

# TOWN OF TEMPLETON

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ANNUAL TOWN MEETING

MAY 17, 2014

## **Advisory Board recommendations And Comments**

# TABLE OF CONTENTS

ARTICLE 1	REPORTS OF TOWN OFFICERS .....	3
ARTICLE 2	REPORTS OF TOWN COMMITTEES .....	3
ARTICLE 3	WORCESTER REGIONAL RETIREMENT SYSTEM ASSESSMENT .....	3
ARTICLE 4	PAYMENTS ON LONG TERM DEBT .....	4
ARTICLE 5	FY 2015 OPERATING BUDGET & SALARIES OF TOWN OFFICIALS.....	4
ARTICLE 6	FUNDING FOR AMBULANCE DEPARTMENT OPERATIONS .....	5
ARTICLE 7	UNEXPENDED FUNDS FROM THE AMBULANCE BUDGET .....	5
ARTICLE 8	EXEMPTION FOR CERTAIN SENIORS, SURVIVING SPOUSES AND MINORS .....	6
ARTICLE 9	FUNDING FOR UPDATING ASSESSORS MAPS .....	6
ARTICLE 10	FUNDING FOR VADAR ACCOUNTING SOFTWARE.....	6
ARTICLE 11	FUNDING FOR ASSESSORS' TRIENNIAL RECERTIFICATION .....	7
ARTICLE 12	FUNDING FOR CEMETERY DEPARTMENT TRUCK.....	7
ARTICLE 13	FUNDING FOR THE TEMPLETON SCHOLARSHIP FUND .....	8
ARTICLE 14	FY 2015 MONTACHUSETT R.V.T. SCHOOL ASSESSMENT .....	8
ARTICLE 15	FY 2015 SEWER DEPARTMENT BUDGET .....	9
ARTICLE 16	FY 2015 NARRAGANSETT REGIONAL SCHOOL DISTRICT ASSESSMENT.....	9
ARTICLE 17	FY 2015 REVOLVING FUNDS .....	10
ARTICLE 18	TRANSFER TO THE STABILIZATION FUND .....	10
ARTICLE 19	PAYMENT-IN-LIEU-OF TAXES FOR SOLAR ENERGY FACILITY .....	11
ARTICLE 20	CHANGE TO THE TOWN BUDGET PROCESS .....	12
ARTICLE 21	COMMUNITY PRESERVATION FUNDING FOR TOWN RECORDS .....	12
ARTICLE 22	COMMUNITY PRESERVATION FUNDING FOR EAST TEMPLETON SCHOOL .....	13
ARTICLE 23	COMMUNITY PRESERVATION FUNDING FOR TEMPLETON GRANGE HALL .....	13
ARTICLE 24	COMMUNITY PRESERVATION FUNDING FOR THE CIVIL WAR MONUMENT .....	14
ARTICLE 25	COMMUNITY PRESERVATION FUNDING FOR FIRST CHURCH PORTICO .....	14
ARTICLE 26	COMMUNITY PRESERVATION COMMITTEE FUNDING .....	15
ARTICLE 27	RELOCATION OF TOWN OFFICES .....	16
ARTICLE 28	UPGRADING COMPUTER INFRASTRUCTURE .....	16
ARTICLE 29	REPLACING HEATING SYSTEM AT EAST TEMPLETON ELEMENTARY .....	16

ARTICLE 30	HANDICAP RAMP AT EAST TEMPLETON ELEMENTARY.....	17
ARTICLE 31	CITIZEN’S PETITION: SEX OFFENDER RESIDENCY RESTRICTIONS.....	17
ARTICLE 32	CITIZEN’S PETITION: INDEPENDENT AUDIT.....	24
ARTICLE 33	CITIZEN’S PETITION: INDEPENDENT AUDITS OF FISCAL YEARS 2013 AND 2014 .....	24
ARTICLE 34	CITIZEN’S PETITION: FLUOROSIS WARNING .....	25
ARTICLE 35	CITIZEN’S PETITION: TOWN MEETING AUTHORITY ON FLUORIDATION.....	26
ARTICLE 36	CITIZEN’S PETITION: ADVISORY COMMITTEE .....	27
ARTICLE 37	CITIZEN’S PETITION: RESTRICTION ON BOARD OF SELECTMEN .....	28
ARTICLE 38	CITIZEN’S PETITION: PUBLICATION OF TOWN MEETING NOTICE .....	29
ARTICLE 39	CITIZEN’S PETITION: HOLD THE ANNUAL TOWN MEETING ON THE SECOND TUESDAY AFTER THE ANNUAL BALLOT ELECTION.....	29
ARTICLE 40	CITIZEN’S PETITION: VOTING BY BALLOT AT TOWN MEETING Amend Article II – Town Meetings Section 12       30	
ARTICLE 41	CITIZEN’S PETITION: COMPOSITION OF REGIONAL SCHOOL COMMITTEE .....	30
ARTICLE 42	CITIZEN’S PETITION: MARIJUANA ON TOWN PROPERTY “Repeal Article LV and all sections 12345” Marijuana or tetrahydrocannabinol on Town property. ....	31

**TOWN OF TEMPLETON**

**Advisory Board Recommendations and Comments**

**ARTICLE 1 REPORTS OF TOWN OFFICERS**

To see if the Town will vote to accept the reports of the Town Officers as printed in the 2013 Town Report; or take any other action relative thereto.

