road in their entirety as shown on the plan entitled "Plan of Land in Templeton, MA, Project 11-092, Drawing 11-092 RIR.DWG" and dated June 22, 2012, provided that it is established that the roads listed above are accepted public ways of the Town of Templeton; or take any other action relative thereto.

Submitted by the Board of Selectmen for the Planning Board

On a motion duly made and seconded the Town voted that the rights of way known as Freight Shed Road, Hill Road, Elliot Road, Norcross Hill Road and Fernald Road be discontinued pursuant to G.L. c. 82, section 21 in their entirety as shown on the plan entitled "Plan of Land in Templeton, MA, Project 11-092, Drawing 11-092 RIR.DWG" and dated June 22, 2012, provided that it is established that the roads listed above are accepted public ways of the Town of Templeton.

Passed/May 16th @ 12:53pm

ARTICLE 21 VETERANS BY-LAW

To see if the Town will vote to establish Article LV "Veterans By-Law" of the Town By-Laws, to read as follows:

VETERANS BY-LAW

Section 1. Organization

The name of this department shall be The Veteran Oversight Board of the Town of Templeton, Commonwealth of Massachusetts. The department is established under Chapter 115 of the Massachusetts General Laws.

Section 2. Purpose

The purpose of this Department is to provide benefits to Templeton's veterans as authorized in M.G.L. , Chapter 115.

Section 3. Directors

The Veterans Oversight Board shall be comprised of the following members:

- i) Chairman (voting)
- ii) Vice Chairman (voting)
- iii) Treasurer (voting)
- iv) Director of Veteran's Services (voting)
- v) Secretary, (non-voting)
- vi) Board Member, Emeritus (non-voting)

Section 4. Elections

The members of the oversight board are elected annually by a 2/3 majority vote of members and Town of Templeton residents in attendance

Section 5. Appointment

The Veterans Service Officer may appoint members to the oversight board to fill vacancies between annual elections.

Section 6. Removal

The members of the board may also remove a member of the board by a 2/3rd vote.

Section 7. Resignation

At any time that a member of the board cannot discharge their duties in accordance with the by-laws, they may resign by submitting a letter to the chairman of the board.

Section 8. Director of Veteran's Services

The Director of Veteran's Services shall be the chief operating officer of the Department, responsible for administering all aspects of the veteran's benefits program in the Town of Templeton.

Section 9. Committees

Committees may be established by the Board on a standing or *ad hoc* basis. Committees may be comprised of Board members and citizens of the Town.

Section 10. Meetings

- i) The Veterans Oversight Board shall conduct monthly meetings.
 - ii) Special Meetings may be called by the Chairman of the Board or at the request of a majority of the Board members.
 - iii) The minimum number of Board members required to conduct a meeting is three
 - iv) A roll call vote shall be ordered when requested by two (2) voting members of the Board.
- or take any other action relative thereto.

Submitted by the Board of Selectmen on behalf of the Veterans Agent

On a motion duly made and seconded the Town voted that the Town’s General By-laws be amended to enact and add Article LV, “Veterans By-Law” of the town by-laws:

VETERANS BY-LAW

Section 1. Organization

The name of this department shall be The Veteran Oversight Board of the Town of Templeton, Commonwealth of Massachusetts. The department is established under Chapter 115 of the Massachusetts General Laws.

Section 2. Purpose

The purpose of this Department is to provide benefits to Templeton’s veterans as authorized in M.G.L. , Chapter 115.

Section 3. Directors

The Veterans Oversight Board shall be comprised of the following members:

- v) Chairman (voting)
- vi) Vice Chairman (voting)
- vii) Treasurer (voting)
- viii) Director of Veteran’s Services (voting)
- ix) Secretary, (non-voting)

x) Board Member, Emeritus (non-voting)

Section 4. Elections

The members of the oversight board are elected annually by a 2/3 majority vote of members and Town of Templeton residents in attendance

Section 5. Appointment

The Veterans Service Officer may appoint members to the oversight board to fill vacancies between annual elections.

Section 6. Removal

The members of the board may also remove a member of the board by a 2/3rd vote.

Section 7. Resignation

At any time that a member of the board cannot discharge their duties in accordance with the by-laws, they may resign by submitting a letter to the chairman of the board.

Section 8. Director of Veteran's Services

The Director of Veteran's Services shall be the chief operating officer of the Department, responsible for administering all aspects of the veteran's benefits program in the Town of Templeton.

