

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF TEMPLETON  
WARRANT FOR SPECIAL TOWN MEETING  
November 29, 2007

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, November 29, 2007, at 7:00 o'clock 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 Two Thousand, Nine Hundred Ninety-Seven Dollars (\$2,997.00) from the Boynton Library expenses account to the Boynton Library Salaries account, or to take any other action relative thereto.

**Submitted by the Boynton Library Trustees**

Article 2. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Two Thousand, Fifty Dollars (\$2,050.00) to supplement the Police Department Salaries account, or to take any other action relative thereto.

**Submitted by the Police Chief**

Article 3. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Three Thousand, Five Hundred Ninety Dollars (\$3,590.00) to supplement the Animal Control Officer Salary account and the sum of Six Thousand, Two Hundred Twenty Dollars (\$6,220.00) to supplement the Animal Control Officer expense account to a total sum of Nine Thousand, Eight Hundred Ten Dollars (\$9,810.00) to fund the Intermunicipal Agreement between the Towns of Templeton and Hubbardston for animal control operations authorized by the voters at the Annual Town Meeting on May 15, 2007, Article #32, or to take any other action relative thereto.

Article 4. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Two Thousand, Five Hundred Dollars (\$2,500.00) to enter into a contract with the Commonwealth of Massachusetts, Office of Consumer Affairs and Business Regulation, Division of Standards, to furnish the Town with weights and measures services pursuant to M.G.L. Chapter 295 of the Acts of 1998, Section 28, or to take any other action relative thereto.

Article 5. To see if the Town will vote to extend the responsibility of the Municipal Building Study Committee formed by Annual Town Meeting vote on May 9, 2006, Article #32, to conduct a feasibility study for a municipal building for Town Offices, to include a feasibility study for a police station; and further, to raise and appropriate, transfer from available funds or otherwise provide the sum of Two Thousand, Five Hundred Dollars (\$2,500.00) for engineering services pursuant to said police station feasibility study, or to take any other action relative thereto.

Article 6 To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Seven Thousand, Five Hundred Dollars (\$7,500.00) to provide for an appraisal of the golf course property located on Brooks Road, Templeton, containing approximately 128.16 acres more or less to assist the Municipal Golf Course Study Committee in its feasibility study for purchasing, financing, and operating a Municipal Golf Course authorized at the May 15, 2007, Annual Town Meeting, Article #46, or to take any other action relative thereto.

Article 7. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to supplement the Fire Department/EMS Division expenses account for payroll and supplies, or to take any other action relative thereto.

**Submitted by the Fire Chief**

Article 8. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Fifteen Thousand, Nine Hundred Ninety-Two Dollars (\$15,992.00) to supplement the Veterans Benefit account, or to take any other action relative thereto.

**Submitted by the Treasurer**

Article 9. To see if the Town will vote to add the following position to the Personnel Compensation and Classification Plan, a copy of which is on file in the Town Clerk's Office:

Social Service Coordinator (Grade 4)

or to take any other action relative thereto.

**Submitted by the Council on Aging**

Article 10. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the sum of Thirty-Five Thousand, Twenty-One Dollars (\$35,021.00) to purchase and equip a new Fire Chief Command Vehicle, or to take any other action relative thereto.

**Submitted by the Fire Chief**

Article 11. 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 a new vehicle (hot/cold container) for the Council on Aging Meals-on-Wheels Program, or to take any other action relative thereto.

**Submitted by the Council on Aging**

Article 12. 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 account, or to take any other action relative thereto.

Article 13. To see if the Town will vote to adopt a Town Bylaw that would amend the vote of the Annual Town Meeting of March 10, 1973, Article #53, creating a five (5) member Recreation Commission consisting of one (1) member from each precinct [four precincts] and one (1) member at large; said Bylaw to read as follows:

“The Board of Selectmen shall appoint a Recreation Commission consisting of seven (7) members: three (3) members to be appointed from Precinct A, three (3) members to be appointed from Precinct B, and one (1) member to be appointed at-large. The term for each shall be one year. Any seat that becomes vacant during the one-year term shall be filled by the appointing authority for the remainder of the unexpired term.”

or to take any other action relative thereto.

**Submitted by the Recreation Commission**

Article 14. To see if the Town will adopt a Town Bylaw addressing emergency radio communications inside to inside and inside to outside of buildings containing 12,000 square feet or more as follows:

**1. Emergency Communications Ability Required:**

The construction of a new building or structure; a) containing a floor area equal to or greater than 12,000 square feet, b) substantial renovation or alteration of an existing building containing 12,000 square feet or more, or which, after such renovation or alteration, will contain 12,000 square feet or more, shall provide for “public emergency radio communication” as required hereunder. For purposes of this bylaw “public emergency radio communications” shall provide the unimpeded ability for emergency responders to communicate with each other over public emergency radio frequencies from any point within the building to any other point within the building, and from any point within the building to any area exterior of the building within 200 feet of the building.