*Submitted by the Board of Selectmen*

*Advisory Board Recommendation: **Yes** Vote: **Unanimous***

*AB Comments:*

**ARTICLE 2 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*

*Advisory Board Recommendation: **Yes** Vote: **Unanimous***

*AB Comments:*

**ARTICLE 3 WORCESTER REGIONAL RETIREMENT SYSTEM ASSESSMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a total sum of money for the Worcester Regional Retirement System assessment; or to take any other action relative thereto.

*Submitted by the Board of Selectmen*

*Advisory Board Recommendation: **Yes** Vote: **4-0 with 1 abstention***

*AB Comments:*

**ARTICLE 4 PAYMENTS ON LONG TERM DEBT**

To see if the town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money to pay the Town’s Maturing Principal and Interest on Long-Term Debt incurred through bonds and notes issued in accordance with Town Meeting votes; or to take any other action relative thereto.

***Submitted by the Board of Selectmen***

***Advisory Board Recommendation: No recommendation until ATM pending receipt of the final number. Vote to delay recommendation: unanimous***

***AB Comments:***

***The Advisory Board recognizes the importance of an accurate budget and has voted to postpone recommendation of the long term debt number pending correction to the final budget.***

**ARTICLE 5 FY 2015 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 town charges for municipal operational expenses for fiscal year 2015 and 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***

***Advisory Board Recommendation: No recommendation until ATM pending receipt of the final number.***

***AB Comments:***

***The Advisory Board recognizes the importance of an accurate budget and has voted to postpone recommendation of the long term debt number pending updates to the final budget.***

**ARTICLE 6 FUNDING FOR AMBULANCE DEPARTMENT OPERATIONS**

To see if the Town will vote to appropriate 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 balances in the reserve account to be carried forward to the subsequent fiscal year; or to take any other action relative thereto.

*Submitted by the Board of Selectmen*

*Advisory Board Recommendation: Yes Vote: unanimous*

*AB Comments:*

**ARTICLE 7 UNEXPENDED FUNDS FROM THE AMBULANCE BUDGET**

To see if the Town will vote to annually return any unexpended monies from the Fire Department Ambulance budget back into the Receipts Reserved for Appropriation account #22-300-3560-3564 that funds the ambulance service; or take any other action relative thereto.

*Submitted by the Board of Selectmen*

*Advisory Board Recommendation: Yes Vote: unanimous*

*AB Comments:*

**ARTICLE 8 EXEMPTION FOR CERTAIN SENIORS, SURVIVING SPOUSES AND MINORS**

To see if the Town will vote to increase the cost of living adjustment, as provided by the Department of Revenue, to the fiscal year 2015 amount, of 1.37 % that may 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 as voted on May 3, 1999 at the Annual Town Meeting, Article 17; or to take any other action relative thereto.

*Submitted by the Board of Assessors*

***Advisory Board Recommendation: Yes Vote: unanimous***

***AB Comments:***

**ARTICLE 9 FUNDING FOR UPDATING ASSESSORS MAPS**

To see if the Town will vote to raise or appropriate, transfer from available funds, or borrow pursuant to any applicable statute, the sum of money to update and preserve the Assessors maps; or to take any other action relative thereto.

*Submitted by the Board of Assessors*

***Advisory Board Recommendation: Yes Vote: unanimous***

***AB Comments:***

**ARTICLE 10 FUNDING FOR VADAR ACCOUNTING SOFTWARE**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money to be spent by the Town Administrator for VADAR financial software hosting and support for the Tax Collector, Treasurer, Accountant, and Assessors; or to take any other action thereto.

*Submitted by the Board of Assessors*

***Advisory Board Recommendation: Yes Vote: unanimous***

***AB Comments:***

**ARTICLE 11    FUNDING FOR ASSESSORS' TRIENNIAL RECERTIFICATION**

To see if the Town will vote to transfer from the Stabilization Fund or borrow pursuant to any applicable statute, a sum of money from the FY15 tax levy and other general revenues of the Town 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 Assessors***

***Advisory Board Recommendation: Yes    Vote: 4-1***

***AB Comments:***

**ARTICLE 12    FUNDING FOR CEMETERY DEPARTMENT TRUCK**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute Eleven Thousand Forty Four Dollars and Forty Seven Cents (\$11,044.47) for the fifth and final lease payment for a 2011 Ford one ton dump truck for the Cemetery Department; or to take any other action relative thereto.

***Submitted by the Board of Selectmen***

***Advisory Board Recommendation: Yes    Vote: unanimous***

***AB Comments:***

**ARTICLE 13    FUNDING FOR THE TEMPLETON SCHOLARSHIP FUND**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money for the Templeton Scholarship Fund for the purpose of awarding scholarships to eligible applicants from the Town of Templeton; or to take any other action relative thereto.

