

TOWN OF TEMPLETON
WARRANT FOR SPECIAL TOWN MEETING
October 28, 2010

WORCESTER, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and Town affairs to meet in the Narragansett Regional Middle School, 460 Baldwinville Road, Baldwinville, in said Templeton on Thursday, October 28, 2010 at 7:00 p.m., then and there to act on the following articles:

Article 1. To see if the Town will vote to transfer the sum of Seven Hundred Seventy-Five Dollars **(\$775.00)** from the Town Clerk Office Expense account to the Assistant Town Clerk Salary account, or to take any other action relative thereto.

Submitted by the Town Clerk

On a motion duly made and seconded the Town voted to transfer the sum of Seven Hundred Seventy-Five Dollars **(\$775.00)** from the Town Clerk Office Expense account to the Assistant Town Clerk Salary account.

Passed Unanimously/Oct. 28th @ 7:05

Article 2. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to increase wages effective January 1, 2011, for non-union, non-contracted eligible employees 2.5 percent pursuant to the "Compensation Plan for the Town of Templeton" and "Wage Classification Plan" approved at the Annual Town Meeting of May 10, 11, and 17, 2005 including amendments thereto on file in the Town Clerk's office; said 2.5 percent wage increases are as indicated on the sheet titled "Compensation Plan for the Town of Templeton," FY'11 2.5% Increase-Effective January 1, 2011," on file in the Town Clerk's office, or to take any other action relative thereto.

Submitted by the Personnel Board

On a motion duly made and seconded the Town voted to transfer from the Communications Commission Salaries account the sum of Twenty Thousand Dollars **(\$20,000.00)** to increase wages effective January 1, 2011, for non-union, non-contracted eligible employees 2.5 percent pursuant to the "Compensation Plan for the Town of Templeton" and "Wage Classification Plan" approved at the Annual Town Meeting of May 10, 11, and 17, 2005 including amendments thereto on file in the Town Clerk's office; said 2.5 percent wage increases are

as indicated on the sheet titled "Compensation Plan for the Town of Templeton," FY'11 2.5% Increase-Effective January 1, 2011," on file in the Town Clerk's office.

Passed/Oct. 28th @ 7:07

Article 3. To see if the Town will vote to appropriate and transfer a sum of money from the Community Preservation Community Housing Reserve account and accept funds and in-kind contributions from other sources, including grants and donations, with such funds to be granted to the Templeton Housing Authority to support community housing, including, without limitation, to purchase an emergency generator for the Community Building at 99 Bridge Street, Baldwinville, or to take any other action relative thereto.

Submitted by the Community Preservation Committee

On a motion duly made and seconded the Town voted to appropriate and transfer the sum of Forty Thousand Dollars **(\$40,000.00)** from the Community Preservation Community Housing Reserve account and accept funds and in-kind contributions from other sources, including grants and donations, with such funds to be granted to the Templeton Housing Authority to support community housing, including, without limitation, to purchase an emergency generator for the Community Building at 99 Bridge Street, Baldwinville.

Passed/Oct. 28th @ 7:14

Article 4. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the general Stabilization Fund, 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 Communications Commission Salaries account the sum of Fifty-One Thousand, Five Hundred Dollars **(\$51,500.00)** to the general Stabilization Fund.

Passed Unanimously/Oct. 28th @ 7:16

Article 5. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Thirty-Two Thousand, Five Hundred Dollars **(\$32,500.00)** for the Reserve Fund, or to take any other action relative thereto.

Submitted by the Advisory/Finance Board

On a motion duly made and seconded the Town voted to transfer from the Communications Commission salaries

account the sum of Thirty-Two Thousand, Five Hundred Dollars (**\$32,500.00**) for the Reserve Fund.
Passed Unanimously/Oct. 28th @ 7:17

Article 6. To see if the Town will vote to accept Section 33B of Chapter 138 of the M.G.L. which empowers the local licensing authority to authorize liquor licensees under section twelve to sell alcoholic beverages between the hours of eleven o'clock ante meridian and twelve o'clock noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday, 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 accept Section 33B of Chapter 138 of the M.G.L. which empowers the local licensing authority to authorize liquor licensees under section twelve to sell alcoholic beverages between the hours of ten o'clock ante meridian and twelve o'clock noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.
Passed/Oct. 28th @ 7:20

Article 7 To see if the Town will vote to accept the provisions of G.L. c.83 s. 16A-F, inclusive, to grant the Town the authority to record a lien upon real estate for unpaid rates and charges due the Town for providing for a sewer system, or to take any other action relative thereto.
Submitted by the Sewer Commission

