



TOWN OF DUDLEY
FALL 2022 SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS

As instructed in the preceding warrant, legal voters of the Town of Dudley assembled in the Connie Vanco-Galli Auditorium at Shepherd Hill Regional High School, in said Dudley on Monday, Monday October 24, 2022. The meeting was brought to order at 7:07 pm. After the Pledge of Allegiance to the Flag. The moderator then acknowledged the veterans and military members who serve our country and those who have lost their lives to protect us and provide us the freedoms we enjoy. A brief moment of silence was held to honor this sacrifice. Moderator Christopher Starczewski, honored Ted Baron, who has for the past 23 years served the town as the Cable Access Coordinator/Director with tonight being his last town meeting.

Announcements regarding proper decorum at a town meeting were given; followed by a brief tutorial on how to work the voting clickers. The Moderator asked for unanimous consent for clarification of a department budget item or other article be required that employees or agents who are not residents but are acting on behalf of the Town of Dudley or petitioner of the article be permitted to speak. Unanimous consent was given to allow the Moderator to recognize those individuals to speak on the articles. The Moderator asked for unanimous consent to adopt the 5-minute rule per speaker on articles. Unanimous consent was given. The Moderator recognized the work of the Dudley Women's Club who recently held a fundraising event for Breast Cancer Awareness. He also encouraged people to vote in the November 8, 2022 State Election and reminded residents that Trick or Treating in Dudley will be on Monday, October 31st from 5:00 – 7:00 pm. The Town Clerk was then recognized to read the service of the warrant.

ARTICLE 1 - Accepted by majority vote to receive the reports of the several Town Officers and/or Committees.

ARTICLE 2 - Accepted by majority vote to hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee.

FAA recommends Article 3 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 3 - Accepted by majority vote to transfer from 0001-123-5117-01TEMP. FILL IN LABOR the sum of Nine Hundred Seventy-Five Dollars and Seventy-One Cents (\$975.71) to pay missed payroll to Animal Control Account No. 0001-122-5731-02.

Moderator made note of the correction of the date of the annual town meeting to be May 23, 2022 in the reading of the article. FAA Recommends approval of Article 4 ratifying the vote of the May 23, 2022, Town Meeting vote. Motion was made and seconded.

Peter Fox, 22 Ridge Dr. spoke in support of this article. Town Counsel clarified that this article is for the same firetruck that was approved by a 2/3rd vote at the May 23, 2022 Annual Town Meeting to borrow contingent upon what is known as a Debt Exclusion from Prop 2 ½. Under Prop 2 ½ under Chapter 59 Section 21C(M) it needs a town meeting vote and a ballot vote. The ballot vote must occur within 90 days of the Town Meeting, which would have been September 15, 2022. Since this was not done the ballot question has been placed on the November 8, 2022 ballot and placed the article on tonight's warrant to ratify this so we can start the clock again to comply with this requirement.

ARTICLE 4: - As Declared by Moderator, Accepted by a 2/3rd majority vote to ratify, approve, and confirm the following vote taken under Article 12 of the Warrant for the May 23, 2022, annual town meeting.

FAA recommends Article 5 be approved as printed in the warrant with appropriation transfer from free cash the amount of \$21,400.00. Motion was made and seconded.

ARTICLE 5: - Accepted by majority vote to transfer from free cash a sum of Twenty-One Thousand Four Hundred Dollars (\$21,400) to fund the cost of the cyclical inspections of all properties in town that have not been inspected in the past ten (10) years for FY2023 as required by the State Department of Revenue.

FAA recommends Article 6 be passed over approved as printed in the warrant. Motion was made and seconded. FAA amended their motion to pass over Article 6 for further information. Motion was made and seconded.

Richard Clark, 65 Airport Road, spoke in favor of passing this article as it has been brought up before and is much needed.

Neil Sutherland, 349 Dudley Oxford Road, spoke in favor of passing this article over as he feels that it can be completed for \$80,000 by just having a contractor pull the equipment out and replace it; this is a waste of a lot of money.

Selectmen Kerry Cyganiewicz stated that the reason to pass this over for additional information is to give the Dudley Women's Club additional time to fund raise and allow for the town to explore grants.