*Submitted by Board of Selectmen*

***Advisory Board Recommendation: No    Vote: 4-1***

***AB Comments:***

***Recognizing the financial difficulties currently within the Town, the Advisory Board felt that the request for a scholarship fund amount that is larger than it has been in the past was not appropriate at this time.***

**ARTICLE 14    FY 2015 MONTACHUSETT R.V.T. SCHOOL ASSESSMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money for the Montachusett Regional Vocational Technical School District assessment for Fiscal year 2015; or to take any other action relative thereto.

***Submitted by the Board of Selectmen***

***Advisory Board Recommendation: Yes    Vote: unanimous***

***AB Comments:***

**ARTICLE 15 FY 2015 SEWER DEPARTMENT BUDGET**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute 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***

***Advisory Board Recommendation: Yes Vote: unanimous***

***AB Comments:***

**ARTICLE 16 FY 2015 NARRAGANSETT REGIONAL SCHOOL DISTRICT ASSESSMENT**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute a sum of money to pay its share of the Narragansett Regional School District budget for FY 2015; or take any action relative thereto.

***Submitted by the Board of Selectmen for the Narragansett Regional School Committee***

***Advisory Board Recommendation: YES Vote: 4-1***

***AB Comments:***

***The Advisory Board felt that although the assessment to Templeton is \$145,000 higher this year than last year that the change in assessment was to the actual Target number and not the minimum contribution. It is the Advisory Boards opinion that the ongoing budget issues with the Regional School District to need to be addressed in the future, including conducting Tri-joint meetings with the school committee, board of selectmen, and the advisory board.***

**ARTICLE 17**    **FY 2015 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, 2014 and ending June 30, 2015; or to take any other action related thereto.

*Submitted by the Board of Selectmen*

*Advisory Board Recommendation: **Yes**    Vote: 3-2*

*AB Comments:*

*Realizing that this is how certain departments have operated in the past and that there were many other more pressing issues, the advisory board voted yes, however, there is a general feeling among the board that revolving accounts should be eliminated in the future. The ability to account for the expenditure of money within a revolving account is very limited.*

**ARTICLE 18**    **TRANSFER TO THE STABILIZATION FUND**

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

*Submitted by the Board of Selectmen*

*Advisory Board Recommendation: **No action***

*AB Comments:*

**ARTICLE 19    PAYMENT-IN-LIEU-OF TAXES FOR SOLAR ENERGY FACILITY**

To see if the Town will vote to approve the Payment-In-Lieu-Of-Taxes (PILOT) Agreement dated September 24, 2013 pursuant to M.G.L. Ch.59, Sec.38H, with tenK Energy, for approximately 25 acres of land located off Farnsworth Road, Templeton, Worcester County and to approve said PILOT Agreement under which tenK Energy shall make annual payments to the Town in the amount of Fifty Six Hundred and Thirty Four (\$5,634) dollars per MW AC or a total of Sixteen Thousand Nine Hundred and Two (\$16,902) dollars for 3MW AC per year for twenty (20) years in lieu of personal property taxes attributable to the project, said PILOT Agreement being on file in the Town Clerk's office; and further to authorize the Board of Selectmen to negotiate any amendments to the PILOT Agreement in compliance with the amendment provisions therein.

***Submitted by the Board of Selectmen***

***Advisory Board Recommendation: Yes    Vote: 3-0 with 2 abstentions***

***AB Comments:***

***The Advisory board voted to recommend this article, however, there were reservations about the amount of the PILOT payment and who had negotiated this payment on behalf of the town. Without further information, there is no way to determine if this is a fair PILOT payment.***

**ARTICLE 20    CHANGE TO THE TOWN BUDGET PROCESS**

To see if the Town will vote to change Article IV “Advisory Committee,” Section 4 of the Town By-Laws to read:

“It shall be duty of the Town Administrator in conjunction with the BOS to consider expenditures and develop a budget for the ensuing fiscal year of the several boards, officers and committees of the town, as prepared by them in such form and detail as prescribed by the Town Administrator.”; or take any other action relative thereto.

***Submitted by the Board of Selectmen***

***Advisory Board Recommendation: NO    Vote: 5-0***

***AB Comments:***

***The Advisory Board fully supports a change to the town budget process, however, the wording and placement of this suggested by-law change ( replacing an article that deals with the Advisory Board with text that relates strictly to the BOS and Town Administrator) does not seem to make sense and therefore the Advisory Board cannot support the article.***

**ARTICLE 21    COMMUNITY PRESERVATION FUNDING FOR TOWN RECORDS**

To see if the town will appropriate the sum of \$17,500 from the Templeton Community Preservation Historic Preservation Account and the Templeton Community Preservation General Account to scan, index and store town clerk records including Town Meeting minutes and Vital Records and import into a Laser Fiche Document Management Program to be purchased using these funds; or take any other action relative thereto.