Section 9. Committees

Committees may be established by the Board on a standing or *ad hoc* basis. Committees may be comprised of Board members and citizens of the Town.

Section 10. Meetings

- xi) The Veterans Oversight Board shall conduct monthly meetings.
- xii) Special Meetings may be called by the Chairman of the Board or at the request of a majority of the Board members.
- xiii) The minimum number of Board members required to conduct a meeting is three

A roll call vote shall be ordered when requested by two (2) voting members of the Board.

Passed/May 16th @ 12:56pm

ARTICLE 22 INSURANCE ADVISORY COMMITTEE

To see if the Town will adopt Article LVII "Insurance Advisory Committee" of the Town By-Laws to read as follows:

INSURANCE ADVISORY COMMITTEE

Section 1.

The Templeton Board of Selectmen shall be required to appoint an Insurance Advisory Committee by virtue of a new Templeton By-Law. The Insurance Advisory Committee would consist of a 7 member board comprised of a mix of selectmen, Advisory Board, Employees, retiree, and general member of the town for staggered appointments; or take any other action relative thereto.

Submitted by the Board of Selectmen on behalf of the Advisory Board

A motion duly made and seconded to **PASS OVER** this article.

Passed Unanimously/May 16th @ 12:57pm

ARTICLE 23 TRENCH BY-LAW

To see if the Town will vote to adopt Article LVI “Trench By-Law” of the Town By-Laws, to read as follows:

TRENCH BY-LAW

Section 1. GENERAL REQUIREMENTS

- 1.1.1 Work requiring permits – Any utility, private contractor or any person(s) who intends to break any street or sidewalk surface, or excavate any road or shoulder shall contact the Templeton Highway Department.
- 1.1.2 Granting of permit – This permit will be granted if the proposed work is in the best interests of the Town and its inhabitants, is appurtenant to a building permit duly issued by the Building Inspector, or is in conjunction with the construction of a road shown on an approved subdivision plan. The permit is conditional upon the permittee’s willingness to abide by these Specifications.
- 1.1.3 Permit Fees – Application forms for a permit hereunder are available from the Templeton Highway Department, 381 Baldwinville Road, Templeton, MA. The permit fee is **\$100.00**. All fees are non-refundable.
- 1.1.3A Permits fees will be waived in some instances. Performance Deposits are NOT waived in any instance.
- 1.1.4 Plan Approval – Plans or sketches showing the proposed work, must be submitted with the application, and are subject to the approval of the Highway Superintendent or his designee.
- 1.1.5 Interpretation of Specifications – The Superintendent or his designee will be solely responsible for the interpretation of these Specifications, and all work hereunder must be done to his satisfaction.
- 1.1.6 Time Limits – The Superintendent or his designee, in his judgment, may extend any time limit in these Specifications if weather or other conditions beyond the control of the permittee have hindered the proper completion of the work.
- 1.1.7 Inspection Schedule – Routine inspections will normally be required at the following phases of construction, however, this schedule will be adjusted to fit the size and complexity of individual jobs. The Highway Department will generally provide only the minimum amount of inspection necessary to insure reasonable

- compliance with these Specifications. The contractor must notify the Highway Department at least 24 hours in advance whenever an inspection is indicated.
- 1.1.7.1 Prior to the issuance of a permit hereunder, a site inspection will features as road bounds, private property bound, stone walls, pavement, sidewalks, trees.
 - 1.1.7.2 After the excavation and installation of the proposed utility and later during the compaction of backfill and installation of surface gravel.
 - 1.1.7.3 After installation of the temporary patch.
 - 1.1.7.4 After installation of the final patch.
 - 1.1.7.5 Prior to release of the bond.
 - 1.1.7.6 At other specific times deemed necessary by the Superintendent of his designee.
 - 1.1.8 Emergency Utility Repair- Contractors may undertake emergency underground repair of their facilities without a permit when such repairs must be made at night or on weekends or holidays provided that a permit is applied for on the first regular business day following the repair, and the company takes all reasonable measures provided for in these Specifications for the care and safety of the public.
 - 1.1.9 Public Safety – As required by G.L. c. 82A, §1, and 520 CMR 14.04, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended.
 - 1.2.1 General – The permittee, from the time the work commences until the work has been approved in writing by the Superintendent or his designee, shall be responsible for the safety of the public. Depending upon the nature of the work, traffic control devices shall be applied.
 - 1.2.2 Detours – If the nature of the work requires the closing of all or a portion of a public way, the Police Chief must be contacted for proper traffic control.
 - 1.2.3 Warning Devices – When required by the nature of the work; signs, lights and barricades, erected at the expense of the permittee shall be utilized.
 - 1.2.4 “Dig Safe” – Massachusetts Law (Chapter 82, Section 40) requires that contractors notify public utility companies at least 72 hours before any excavation in a public way. A telephone call to the Underground Plant Damage Prevention System “Dig Safe” satisfies this requirement. The “Dig Safe” job number assigned by the Underground Plant Damage Prevention System must be included on the permit application. A permit cannot be issued until the applicant demonstrates compliance with MGL Ch. 82, Sec. 40.

