

**TOWN OF TEMPLETON  
WARRANT FOR SPECIAL TOWN MEETING  
November 16, 2009**

**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 Monday, November 16, 2009 at 7:00 p.m., then and there to act on the following articles:

- Article 1. To see if the Town will vote to reduce the amount raised and appropriated under Article 25 of the 2009 Annual Town Meeting to pay town charges for municipal operational expenses for fiscal year 2010 by the total sum of **\$135,000**, by reducing the amounts appropriated to the following accounts by the sums indicated:

<u>Budget</u>	<u>Amount</u>
Grant writing fees	\$ 5,000
Emergency Demolition	10,000
Town Counsel	10,000
Open Space	5,000
Insurance Deductibles	4,000
Forestry Equipment	2,000
Fire Department Expense	2,500
Sealer of Weights and Measures	2,000
Highway Department Salaries	10,000
Communications Commission salaries	<u>84,500</u>
TOTAL REDUCTION.....	\$135,000

or to take any other action relative thereto  
**Submitted by the Board of Selectmen**

On a motion duly made and seconded the Town voted to reduce the amount raised and appropriated under Article 25 of the 2009 Annual Town Meeting to pay town charges for municipal operational expenses for fiscal year 2010 by the total sum of **\$135,000**, by reducing the amounts appropriated to the following accounts by the sums indicated:

<u>Budget</u>	<u>Amount</u>
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Sealer of Weights and Measures	2,000
Highway Department Salaries	10,000
Communications Commission salaries	<u>84,500</u>
TOTAL REDUCTION.....	\$135,000

**Passed/November 16<sup>th</sup> @ 7:14**

**A motion was duly made and seconded to take Article #10 out of order.  
Defeated by hand count/November 16<sup>th</sup> @ 7:29 (yes-51, no-74)**

Article 2. To see if the Town will vote to authorize the Board of Selectmen 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, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments 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 Payment for Services Rendered for Extraordinary Storm Damage in the Town of Templeton*

Notwithstanding the provisions of chapter 30B of the general laws, or of any general or special law to the contrary, it is hereby acknowledged that the ice storm of December, 2008 caused widespread and extraordinary damage in the Town of Templeton due to fallen trees and utility poles and that the town has been working diligently since that time to ensure the safety of its residents through removal of dangerous debris from town roads, ways, and property; now, therefore, the Town of Templeton is authorized, subject to appropriation, to pay to Mayer Tree Service, Inc. the additional sum of **\$228,630.75** for storm damage debris removal services, notwithstanding that such services exceeded the amount of the contract therefore, and where such services were provided to the town with the expectation of Mayer Tree Service, Inc., that the town would pay for the same, in large part, with federal and other grant funds available as a result of the unusual conditions created by the above-referenced storm, where the Town believed that it was authorized to contract for and accept services to the extent of the contract therefore, and where the value of the services provided exceeded such contract, or to take any other action relative thereto.

**Submitted by the Board of Selectmen**

**On a motion duly made and seconded to town voted to move the question.**

**Passed/ November 16<sup>th</sup> @ 7:49**

**The Moderator called a recess @ 7:56 to 8:02**

On a motion duly made and seconded the Town voted to authorize the Board of Selectmen 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, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition,

*An Act Relative to Payment for Services Rendered for Extraordinary Storm Damage in the Town of Templeton*

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**Passed by hand count/November 16<sup>th</sup> @ 8:06 (yes-70, no-60)**

Article 3. To see if the Town will vote to pursuant to M.G.L. c. 152, §69, to define the terms “laborers, workmen and mechanics” for purposes of M.G.L. c.152, §§68-75 of the Worker’s Compensation statute to include all appointed and elected Town officers that the Board of Selectmen may so designate, other than the Board of Selectmen, which officers would otherwise be excluded from such definitions and ineligible for Worker’s Compensation, or to take any other action relative thereto.

**Submitted by the Board of Selectmen**

On a motion duly made and seconded the Town voted to pursuant to M.G.L. c. 152, §69, to define the terms “laborers, workmen and mechanics” for purposes of M.G.L. c.152, §§68-75 of the Worker’s Compensation statute to include the position of Town Clerk and any other appointed or elected Town officers that the Board of Selectmen may so designate, other than the Board of Selectmen, that are currently named on the Town’s Worker’s Compensation insurance policy, but which would otherwise be excluded from such

definitions and ineligible for Worker's Compensation.