On a motion duly made and seconded the Town voted to accept the provisions of G.L. c.83 s. 16A-F, inclusive, to grant the Town the authority to record a lien upon real estate for unpaid rates and charges due the Town for providing for a sewer system.
Passed Unanimously/Oct. 28th @ 7:21

Article 8. To see if the Town will vote to accept a deed in lieu of foreclosure from Gerald Maynard pursuant to the provisions of M.G.L. Chapter 60 Section 77C to a parcel of land located on North Main Street identified by Assessor's Map #5-10, Parcel 52, which is subject to a tax taking held by the Treasurer for unpaid real estate taxes, said parcel to be under the care, custody, control, and management of the Conservation Commission for conservation purposes pursuant to the provisions of M.G.L. Chapter 40 Section 8C, or to take any other action relative thereto.
Submitted by the Conservation Commission

On a motion duly made and seconded the Town voted to accept a deed in lieu of foreclosure from Gerald Maynard pursuant to the provisions of M.G.L. Chapter 60 Section 77C to a parcel of land located on North Main Street identified by Assessor's Map #5-10, Parcel 52, which is subject to a tax taking held by the Treasurer for unpaid real estate taxes, said parcel to be under the care, custody, control, and management of the Conservation Commission for conservation purposes pursuant to the provisions of M.G.L. Chapter 40 Section 8C.

Passed Unanimously/Oct. 28th @ 7:23

Article 9. To see if the Town will vote to supplement the vote taken under Article 5 of the May 11, 2010 Special Town Meeting, which vote authorized the acquisition of property located on Dudley Road, identified by Assessors Map # 2-11-2, and authorized the Board of Selectmen and/or the Conservation Commission to grant a conservation restriction on said property to a nonprofit charitable corporation or foundation, to now authorize the Board of Selectmen and/or Conservation Commission to convey said restriction to the Commonwealth of Massachusetts or to a nonprofit charitable corporation or foundation, as determined to be in the best interest of the Town, in accordance with the provisions of G.L. c. 44, §12 and meeting the requirements of Chapter 184 of the General Laws and any grant agreement between the Town and the Commonwealth of Massachusetts; and further to authorize the Selectmen and/or the Conservation Commission to acquire the property also for the purpose of entering into a boundary line agreement with an abutter, and to authorize the Selectmen and/or the Conservation Commission to enter into said agreement on such terms and conditions as is determined to be in the best interest of the Town, including agreeing to a release of rights in said property; or take any other action relative thereto.

Submitted by Con. Comm.

On a motion duly made and seconded the Town voted to supplement the vote taken under Article 5 of the May 11, 2010 Special Town Meeting, which vote authorized the acquisition of property located on Dudley Road, identified by Assessors Map # 2-11-2, and authorized the Board of Selectmen and/or the Conservation Commission to grant a conservation restriction on said property to a nonprofit charitable corporation or foundation, to now authorize the Board of Selectmen and/or Conservation Commission to convey said restriction to the Commonwealth of Massachusetts or to a nonprofit charitable corporation or foundation, as determined to be in the best interest of the Town, in accordance with the provisions of G.L. c. 44B, §12 and meeting the requirements of Chapter 184 of the General Laws and any grant agreement between the Town and the Commonwealth of Massachusetts; and further to authorize the Selectmen and/or the Conservation Commission to acquire the property

also for the purpose of entering into a boundary line agreement with an abutter, and to authorize the Selectmen and/or the Conservation Commission to enter into said agreement on such terms and conditions as is determined to be in the best interest of the Town, including agreeing to a release of rights in said property.

Passed Unanimously/Oct. 28th @ 7:29

Article 10. To see if the Town will vote to appropriate and transfer a sum of money from the Templeton CPA Open Space Reserve Account, and to raise and appropriate, transfer from available funds, or borrow an additional sum, as necessary, to acquire by gift, purchase, eminent domain or otherwise, the property on Otter River Road identified by Assessor's Map #4-8, Parcels 76.2, 76.3, 76.31, 76.4, 76.5, 76.6, 76.7, and Martin Road, comprised of 31.6 acres total, more or less, for conservation and passive recreation purposes, that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and other Massachusetts statutes relating to conservation, said land to be managed and controlled by the Conservation Commission of the Town of Templeton, and to authorize the Board of Selectmen and Conservation Commission, on such terms and conditions as they deem appropriate, to acquire such property, execute documents and take any other action necessary to effectuate this vote; provided further that the Board of Selectmen and the Conservation Commission shall be authorized to grant to the commonwealth or to a non-profit corporation or trust a conservation restriction in said property; and provided, however, that such funds shall not be expended unless the Town is approved for a LAND Grant from the Massachusetts Executive Office of Energy and Environmental Affairs for reimbursement of a percentage of the purchase price, and to authorize the Board of Selectmen and the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any federal, state or other funds, including but not limited to funds from the Commonwealth under Chapter 132A, Section 11, and to enter into such grant agreements and execute any and all instruments as may be necessary to accomplish the foregoing, or take any other action relative thereto.