Section 2 EXCAVATIONS

- 2.1.1 Preservation of physical features – All excavations and other work within the limits of a town way will be conducted in a manner which will minimize damage or disruption to such features as stonewalls, trees, fences, guard rails, etc.
- 2.1.2 Working around public shade trees – Any work within the drip line of a public shade tree must be approved by the Templeton Tree Warden.

- 2.1.3 New Roads – The cutting of paved road surfaces less than five years old will not be permitted, unless approved by the Highway Superintendent or his designee.
- 2.1.4 Seasonal limit for construction – No paved road surface may be cut between November 15 and March 15 except that in the interest of public safety and convenience the Highway Superintendent or his designee may issue a permit for an emergency repair to an existing facility.
- 2.2.1 Materials: Approval of materials – All materials used on construction within public ways shall be subject to approval by the Superintendent or his designee. This will include but not be limited to, the size, type, and quality of pipe, the type of gravel backfill, the quality of the patching material, etc. Cold patch as a temporary or permanent patching material will not be allowed except that between November 15 and March 15 it may be used for temporary patches on emergency cuts allowed under Section 1.1.8.
- 2.2.2 Trenches For purposes of this chapter, a “trench” shall be defined as an excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet and the words “excavator”, “excavation” and “emergency” shall have the same meanings as defined in section 40 of chapter 82.
- 2.2.3 Pavement cut-backs – After excavation is commenced, the bituminous or concrete street or sidewalk surface shall be cut vertically in a line parallel to the centerline of construction and approximately one foot wider on all sides than the excavation, using an approved power tool, to allow for trench excavation without further disturbing the road or sidewalk surface on either side of the trench.
- 2.2.4 Backfill – The backfill shall consist of the excavated material if it is declared suitable by the Superintendent or his designee. Backfill will be placed in successive layers of not more than six (6) inches of compacted depth. If, in the opinion of the Superintendent or his designee, the excavated material is unsuitable, the applicant in an approved location shall dispose of the entire rejected material. In its place, the applicant shall bring in suitable fill material consisting of approved gravel or borrow, as directed. After thorough tamping around and beneath the utility, the six (6) inch layers of backfill will be thoroughly compacted as follows: if dry, it shall be moistened and then compacted by tamping with mechanical rammers, or by hand tampers having a tamping face not exceeding 25 square inches in area. The final 12 inches of backfill will, in all cases, consist of crushed gravel thoroughly tamped and made even with the surrounding surface.
- 2.2.5 Ready mixed flowable fill – The use of ready mixed flowable fill (or controlled low strength material) as trench backfill for all pavement cuts in excess of 30

inches in depth is encouraged in all cases, especially for such cuts on numbered routes. The composition of the mix shall be approximately as follows:

