

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF TEMPLETON  
WARRANT FOR ANNUAL TOWN MEETING  
MAY 9, 2006

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 in said Templeton on Tuesday, May 9, 2006 at 7:00 p.m. then and there to act on the following articles:

- Article 1. To see if the Town will vote to accept the reports of the Town Officers as printed in the 2005 Town Report, or take any other action relative thereto.
- Article 2. To see if the Town will vote to allow any of the Town Committees to present their reports, or take any other action relative thereto.
- Article 3. To see if the Town will vote to transfer the interest income from the Otis G. Rice Fund to the Narragansett Regional School District for school activities, or to take any other action relative thereto.
- Article 4. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue of the financial year beginning July 1, 2006, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17, or to take any other action relative thereto.
- Article 5. To see if the Town will vote to authorize the Selectmen to apply for and to accept and to expend, consistently with their provisions, any and all State and Federal grants for which no additional appropriation by the Town is required for the ensuing year, and to apply for such other grants, as they deem appropriate, or to take any other action relative thereto.

- Article 6. To see if the Town will vote to authorize the Selectmen to accept and to expend without further appropriation, when received, Arts Lottery grant funds not requiring appropriation of additional Town funds and to vote to authorize the Selectmen to accept all other Arts Lottery grant funds, when received. All Arts Lottery grants funds accepted as authorized by this article are to be used by the Templeton Cultural Council (formerly referred to as the Arts Council) on approved arts projects, or to take any other action relative thereto.
- Article 7. To see if the Town will vote to appropriate the sum of One Hundred Thousand Dollars (\$100,000.00) from the surplus funds of the operating account of the Municipal Lighting Plant as of December 31, 2005, for use by the Assessors to reduce the tax rate for the fiscal year ending June 30, 2007, or to take any other action relative thereto.
- Article 8. To see if the Town will vote to appropriate the sum of One Million, Four Hundred Eighty-two Thousand, Nine Hundred Four Dollars (\$1,482,904.00) to operate the Water Department, which sum is to be raised from water receipts, or take any other action relative thereto.  
**Submitted by the Water Department**
- Article 9. To see if the Town will vote to transfer the sum of One Hundred Forty-One Thousand, Two Hundred Ninety-Eight Dollars and Nineteen Cents (\$141,298.19) from the Certified Free Cash in the Sewer Enterprise Fund to retire the Phase I and Phase 11 Bonds issued to the USDA Farmers Home Administration and identified by the USDA as loan account #25-016-04600 1321, loan numbers 1 and 2, or to take any other action relative thereto.  
**Submitted by the Sewer Department**
- Article 10. To see if the Town will vote to appropriate or to transfer from available funds the total sum of One Million, Nine Hundred Thirty-Two Thousand, Three Hundred Forty-Five Dollars (\$1,932,345.00) to operate the Sewer Department; said sum is to be apportioned as follows: the sum of One Million, Two Hundred Sixteen Thousand Dollars (\$1,216,000.00) to be used for salaries, operating, maintenance, legal, engineering, and other expenses of the Templeton Sewer Department and the sum of Seven Hundred Sixteen Thousand, Three Hundred Forty-Five Dollars (\$716,345.00) to be used for sewer debt of the Town. Said total sum is to be raised from sewer user receipts and fees, entrance fees, tipping fees paid by disposal contractors, sewer betterment fees, monies raised by taxation, and other fees collected as per Sewer Department Rules by the Town of Templeton Sewer Department. Said debt payments are to be paid as follows:

Bond Payments for FY'07

Farmer's Home Loan – Paid by Sewer Enterprise.....	\$ 20,825.00
Phase IV C and WWTP Upgrade – Paid by Sewer Betterments	133,675.00
Phase IV C – Paid by taxation	526,845.00
Phase IV C – Paid by USRDA Restricted Account	<u>35,000.00</u>
<i>Total Payments for FY'07</i>	\$716,345.00

or to take any other action relative thereto.

**Submitted by the Sewer Department**

Article 11. To see if the Town will vote to transfer the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) from Certified Free Cash in the Sewer Enterprise Fund to fund engineering services for future sewer expansion projects, or to take any other action relative thereto.

**Submitted by the Sewer Department**

Article 12. To see if the Town will vote to appropriate the sum of Five Thousand, Three Hundred Ninety-Three Dollars (\$5,393.00) from the Commonwealth Sewer Rate Relief Fund, FY'06, established pursuant to General Law Chapter 29, Section 2Z, when received, to pay Sewer Debt Service in fiscal year 2007, or to take any other action relative thereto.

**Submitted by the Sewer Department**

Article 13. To see if the Town will vote to establish a committee of three (3) to five (5) members, as determined by the Board of Selectmen, to evaluate the position of town engineer. Said committee shall be appointed by the Board of Selectmen, and it shall report its findings to the Board of Selectmen prior to the ensuing Annual Town Meeting (FY'08), or to take any other action relative thereto.