***Submitted by the Community Preservation Committee***

***Advisory Board Recommendation: YES    Vote: unanimous***

***AB Comments:***

**ARTICLE 22**    **COMMUNITY PRESERVATION FUNDING FOR EAST TEMPLETON SCHOOL**

To see if the Town will appropriate \$195,000 from the Templeton Community Preservation Historic Preservation Account and the Templeton Community Preservation General Account to preserve the East Templeton Elementary School by providing roof replacement, drainage improvements and replacing the heating system; project to follow the U.S. Secretary of Interior standards, as required by the Community Preservation Act; or take any other action relative thereto.

***Submitted by the Community Preservation Committee***

***Advisory Board Recommendation: YES    Vote: unanimous***

***AB Comments:***

***The opinion of the Advisory Board is that no matter how this building is used in the future that it is important to stabilize this town asset so it does not deteriorate to a point where it has no value.    This is a valuable town asset and it is in the towns best interest to protect its assets.***

**ARTICLE 23**    **COMMUNITY PRESERVATION FUNDING FOR TEMPLETON GRANGE HALL**

To see if the Town will appropriate \$73,160 from the Templeton Community Preservation Historic Preservation Account and the Templeton Community Preservation General Account to preserve and restore the historic Templeton Grange Hall through replacement of windows and egress improvements including installation of an ADA compliant main entrance; project to follow the U.S. Secretary of Interior standards, as required by the Community Preservation Act; or take any other action relative thereto.

***Submitted by the Community Preservation Committee***

***Advisory Board Recommendation: YES    Vote: unanimous***

***AB Comments:***

**ARTICLE 24**    **COMMUNITY PRESERVATION FUNDING FOR THE CIVIL WAR MONUMENT**

To see if the Town shall appropriate the sum of \$31,000 from the Templeton Community Preservation Historic Preservation Account and the Templeton Community Preservation General Account to restore the Franklin J. Jackson Civil War monument in the Templeton Common Burial Ground provided the Town receives a U.S. Veteran’s Administration grant of \$7,500 to be reimbursed to the Community Preservation accounts at the completion of the project; or take any other action relative thereto.

*Submitted by the Community Preservation Committee*

*Advisory Board Recommendation: Yes    Vote: 4-1*

*AB Comments:*

**ARTICLE 25**    **COMMUNITY PRESERVATION FUNDING FOR FIRST CHURCH PORTICO**

To see if the Town shall appropriate the sum of \$5000 from the Templeton Community Preservation Historic Preservation Account and the Templeton Community Preservation General Account to cover some of the costs associated with repairing one of the columns supporting the portico of the First Church of Templeton; or take any other action relative thereto.

*Submitted by the Community Preservation Committee*

*Advisory Board Recommendation: NO    Vote 3-1 1 abstention*

*AB Comments:*

*The Advisory Board felt that at this point in time it was not appropriate to support money being spent from the Community Preservation fund to make repairs to building that is not owned by the community and would typically be maintained by fund raising through the church parish.*

## **ARTICLE 26 COMMUNITY PRESERVATION COMMITTEE FUNDING**

To see if the Town will vote to hear and act on recommendations by the Community Preservation Committee for Fiscal Year 2015 pursuant to Chapter 44 B of the General Laws, also known as the Community Preservation Act: to implement such recommendations by appropriating and/or reserving a sum or sums of money from the Community Preservation Fund established pursuant to such Act for (i) the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee; (ii) the acquisition, creation, 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 and preservation of historic resources; (vi) the acquisition, creation, preservation and support of community housing; and (vii) the rehabilitation or restoration of open space and community housing acquired or created under such Act; 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 or proper to carry out the foregoing; or to take any other action relative thereto.

***Submitted by the Community Preservation Committee***

***Advisory Board Recommendation: Yes    Vote: 4-0 with 1 abstention***

***AB Comments:***

***The main comment that the Advisory Board had about this article was that they were no numbers representing the percentages of how the money was distributed within the various accounts.***

**ARTICLE 27    RELOCATION OF TOWN OFFICES**

To see if the Town will vote to raise and appropriate, transfer from available funds such as the town's Stabilization Fund, or borrow pursuant to any applicable statute the sum of Three Thousand Dollars (\$3,000) to be spent by the Board of Selectmen for the purpose of relocating town offices; or take any other action relative thereto.

***Submitted by the Board of Selectmen***

***Advisory Board Recommendation: YES    Vote: unanimous***

***AB Comments:***

**ARTICLE 28    UPGRADING COMPUTER INFRASTRUCTURE**

To see if the Town will vote to appropriate \$2,500 from stabilization for the purpose of acquiring and installing computer network infrastructure hardware; or take any other action relative thereto.

***Submitted by the Board of Selectmen***

***Advisory Board Recommendation: YES    Vote: unanimous***

***AB Comments:***

**ARTICLE 29    REPLACING HEATING SYSTEM AT EAST TEMPLETON ELEMENTARY**

To see if the Town will vote to appropriate \$25,000 from stabilization for the purpose of repairing or replacing the steam boiler heating system at the East Templeton Elementary School; or take any other action relative thereto.