- 2.2.6 Cement 50-75 lbs Sand 3160 lbs Water 500-560 lbs. Final cured material is to be excavatable and have a load bearing about the same as fully compacted gravel. When this material is used, the final patch can be placed not less than 12 hours after the backfill is placed. If the final patch is not placed within 36 hours, a temporary patch according to section 2.4.3 shall be applied not less than 12 hours after the flowable backfill is placed.
- 2.2.7 Patching requirements – After backfill is in place and satisfactorily compacted, the applicant shall apply at once a 1 1/2 inch temporary patch course over the entire excavated area (bituminous-concrete type I-1 hot top) to be left in place for at least one month and not more than three months, until no further settling can be reasonably expected. At that time the applicant shall remove the temporary patch course. Any uneven edges of existing pavement will be cut vertically with an approved power tool and tack coated with asphalt emulsion (RC-2). For oil treated roads, the permanent patch must be three (3) inches of bituminous-concrete (type I-1) in layers of 1 1/2 inches each. For bituminous- concrete surfaced roads, the permanent patch must be four (4) inches of bituminous-concrete (type I- 1) laid in two (2) courses, a 2-1/2 inch binder course and a 1-1/2 inch top course. If existing pavement is of a greater depth, the patch should be of the same depth. At no time should the bituminous- concrete be laid in layers greater than 2 1/2 inches. When the patch has been completed, the joints should be painted with RC-2 and sealed with sand.
- 2.2.8 Nights, weekends and holidays – No trench shall be left open overnight or over weekends and holidays, and no unattended trench shall be left open at any time unless the applicant has implemented one of the safeguards described in 520 CMR 14.04.
- 2.2.9 Accessibility - All driveways to homes and places of business shall be bridged and open to travel overnight.
- 2.2.10 Shoulders: Restoration of road shoulders – All road shoulders must be carefully returned to their original condition.
- 2.2.11 Restoration of lawns – Lawns will be restored with a minimum of four (4) inches of loam, fertilized, rolled and seeded.

Section 3 PERFORMANCE DEPOSITS AND INSURANCE

- 3.1 Performance Deposits
 - 3.1.1 Deposit amount – All permits issued hereunder shall require a certified check in the amount of fifteen hundred dollars (\$1,500.00) to be deposited in an escrow account as a guarantee to abide by these specifications.

- 3.1.2 Special deposits – Street cuts over thirty (30) feet in length or significantly larger in scope than usual shall be secured by a larger amount, determined by the Highway Department Superintendent or his designee. However, the minimum deposit shall be fifteen hundred dollars (\$1,500.00). Letters of credit will be accepted only for amounts exceeding ten thousand dollars (\$10,000.00) and must be approved by the Superintendent.
- 3.1.3 Deposit release – When permanent patching, re-loaming and seeding, and all work required by the permit issued hereunder has been approved in writing by the Superintendent or his designee, the Town will refund to the applicant the amount of the deposit, less any amounts as noted below.
- 3.1.4 Deposit forfeiture – In the event that town personnel or equipment must be utilized to make emergency repairs or to complete unfinished work required by the permit issued hereunder, the cost of such repair or work will be deducted from the deposit. A standard multiplier of 2.5 will be applied to all labor and material costs to determine the amount to be deducted. If the repair or completion cost exceeds the amount of the deposit, the applicant must pay the difference to the Town of Templeton.
- 3.2.1 Insurance requirements – A certificate of insurance indemnifying the Highway Department against claims for injury, death or property damage during construction, and naming the Town as an additional insured, must be filed with the permit application. The limits shall conform with the following schedule:
- 3.2.2 General
 - Workmen’s Compensation and Employer’s Liability Insurance in Compliance with Statutory Limits
 - Comprehensive General Liability Insurance- each occurrence and aggregate amount
 - Automobile Liability Insurance
 - Bodily Injury: each person each occurrence
 - Property Damage: each occurrence

Section 4 VIOLATIONS

- 4.1.1 Expiration of permits – If after three (3) months from the date of the permit the repair to the town way is not completed according to these Specifications and to the satisfaction of the Superintendent or his designee, the permittee will be notified in writing by the Superintendent or his designee that the permit has expired. If no action is taken by the applicant to complete the unfinished work within thirty (30) days of the date of the written notice, the Highway Department will then complete the necessary work in any manner deemed appropriate and deduct from the deposit all costs of completing the work in accordance with these specifications.
- 4.1.2 Emergency repairs – If at any time during the life of the permit the permittee allows the construction to exist in a condition dangerous to users of the road,

then the Superintendent or his designee may, without written notice to the permittee, make the necessary arrangements to correct the unsatisfactory condition. The cost of such work will then be deducted from the deposit in accordance with Section 3.1.4 of these specifications at the time the deposit is refunded.

4.1.3 The Highway Superintendent or his designee has the authority to refuse a permit if a contractor violated these Specifications on previous construction sites.

**Section 5 CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A
AND 520 CMR 7.00 et seq. (as amended)**

- 5.1 By signing the application, the applicant understands and agrees to comply with the following:
- 5.2 No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- 5.3 Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- 5.4 Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq. entitled Subpart P “Excavations”.
- 5.5 Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- 5.6 By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations

promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P “Excavations” as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.