**Passed/November 16<sup>th</sup> @ 8:10**

Article 4. To see if the Town will vote to authorize the Board of Selectmen 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, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments 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 Filling a Vacant Seat on the Board of Selectmen Until the Expiration of the Member's Term of Office*

Section 1. Notwithstanding the provisions of section 10 of chapter 41, of the General Laws, or of any other general or special law or bylaw to the contrary, in the event of a vacancy on the board of selectmen, the chairman of the advisory committee required by section 16 of chapter 39 of the general laws, shall serve, ex officio, as a member of the board of selectmen until such time as the seat is filled at a special or the next annual town election. In such capacity, the chairman of the advisory board shall have all the duties and responsibilities of a selectman under state and local law. Upon the election and qualification of a selectman to fill the vacancy, the chairman's ex officio service as a member of the board of selectmen shall terminate and the chairman of the advisory board shall return in that capacity to service on the advisory board. Should said chairman seek election to the position of selectman while serving as a member of the board of selectmen in accordance with this act, the chairman shall not be considered an elected incumbent for purposes of section 41 of chapter 54 of the general laws, or an incumbent for purposes of section 42 of said chapter 54.

Section 2. The service of the chairman as a member of the board of selectmen under the circumstances set forth herein shall not be deemed to create a vacancy on the advisory board, and no action shall be taken to appoint an individual to serve on such board in place of the chairman. However, the advisory board shall elect from among its membership a temporary chairman who shall hold such position for a period not longer than the period of the chairman's ex officio service as a member of the board of selectmen as authorized by section 1 of this act. This act shall not limit the authority of the advisory board to reorganize following the return of the chairman to service on the board. While the chairman of the advisory board serves as a member of the board of selectmen, said chairman shall not participate as a member of the advisory board.

Section 3. This act shall not limit the authority of the board of selectmen to place the office of selectmen on the ballot at a special election, or of the registered voters to petition for a special election, in accordance with the provisions of section 10 of chapter 41 of the general laws. Provided, however, that if the board of selectmen does not call for a special election to fill the vacancy, the board of selectmen shall include the office of selectman to fill a vacancy on the ballot at the next regular election occurring not less than 64 days following the date of the vacancy. If a vacancy is created in the office of selectmen where the office would otherwise be expiring, the office shall appear on the ballot for the full three-year term.

Section 4. This act shall take effect upon passage.  
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/November 16<sup>th</sup> @ 8:20**

**Main motion  
Defeated/November 16<sup>th</sup> @ 8:21**

Article 5. To see if the Town will vote to transfer the sum of Thirty Thousand Dollars **(\$30,000.00)** from the Stabilization Fund to contract with an engineering firm to conduct a study of the Town's existing sewer rate structure, make recommendations on changes to that rate structure, and determine future rates for sewer service that will be necessary to recover all expenses related to operation and maintenance and payment of existing debt service related to the Town's sewer system over the next five years; provided, however, that it is anticipated that said sum will be returned to the Stabilization Fund by a later Town Meeting following certification of the Sewer Enterprise free cash, or to take any action relative thereto.

**Submitted by the Board of Selectmen**

**A motion was duly made and seconded to pass over Article #5.  
Passed by hand count/November 16<sup>th</sup> @ 8:49 (yes-82, no-50)**

Article 6. 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 approves amendments to the bill before enactment by the General Court, and that 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 thereto.

*An Act Authorizing the Board of Selectmen in the Town of Templeton to Act as Sewer Commissioners.*

**SECTION 1.** Notwithstanding the provisions of sections 21 and 63 of chapter 41 of the general laws, or of any general or special law to the contrary, the board of selectmen of the town of Templeton shall be authorized to act as sewer commissioners and shall exercise all of the powers and duties of a sewer commission as set forth in the general laws.

**SECTION 2.** Upon the effective date of this act, the terms of the incumbent members of the sewer commission of the town of Templeton shall be terminated and the elected sewer commission abolished.

**SECTION 3.** This act shall take effect upon passage.

**Submitted by the Board of Selectmen**

**A motion was duly made and seconded to pass over Article #6.  
Defeated/November 16<sup>th</sup> @ 9:05**

**A motion was duly made and seconded to move the question.  
Passed/November 16<sup>th</sup> @ 9:59**

**Main motion  
Defeated/ by hand count/November 16<sup>th</sup> @ 10:04 (yes-75, no-50)**

Article 7. To see if the Town will vote to add the following positions to the Personnel. Compensation and Classification Plan, a copy of which on file in the Town Clerk's office:

Sewer Commission clerk                      Grade (to be determined)

Sewer Commission secretary              Grade (to be determined)

or to take any other action relative thereto.