***Submitted by the Board of Selectmen***

***Advisory Board Recommendation: YES    Vote: unanimous***

***AB Comments: Not necessary if Article 22 passes***

**ARTICLE 30 HANDICAP RAMP AT EAST TEMPLETON ELEMENTARY**

To see if the Town will vote to appropriate \$10,000 from stabilization for the purpose of acquiring and installing a handicap entry ramp at the East Templeton Elementary School; or take any other action relative thereto.

*Submitted by the Board of Selectmen*

*Advisory Board Recommendation: YES Vote: unanimous*

*AB Comments:*

**ARTICLE 31 CITIZEN’S PETITION: SEX OFFENDER RESIDENCY RESTRICTIONS**

The purpose of this bylaw is to see if the Town of Templeton will add a level 2 and 3 sex offender residency restriction bylaw to existing bylaws.

Section 1. Determinations, Intent and Historical context

The purpose and intent of this By-law is in keeping with the understanding that sex offenders classified as level 2 or 3 pose a moderate to high risk of re-offense. By imposing guidelines on potential residents and sex offenders, this By-law promotes transparency throughout the community and acknowledges that those who are at highest risk are children, the elderly, and the disabled.

The purpose and intent of this By-law is to mitigate any potential risk of harm to those who may be the most likely to be victimized by deterring the movement to the locations of potential victims of those who present the greatest risk.

The Massachusetts sex offender registry law was first enacted in 1996. After a series of 5 cases at the Supreme Judicial Court level (Doe v. Attorney General (s), 1997, 1997, 1997, 1998, 1999), it was determined by the state legislature that the law should be amended to reflect the rulings. In 1999 the Massachusetts state legislature amended the states sex offender registry to reflect the due process issues presented in the preceding 5 cases and creating the process that we find today being utilized. This process has emerged unchanged over the preceding decade despite numerous legal challenges due to the changes made in 1999.

This By-law is presented with the careful consideration given to the important and difficult process of classification of Sex offenders. The process is found under Massachusetts General Laws chapter 6 § 178 as well as 803 C.M.R. 1.00. The procedural

system that is currently in place is the result of numerous legal challenges and legislative amendments. It includes a 5 step process to satisfy due process checks and balances. The process of registration is one that begins with a written pre- registration, then, includes a board recommended classification which the offender may accept or request a full administrative hearing on, and ultimately a right to appeal said hearing result to Superior Court for judicial review. It is with these numerous safeguards and due process opportunities in place that this By-law is enacted

This By-law hereby incorporates by reference the definitions set forth in Massachusetts General Laws chapter 6 § 178C as well as 803 C.M.R. 1.03 where applicable.

“Day Care Center” means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Department of Early Education and Care.

“Elder” or “Elderly” means a person or persons over 60 years of age.

“Elderly Housing Facility” or “Senior Citizens Center” or “Over 55 Community” means any building or buildings which provide a group residence for the elderly or a location where the elderly gather and/or reside that is located within the Town of Templeton

“Establishing a Residence” means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property

“Park” means active and passive public land designated for recreational or athletic use by the Town of Templeton and located within the Town of Templeton

“Permanent Residence” means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.

“School” means any public or private educational facility that provides services to children in grades kindergarten - 12, or any one or more of such grades..

"Child" "children or minor" shall mean persons less than eighteen years of age

7. “Sex Offender” and “Sex offense” shall have the same meaning for purposes of this by-law as provided for in M.G.L. chapter 6, § 178C.

8. "Sex Offense Involving a Child" shall have the same meaning for purposes of this by-law as provided for in M.G.L. chapter 6, § 178C.

9. "Temporary Residence" means a place where a person lives, abides, lodges or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year.

#### SECTION 3. Sex Offender Residence Prohibition

It is unlawful for any sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, for as long as so classified, to establish a permanent residence or temporary residence in the Town of Templeton within one thousand (1,000) feet of the property on which any public or private school, park, , elderly housing facility, over 55 community, senior citizens center, or licensed day-care center is located.

#### SECTION 4. Evidentiary Matters; Measurements

For purposes of determining the minimum distance requirement, the separation shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of any public or private school, park, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center

#### SECTION 5. Notice to Move

Any sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, for as long as so classified, who establishes a permanent residence or temporary residence in the Town of Templeton within one thousand (1,000) feet of any public or private school, park, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center shall be in violation of this By-law.

Any such sex offender shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this by-law, move from said location to a new location, but said location may not be within one thousand (1,000) feet of any public or private school, park, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center within the Town of Templeton.

It shall be a separate violation each day that a sex offender does not move after the expiration of the time given in such written notice or if they should move from one location in the Town of Templeton to another location that is within one thousand

(1,000) feet of any public or private school, park, elderly housing facility, over 55 communities, senior citizens center, or licensed day-care center.