**Submitted by the Board of Selectmen and the Sewer Commission**

Article 14. 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 2007 amount of 3.3 percent that may be used to increase the exemption granted to certain senior citizens and surviving spouses and minors under MGL, Chapter 59, Section 5, Clauses 17, 17C, 17C1/2 or 17D. This article was voted for on May 3, 1999, at the Annual Town Meeting, Article #17. This exemption is reimbursable by the Department of Revenue, or to take any other action relative thereto.

**Submitted by the Board of Assessors**

- Article 15. To see if the Town will vote to raise and appropriate the sum of Three Thousand, Five Hundred Dollars (\$3,500.00) to update the Assessors' maps, or to take any other action relative thereto.  
**Submitted by the Board of Assessors**
- Article 16. To see if the Town will vote to raise and appropriate the sum of Eighty-Three Thousand Dollars (\$83,000.00) and to transfer from the Excess Overlay Reserve Account the sum of Fifteen Thousand Dollars (\$15,000.00) to a total sum of Ninety-Eight Thousand Dollars (\$98,000.00) for the fiscal year 2007 Tri-Annual Recertification Program and Interim Year Adjustment, or to take any other action relative thereto.  
**Submitted by the Board of Assessors**
- Article 17. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, the sum of Twelve Hundred Dollars (\$1,200.00) 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.
- Article 18. To see if the Town will vote to appropriate a total sum of Two Hundred Ninety-Five Thousand, Five Hundred Ten Dollars (\$295,510.00) for the Worcester Regional Retirement System assessment; said sum to be provided as follows: the sum of Sixty-Seven Thousand, Three Hundred Seventy-Six Dollars and Sixty Cents (\$67,376.60) to be transferred from the Light Department, the sum of Twenty-Five Thousand, Four Hundred Ninety-Two Dollars and Ninety-One Cents (\$25,492.91) to be transferred from the Water Department, the sum of Twenty-Three Thousand, Three Hundred Sixty-Five Dollars and Two Cents (\$23,365.02) to be transferred from the Sewer Department, and the sum of One Hundred Seventy-Nine Thousand, Two Hundred Seventy-Five Dollars and Forty-Seven Cents (\$179,275.47) to be raised by taxation, or to take any other action relative thereto.
- Article 19. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide 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.

Article 20. To see if the Town will vote to amend the Town by-law, Article XXXXVII [XLVII] – Personnel By-Law, by replacing the first paragraph of Section 3(b) entitled -Delegation of Responsibilities, - Personnel Board with the following: “Composition: The Personnel Board shall consist of five (5) members: Two (2) members of the Board of Selectmen to serve in an ex officio capacity, One (1) member of the Advisory Board to serve in an ex officio capacity and Two (2) citizens who are not employees of the Town under the jurisdiction of the Personnel Board and who are not appointed or elected officials of the Town.

All appointments to the Personnel Board shall be made by the Board of Selectmen for terms of one-year each, and all vacancies that occur during a term shall be filled by the Board of Selectmen for the remainder of the term of the seat vacated. Members shall serve without compensation. The Town Coordinator shall serve as an advisor to the Personnel Board. Like all Town employees and board/committee members, the Personnel Board is subject to and shall abide by the provisions of the Conflict of Interest Law, MGL, Chapter 268A,” or to take any other action relative thereto.

**Submitted by the Board of Selectmen**

Article 21. To see if the Town will vote to add the following positions to the Personnel Compensation and Classification Plan, a copy of which is on file in the Town Clerk’s office:

Affordable Housing Administrator (Grade 6)

Assistant Dog Officer (Grade 1)

or to take any other action relative thereto.

**Submitted by the Board of Selectmen**

Article 22. 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 2007 and to set the salary and compensation of all Elected and Appointed Officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, and that it raise and appropriate an additional sum of money to fully fund the requested budgets, and thereby approve the town charges as requested, provided, however, that this additional appropriation shall be expressly contingent upon approval by the voters of a Proposition 2 ½ , so-called, override ballot question pursuant to the provisions of G.L. c.59 §21C(g), or to take any other action relative thereto.

Article 23. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to increase effective July 1, 2006, non-union employee wages 3 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, & 17, 2005 on file in the Town Clerk’s office; said three (3) percent wage increases are as indicated on the sheet titled “Compensation Plan for the Town of Templeton, FY07 Proposed 3% Increase,” on file in the Town Clerk’s office, or to take any other action relative thereto. **Submitted by the Board of Selectmen**

Article 24. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the Narragansett Regional School District for the fiscal year 2007, and that it raise and appropriate an additional sum of money to fully fund the requested budget, and thereby approve the Narragansett Regional School District budget as requested, provided, however, that this additional appropriation shall be expressly contingent upon approval by the voters of a Proposition 2 ½, so called, override ballot question pursuant to the provisions of G.L. c.59, §21C(g), or to take any other action relative thereto.