ARTICLE 6: - Passed Over by majority vote to raise and appropriate, borrow, or transfer from available funds the sum of Three Hundred Eighty Thousand Dollars and Zero Cents (\$380,000.00) to rebuild, restore and renovate the Fun Zone Playground located at 71 West Main Street, Dudley, MA, and to meet said appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow such sum under and consistent with M.G.L c. 44, § 7 or any other source of authority.

FAA recommends Article 7 be passed over for further information. Motion was made and seconded.

Richard Clark, 65 Airport Road spoke in support of this article. He said that it has been part of the capital improvement plan for a number of years and is needed.

ARTICLE 7: - Passed Over by majority vote to raise and appropriate, borrow, or transfer from available funds the sum of Ninety-Thousand Dollars (\$90,000) or some such sum to replace the carpeting in the Pearle L Crawford Memorial Library.

FAA recommends Article 8 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 8: - Accepted by majority vote to transfer the sum of Five Thousand Five Hundred Ten Dollars and Fourteen Cents (\$5,510.14) from Free Cash for purposes of FY23 compensation adjustments retroactive to July 1, 2022, as follows:

for the Treasurer/Collector in the amount of Two Thousand Six Hundred Sixty-Five Dollars and Fifty-Three Cents (\$2,665.53) to Account No.: BMSI # 0001-145-5111-01 VADAR# 0001-145-5111-0000 (Treasurer/Collector Salary Account).

and for the Town Clerk in the amount of Two Thousand Eight Hundred Forty-Four Dollars and Sixty-One Cents (\$2,844.61) to Account No.: BMSI # 0001-161-5111-01; VADAR # 0001-161-5111-0000 (Town Clerk Salary Account).

FAA recommends Article 9 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 9: -Accepted by majority vote to transfer from free cash, the amount of Five Hundred Fourteen Thousand Eight Hundred and Eighty-Two and Seventy-Nine Cents (\$514,882.79) and deposit the amount of Twenty-Three Thousand Three Hundred and Twenty-Six and Ten Cents (\$23,326.10) into the Capital Improvement Stabilization Fund

and the amount of Four-Hundred Ninety-One Thousand Five Hundred Fifty-Six and Sixty-Nine Cents (\$491,556.69) to the Stabilization Fund.

FAA recommends the appropriation of the sum of \$401,000.00 for the purposes set forth in Article 10 in the warrant and that to fund this appropriation that the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount pursuant to the MGL Chapter 44 subsection 7 or 8 or any other enabling authority and to issue bonds and notes of the town therefore. Motion was made and seconded.

Charles Cormier, 18 Tobin Drive asked if this amount was not to exceed \$401,000. FAA confirmed the vote was not to exceed \$401,000.00

ARTICLE 10: - As Declared by Moderator, Accepted by a 2/3rd majority vote to authorize the Treasurer, with approval from the Board of Selectmen, to borrow Four Hundred One Thousand Dollars (\$401,000) to be expended under the control of the Highway Department, for improvements to private way access to the Tobin Farms subdivision, including incidental and related costs for said improvements, and to meet said appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow such sum under and consistent with M.G.L c. 44, § 7 or any other source of authority. And further, the Board of Selectmen, acting pursuant to the authority granted under G.L. Chapter 80 and the Town's Road Betterment Bylaw, shall assess betterments on all property benefited for the purpose of recovering the costs thereof.

FAA recommends the appropriation of the sum of \$237,000.00 for the purposes set forth in Article 11 in the warrant and that to fund this appropriation that the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount pursuant to the MGL Chapter 44 subsection 7 or 8 or any other enabling authority and to issue bonds and notes of the town therefore. Motion was made and seconded.

ARTICLE 11: Moderator Declared Defeated as it did not Obtain a 2/3rd Majority vote to authorize the Treasurer, with approval from the Board of Selectmen, to borrow Two Hundred Thirty-Seven Thousand Dollars (\$237,000.00) to be expended under the control of the Highway Department, for improvements to the private way access to the Misty Meadows subdivision, including incidental and related costs for said improvements and to meet said appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow such sum under and consistent with M.G.L c. 44, § 7 or any other source of authority. And further, the Board of Selectmen, acting pursuant to the authority granted under G.L. Chapter 80 and the Town's Road Betterment Bylaw, shall assess betterments on all property benefited for the purpose of recovering the costs thereof.