**2. Building Permit Review:**

As a part of and in addition to any existing Fire Department building permit application review, all building permit applications for structures that are or will be required to comply with obligation to provide “public emergency radio communication” in accordance with Section 1, above, shall undergo a review by the Fire Department to

determine whether the design and construction materials, as proposed, are consistent with the obligation to provide unimpeded communications between and among emergency responders in accordance with Section 1, above. Should the Fire Department have cause to believe that there is likelihood that such design or construction materials may be inconsistent with the obligation to provide unimpeded communication between and among emergency responders; the applicant shall be required to engage an independent radio engineer, acceptable to the Fire Department, at the applicant's sole and exclusive expense, to provide a written evaluation addressed to the Fire Department, based upon commonly accepted engineering standards, of the likelihood that the building design and construction materials, as proposed, will provide unimpeded communications between and among emergency responders, in accordance with Section 1, above. In addition, such report shall contain recommendations for changes or modifications to the building design or construction materials in order to ensure such unimpeded communications. prior to Fire Department approval of any such building permit application, the application shall incorporate any and all changes or modifications to the building design and/or construction materials as recommended by such independent radio engineer.

### **3. Existing Buildings:**

Existing buildings shall only be required to comply if they undergo substantial renovations or alterations as defined in the Massachusetts State Building Code.

### **4. New Construction:**

All new construction, regardless of use of occupancy, over 12,000 square feet shall meet the requirements.

### **5. Equipment:**

Any "public emergency radio communication system" installed in accordance with this bylaw shall comply with all applicable rules and regulations, as amended from time to time, issued by the Federal Communication Commission, or of any other local, state, or federal agency having jurisdiction over such communication systems. The design of such system must be occupancy-based, and must be engineered and designed taking into account the machinery and equipment to be used by the occupant(s) of such building.

Any such communications system that requires a power source shall have a battery backup power source that provides power for no less than two (2) hours without an external power source. All "public emergency radio communication systems" must be powered from circuits that are separate and distinct and not subject to being tripped by other equipment. All power cords to devices in the system must be restrained in a manner acceptable to the Fire Department to prevent accidental or easy removal. All equipment must be installed by licensed vendors who have secured the necessary permits. All such installations shall meet applicable sections of the National Electrical Code, as amended from time to time.

All power-sourced equipment shall be protected from access thereto and shall contain such safeguards as are acceptable to the Fire Department to prevent such equipment from being accidentally turned off. Any cabinet used for Emergency Radio equipment must be locked and such cabinets or equipment used for emergency radio

communication shall be marked "Authorized Personnel Only." The applicant shall supply a copy of the key to any such equipment cabinet and a key to any room where equipment is stored. Such keys shall be kept in the building's lock box.

Any system installed in accordance with this bylaw shall provide an audible device and white strobe light, both of which shall be activated by the failure of the system. Any amplifier equipment powering the audible device shall have a monitoring system that monitors amplifier operation and primary power. The system may permit the audible signal to be silenced during a failure, but such system shall not permit the strobe light to be turned off during a failure and it shall remain illuminated at all times until the fault has been corrected. The strobe light shall be located in an accessible location authorized by the Fire Department. The applicant shall cause a sign to be located at the strobe light with the name and telephone number of the equipment maintenance contractor. The Fire Department must be notified of any failures that extend past the two (2) hour time limit.

No secondary usage of any emergency radio equipment shall be permitted without written approval of the Fire Department. Such secondary usage shall not interfere with or degrade the operational ability of the system. To the extent that such secondary use interferes with or degrades the operation of the system for the public safety purposes set forth in this bylaw, such use shall cease immediately regardless of any approval that may have been granted by the Fire Department.

#### **6. Compliance Testing:**

Prior to the Fire Department approval of a request for an occupancy permit for any building requiring a "public emergency radio communication system" in accordance with Section 1, above, the Fire Department shall test the system for compliance with the requirements of this bylaw. Such compliance testing shall be done upon completion of construction and prior to occupancy using then existing equipment in use by the town. No occupancy certificate shall be issued until and unless the system is tested and determined to be in compliance with the requirements of this bylaw.