**Submitted by the Narragansett Regional School District Committee**

Article 25. To see if the Town will vote, as a member of the Narragansett Regional School District, and pursuant to the provisions of the Massachusetts General Laws, Chapter 71, Section 16B, to reallocate the total of the two sums of money required by the Department of Education as the required Minimum Local Contribution by Phillipston and Templeton to the Narragansett Regional School District, in accordance with the District's Regional Agreement, said reallocation of the total of the regional Minimum Local Contribution of each Town to be reallocated in accordance with the terms of the Narragansett Regional District Regional Agreement which provides for a percentage allocation based upon actual student enrollments from each Town as of October first preceding the beginning of each Fiscal Year; with the following provisos: (a) that the total of the required Minimum Contribution shall not be decreased; (b) that this reallocation must be approved by each member Town by a majority vote in the Annual or Special Town Meeting; and (c) the Commissioner of Education will be notified if this article is adopted by both member Towns, or to take any other action relative thereto.

**Submitted by the Narragansett Regional School District Committee**

Article 26. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Three Hundred Twenty-Six Thousand, Four Hundred Forty-Eight Dollars (\$326,448.00) for the Narragansett Regional School District for the fiscal year 2007 by reallocation of the minimum contribution subject to the acceptance of Chapter 71, Section 16B, or to take any other action relative thereto.

**Submitted by the Narragansett Regional School District Committee**

Article 27. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Thirteen Thousand, Five Hundred Sixty-Seven Dollars (\$13,567.00) for payment of the Narragansett Regional School District's fiscal year 2007 Teachers' Deferral Assessment, or to take any other action relative thereto.

**Submitted by the Narragansett Regional School District Committee**

Article 28. To see if the Town will vote to raise and appropriate the sum of Three Hundred Ninety-Five Thousand, Three Hundred Ninety-Four Dollars (\$395,394.00) for payment of the long-term debt for the expansion and renovation of the Narragansett Regional High School/Narragansett Middle School in accordance with a debt exclusion voted on January 22, 1996, or to take any other action relative thereto.

**Submitted by the Narragansett Regional School District Committee**

Article 29. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Three Thousand Dollars (\$3,000.00) for administrative and/or operational expenses for the Templeton Elementary School Building Committee, or to take any other action relative thereto.

Article 30. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Two Hundred Twenty-Eight Thousand, Six Hundred Twenty-Nine Dollars (\$228,629.00) for the Montachusett Regional Vocational Technical School District for the fiscal year 2007, or to take any other action relative thereto.

**Submitted by the Montachusett Regional Vocational Technical School Committee**

Article 31. To see if the Town will vote to authorize Revolving Funds for certain Town departments in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 53E1/2, for fiscal year 2007 as follows, or to take any other action relative thereto:

- a) Revolving Fund for the Council on Aging: to deposit fees charged from the use of the Council on Aging Van and to authorize the director to expend such funds for wages and expenses for operation of the van, provided that the amount to be expended in fiscal year 2007 shall not exceed Three Thousand Dollars (**\$3,000.00**);
- b) Revolving Fund for the Cemetery Department: to deposit fees charged for weekend burials, and to authorize the Cemetery Commissioners to expend such funds for wages associated with such burials and to expend such funds for Cemetery capital improvements provided that the amount to be expended in fiscal year 2007 shall not exceed Eight Thousand Dollars (**\$8,000.00**);
- c) Revolving Fund for the Electrical, Plumbing and Gas Inspectors: to deposit fees charged for inspections and to authorize the Inspectors to expend such funds for wages and expenses for inspections, provided that the amount to be expended in fiscal year 2007 shall not exceed Twenty Thousand, Five Hundred Dollars (**\$20,500.00**)

- d) Revolving Fund for the Planning Board: to deposit fees collected for development plans and documents and to authorize the Planning Board to expend such funds to pay for expenses and services incurred for review of said plans and documents, and also for educational purposes provided that the amount to be expended in fiscal year 2007 shall not exceed Twenty Thousand Dollars (**\$20,000.00**).
- e) Revolving Fund for the Board of Appeals: to deposit application fees and to authorize the Board of Appeals to expend such funds to pay for expenses and salaries related to hearings and applications. Fees collected by the Chair or the designee may be deposited to this account, provided that the amount to be expended for fiscal year 2007 shall not exceed Three Thousand Dollars (**\$3,000.00**);
- f) Regular Revolving Fund for the Board of Health: to deposit fees collected for site assignment hearings and housing inspections and for the Board of Health to expend such funds in relation to said site assignments and housing inspections, provided that the amount to be expended in fiscal year 2007 shall not exceed Two Thousand Dollars (**\$2,000.00**);
- g) Revolving Fund for the Board of Health: to deposit receipts collected from the sale of recycling equipment and disposal of recyclable goods and to authorize the Board of Health to expend such funds to expand the recycling program, provided that the amount to be expended in fiscal year 2007 shall not exceed Five Thousand Dollars (**\$5,000.00**);
- h) Compost Bin Revolving Fund for the Board of Health: to deposit fees collected for the sale of compost bins and to authorize the Board of Health to pay for expenses related to compost bins, provided that the amount to be expended in fiscal year 2007 shall not exceed Two Thousand Dollars (**\$2,000.00**);
- i) Revolving Fund for the Animal Control Officer: to deposit fees collected for adoption, spay and neutering deposits, the town's portion of dog licensing, pick-up fees, donations, and kenneling fees and to authorize the Animal Control Officer to expend such funds collected for expenses incurred in the care of animals in the animal shelter, provided that such sum for fiscal year 2007 shall not exceed Ten Thousand Dollars (**\$10,000.00**);
- j) Revolving Fund for the Fire Department: to deposit receipts collected from the sale of burning permits and to authorize said Department to expend such funds to replace Forest Fire Equipment, provided that the amount to be expended in fiscal year 2007 shall not exceed Five Thousand Dollars (**\$5,000.00**);