#### SECTION 6. Exceptions

A person residing within 1,000 feet of any public or private school, park, elderly housing facility, over 55 communities, senior citizens center, or licensed day-care center does not commit a violation of this By-law if any of the following apply:

(1) The person established the permanent residence and reported and registered the residence, as required by the Sex Offender Registry Law and any applicable regulations of the Massachusetts Sex Offender Registry Board, prior to the effective date of this By-law, and:

(a) The person established permanent residence by purchasing the real property where the residence is established, as long as the registered sex offender continues to reside in and does not move to another restricted location in Templeton different from the permanent residence established prior to the effective date of this By-law;

(b) The person established permanent residence through a valid, fixed-term, written and/or oral lease or rental agreement, executed prior to the effective date of this by-law, as long as the registered sex offender continues to reside within and does not move to another restricted location in Templeton different from the permanent residence established prior to the effective date of this By-law; or

(c) The person established permanent residence through a written and/or oral lease or rental agreement at the will of the landlord, as long as the registered sex offender continues to reside within and does not move to another restricted location in Templeton different from the permanent residence established prior to the effective date of this By-law.

(2) The person was a minor when the relevant crime was committed and was not convicted as an adult.

(3) The person is a minor.

(4) The public or private school, park, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center was established after such person established the permanent residence and reported and registered

the residence pursuant to the Sex Offender Registry Law and any applicable regulations of the Massachusetts Sex Offender Registry Board.

(5) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility located within the aforementioned 1,000 foot area.

(6) The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to M.G.L. chapter 123 located within the aforementioned 1,000 foot area.

(7) The person is a mentally ill person subject to guardianship pursuant to order or supervision of the Probate and Family Court or a mentally retarded person subject to guardianship pursuant to M.G.L. chapter 201 §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day and located within the aforementioned 1,000 foot area.

#### SECTION 7. Forfeiture of Exception

If, either after the effective date of this By-law or after a new public or private school, elderly housing facility, over 55 community, senior citizens center, or licensed day-care center opens, an indictment or conviction of another sex offense is issued by a court against a Level 2 or 3 Sex Offender otherwise enjoying an exception under this By-law, he or she shall immediately forfeit that exception and be required to comply with this By-law.

#### SECTION 8. Penalties

(1) Criminal Complaint. Violation of the residency provisions of this By-law may be enforced by criminal complaint filed by any police officer of the Town of Templeton. Each day a violation exists shall constitute a separate violation. The fine for each violation, upon conviction, shall be \$300. In addition to enforcement by criminal complaint, violation of the residency provisions of this By-law may be enforced through any lawful means in law or in equity by any police officer of the Town of Templeton. Also, any police officer of the Town of Templeton may give written notification to the property owner, if other than the offender, the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the sex offender has violated this By-Law. Additionally, any other penalties may apply as the law permits.

(2) Noncriminal Disposition. In addition to enforcement by criminal complaint, violation of the residency provisions of this By-law may be enforced by any police officer of the Town of Templeton by non-criminal disposition pursuant to M.G.L. c. 40, § 21D. Each day a violation exists shall constitute a separate violation. The penalty for each violation shall be a noncriminal fine of \$300

#### SECTION 9. PROIBITIONS CRINIMAL NON-CRIMINAL COMPLAINTS

##### (1). Prohibitions.

(A) A sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, and for as long as so classified, is prohibited from entering upon the premises of a school or day-care center unless previously authorized specifically in writing by the school administration or day-care center owner.

(B) A sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, and for as long as so classified, is prohibited from entering upon the premises of an elderly housing facility, over 55 Community or Senior Citizens Center, unless previously authorized in writing by the on-site manager of the elderly housing facility, over 55 Community or Senior Citizen Center.

(C) A sex offender who has been finally classified as a Level 2 or 3 offender pursuant to the guidelines of the Sex Offender Registry Board, and for as long as so classified, is prohibited from entering upon the premises of a park.

##### (2). Exceptions

(A) The prohibitions defined in this By-Law shall not be construed or enforced so as to prohibit a sex offender from exercising his or her right to vote in any federal, state or municipal election, conducting town and/or police business or from attending any religious service.

(B) The prohibitions defined in this By-Law do not apply to a sex offender's place of residence when such residence is exempted under this By-Law.

##### (3). Penalties.

(A) Criminal Complaint. Violation of the by-law provisions of this by-law may be enforced by criminal complaint filed by any police officer of the Town of Templeton. Each day a violation exists shall constitute a separate violation. The fine for each

violation, upon conviction, shall be \$300. In addition to enforcement by criminal complaint, violation of the by-law provisions of this By-law may be enforced through any lawful means in law or in equity by any police officer of the Town of Templeton. Also, written notification may be given by a Town of Templeton police officer to the offender's parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the sex offender has violated this By-Law.

(B) Noncriminal Disposition. In addition to enforcement by criminal complaint, violation of the bylaw provisions of this By-law may be enforced through by any police officer of the Town of Templeton by non-criminal disposition pursuant to G.L. c. 40, § 21D. Each day a violation exists shall constitute a separate violation. The penalty for each violation shall be a noncriminal fine of \$300.

