

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF TEMPLETON
WARRANT FOR SPECIAL TOWN MEETING
MAY 10, 2005**

WORCESTER, ss.

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

GREETINGS:

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 at the Narragansett Regional Middle School, 460 Baldwinville Road in said Templeton on Tuesday, May 10, 2005 at 8:00 o'clock p.m. then and there to act on the following articles:

Article 1. To see if the Town will vote to accept and expend the sum of Two Hundred Nine Thousand, Nine Hundred Forty Two Dollars **(\$209,942.00)** or any other sums that may be available in accordance with Chapter 291A of the Acts of 2004, or any other monies that become available under the provisions of Massachusetts General Laws, Chapter 90, Section 34, Clause 2(a) and to authorize the Board of Selectmen to enter into a contract with the Commonwealth of Massachusetts, Department of Public Works and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow in anticipation of 100% reimbursement of said amounts, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to accept and expend the sum of Two Hundred Nine Thousand, Nine Hundred Forty Two Dollars **(\$209,942.00)** or any other sums that may be available in accordance with Chapter 291 of the Acts of 2004, for Fiscal Year 2005, or any other monies that become available under the provisions of Massachusetts General Laws, Chapter 90, Section 34, Clause 2(a) and to authorize the Board of Selectmen to enter into a contract with the Commonwealth of Massachusetts, Department of Public Works and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow in anticipation of 100% reimbursement of said amounts.

Passed Unanimously/May 10th @ 8:26

Article 2. To see if the Town will vote to accept and expend the sum of Two Hundred Nine Thousand, Two Hundred Sixty Two Dollars **(\$209,262.00)**

or any other sums that may be available in accordance with Chapter 291 of the Acts of 2004, or any other monies that become available under the provisions of Massachusetts General Laws, Chapter 90, Section 34, Clause 2(a) and to authorize the Board of Selectmen to enter into a contract with the Commonwealth of Massachusetts, Department of Public Works and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow in anticipation of 100% reimbursement of said amounts, or to take any other action relative thereto.

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

Passed/May 10th @ 8:34

On a motion duly made and seconded the Town voted to accept and expend the sum of Two Hundred Nine Thousand, Two Hundred Sixty Two Dollars (**\$209,262.00**) or any other sums that may be available in accordance with Chapter 291B of the Acts of 2004, for Fiscal Year 2006, or any other monies that become available under the provisions of Massachusetts General Laws, Chapter 90, Section 34, Clause 2(a) and to authorize the Board of Selectmen to enter into a contract with the Commonwealth of Massachusetts, Department of Public Works and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow in anticipation of 100% reimbursement of said amounts.

Passed/May 10th @ 8:34

Article 3. To see if the Town will vote to transfer from available funds a sum of money to supplement the Town Buildings Expenses account for fiscal year 2005, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the Interest on State Grants Ch. 90 account the sum of Six Thousand Dollars (**\$6,000.00**) to supplement the Town Buildings Expenses account for fiscal year 2005.

Passed Unanimously/May 10th @ 8:37

Article 4. To see if the Town will vote to transfer from available funds a sum of money to supplement the Town Counsel Expenses account for fiscal year 2005, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the Interest on State Grants Ch 90 account the sum of Ten Thousand Dollars (**\$10,000.00**) to supplement the Town Counsel Expenses account for fiscal year 2005.

Passed Unanimously/May 10th @ 8:39

Article 5. To see if the Town will vote to transfer from available funds a sum of money to supplement the Group Insurance Expense account for fiscal year 2005, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the following accounts a total sum of Forty-Seven Thousand Dollars **(\$47,000.00)**, to supplement the Group Insurance Expense account for fiscal year 2005:

the sum of Two Thousand Dollars **(\$2,000.00)** from the Highway Salaries account,

the sum of Twenty-Five Thousand Dollars **(\$25,000.00)** from the General Insurance account,

the sum of Five Thousand Dollars **(\$5,000.00)** from the Assistant Town Clerk Salary account,

the sum of Nine Thousand Dollars **(\$9,000.00)** from the Interest on Tax Anticipation Notes account,

the sum of Five Thousand Dollar **(\$5,000.00)** from the Town Telephone Expense account,

the sum of One Thousand Dollars, **(\$1,000.00)** from the Interest Ch. 90 account.

Passed Unanimously/May 10th @ 8:42

Article 6. To see if the Town will vote to transfer from available funds the sum of Twelve Thousand Dollars **(\$12,000.00)** to pay a fiscal year 2004 Unemployment Insurance unpaid bill, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the Highway Dept. Salaries account the sum of Twelve Thousand Dollars **(\$12,000.00)** to pay a fiscal year 2004 Unemployment Insurance unpaid bill.

Passed Unanimously/May 10th @ 8:45

Article 7. To see if the Town will vote to authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application designating the property of Trellis Structures, Inc., located at 25 North Main Street, East Templeton, MA 01438 as shown on Assessor's Map 1-2, Parcel 190, as an Economic Opportunity Area (EOA), or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to authorize the Board of Selectmen to submit to the Massachusetts Economic Assistance Coordinating Council an application designating the property of Trellis Structures, Inc., located at 25 North Main Street, East Templeton, MA 01438 as shown on Assessor's Map 1-2, Parcel 190, as an Economic Opportunity Area (EOA), and to designate the above referenced parcel as an Economic Opportunity Area.