FAA deferred Article 12 to the Planning Board. Chairman, Guy Horne, stated the Planning Board held a public hearing on October 12, 2022 and all legal requirements were met. The Planning board voted 4 – 0 to recommend that Article 12 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 12: - As Declared by Moderator, Accepted by a 2/3rd Majority vote to amend the Dudley Zoning Bylaw – 3.15.00 - Medical and Adult Use Marijuana Establishments by amending the existing Additional Requirements/Conditions under 3.15.05 (4)(c) - Time and Manner, by deleting the strikethrough language, and inserting the underlined language.

- c. The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Establishment or Medical Marijuana Treatment Center engaged in retail sales be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of ~~8:00 p.m.~~ 10:00 p.m. and 8:00 a.m.

Chairman, Guy Horne, stated the Planning Board held a public hearing on October 12, 2022 and all legal requirements were met. The Planning board voted 4-0 to recommend that Article 13 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 13: As Declared by Moderator, Accepted by a 2/3rd Majority vote to amend the Official Dudley Zoning Map, by changing the zoning district from Industrial 130 (IND 130) to Residential 43 (RES 43) for eight properties identified as Assessors’ Map 220 Lots 4, 5, 6, 7, 9, 10, 11, and 12 as shown on a map entitled “Proposed Re-Zoning on Fish Road from IND 130 to RES 43”, said proposed Zoning Map amendment dated February 2022 attached as *Addendum A*.

Chairman, Guy Horne, stated the Planning Board held a public hearing on October 12, 2022 and all legal requirements were met. The Planning board voted 3-1 to recommend that Article 14 be approved as printed in the warrant. Motion was made and seconded.

Mike Spahl, 61 Mason Road asked for the definition of renovated was. Guy Horne said that we would consider renovation anytime you would remove asphalt, reclaim it, or do physical construction to the parking lot. If someone is simply patching a pot whole, seal coating, etc. it would be considered maintenance. Mr. Spahl asked if this definition was written down anywhere. Bill Scanlan, Town Planner stated that Chairman, Horne described what is renovation vs. maintenance and that while it is not written down in this zoning amendment the Board would be using their discretion when reviewing applications.

Kristen Mayotte, 22 Southbridge Road wanted to know if there was any consideration for non-profit organizations and the exorbitant costs associated with it. Chairman Horne stated that they

didn't research non-profits for this particular article but that the cost for his organization to install charging stations was approximately \$900.00.

ARTICLE 14: - Moderator Declared this Article Defeated as it did not Obtain a 2/3rd majority vote to amend the Dudley Zoning Bylaw, Section 4.01.00, Parking Standards, by adding a new section 4.01.09, Electric Vehicle Charging Stations, to establish a requirement for electric vehicle charging stations in parking lots of 20 or more spaces.

4.01.09 Electric Vehicle Charging Stations

For every new or renovated parking lot containing twenty (20) or more parking spaces, there shall be provided one electric vehicle charging station for each multiple of twenty (20) spaces, in accordance with the following:

Number of Parking Spaces	Required Electric Vehicle Charging Stations
20 - 39	1
40 - 59	2
60 - 79	3
80 - 99	4
100 or more	5

Moderator asked through unanimous consent for permission to avoid reading the entire article and asked if there was anyone opposed to this. Hearing no opposition, the Moderator read a portion of Article 15.

Chairman, Guy Horne stated the Planning Board held a public hearing on October 12, 2022 and all legal requirements were met. The Planning board voted 3-1 to recommend that Article 12 be approved as printed in the warrant. Motion was made and seconded.

When the article was voted on it was brought to the Moderator's attention that many of the clickers were not registering. The poll was reset and Article 15 was voted on again.

ARTICLE 15: - Moderator Declared this Article Defeated as it did not obtain a 2/3rd vote (58% to 42%) to amend the Dudley Zoning Bylaw, Section 7.01.00, Driveway / Curb Cut Permit, Subsection IV.F by inserting the following underlined language as design standards for construction of shared driveway.