- k) Revolving Fund for the Highway Department: to deposit receipts collected from driveway permits and road-cut openings and to authorize the Highway Department to expend such funds for infrastructure upgrades or repairs and wages that are directly related to those repairs and upgrades, provided that the amount to be expended in fiscal year 2007 shall not exceed Twenty Thousand Dollars (**\$20,000.00**)

Article 32. To see if the Town will vote to establish a seven (7) person Building Committee for the purpose of conducting a feasibility study for a municipal building for Town offices. Said Committee will consist of the following members to be appointed by the Board of Selectmen for a one-year term: Two (2) Selectmen; One (1) Capital Planning Committee member; One (1) Advisory Board member; One (1) Planning Board member; Two (2) persons at large; and the Town Coordinator shall serve in an Advisory capacity. Committee guidelines shall be established by the Board of Selectmen; and further, to see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Ten Thousand Dollars (\$10,000.00) to provide for engineering services pursuant to said study, or to take any other action relative thereto.  
**Submitted by the Board of Selectmen**

Article 33. To see if the Town will vote to decrease the number of members of the Planning Board from 9 to 7 members. The Planning Board memberships that expire in May 2007 shall not be subject to election upon expiration, or to take any other action relative thereto.  
**Submitted by the Planning Board**

Article 34. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Twenty Thousand, Six Hundred Forty-Four Dollars (\$20,644.00) for the Master Plan Account; said account was established at the Annual Town Meeting, June 19, 2002, or to take any other action relative thereto.  
**Submitted by the Planning Board**

Article 35. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Five Thousand Dollars (\$5,000.00) to purchase supplies under the direction of the Board of Health in preparation for a catastrophic event, natural disaster, pandemic, epidemic, mass immunization, or any other deemed emergency declared by the Board of Selectmen and/or the Emergency Management Director, or to take any other action relative thereto.  
**Submitted by the Board of Health**

Article 36. To see if the Town of Templeton will vote, in accordance with G.L. c. 40, section 4A, to authorize the Board of Selectmen, in consultation with the Board of Health, to enter into an intermunicipal agreement with one or more other governmental units for a term not to exceed 25 years, to provide public health services which the Board of Health is authorized to perform, or to take any other action relative thereto.

Article 37. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Six Thousand, Two Hundred Dollars (\$6,200.00) for a Hazardous Waste Day under the direction of the Board of Health, or to take any other action relative thereto.

**Submitted by the Board of Health**

### **Proposed capital items...Articles 38 - 46**

Article 38. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Fifteen Thousand, Five Hundred Three Dollars (\$15,503.00) to fund the lease agreement for the following capital item for fiscal year 2007 or to take any other action relative thereto:

One (1) Street Sweeper for the Templeton Highway Department:  
6<sup>th</sup> year lease payment of a seven (7)-year lease @ \$15,503.00;

**Submitted by the Highway Department**

Article 39. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Eleven Thousand Dollars (\$11,000.00) to purchase the Police Department 2003 Chevrolet S-10 Blazer (SUV), or to take any other action relative thereto.

**Submitted by the Police Department**

Article 40. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for a new metal roof and fascia boards at the Templeton Center School, provided, however, the appropriation authorized hereunder shall be expressly contingent upon the approval by the voters of a Capital Expenditure Exclusion ballot question pursuant to Proposition 2 ½, so-called, or to take any other action relative thereto.

**Submitted by the Board of Selectmen**

Article 41. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to repair and/or replace flooring and/or carpeting in the Town's elementary schools, or to take any other action relative thereto.

Article 42. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to purchase and equip the following: a four-wheel drive dump truck with plow for the Cemetery Department; a police cruiser including equipment and an extended 100,000 mile warranty; two (2) ten-wheel dump trucks with sanders for the Highway

Department, provided, however, the appropriation authorized hereunder shall be expressly contingent upon the approval by the voters of a Capital Expenditure Exclusion ballot question pursuant to Proposition 2 ½ , so-called, or to take any other action relative thereto.