- 5.7 This permit shall be posted in plain view on the site of the trench.
For additional information please visit the Department of Public Safety’s website at www.mass.gov/dps; or take any other action relative thereto.

Submitted by the Board of Selectmen

**An amended motion was duly made and seconded.
Passed/by hand count yes-39, no-25/May 16th @ 1:23pm**

On an amended motion duly made and seconded the Town voted to adopt Article LVI “Trench By-Law” of the Town By-Laws, to read as follows:

TRENCH BY-LAW

Section 1. GENERAL REQUIREMENTS

- 1.1.1 Work requiring permits – Any private contractor who intends to break any street or sidewalk surface, or excavate any road or shoulder shall contact the Templeton Highway Department.
- 1.1.2 Granting of permit – This permit will be granted if the proposed work is in the best interests of the Town and its inhabitants, is appurtenant to a building permit duly issued by the Building Inspector, or is in conjunction with the construction of a road shown on an approved subdivision plan. The permit is conditional upon the permittee’s willingness to abide by these Specifications.
- 1.1.3 Permit Fees – Application forms for a permit hereunder are available from the Templeton Highway Department, 381 Baldwinville Road, Templeton, MA. The permit fee is **\$100.00**. All fees are non-refundable.
- 1.1.3A Permits fees will be waived in some instances. Performance Deposits are NOT waived in any instance.
- 1.1.4 Plan Approval – Plans or sketches showing the proposed work, must be submitted with the application, and are subject to the approval of the Highway Superintendent or his designee.
- 1.1.5 Interpretation of Specifications – The Superintendent or his designee will be solely responsible for the interpretation of these Specifications, and all work hereunder must be done to his satisfaction.

- 1.1.6 Time Limits – The Superintendent or his designee, in his judgment, may extend any time limit in these Specifications if weather or other conditions beyond the control of the permittee have hindered the proper completion of the work.
- 1.1.7 Inspection Schedule – Routine inspections will normally be required at the following phases of construction, however, this schedule will be adjusted to fit the size and complexity of individual jobs. The Highway Department will generally provide only the minimum amount of inspection necessary to insure reasonable compliance with these Specifications. The contractor must notify the Highway Department at least 24 hours in advance whenever an inspection is indicated.
 - 1.1.7.1 Prior to the issuance of a permit hereunder, a site inspection will feature as road bounds, private property bound, stone walls, pavement, sidewalks, trees.
 - 1.1.7.2 After the excavation and installation of the proposed utility and later during the compaction of backfill and installation of surface gravel.
 - 1.1.7.3 After installation of the temporary patch.
 - 1.1.7.4 After installation of the final patch.
 - 1.1.7.5 Prior to release of the bond.
 - 1.1.7.6 At other specific times deemed necessary by the Superintendent of his designee.
- 1.1.8 Emergency Utility Repair- Contractors may undertake emergency underground repair of their facilities without a permit when such repairs must be made at night or on weekends or holidays provided that a permit is applied for on the first regular business day following the repair, and the company takes all reasonable measures provided for in these Specifications for the care and safety of the public.
- 1.1.9 Public Safety – As required by G.L. c. 82A, §1, and 520 CMR 14.04, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended.
- 1.2.1 General – The permittee, from the time the work commences until the work has been approved in writing by the Superintendent or his designee, shall be responsible for the safety of the public. Depending upon the nature of the work, traffic control devices shall be applied.
- 1.2.2 Detours – If the nature of the work requires the closing of all or a portion of a public way, the Police Chief must be contacted for proper traffic control.
- 1.2.3 Warning Devices – When required by the nature of the work; signs, lights and barricades, erected at the expense of the permittee shall be utilized.
- 1.2.4 “Dig Safe” – Massachusetts Law (Chapter 82, Section 40) requires that contractors notify public utility companies at least 72 hours before any excavation in a public way. A telephone call to the Underground Plant Damage Prevention System “Dig Safe” satisfies this requirement. The “Dig Safe” job number assigned by the Underground Plant Damage Prevention System must be included on the permit application. A permit cannot be issued until the applicant demonstrates compliance with MGL Ch. 82, Sec. 40.