F. One driveway can be used for two (2) houses. Only by a special permit from the Board of Appeals can more than two houses use the same driveway. Shared driveways shall meet the following design standards:

1. The distance of the shared driveway measured from the street line to the point where the shared driveway splits into individual driveways shall not

- exceed a distance of five hundred (500) feet, unless the Highway Superintendent or Board of Appeals, as the case may be, after referral to the Fire Department for comment, makes a determination that said driveway will provide safe access for fire, police and emergency vehicles.
2. The shared driveway shall lie entirely within the boundaries of the lots to which it provides access and shall be separated from any other lots to which access is not being provided by an appropriately landscaped buffer area at least twenty (20) feet in width.
 3. The shared driveway shall have a minimum cleared width of twenty (20) feet, and a minimum travel way of sixteen (16) feet.
 4. The roadway surface shall have a minimum of four (4) inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown. The driveway shall be paved for the first fifty (50) feet in order to prevent erosion onto the street.
 5. The grade of each shared driveway where it intersects with the public way shall not exceed six percent (6%) for a distance of fifty (50) feet whether upgradient or downgradient from the street.
 6. The shared driveway shall not disrupt existing drainage patterns or cause material to enter the traveled way of a public street. The applicant shall submit a grading plan showing existing and proposed conditions to demonstrate compliance with this requirement.
 7. The applicant shall submit proposed documents to the Highway Superintendent or Board of Appeals as the case may be, demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance (including snow removal), repair and liability for the shared driveway and all public utilities shall remain perpetually the responsibility of the private parties and their successors in interest.
 8. The shared driveway shall never be used to satisfy frontage requirements.
 9. An application for a shared driveway shall include a plan showing the driveway serving the premises, stopping sight distances in each direction with the adjoining roadway, and existing and proposed topography at two-foot contour intervals. This information may be shown on a site plan, an Approval Not Required Plan, or any other plan of the lots to which access is to be provided by the shared driveway.

Chairman, Guy Horne, stated the Planning Board held a public hearing on October 12, 2022 and all legal requirements were met. The Planning board voted 4-0 to recommend that Article 16 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 16: - As Declared by Moderator, Accepted by 2/3rd Majority vote to amend the Dudley Zoning Bylaw, Section 3.10.05.A Permitted Uses, in the Mill Conversion Overlay District, by adding, "Self-Service Storage Facilities" after community facility, and to amend Section VI, Definitions, by adding a new definition for Self-Service Storage Facilities, as indicated below:

3.10.05 Permitted Uses

Within a MCP, residential use or assisted living facility shall be permitted in conjunction with one or more of the following specified non-residential uses by special permit:

- A. Commercial (restaurant, retail sales or services, business or professional offices, bank or financial office, indoor commercial recreation, event center, community facility, self-service storage facilities, or office establishment);

Section VI Definitions

Self-Service Storage Facilities - The temporary storage of personal possessions in containers or individual rentable or leasable spaces where the occupants themselves customarily store and remove their own personal property on a "self-service" basis. Storage of flammable liquids, highly combustibile or explosive materials, or hazardous chemicals is prohibited.

Board of Selectmen recommends Article 17 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 17: - Accepted by majority vote to authorize the Board of Selectmen to acquire, by gift and for general municipal purposes, a certain parcel of land from the Estate of Jeffrey Watkins situated on Baker Pond Road in the Town of Dudley, County of Worcester, Massachusetts, and identified by the Assessors as Parcel 205-032-000, described in a deed recorded with the Worcester South District Registry of Deeds in Book 58187, page 67, and containing 18.75 acres, more or less.

Shown as *Map A* and attached to this Warrant.

Board of Selectmen recommends Article 18 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 18: - Accepted by majority vote to amend the scrivener's error on Article 24 on the Annual Town Meeting Warrant dated June 22, 2020 by deleting the strikethrough and adding the bolded as follows: Acceptance of fourth paragraph of MGL Chapter 40, section 5B - To see if the Town will vote to accept the fourth paragraph of G.L. c 40, section 5B, under which the Town may dedicate, without further appropriation, all, or a percentage not less than 25 per cent, of particular fees, charges or other receipts to any stabilization fund established under G.L. c 40, section 5B, to be effective for Fiscal Year ~~commencing~~ **commencing** July 1, 2020.