- Article 43. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Twenty-Eight Thousand, Seven Hundred Eighty-Three Dollars (\$28,783.00) 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 Department**
- Article 44. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Eighteen Thousand, Four Hundred Dollars (\$18,400.00) for the purchase of two (2) new 11-foot hydraulic angle snowplows, or to take any other action relative thereto.  
**Submitted by the Highway Department**
- Article 45. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Two Hundred Thousand Dollars (\$200,000.00) for the reconstruction of various town roads provided, however, the appropriation authorized hereunder shall be expressly contingent upon the approval by the voters of a Capital Expenditure Exclusion ballot question pursuant to Proposition 2 ½ , so called, or to take any other action relative thereto.  
**Submitted by the Highway Department**
- Article 46. To see if the Town will vote to authorize the Cemetery Commissioners to enter into a contract for three years or more for the purchase and/or lease of a backhoe loader, to include the trade-in of a 1996 backhoe loader, and to vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money therefor, or to take any other action relative thereto.  
**Submitted by the Cemetery Commission**
- Article 47. To see if the Town will vote to establish an Agricultural Commission to represent the farming community of Templeton. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in the Town of Templeton and to oversee the Town’s established “Right-to-Farm” bylaw. The commission shall also promote agricultural-based economic opportunity in the Town.

The Commission shall consist of three (3) members from the resident farming community of Templeton and members shall be appointed by the Board of Selectmen as follows: One (1) member for three (3) years; One member for two (2) years; One member for one (1) year; and thereafter, appointments shall be for three (3) years unless a vacancy occurs whereby said vacant position shall be appointed by the Board of Selectmen for the unexpired term of the vacancy, or to take any other action relative thereto.

Article 48. To see if the Town will vote to delete from the Town of Templeton Bylaws, Article XI – Storing of Unused Motor Vehicles and to adopt in its place the following bylaw, “Article XI – Storing of Unused Motor Vehicles” in an effort to clarify and to improve upon the storage of unregistered motor vehicles:

“Definition:

House trailer: a vehicle having no motive power of its own, originally designed or permanently altered and equipped for human habitation which is not used to transport property other than property used for human habitation or camping purposes. *A trailer designed primarily to transport property which has been temporarily altered or equipped for human habitation shall not be deemed to be a house trailer.*

Section 1. No more than one unregistered motor vehicle or any motor vehicle parts shall be parked, kept, stored or allowed to remain on a parcel of land within 150 feet of a public way or within 50 feet of a property line, except within a duly permitted garage, barn or other completely enclosed structure so that said vehicle or part(s) are not visible from public ways or property lines, except by a person duly licensed under Massachusetts General Laws, Chapter 140, sections 58 and 59, or a junk dealer licensed under the Town Bylaws. For the purposes of this section, the term ‘motor vehicle’ shall include house trailers as they are defined in General Laws, Chapter 90, Section 1.

Section 2. The Board of Selectmen may, upon the payment of a \$100.00 fee per vehicle, issue a permit for sixty days for the storage of unregistered vehicles which do not comply with the foregoing provisions. Upon the lapse of the sixty days, the parcel must be made compliant with this Article, unless the Board of Selectmen has renewed the permit for an additional sixty days prior to the lapse of any permit previously issued under this Article. Permits may only be renewed up to one year of time from the issuance of the first permit.

Section 3. For purposes of this Article all contiguous lots of land in common ownership shall be considered one parcel of land.

Section 4. This Article may be enforced by any police officer of the Town of Templeton in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. For the purpose of this Article only, any person who violates any provision of this Article shall be subject to a penalty of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and each subsequent offense. Each day that a violation exists or continues on a parcel shall be deemed a separate offense.” or to take any other action relative thereto.

Article 49. To see if the Town will vote to adopt the following bylaw to protect and to preserve the integrity of the Town-owned parks, commons and cemeteries:

“There shall be no unauthorized digging within the confines of any Town-owned cemetery, park, or ball field. Flowers and/or shrubbery may be planted at designated locations within the cemeteries according to the Cemetery Department Rules and Regulations on file in the Town Clerk’s office. All other digging must be approved in writing by the Cemetery Department or performed by the Cemetery Department. This bylaw is intended to protect and to preserve the integrity of the Town-owned parks, commons and cemeteries. This bylaw shall carry a fine of not less than \$100.00 and no more than \$500.00 as determined by the Cemetery Commission and/or the Board of Selectmen,” or to take any other action relative thereto.

**(Submitted by the Cemetery Commission)**

Article 50. To see if the Town will vote to adopt the following bylaw:

“All members of appointed Boards and committees shall be residents of the Town of Templeton unless otherwise authorized by the appointing authority.”

or to take any other action relative thereto.