Section 2 EXCAVATIONS

- 2.1.1 Preservation of physical features – All excavations and other work within the limits of a town way will be conducted in a manner which will minimize damage or disruption to such features as stonewalls, trees, fences, guard rails, etc.
- 2.1.2 Working around public shade trees – Any work within the drip line of a public shade tree must be approved by the Templeton Tree Warden.
- 2.1.3 New Roads – The cutting of paved road surfaces less than five years old will not be permitted, unless approved by the Highway Superintendent or his designee.
- 2.1.4 Seasonal limit for construction – No paved road surface may be cut between November 15 and March 15 except that in the interest of public safety and convenience the Highway Superintendent or his designee may issue a permit for an emergency repair to an existing facility.
- 2.2.1 Materials: Approval of materials – All materials used on construction within public ways shall be subject to approval by the Superintendent or his designee. This will include but not be limited to, the size, type, and quality of pipe, the type of gravel backfill, the quality of the patching material, etc. Cold patch as a temporary or permanent patching material will not be allowed except that between November 15 and March 15 it may be used for temporary patches on emergency cuts allowed under Section 1.1.8.
- 2.2.2 Trenches For purposes of this chapter, a “trench” shall be defined as an excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet and the words “excavator”, “excavation” and “emergency” shall have the same meanings as defined in section 40 of chapter 82.
- 2.2.3 Pavement cut-backs – After excavation is commenced, the bituminous or concrete street or sidewalk surface shall be cut vertically in a line parallel to the centerline of construction and approximately one foot wider on all sides than the excavation, using an approved power tool, to allow for trench excavation without further disturbing the road or sidewalk surface on either side of the trench.
- 2.2.4 Backfill – The backfill shall consist of the excavated material if it is declared suitable by the Superintendent or his designee. Backfill will be placed in successive layers of not more than six (6) inches of compacted depth. If, in the opinion of the Superintendent or his designee, the excavated material is unsuitable, the applicant in an approved location shall dispose of the entire rejected material. In its place, the applicant shall bring in suitable fill material consisting of approved gravel or borrow, as directed. After thorough tamping around and beneath the utility, the six (6) inch layers of backfill will be thoroughly compacted as follows: if dry, it shall be moistened and then

compacted by tamping with mechanical rammers, or by hand tampers having a tamping face not exceeding 25 square inches in area. The final 12 inches of backfill will, in all cases, consist of crushed gravel thoroughly tamped and made even with the surrounding surface.

- 2.2.5 Ready mixed flowable fill – The use of ready mixed flowable fill (or controlled low strength material) as trench backfill for all pavement cuts in excess of 30 inches in depth is encouraged in all cases, especially for such cuts on numbered routes. The composition of the mix shall be approximately as follows:
- 2.2.7 Cement 50-75 lbs Sand 3160 lbs Water 500-560 lbs. Final cured material is to be excavatable and have a load bearing about the same as fully compacted gravel. When this material is used, the final patch can be placed not less than 12 hours after the backfill is placed. If the final patch is not placed within 36 hours, a temporary patch according to section 2.4.3 shall be applied not less than 12 hours after the flowable backfill is placed.
- 2.2.7 Patching requirements – After backfill is in place and satisfactorily compacted, the applicant shall apply at once a 1 1/2 inch temporary patch course over the entire excavated area (bituminous-concrete type I-1 hot top) to be left in place for at least one month and not more than three months, until no further settling can be reasonably expected. At that time the applicant shall remove the temporary patch course. Any uneven edges of existing pavement will be cut vertically with an approved power tool and tack coated with asphalt emulsion (RC-2). For oil treated roads, the permanent patch must be three (3) inches of bituminous-concrete (type I-1) in layers of 1 1/2 inches each. For bituminous- concrete surfaced roads, the permanent patch must be four (4) inches of bituminous-concrete (type I- 1) laid in two (2) courses, a 2-1/2 inch binder course and a 1-1/2 inch top course. If existing pavement is of a greater depth, the patch should be of the same depth. At no time should the bituminous- concrete be laid in layers greater than 2 1/2 inches. When the patch has been completed, the joints should be painted with RC-2 and sealed with sand.
- 2.2.8 Nights, weekends and holidays – No trench shall be left open overnight or over weekends and holidays, and no unattended trench shall be left open at any time unless the applicant has implemented one of the safeguards described in 520 CMR 14.04.
- 2.2.9 Accessibility - All driveways to homes and places of business shall be bridged and open to travel overnight.
- 2.2.10 Shoulders: Restoration of road shoulders – All road shoulders must be carefully returned to their original condition.
- 2.2.11 Restoration of lawns – Lawns will be restored with a minimum of four (4) inches of loam, fertilized, rolled and seeded.