#### SECTION 10. Severability.

If any portion of this by-law is deemed by a court of competent jurisdiction to be unconstitutional or otherwise invalid or unenforceable, such judgment shall not impair or invalidate or render unenforceable the remaining portions of this by-law.

***A citizen's petition submitted by Rachel Rhodes and 28 others***

***Advisory Board Recommendation: No recommendation Vote: unanimous***

***AB Comments:***

**ARTICLE 32 CITIZEN’S PETITION: INDEPENDENT AUDIT**

To see if the Town vote to create a by-law as follows:

The Selectmen shall, at least annually, provide for an independent audit of the Towns financial statements to be done by a reputable accounting firm not connected to or, in any way, related to the Town or its officers. The complete audit, with recommendations, shall be made available to the public as soon as it is received and it shall be posted in the annual Town Report or take any other action relative thereto.

*A citizen’s petition submitted by Virginia Wilder and 9 others*

*Advisory Board Recommendation: **NO** Vote: 5-0*

*AB Comments:*

*The Advisory Board recognizes the importance of conducting audits on a regular basis, however, there was question as to whether an annual audit should be forced onto the town each and every year. Without knowing the actual cost of an audit it would be difficult to determine what the financial burden would be to the taxpayers.*

**ARTICLE 33 CITIZEN’S PETITION: INDEPENDENT AUDITS OF FISCAL YEARS 2013 AND 2014**

Move that the town provide funds for, and cause to occur, an independent audit of the Town’s financial statements for the fiscal years 2013 and 2014 the results of which are made public upon receiving them and also published in the Annual Report. The cost of said audit shall be taken from the stabilization fund or take any other action relative thereto.

*A citizen’s petition submitted by Virginia Wilder and 9 others*

*Advisory Board Recommendation: **No** Vote 3-2*

*AB Comments:*

*Once again, the Advisory Board does recognize the importance of conducting regular audits, however, in this case the audits are being asked of 2 budgets that have been examined extensively by both forensic accountants and the DOR. Along with that, there is no expenditure limit that is specified within this article, essentially creating a blank check to conduct these audits, a practice that is fiscally irresponsible.*

**ARTICLE 34    CITIZEN’S PETITION: FLUOROSIS 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 and Prevention, if your child un 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.”

***A citizen’s petition submitted by Peter Farrell and 20 others***

***Advisory Board Recommendation: No recommendation    Vote: Unanimous***

***AB Comments:***

**ARTICLE 35     CITIZEN’S PETITION: TOWN MEETING AUTHORITY ON FLUORIDATION**

To see if 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, or take any other action thereon or in relation to. An Act authorizing Annual Town Meeting as the responsible party on any and all decisions involving fluoriding or not fluoridating the public water supply.

Section 1. Notwithstanding Section 8C, Chapter 111, Title XVI, Part 1 of the general laws or of any or general 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 towns Board of Health. Annual town meeting shall also make 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 25 others***

***Advisory Board Recommendation: No recommendation    Vote: Unanimous***

***AB Comments:***

**ARTICLE 36    CITIZEN’S PETITION: ADVISORY COMMITTEE**

To see if the Town will vote amend Article IV of the General Bylaws to read as follows:

Section 1. There shall be an Advisory Committee comprised of five registered voters of the Town who shall be appointed by the Town Moderator as hereinafter provided. No elected or appointed Town officer or employee shall be eligible to serve on the board. A representative of the Advisory Committee shall to be allowed to serve on the Capital Planning Committee and the Insurance Committee

Section 2. The Town Moderator when this bylaw is adopted shall within thirty days after this bylaw becomes effective, appoint one member to a term of one year to expire at the conclusion of the 2015 Annual Town Meeting; two members to terms of two years to expire at the conclusion of the 2016 Annual Town Meeting, and three members to terms of three years to expire at the conclusion of the 2017 Annual Town Meeting. Said committee shall choose its own officers, and serve without pay, except the chairman who shall receive such sum as voted at the Annual Town Meeting, and shall cause to be kept a true record of its proceedings.

Section 3. The Town Moderator shall fill any vacancies which may occur on the committee. No appointment shall be made until the vacancy has been posted on the Town’s website for 14 days. If any member is absent for five consecutive meetings his position shall be deemed vacant, and filled by the Town Moderator as herein provided. The appointee shall serve the remainder of the unexpired term.

Section 4. It shall be the duty of the Advisory Committee to make recommendations on all articles appearing on the Annual Town Meeting warrant, as well as Special Town Meeting Warrants.