Board of Selectmen recommends Article 19 to ratify the May 21, 2018 Annual Town Meeting vote be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 19: - Accepted by majority vote to ratify its May 21, 2018 acceptance of the provisions of Massachusetts General Laws Chapter 64N, Section 3, to impose an excise tax on the retail sale of marijuana for adult use at a rate of 3%.

FAA recommends Article 20 be approved as printed in the warrant. Motion was made and seconded.

ARTICLE 20: - Accepted by majority vote to transfer from Water Retained Earnings the sum of Two Hundred Thousand Dollars (\$200,000) for a Lead Service Line Inventory and Replacement Plan, including the payment of costs incidental or related thereto, pursuant to the 2021 Lead and Copper Rule Revisions (LCRR) which require all Public Water Systems to complete an inventory of utility- and customer-owned service lines connected to its distribution system and prepare a replacement plan by October 2024; and further this appropriation is contingent upon the Town applying for and receiving full forgiveness on a loan application for said funds.

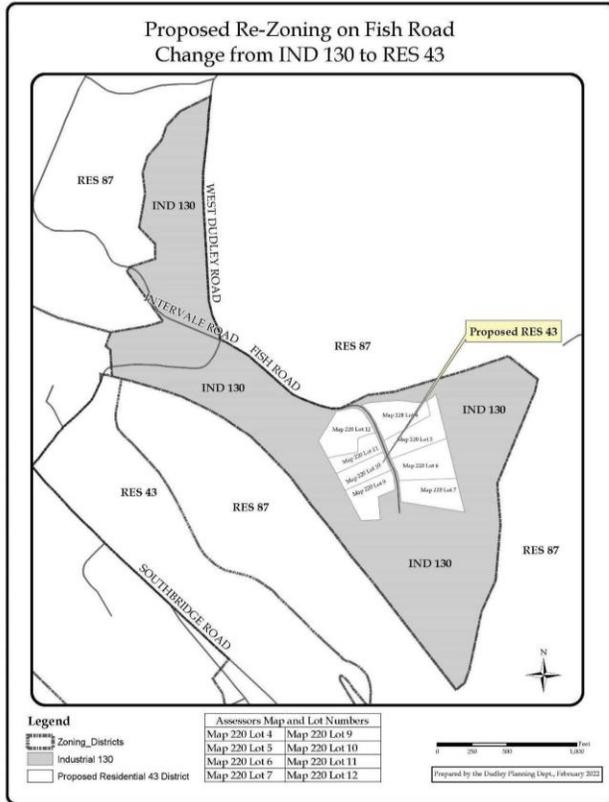
FAA recommends Article 21 be approved as printed in the warrant. Motion was made and seconded. Michael Mayotte, FAA, amended his motion to recommend that appropriate \$250,000.00 as printed in Article 21 and he so moves. Amendment was made and seconded.

Mike Spahl, 61 Mason Road questioned why the Water/Sewer Department needs a new dump truck. George Patrinos, Water/Sewer Commissioner stated that this is to replace a 2003 dump truck which is constantly being repaired and it is getting hard to find replacement parts.

ARTICLE 21: - Accepted by majority vote to appropriate the sum of Two hundred Fifty Thousand Dollars (\$250,000) from Water Retained Earnings 0061 000 3590 01 for the purchase of a new dump truck for the water department.

Michael Mayotte made a motion to adjourn at 8:07 pm and motion was seconded by Jonathan Ruda. Motion to adjourn was approved by unanimous vote.

Addendum A (Article 13)



Michael Mayotte made a motion to adjourn at 8:07 pm and motion was seconded by Jonathan Ruda. Motion to adjourn was approved by unanimous vote.

Brought to order at 7:07 p.m.

Adjourned at 8:07 p.m.

Voters Present: 92

Action Taken on Articles 1-21

A True Copy,

Lori A. Smith

Attest:

Lori A. Smith, Dudley Town Clerk