**Submitted by the Board of Selectmen**

**No motion was made.**

Article 8. To see if the Town will vote to transfer from available funds or otherwise provide the sum of Three Thousand, One Hundred Ninety-Four Dollars and Twenty-Eight Cents (**\$3,194.28**) to pay the Worcester Regional Retirement System military service fund in conformity with Chapter 32, Section 22 (7) (c)(ii) of the General Laws as assessed for fiscal year 2010 due to the deployment of a Town employee, or to take any other action relative thereto.

**Submitted by the Board of Selectmen**

On a motion duly made and seconded the Town voted to transfer from The General Insurance account the sum of Three Thousand, One Hundred Ninety-Four Dollars and Twenty-Eight Cents (**\$3,194.28**) to pay the Worcester Regional Retirement System military service fund in conformity with Chapter 32, Section 22 (7) (c)(ii) of the General Laws as assessed for fiscal year 2010 due to the deployment of a Town employee.

**Passed Unanimously/November 16<sup>th</sup> @ 10:13**

Article 9. To see if the Town will vote to transfer from the Pajari Municipal Capital Stabilization Fund the sum of Thirty Thousand Dollars (**\$30,000.00**) for the purpose of hiring an Owner's Project Manager (OPM) to oversee the engineering and construction of a Municipal Town Building and Police Station, or to take any other action in relation thereto.

**Submitted by the Municipal Building Study Committee**

**Defeated/November 16<sup>th</sup> @ 10:28**

Article 10. To see if the Town will vote to transfer from available funds or otherwise provide a sum of money for the purpose of retaining an Owner's Project Manager (OPM) to oversee the engineering and construction of a new Senior Center construction project, or to take any other action relative thereto.

**Submitted by the Senior Center Oversight Committee**

**An amended motion was duly made and seconded but further denied for reason that it went out of the scope of the warrant.**

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

**Passed Unanimously/November 16<sup>th</sup> @ 10:56**

On a motion duly made and seconded the Town voted to transfer from the COA land for SR. Center account the sum of Thirty Thousand Dollars (\$30,000.00) for the purpose of retaining an Owner's Project Manager (OPM) to oversee the engineering and construction of a new Senior Center

construction project.

**Passed/by hand count/November 16<sup>th</sup> @ 11:00 (yes-79, no-18)**

Article 11. To see if the Town will vote to transfer from the Capital Stabilization Account the sum of Twenty-Seven Thousand, Nine Hundred Seventy- Five Dollars **(\$27,975.00)** to purchase a new police cruiser including equipment and an extended 100,000-mile warranty, or to take any other action relative thereto.

**Submitted by the Police Chief**

On a motion duly made and seconded the Town voted to transfer from the Capital Stabilization Account the sum of Twenty-Seven Thousand, Nine Hundred Seventy- Five Dollars **(\$27,975.00)** to purchase a new police cruiser including equipment and an extended 100,000-mile warranty.

**Passed by 2/3/November 16<sup>th</sup> @ 11:04**

Article 12. To see if the Town will vote to transfer from available funds or otherwise provide 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 the Board of Selectmen**

On a motion duly made and seconded the Town voted to transfer from the Highway Department Expenses account the sum of Five Thousand Dollars **(\$5,000.00)** for the Templeton Scholarship Fund for the purpose of awarding scholarships to eligible applicants from the Town of Templeton.

**Passed/November 16<sup>th</sup> @ 11:08**

Article 13. To see if the Town will vote to transfer from available funds or otherwise provide the sum of Three Thousand, Five Hundred Dollars **(\$3,500.00)** to fund the wages of the New Elementary School Building Committee secretary and the expenses of said committee; and to transfer said funds to the Narragansett Regional School District, or to take any other action relative thereto.

**Submitted by the Board of Selectmen**

On a motion duly made and seconded the Town voted to transfer from the Highway Department Expenses account the sum of Three Thousand, Five Hundred Dollars **(\$3,500.00)** to fund the wages of the New Elementary School Building Committee secretary and the expenses of said committee; and to transfer said funds to the Narragansett Regional School District

**Passed/November 16<sup>th</sup> @ 11:09**

**A motion was duly made and seconded to dissolve the special town meeting.**

**Passed/November 16<sup>th</sup> @ 11:10**

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

Given under our hands this 30th day of October in the year AD 2009.

BOARD OF SELECTMEN

\_\_\_\_\_  
Gerald Skelton, Chairman

\_\_\_\_\_  
Dennis O'Brien, Vice Chairman

\_\_\_\_\_  
Julie Farrell, Clerk

\_\_\_\_\_  
Robert Columbus, Member

A True Copy, ATTEST  
Randy L. Brown

Constable of Templeton

Officer's Return

Worcester, ss

October 30, 2009

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

Randy L. Brown  
Constable of Templeton

Meeting Attendance 11-16-2009  
Voters Total 165