Passed/May 10th @ 8:55

- Article 8. To see if the Town will vote to authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement with Trellis Structures, Inc., pursuant to the provisions of M.G.L. Chapter 40, Section 59, in connection with the development of property located at 25 North Main Street, East Templeton, MA 01438 as shown on Assessor's Map 1-2, Parcel 190 and described in a Certified Project Application prepared by Trellis Structures, Inc. and to authorize the Board of Selectmen to take such action as is necessary to obtain approval of the Certified Project Application and to implement the Tax Increment Financing Agreement, a copy of such agreement in substantial form is on file in the Office of the Town Clerk, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to authorize the Board of Selectmen to enter into a Tax Increment Financing Agreement with Trellis Structures, Inc., a copy of such agreement in substantial form is on file in the Office of the Town Clerk, pursuant to the provisions of M.G.L. Chapter 40, Section 59, in connection with the development of property located at 25 North Main Street, East Templeton, MA 01438 as shown on Assessor's Map 1-2, Parcel 190 and described in a Certified Project Application prepared by Trellis Structures, Inc. and to authorize the Board of Selectmen to take such action as is necessary to obtain approval of the Certified Project Application and to implement the Tax Increment Financing Agreement, including submission of the TIF agreement and certified project application to the Massachusetts Economic Assistance Coordinating Council.

Passed/May 10th @ 8:57

- Article 9. To see if the Town will vote to adopt the following as a Town By-law:

RIGHT TO FARM BY-LAW

Section 1. Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution and all state statutes and regulations thereunder, including, but not limited to, Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We, the citizens of Templeton, restate and republish these rules pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Templeton by allowing agricultural uses and related activities to function

with minimum conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town of Templeton.

Section 2. Definitions

The word “farm” shall include any parcel or contiguous parcels of land or water bodies used for the primary purpose of commercial agriculture or accessory thereto.

The words “farming” or “agriculture” or their derivatives shall include, but not be limited to, the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, mycological, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches, and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and furbearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- responsible application of manure, fertilizers and pesticides; applications to take into consideration minimizing non-point source pollution created by excess application;
- conducting agriculture-related educational, and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- conducting agriculture-related research to promote and enhance agricultural output and marketing;
- processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;

- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager, used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3. Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Templeton. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture, is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protection of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4. Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Templeton, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase,

exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee(s). The Town is authorized to enforce Section 4 under the non-criminal disposition provision of M.G.L. Ch. 40, Sec. 21D.

Section 5. Resolution of Disputes

Dispute resolution will be the responsibility of the Board of Selectmen, or its designee(s), until at which time an Agricultural Commission is formed by the Town and empowered to resolve disputes arising from this bylaw.

Section 6. Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Templeton hereby declares the provisions of this By-law to be severable, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to adopt the following as a Town By-law:

RIGHT TO FARM BY-LAW

Section 1. Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A and Chapter 128, Section 1A. We the citizens of Templeton restate and republish these rules pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

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The words “farming” or “agriculture” or their derivatives shall include, but not be limited to, the following:

farming in all its branches and the cultivation and tillage of the soil;
dairying;
production, cultivation, growing, and harvesting of any agricultural, mycological, aquacultural, floricultural, viticultural, or horticultural commodities;
growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
raising of livestock including horses;
keeping of horses as a commercial enterprise; and
keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches, and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and furbearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

operation and transportation of slow-moving farm equipment over roads within the Town;
control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
responsible application of manure, fertilizers and pesticides; applications to take into consideration minimizing non-point source pollution created by excess application;
conducting agriculture-related educational, and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
conducting agriculture-related research to promote and enhance agricultural output and marketing;
processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
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Section 4. Disclosure Notification

The Town will provide a copy of the following notice annually to Templeton property owners, and will include the notice and copy of the bylaw on the Town's official website.

"It is the policy of the Town of Templeton to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform property owners that their property lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Owners, buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

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Dispute resolution will be the responsibility of the Board of Selectmen, or its designee(s), until at which time an Agricultural Commission is formed by the Town and empowered to resolve disputes arising from this bylaw.

Section 6. Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Templeton hereby declares the provisions of this By-law to be severable.

Passed/May 10th @ 9:13

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

Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 15th day of April in the Year AD 2005.

BOARD OF SELECTMEN

Patrick E. Dunlavey, Chairman

Gerald P. Skelton, Vice Chairman

Neil A. Cullen, Clerk

Paul Quattrociocchi, Member

Robert Columbus, Member

A True Copy, ATTEST:

Neil A. Cullen
Constable of Templeton

OFFICER'S RETURN

WORCESTER, ss.
April 15, 2005

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

Neil A. Cullen
Constable of Templeton

A True Copy, ATTEST:

Carol A. Harris
Town Clerk of Templeton

Meeting Attendance 05-10-2005
Voters Total 211