Submitted by the Conservation Commission, Community Preservation Committee, and Open Space Committee

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

Passed Unanimously/Oct. 28th @ 7:43

On a motion duly made and seconded the Town voted to appropriate and transfer the sum of Ninety-Eight Thousand Dollars (**\$98,000.00**) from the Templeton Community Preservation Budgeted Reserve Fund Account, to acquire by gift, purchase, eminent domain or otherwise, the property on

Otter River Road identified by Assessor's Map #4-8, Parcels 76.2, 76.3, 76.31, 76.4, 76.5, 76.6, 76.7, and Martin Road, comprised of 31.6 acres total, more or less, for conservation and passive recreation purposes, that said land be conveyed to the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and other Massachusetts statutes relating to conservation, said land to be managed and controlled by the Conservation Commission of the Town of Templeton, and to authorize the Board of Selectmen and Conservation Commission, on such terms and conditions as they deem appropriate, to acquire such property, execute documents and take any other action necessary to effectuate this vote; provided further that the Board of Selectmen and the Conservation Commission shall be authorized to grant to the commonwealth or to a non-profit corporation or trust a conservation restriction in said property; and provided, however, that such funds shall not be expended unless the Town is approved for a LAND Grant from the Massachusetts Executive Office of Energy and Environmental Affairs for reimbursement of a percentage of the purchase price, and to authorize the Board of Selectmen and the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from any federal, state or other funds, including but not limited to funds from the Commonwealth under Chapter 132A, Section 11, and to enter into such grant agreements and execute any and all instruments as may be necessary to accomplish the foregoing.

Passed/Oct. 28th @ 7:44

- Article 11. To see if the Town will vote to authorize the Board of Selectmen to acquire and accept on behalf of the Town, by gift, an emergency access easement from Swift Water Associates, L.P. on the parcel of land shown as "Emergency Access Easement 24' Wide" on a plan entitled "Plan of Easement to be Conveyed by Swift Water Associates," dated June 2, 2010, prepared by Szoc Surveyors, on file with the Town Clerk; 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 authorize the Board of Selectmen to acquire and accept on behalf of the Town, by gift, an emergency access easement from Swift Water Associates, L.P. on the parcel of land shown as "Emergency Access Easement 24' Wide" on a plan entitled "Plan of Easement to be Conveyed by Swift Water

Associates,” dated June 2, 2010, prepared by Szoc Surveyors,
on file with the Town Clerk.

Passed/Oct. 28th @ 7:45

Article 12. To see if the Town will vote to authorize the Board of Selectmen to accept, on behalf of the Town, a gift of two buildings from the Friends of the Templeton Elders, which buildings are to be affixed to the three-acre parcel of Town-owned land located on the southerly side of Bridge Street and used for senior center purposes, and further to accept such funds and other property as may be donated to the Town by the Friends of the Templeton Elders or others for senior center purposes, or to take any other action relative thereto.

Submitted by the Board of Selectmen

A motion was duly made and seconded to table article 12.

Passed/Oct. 28th @ 7:48

A motion was duly made and seconded to take Article 16 out of order.

Passed/Oct. 28th @ 7:54

A motion was duly made and seconded to take Article 12 off the table and put back on the Town Meeting floor.

Passed Unanimously/Oct. 28th @ 8:10

A motion was made to thank the Friends of the Templeton Elders for their generosity.

On a motion duly made and seconded the Town voted to authorize the Board of Selectmen to accept, on behalf of the Town, a gift of two buildings from the Friends of the Templeton Elders, which buildings are to be affixed to the three-acre parcel of Town-owned land located on the southerly side of Bridge Street and used for senior center purposes, and further to accept such funds and other property as may be donated to the Town by the Friends of the Templeton Elders or others for senior center purposes.

Passed/Oct. 28th @ 8:11

Article 13. To see if the Town will transfer from the Trout Brook Condo Project account the sum of Ten Thousand Dollars (**\$10,000.00**) to pay for costs pursuant to dismantling, winterizing, and transporting donated modular buildings for use as a Senior Center, or to take any other action relative thereto.