Article 51. To see if the Town will vote to amend the Town of Templeton Bylaws, Article XVII as follows:

In Section 1, by deleting the current text in its entirety and inserting in place thereof the following:

Section 1. “All dogs owned or kept in the Town of Templeton shall be placed under restraint **by physical means** and controlled from going at large by the owner, or keeper thereof.”;

and further to amend Section 4 by deleting Subsection (c) in its entirety and inserting in place thereof the following:

- (c) “Public Nuisance” any dog shall be deemed a public nuisance when: attacking persons or domestic animals while said dog is on property other than that of the dog owner; destroying property; not under restraint on public property; barking in a persistent or prolonged manner, i.e., howling for more than 15-20 minutes at a time or on two consecutive days in a row. Each twenty-four hour period that a violation continues shall constitute a separate violation.
- d) “Restraint” shall mean by “physical means”, as opposed to: 1) “verbal command”, and 2) “mechanically applied correction stimuli,” with or without the presence of a person to administer the stimuli.

- e) “By physical means” shall mean one, or more, of the following: 1) a leash, cable device or chain, which when attached to a dog and secured to an object or a person, restricts the dog’s area of movement; 2) a physical structure, which when contained therein, restricts the dog’s area of movement; 3) a fence, which when contained therein, restricts the dog’s area of movement;
- f) “Physical structure” shall mean a residence, building, vehicle, or other structure such as a chain link dog kennel or dog crate;
- g) “Fence” shall mean a physical barrier, constructed of visible material located above ground sufficient to restrict the dog’s area of movement within the confines of the barrier. The term Fence shall not include any electronic or electric devices.”

and further to amend Sec. 6 by deleting it in its entirety and inserting in place thereof the following:

“Notice to owner and redemption

Section 6.

If such dog is impounded and has upon it the name and address of the owner thereof, or if the name of said owner is otherwise known, then the dog officer shall immediately notify the owner of such impounding.

The owner of any dog so impounded may reclaim such dog upon payment of the sum of \$10.00 for the first twenty-four hour period herein known as a pick up fee, and **\$15.00** per day care or any part thereof that the dog is held. If the dog is not licensed, then before release of the dog to any person, a license, as required by law, shall be secured. This shall apply to all animals that are held at the kennels for quarantine purposes and shall be the responsibility of the owner to pay fees before release of said animal, as well as vaccinating and licensing such animal.

Adoption of Animals: An adoption fee of **\$120.00** shall be paid to the Town for care and handling of animals. This covers the **\$15.00** a day care and handling fee.”

or to take any other action relative thereto.

**Submitted by the Animal Control Officer.**

Article 52. To see if the Town will vote to adopt the following bylaw the following

“Adult Entertainment Bylaw” to include definitions:

**DEFINITIONS:**

**ADULT BOOKSTORE :** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 200 sf, whichever is greater.

**ADULT MOTION PICTURE THEATRE :** An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws.

**ADULT PARAPHERNALIA STORE:** An establishment having as a substantial or significant portion of its stock, devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject's premise's gross floor area, or 200 sf, whichever is greater.

**ADULT LIVE NUILITY ESTABLISHMENTS :** Any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in sections 31 of chapter 272 of the Massachusetts General Laws.

**ADULT USE :** For the purposes of this by-law, Adult Use shall be defined as any of the following: Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, and Live Nudity Establishment or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. For the purposes of this definition an adult use is any use or combination of uses which either have greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 200 sf, whichever is greater devoted to materials for sale or rent distinguished by or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws.

**ADULT VIDEO STORE :** An Establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of the Massachusetts General Laws. For the purposes of this definition "substantial or significant portion of stock" shall mean greater than twenty-five percent (25%) of the subject establishment's inventory stock; or twenty-five percent (25%) of the subject premise's gross floor area, or 200 sf, whichever is greater.

#### **ADULT ENTERTAINMENT ESTABLISHMENTS**

All Adult Entertainment uses shall comply with the following requirements:

**A. No adult entertainment establishment shall be located within the following designated areas:**

- 1) within 500 feet from the nearest boundary line of any residential zoning district or from the nearest property line of any residential use;

- 2) within 500 feet from the nearest property line of any public or private school, or municipal building open to the general public;
- 3) within 500 feet from the nearest property line of any church or other religious facility;
- 4) within 500 feet from the nearest property line of any public park or recreation area and any principal or accessory private recreational facility use;
- 5) within 500 feet from the nearest property line of any group day care center, family day care center, nursing home and hospital;
- 6) within 1000 feet from the nearest property line of any other entertainment establishment.
- 7) within 500 feet from any establishment licensed under the provisions of section twelve of Massachusetts General Laws chapter one hundred thirty-eight. The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the adult entertainment is to be located to the nearest boundary line of a residential area, or to the nearest property line of any residential use, public or private school, church or other religious facility, public park or recreational area, group day care center, family day care center, nursing home, hospital or any other adult entertainment use, as the case may be.
- 8) within 50 feet of a public or private way or 50 feet from all other property lines.