Adequate radio coverage is defined as meeting a minimum of 3 and 3 for signal strength and intelligibility as is defined below:

##### Signal Strength-

- 0 – No detectable signal
- 1 – Barely detectable
- 2 – Detectable with difficulty
- 3 – Detectable at all times
- 4 – Strong signal, detectable at all times
- 5 – Any increase in signal would overload the system

##### Intelligibility-

- 0 – Unintelligible
- 1 – Intelligible with extreme difficulty (many repetitions required)
- 2 – Intelligible with difficulty (repetition required)
- 3 – Intelligible (repetition seldom required)
- 4 – Intelligible at all times
- 5 – Hard to imagine how it could be better (super hi-fi)

## **7. Annual Testing:**

The Fire Department shall conduct annual compliance testing of all “public emergency radio communication systems” installed in accordance with this bylaw. Any system requiring battery backup shall be tested on battery for no less than one (1) hour to verify that it will operate during an actual power outage. The Fire Department shall provide written notice to the building owner of any noncompliance of such system with the requirements of this bylaw, as amended from time to time. Any such non-compliance shall be fully remedied to the satisfaction of the Fire Department within thirty (30) days of such notice. Upon request of the Fire Department, the building owner shall provide a written report from an independent radio engineer, acceptable to the Fire Department, at the applicant’s sole and exclusive expense, to provide a written evaluation addressed to the Fire Department, based upon commonly accepted engineering standards, that the proposed remedy will bring the system into compliance with the requirements of this bylaw.

## **8. Modifications:**

No modifications to the “public emergency radio communication system” shall be made without the prior written authorization of the Fire Department. Upon completion of any such approved modifications, a performance test shall be conducted by the Fire Department in addition to any yearly performance test.

## **9. Responsibilities:**

The building owner shall be solely responsible for maintaining the “public emergency radio communication system” and assuring its compliance with the requirements of this bylaw. The owner shall maintain a contract with a qualified radio service contractor for all systems that require power, which contract shall provide for next day service for such systems.

The owner of the building must notify the Fire Department with regard to any change to its Emergency Radio Equipment maintenance contract.

To the extent that the owner fails to maintain such systems and/or to ensure compliance of such systems with this bylaw, the town may, after due notice, undertake such repairs to bring such system into compliance with the requirements of this bylaw. Any costs incurred by the town in bringing such systems into compliance with this bylaw shall constitute a municipal lien against such real property.

## **10. Violations and Penalties:**

Any person violating any provision of this bylaw shall be fined not more than \$300 for each offense per day until appropriate compliance is reached. The Fire Chief shall be the enforcement authority.

**Submitted by the Fire Chief**

Article 15. To see if the Town will vote to amend the Town of Templeton Zoning Map to rezone the following parcel of property off the westerly side of Brandin Drive from Residential/Agricultural 2 to Commercial/Industrial A, or to take any other action relative thereto:

Beginning at the northwest corner at land of Anthony P. & Jennifer L. Richard; thence South 50° 29'23" East by Richard land 263.20 feet to land of Rowdy W. & Agnes A. Hough; then South 18° 04'39" West by Hough land 455.41 feet; thence South 64° 29'37" East by Hough land 388.94 feet to land of David & Marianne Field; thence South 24° 11'50" West by Field land 250.00 feet to the northerly line of Route 2; thence North 73° 44'32" West by the northerly line of Route 2 604.33 feet to land of P&E Trust; thence North 18° 04'39" East by P&E Trust land 869.64 feet to land of Anthony P. & Jennifer L. Richard and the point of beginning containing 7.00 acres.

Shown as Lot 1 on a plan prepared by JLA Land Survey for P&E Trust for land owned by Rowdy W. and Agnes A. Hough on October 17, 2007 endorsed as Approval Not Required by the Planning Board on October 23, 2007 to be deeded to the P&E Trust, being a portion of land owned by Rowdy W. & Agnes A. Hough, recorded in book 32909, page 334, and being a portion of Lot "9" in plan book 756, plan 52.

A map of the subject property is available for inspection at the Town Clerk's office.

Article 16. To see if the Town will vote to amend the Town of Templeton Zoning Map to rezone the following parcels of land from Residential/Agricultural-2 (R-A-2) to Commercial/Industrial A (CI-A): Map 3-9, Parcels 48.1, 48.3, 60, 62, 62.1, 67, 68, 68.1, 79, 84, 84.1, or to take any other action relative thereto. A map of the subject property is available for inspection at the Town Clerk's office.

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.

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 6<sup>th</sup> day of November in the year AD 2007.

BOARD OF SELECTMEN

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

\_\_\_\_\_  
Gregg Edwards, Vice Chairman

\_\_\_\_\_  
John Henshaw, Clerk

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

\_\_\_\_\_  
Patrick Dunlavey, Member

A True Copy, ATTEST:

Randy L. Brown  
Constable of Templeton

OFFICER'S RETURN

WORCESTER, ss

November 6, 2007

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

A True Copy, ATTEST:

Carol A. Harris  
Town Clerk of Templeton