Submitted by the Board of Appeals

On a motion duly made and seconded the Town voted to transfer from the Trout Brook Condo Project account the sum of Ten Thousand Dollars **(\$10,000.00)** to pay for costs pursuant to dismantling, winterizing, and transporting donated modular buildings for use as a Senior Center.

Passed Unanimously/Oct. 28th @ 8:16

- Article 14. To see if the Town will vote to transfer from the Trout Brook Condo Project account the sum of Five Thousand Dollars **(\$5,000.00)** to fund legal costs associated with the land transfer to the Town from the Hospital Cottages for Children for senior center purposes, related to an emergency access easement gifted to the Town by Swift River Associates L. P., and other legal costs relating to the Senior Center, or to take any other action relative thereto.

Submitted by the Board of Appeals

On a motion duly made and seconded the Town voted to transfer from the Trout Brook Condo Project account the sum of Five Thousand Dollars **(\$5,000.00)** to fund legal costs associated with the land transfer to the Town from the Hospital Cottages for Children for senior center purposes, related to an emergency access easement gifted to the Town by Swift River Associates L. P., and other legal costs relating to the Senior Center.

Passed Unanimously/Oct. 28th @ 8:17

- Article 15. To see if the Town will vote to transfer the sum of Thirty Thousand Dollars **(\$30,000.00)** from the Council on Aging Owners Project Manager Senior Center Account to provide for a portion of the costs of engineering, constructing, and equipping a senior center, or to take any other action relative thereto.

Submitted by the Board of Appeals

On a motion duly made and seconded the Town voted to transfer the sum of Thirty Thousand Dollars **(\$30,000.00)** from the Council on Aging Owners Project Manager Senior Center Account to provide for a portion of the costs of engineering, constructing, and equipping a senior center.

Passed/Oct. 28th @ 8:18

- Article 16. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide a sum of money for the purpose of constructing and equipping a senior center on a three-acre parcel of Town-owned land located on the southerly side of Bridge Street, constructing the roadway leading to said parcel, and legal fees and other

costs related to the acquisition and development of said senior center, which parcel and roadway were donated to the Town by The Hospital Cottages for Children and accepted by the Selectmen under the authority granted by Article 11 of the December 1, 2008 Town Meeting and under Article 10 of the May 12, 2009 Special Town Meeting; and to meet such appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow all or a portion of said sum under G.L. Chapter 44, section 7 or any other enabling authority, and to authorize the Board of Selectmen to apply for any grants or loans in connection therewith and to take all actions necessary to effectuate this project; provided, however, that the borrowing authorized hereunder shall be expressly contingent upon approval by the voters of a Proposition 2 1/2 , so-called, debt exclusion question; or take any other action in relation thereto.
Submitted by the Senior Center Oversight Committee

A motion was a duly made and seconded to allow the Senior Center Director speak.

Passed Unanimously/Oct. 28th @ 8:06

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

Passed/Oct. 28th @ 8:08

On a motion duly made and seconded the Town voted to borrow the sum of Five Hundred Thousand Dollars **(\$500,000.00)** for the purpose of constructing and equipping a senior center on a three-acre parcel of Town-owned land located on the southerly side of Bridge Street, constructing the roadway leading to said parcel, and legal fees and other costs related to the acquisition and development of said senior center, which parcel and roadway were donated to the Town by The Hospital Cottages for Children and accepted by the Selectmen under the authority granted by Article 11 of the December 1, 2008 Town Meeting and under Article 10 of the May 12, 2009 Special Town Meeting; and to meet such appropriation to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow all or a portion of said sum under G.L. Chapter 44, section 7 or any other enabling authority, and to authorize the Board of Selectmen to apply for any grants or loans in connection therewith and to take all actions necessary to effectuate this project; provided, however, that the borrowing authorized hereunder shall be expressly contingent upon approval by the voters of a Proposition 2 1/2 , so-called, debt exclusion question.

Passed by 2/3 vote/Oct. 28th @ 8:09

A motion was duly made and seconded to dissolve the Special Town Meeting.

Passed/ Oct. 28th @ 8:19

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 13th day of October in the year AD 2010.

BOARD OF SELECTMEN

Dennis O'Brien, Chairman

Robert Columbus, Vice Chairman

Christopher Stewart, Clerk

Julie Farrell, Member

Robert Mitchell, Member

A True Copy, ATTEST

Randy L. Brown, Constable of Templeton

Officer's Return

Worcester, ss

October 13, 2010

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 10-28-2010

Voters Total 142

Date of this Certification:

October 29, 2010

A True Copy, ATTEST

Carol A. Harris, Templeton Town Clerk