**B. Additional Siting Requirements:**

- 1) The maximum lot coverage, including building, parking and driveways shall be 50 percent of the upland lot area.
- 2) A 50-foot vegetated buffer containing adequate screening appropriate to the character of the area and the intensity of the use shall be provided between an adult entertainment establishment and other abutting commercial uses.
- 3) An adult entertainment use shall not be allowed within a building containing other retail, consumer or residential uses, or within a shopping center, shopping plaza, or mall.
- 4) The appearance of buildings for adult uses shall be consistent with the appearance of buildings in similar (but not specifically 'adult') use, and not employ unusual color or building design which would attract attention to the premises.
- 5) There shall be screening of windows and doors to prevent the public's view of the interior from any public or private right of way or abutting property.

**C. Sign Requirements**

1. Sign content shall identify the name of the establishment only and shall contain no advertisement in addition to the identification of the use. Only one identification sign to be mounted on the building wall face shall be allowed for an adult use. All other signs whether on the exterior of the building or visible from the exterior of the building are prohibited.
2. No adult entertainment establishment may have any flashing lights visible from outside the establishment. Furthermore, no sign shall rotate, or contain reflective or fluorescent elements.
3. No pictures, publications, videotapes, movies, covers or other advertising items that fall within the definition of an adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store shall be displayed in the windows of, or on the building of, any adult entertainment establishment.

#### D. Special Permit Submission and Approval

1. A site plan shall be submitted by the applicant in order that the Special Permit Granting Authority(Selectmen) may determine that the above standards have been met. The site plan shall also show when appropriate the distances between the proposed adult entertainment establishment and any residential area, public or private school, church or other religious facility, public park or recreation area, group day care center, family day care center, nursing home and hospital, municipal building, and any other adult entertainment establishment(s).
2. All applications for a Special Permit must include the following information:
  - a. Names and addresses of the legal owner(s) of the Adult Entertainment Establishment.
  - b. Name and addresses of all persons having a fee, equity and/or security interest in such establishment. In the event a corporation, partnership, trust or other entity is listed, the name and address of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the Special Permit Granting Authority will know who are the persons who will actually own and control the establishment. The applicant and/or owner must disclose if they have been convicted of violating the provisions of Massachusetts General Laws section sixty-three of chapter one hundred and nineteen or section twenty-eight of chapter two hundred and seventy-two.
  - c. Name and address of the manager.
  - d. The number of employees, or proposed number of employees, as the case may be.
  - e. Proposed security precautions.
3. Special Permits shall be granted for adult entertainment establishments only upon determination by the Special Permit Granting Authority(Selectmen) that the location and design of the facility are in harmony with its surroundings, and that adequate safeguards exist through licensing or other means to assure on a continuing basis that activities therein will not be patently contrary to prevailing standards of adults in the community and will not involve minors in anyway.
4. In approving a Special Permit, the Special Permit Granting Authority(Selectmen) may attach such conditions, limitations and safeguards as are deemed necessary to protect the immediate area and the Town, provided however that no such conditions in fact prohibit the use of the property for the use intended. No Special Permit shall take effect until such decision has been recorded in the Registry of Deeds. Conditions of approval may include but are not limited to the following:
  - a. Street, side or rear setbacks greater than the minimum required by this bylaw.
  - b. Requirement of screening or parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other means.
  - c. Modification of the exterior features or appearances of the structure.
  - d. Limitation of size, number of occupants, method or time of operation, or extent of facilities.
  - e. Regulation of number, design and location of access drives or other traffic features.
  - f. Requirement of off-street parking or other special features beyond the minimum required by this or other applicable ordinances.
  - g. The Special Permit shall be issued to the owner of the establishment and shall not transfer with a change in ownership of the business and/or property.
  - h. Where the Adult Use is not governed by other State or local Licensing Board, the following conditions shall apply:

1) A manager responsible for the operation of the establishment shall be designated by the owner, if the owner is not the manager. The manager shall register with the Board of Selectmen. No manager shall be designated who has been convicted of violating MGL Ch. 119, Section 63, (Inducing or abetting delinquency of a child) or MGL Ch. 272, Section 28, (Matter harmful to minors, etc.) or similar laws in other states.

2) The Special Permit Granting Authority (Selectmen) may limit the hours of operation.

5. Special permits for Adult Entertainment Establishments shall not be granted to any person or persons convicted of violating the provisions of Massachusetts General Laws Chapter 119, Section 63, nor Massachusetts General Laws Chapter 272, Section 28, similar laws in other states.

#### E. Lapse of Permit.

1) Any special permit granted hereunder for an adult entertainment establishment shall lapse after one year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or if in the case of a permit for construction, if construction has not begun by such date except for good cause, including such time to pursue or await the determination of an appeal referred to in Massachusetts General Laws Chapter 40A, Section 17, from the grant thereof.