Section 5. The Advisory Committee shall report its doings in the Annual Town Report.  
*Submitted by Citizen's Petition by John Columbus and 15 others*

*Advisory Board Recommendation: **NO** Vote: unanimous*

**AB Comments:**

*There is more than one reason that the Advisory Board does not support this article. First, reducing the board to 5 members when there are currently 6 active members would appear to be going backwards. It is the opinion of the Advisory Board that the more participation within the board will result in a more diverse opinion, better representing the citizens of the town.*

*Secondly, this article appears to "restart" the Advisory Board, essentially wiping all existing members clean, even those with unexpired terms.*

*Thirdly, this article is amending exactly the same by-law (article IV) which a previous article on this town meeting warrant is modifying. This does not appear to make any sense.*

**ARTICLE 37 CITIZEN'S PETITION: RESTRICTION ON BOARD OF SELECTMEN**

To see if the Town will vote to amend Article III, Section 1, Paragraph (a) of the General Bylaws to read as follows:

Members of the Board of Selectmen shall not serve in any other elective capacity on any other town or regional boards, commissions, or committees of which the Town of Templeton is a member; or act in relation thereto.

*Submitted by Citizen's Petition by John Columbus and 21 others*

*Advisory Board Recommendation: **No recommendation** Vote: Unanimous*

**AB Comments:**

**ARTICLE 38     CITIZEN’S PETITION: PUBLICATION OF TOWN MEETING NOTICE**

Move to amend article II, section 4 of the Town By-Laws to read:

Notice of every town meeting shall be given by posting attested copies of the warrant therefore in a public place in each precinct as directed by the Selectmen not less than seven (7) days before the day fixed for the Annual Town Meeting, and not less than fourteen (14) days before the date fixed for a Special Town Meeting, and notice of said Town Meeting shall be published in The Gardner News seven (7) days before the day fixed for the annual Town Meeting and fourteen (14) before the day fixed for a Special Town Meeting.

***Submitted by Citizen’s Petition by Virginia Wilder and 9 others***

***Advisory Board Recommendation: NO    Vote: 4-1***

***AB Comments:***

***The Advisory Board could not support this article due to the reference to one newspaper in particular. This would result in the by-law needing to be changed if there was no Gardner News. The current wording of the by-law states that it must be published in a local newspaper would seem to make much more sense.***

**ARTICLE 39     CITIZEN’S PETITION: HOLD THE ANNUAL TOWN MEETING ON THE SECOND TUESDAY AFTER THE ANNUAL BALLOT ELECTION**

Move that the town conduct all business of the Annual Town Meeting, except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held on the second Tuesday, thereafter at a time and place designated by the Board of Selectmen.

***Submitted by Citizen’s Petition by Dennis O’Brien and 16 others***

***Advisory Board Recommendation: No recommendation    Vote Unanimous***

***AB Comments:***

**ARTICLE 40    CITIZEN’S PETITION: VOTING BY BALLOT AT TOWN MEETING**

Amend Article II – Town Meetings Section 12

Section 12. Seven or more voters, rising in their places for that purpose may order that the vote on any motion shall be taken by a “Yes” and “No” paper ballot.

*Submitted by Citizen’s Petition by Julie Farrell and 10 others*

*Advisory Board Recommendation: No recommendation    Vote: unanimous*

**AB Comments:**

*The Advisory Board had no particular recommendation on this article because it should be up to the will of the voters, however, we caution that changing the wording to force a paper ballot could result in significantly longer town meetings.*

**ARTICLE 41    CITIZEN’S PETITION: COMPOSITION OF REGIONAL SCHOOL COMMITTEE**

**Amend Article V – Financial Affairs**

Add new section  
Section 7 School Finance

The Town of Templeton shall be exempt from the provisions of 603 CMR 41.05-**41.05:Regional School District Budgets** if and until the composition of the Narragansett Regional School District School Committee accurately reflects the percentage of students and funding from the Town of Templeton.

**Submitted by Citizen’s Petition by Julie Farrell and 11 others**

*Advisory Board Recommendation: YES    Vote: unanimous*

**AB Comments:**

*The Advisory Board feels that it is critical that the representation on the school committee and all boards and committees that have duties relating to the schools should contain a proportional representation (based on number of students) to the towns that are participating in the school district.*

**ARTICLE 42    CITIZEN’S PETITION: MARIJUANA ON TOWN PROPERTY**

**“REPEAL ARTICLE LV AND ALL SECTIONS 12345”**

**MARIJUANA OR TETRAHYDROCANNABINOL ON TOWN PROPERTY.**

- 1 This petition as to Article 1 General provisions section 2
- 2 To repeal Article LV and all its Section’s 12345. As Required
- 3 Under Article II Town Meeting Section 2 to be
- 4 Determined by ballot. Town Ballot Vote (secret) personal
- 5 Under Section 3 pall’s. Article, 1 Section 2 shall
- 6 Be Invoke if pass as a Binding Question, Town by laws
- 7 The town shall cause the printing of Art. LV and its section
- 8 And note repeal. “Total Repeal” of such by law
- 9 As noted as Article LV Section 1,2,3,4,5, know as marijuana or
- 10 Tetrahydrocannabinol on Town property.

***Submitted by Citizen’s Petition by Steve Drury and 12 others***

***Advisory Board Recommendation: No recommendation    Vote: unanimous***

***AB Comments:***