Section 3 PERFORMANCE DEPOSITS AND INSURANCE

- 3.1 Performance Deposits
 - 3.1.1 Deposit amount – All permits issued hereunder shall require a certified check in the amount of fifteen hundred dollars (\$1,500.00) to be deposited in an escrow account as a guarantee to abide by these specifications.
 - 3.1.2 Special deposits – Street cuts over thirty (30) feet in length or significantly larger in scope than usual shall be secured by a larger amount, determined by the Highway Department Superintendent or his designee. However, the minimum deposit shall be fifteen hundred dollars (\$1,500.00). Letters of credit will be accepted only for amounts exceeding ten thousand dollars (\$10,000.00) and must be approved by the Superintendent.
 - 3.1.3 Deposit release – When permanent patching, re-loaming and seeding, and all work required by the permit issued hereunder has been approved in writing by the Superintendent or his designee, the Town will refund to the applicant the amount of the deposit, less any amounts as noted below.
 - 3.1.4 Deposit forfeiture – In the event that town personnel or equipment must be utilized to make emergency repairs or to complete unfinished work required by the permit issued hereunder, the cost of such repair or work will be deducted from the deposit. A standard multiplier of 2.5 will be applied to all labor and material costs to determine the amount to be deducted. If the repair or completion cost exceeds the amount of the deposit, the applicant must pay the difference to the Town of Templeton.
- 3.2.1 Insurance requirements – A certificate of insurance indemnifying the Highway Department against claims for injury, death or property damage during construction, and naming the Town as an additional insured, must be filed with the permit application. The limits shall conform with the following schedule:
- 3.2.2 General
 - Workmen’s Compensation and Employer’s Liability Insurance in Compliance with Statutory Limits
 - Comprehensive General Liability Insurance- each occurrence and aggregate amount
 - Automobile Liability Insurance
 - Bodily Injury: each person each occurrence
 - Property Damage: each occurrence

Section 4 VIOLATIONS

- 4.1.1 Expiration of permits – If after three (3) months from the date of the permit the repair to the town way is not completed according to these Specifications and to the satisfaction of the Superintendent or his designee, the permittee will be notified in writing by the Superintendent or his designee that the permit has expired. If no action is taken by the applicant to complete the unfinished work

within thirty (30) days of the date of the written notice, the Highway Department will then complete the necessary work in any manner deemed appropriate and deduct from the deposit all costs of completing the work in accordance with these specifications.

- 4.1.2 Emergency repairs – If at any time during the life of the permit the permittee allows the construction to exist in a condition dangerous to users of the road, then the Superintendent or his designee may, without written notice to the permittee, make the necessary arrangements to correct the unsatisfactory condition. The cost of such work will then be deducted from the deposit in accordance with Section 3.1.4 of these specifications at the time the deposit is refunded.
- 4.1.3 The Highway Superintendent or his designee has the authority to refuse a permit if a contractor violated these Specifications on previous construction sites.

**Section 5 CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A
AND 520 CMR 7.00 et seq. (as amended)**

- 5.1 By signing the application, the applicant understands and agrees to comply with the following:
- 5.2 No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- 5.3 Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- 5.4 Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq. entitled Subpart P “Excavations”.
- 5.5 Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals

licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;

- 5.6 By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P “Excavations” as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- 5.7 This permit shall be posted in plain view on the site of the trench.
For additional information please visit the Department of Public Safety’s website at www.mass.gov/dps

Passed/May 16th @ 1:24pm

ARTICLE 24 CITIZEN’S PETITION: COOK POND PUMP STATION

To see if the Town will vote to accept a deed from the Trustees of Cook Pond Estate Trust, that conveys to the Town a certain parcel of land located at the intersection of Hubbardston Road and Victoria Lane on a Definitive Subdivision Plan approved by the Templeton Planning Board January 21, 2003 containing the sewerage pumping station and all other related facilities including the sewer force main of approximately 6,300 feet in length located within the Hubbardston Road layout as shown on a plan entitled “Sewer Force Man Design, Cook Pond Estates to Existing Gravity Sewer, last revised as of 12/08/03 on file with the Templeton Sewer Department.