2) The Special Permit shall lapse after two years, unless a shorter term is specified by the Special Permit Granting Authority (Selectmen). Upon receipt of a valid application, the Special Permit Granting Authority may grant another Special Permit provided that the Board finds that all conditions of this Section and of approval have been complied with.

3) The Special Permit shall not be renewed if any of the following has taken place on or in proximity to and associated with the premises, a) unlawful sexual activity; b) gambling; c) drug use; d) violent crimes; e) offenses against children; f) repeated public disturbances requiring intervention by the police; and, g) any other illegal activities.

4) Violation of any of the conditions of approval of the Special Permit shall be grounds for non-renewal of the Special Permit as provided for above.

or to take any other action relative thereto.

Article 53. To see if the Town will vote to require the Selectmen to change the job title Of “Dispatcher, Dispatch Director and Assistant Dispatch Director” to “Police and Fire Alarm Call Takers”, for the purpose of using the same title as other cities and towns in Massachusetts.

**Submitted by Citizen Petition**

Article 54. To see if the Town will vote to form a permanent Open Space Committee comprised of Templeton residents to serve in an advisory capacity to all Town Boards, and to promote and provide an educational forum for all citizens, in matters related to open space and natural resources.

#### **Composition of Committee**

The Open Space Committee shall consist of a minimum of five and a maximum of nine members, appointed by the Board of Selectmen. Members shall serve one-year terms and appointments will be made to start annually on July 1. The Open Space Committee may appoint Associate Members by majority vote of the Committee at a monthly meeting. Associate members

will hold no voting rights. All votes shall be considered passed and valid provided at least 3 members of the Committee are present and a simple majority is attained.

#### Open Space Committee Duties

The Open Space Committee shall be an advisory body and a resource to the Board of Selectmen, and other Town Boards, in carrying out the major goals outlined in the Templeton Open Space and Recreation Plan and in revising the Templeton Open Space and Recreation Plan as needed to comply with federal and Commonwealth of Massachusetts requirements and guidelines. The Committee will also:

- provide a list of proposed candidates for the Open Space Committee to the Board of Selectmen.
- provide input to Town Boards on open space and natural resource matters.
- encourage the Town to pursue state and federal programs and grants involving open space.
- work within the community to develop trails and educational programs to encourage natural resource protection and sustainable utilization.
- Facilitate and/or participate in monitoring of protected lands and conservation restrictions.
- Prepare a summary of activities for the Templeton Annual Report.

**Submitted by Citizen Petition**

Article 55. **MOVE:** that the town raise and appropriate the sum of \$676.00 for the new position of Meal Site coordinator for the Council on Aging in accordance with the Wage and Compensation plan of the Town of Templeton.

**Submitted by Citizen Petition**

Article 56. Move that the town raise and appropriate the sum of \$3,328.00 for the new position of Food Pantry Coordinator for the Council On Aging in accordance with the Wage and Compensation Plan of the Town of Templeton.

**Submitted by Citizen Petition**

Article 57. **MOVE:** that the town raise and appropriate the sum of \$10,613.00 for the new position of Outreach Coordinator for the Council on Aging in accordance with the Wage and Compensation plan of the Town of Templeton.

**Submitted by Citizen Petition**

Article 58. To see if the Town will vote to establish a Special Revenue Fund for the proceeds of the Pajari estate to include but not be limited to the sale of the Pajari real estate, or to take any other action relative thereto.

Article 59. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the Stabilization Fund, or to take any other action relative thereto.

**Submitted by Advisory Board**

Article 60. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Forty Thousand Dollars (\$40,000.00) for the Advisory Board Emergency Reserve Account (Advisory Board), or to take any other action relative thereto.  
**Submitted by the Advisory Board**

Article 61. To see if the Town will vote to appropriate from available funds in the treasury, a sum of money to be used by the Board of Assessors in fixing the tax rate to meet appropriations made for the fiscal year ending June 30, 2007, or to take any other action relative thereto.

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, and at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street in Baldwinville and at 690 Patriots Road in Templeton and by delivering a copy to each of the Precinct Clerks seven (7) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper 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 25<sup>th</sup> day of April in the Year AD 2006.

BOARD OF SELECTMEN

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

\_\_\_\_\_  
Neil Cullen, Vice Chairman

\_\_\_\_\_  
Robert Columbus, Clerk

\_\_\_\_\_  
Gregg Edwards, Member

\_\_\_\_\_  
Julie Farrell, Member

A True Copy, ATTEST:

Neil A. Cullen  
Constable of Templeton

OFFICER'S RETURN

WORCESTER, SS

April 25, 2006

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, and at Cote's Market in Otter River, and at the Town Office Buildings at 4 Elm Street in Baldwinville and at 690 Patriots Road in Templeton and by delivering a copy to each of the Precinct Clerks seven (7) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper 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