A citizen’s petition submitted by Shirley Martin and 22 others

A substitute motion was duly made and seconded to Pass Over Article 24.

Passed/May 16th @ 1:34pm

Hand Count was requested by at least seven voters.

Passed/yes-38, No-27/May 16th @ 1:39pm

Main Motion voted to Pass Over

Passed/May 16th @ 1:43pm

ARTICLE 25 CITIZEN’S PETITION: FLUORIDE WARNING

Shall the Town vote to approve a warning concerning Templeton citizen's fluorosis risk the additive poses to infants, to be added to all water bills and consumer confidence reports (which must be mailed to all water consumers, be posted online, and available at the Selectmen's Office and the Light and Water Department). The warning is as followed:

"Your public water supply is fluoridated. According to the Centers for Disease Control Prevention, if your child under the age of 6 months is exclusively consuming infant formula reconstituted with fluoridated water, there may be an increased chance of dental fluorosis. Consult your child's health care provider for more information."; or take any other action relative thereto.

A citizen's petition submitted by Peter Farrell and 28 others

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

Passed Unanimously/May 16th @ 1:56pm

Main Motion

Defeated/by hand count, yes-25, no-36/May 16th @ 2:00pm

ARTICLE 26 CITIZEN'S PETITION: FLUORIDE LEGISLATION

Move that the town will vote to authorize the Board of Selectmen to seek Special Legislation as set forth below: provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition as follows:

An Act authorizing Annual Town Meeting as the responsible party on any and all decisions involving fluoridating or not fluoridating the public water supply.

Section 1. Notwithstanding Section 8C, Chapter 111, Title XVI, Part 1 of the general laws of or any general or special law to the contrary, the legislative body at Annual Town Meeting with a majority vote shall be authorized to make any and all decisions in regards to fluoridating or not fluoridating the public water supply however should town meeting vote to fluoridate the public water supply oversight on fluoride dose shall go to the town Board of Health. Annual town meeting shall also make decisions on health warning involving water fluoridation and any other decisions involving fluoride and the public water supply.

Section 2. Upon effective date of this act the Legislative body at Annual Town Meeting shall become the responsible party for all matters concerning fluoride and the public water supply.

Section 3. This act shall take effect upon passage.
A citizen's petition submitted by Peter Farrell and 28 others

Main Motion
Defeated/May 16th @ 2:08pm

ARTICLE 27 CITIZEN'S PETITION: REQUEST TO THE ATTORNEY

GENERAL

To see if the Town will vote to petition the General Court for special legislation as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto:

An Act Relative to Request a review by the Attorney General into the Following Incidents in the Town of Templeton.

A review with written recommendations into the activities of the Municipal Building Committee to include all transactions regarding the purchase of the 252 Baldwinville Road property and the USDA loan application process.

A review with written recommendations into the procedures and activities to allow the settlement and return of a gift of \$369,681.40 to Casella Waste Systems on November 13, 2008.

A review with written recommendations into the activities and actions of the Templeton Board of Selectmen and the Templeton Light Department to enact Chapter 93 Acts of 2000.

A review with written recommendations into the activities and actions of legal counsel, Kopelman & Paige, regarding case 02-2424C heard before Judge Cornetta of Worcester Superior Court as well as the settlement of the Templeton Waste Water Treatment plant lawsuit and the Writs of Attachment.

A citizen's petition submitted by Beverly Bartolomeo and 12 others

Main Motion
Defeated/May 16th @ 2:29pm

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 the Town Office Buildings at 4 Elm Street, Baldwinville, and at 160 Patriots Road, East Templeton, and by delivering a copy to each of the Precinct Clerks seven (7) 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 Worcester County, in the City of Gardner.

Given under our hands this 23rd day of April in the year AD 2015.

BOARD OF SELECTMEN

Kenn Robinson, Chairman

John Columbus, Vice Chairman

Doug Morrison, Clerk

Julie Farrell, Member

Diane Haley Brooks, Member

True Copy: ATTEST

Randy Brown
Constable of Templeton

OFFICER'S RETURN

WORCESTER, SS

May 6, 2015

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, the Town Office Buildings at 4 Elm Street in Baldwinville and at 160 Patriots Road in East 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 in said County in the city of Gardner.

Randy Brown
Constable of Templeton

A True Copy, ATTEST:

Carol A. Harris
Town Clerk of Templeton

Meeting Attendance 05-16-2015
Voters Total 117