

**TOWN OF DUDLEY**  
**ANNUAL FALL 2013 TOWN MEETING WARRANT**  
**COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss

To either of the Constables in the Town of Dudley, in the County of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Dudley, qualified to vote in elections and town affairs, to meet in the Shepherd Hill Regional High School Auditorium in said Dudley on Monday, November 4, 2013 and Tuesday, November 5, 2013, if needed, and other such times as may be voted, if needed at 7:00 P.M. then and there to take action on the following articles:

**ARTICLE 1** (Selectmen): To see if the Town will vote to receive the reports of the several Town Officers and all Committees, or take any other action relative thereto.

Motion: I move the Town accept the reports of its town officers and committees.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 2** (Selectmen): To hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee, or take any other action relative thereto.

Motion: I move the Town accept the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee

Recommendation of the FAA: Defer to Selectmen

Recommendation of the Selectmen: Approve

**ARTICLE 3** (Accountant - Revolving Accounts): To see if the Town will vote to establish and authorize for fiscal year 2014 revolving funds established pursuant to the provisions of Chapter 44, §53E ½ of the Massachusetts General Laws for the following purposes:

**ACO Animal Care.** For the purpose of accepting receipts from animal care provided and overseen by the Animal Control officer. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset the costs for animal care. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expense not to exceed Two Thousand Dollars (\$2,000).

Motion: I move Article 3 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 4** (Highway Department): To see if the Town will vote to transfer the sum of Twelve Thousand Five hundred Dollars (\$12,500.00) from the Road Machinery Fund (Account Number 0406-000-5780-00) to the Machinery Maintenance Account or take any other action relative thereto.

Motion: I move Article 4 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 5** (Police): To see if the Town will vote to transfer from the Firearms Permitting - Due to State account the sum of up to Six thousand Dollars (\$6,000.00) to the Firearms Services Revolving Fund account or take any other action relative thereto.

*(Note: Recommended by the Town auditors, after consultation with State officials, to correct the status of these accounts).*

Motion: I move Article 5 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 6** (Police): To see if the Town will vote to transfer to the police overtime account the sum of Four Thousand Dollars (\$4,000.00) from the Firearms Services Revolving Fund account to offset costs incurred during fiscal year 2014 or take any other action relative thereto.

Motion: I move Article 6 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 7** (Water & Sewer Commissioners): To see if the Town will vote to transfer the sum of Five Thousand Dollars (\$5,000) from Electric -Water Department to Water - Superintendent or take any other action relative thereto.

Motion: I move Article 7 be accepted as printed.

Recommendation of the FAA: Not Approve

Recommendation of the Selectmen: Not Approve

**ARTICLE 8** (Water & Sewer Commissioners): To see if the Town will vote to transfer the sum of Fifty Thousand Dollars (\$50,000) from Water Retained Earnings to a new account entitled “Station 6 Pumps” for the purposes of increasing pump capacity at Station 6. Remaining funds, if any, are to be used for future maintenance and/or repairs. or take any other action relative thereto.

Motion: I move Article 8 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 9** (Water & Sewer Commissioners): To see if the Town will vote to transfer the sum of Thirty Thousand Dollars (\$30,000) from Retained Earnings to a new account “Test Wells” account for the purposes testing new well sites or take any other action relative thereto.

Motion: I move Article 9 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 10** (Selectmen): **FY 2014 Supplemental Budget** - To see if the Town will vote to determine the sums of money the Town will raise and appropriate, borrow or transfer, from available funds to defray the supplemental charges and expenses of the Town and including debt and interest for Fiscal Year 2014, or take any other action relative thereto.

(Note: Please See Appendix “A” for Departmental Expenditures.)

Motion: I move Article 10 be accepted as printed in appendices “A” and “B”.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 11** (Capital Improvement Planning Committee): To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds a sum of Fifty Seven Thousand Six Hundred Six Dollars (\$ 57,606) to the Capital Improvement Fund or take any other action relative thereto.

(Note: Please See Appendix “B” for Itemized Expenditures.)

Motion: I move Article 11 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 12** (Board of Assessors): To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of Twenty Thousand Dollars (\$ 20,000) to fund one third (1/3) of the cost of triennial re-certification of real estate and personal property values for FY2015 as required by the Commonwealth's Department of Revenue or take any other action relative thereto.

Motion: I move Article 12 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 13** (Capital Improvement Committee/ Fire): To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds a sum of Ten Thousand Dollars (\$ 10,000) to the Capital Improvement Fund for the purchase of a new Fire Command motor vehicle or take any other action relative thereto.

(Note: Please See Appendix "B" for Itemized Expenditures.)

Motion: I move Article 13 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

(Note: This article is for a three year obligation, with the first estimated payment due in Fiscal Year y 2014)

**ARTICLE 14** (Town Clerk): To see if the Town will vote to amend existing Dudley Town By-Laws by changing the article numbering system by eliminating the use of Roman numerals and replacing them with an Arabic (standard) numerical system or take any other action relative thereto.

Motion: I move Article 14 be accepted as printed.

Recommendation of the FAA: Defer to Selectmen

Recommendation of the Selectmen: Approve

**ARTICLE 15** (Town Clerk): To see if the Town will vote to amend existing Town By-Laws Article V Section 2 “Finance, Appropriation and Advisory Committee as follows or take any other action relative thereto.:

**Section 2.**

~~The members of the committee as constituted at the time of adoption of these Bylaws shall continue in office until the respective term for which they are appointed shall have expired and within seven days after the annual town election,~~ **The Moderator shall appoint from the citizens of the town five (5) members of said committee to serve for the staggered terms of three years. The Board of Selectmen shall appoint from the citizens of the town two (2) members of said committee to serve staggered terms of three years. The Town Treasurer shall appoint from the citizens of the town two (2) members of said committee to serve staggered terms of three years.** The term of office of said ~~committee appointees~~ shall expire ~~at the annual town election~~ **on June 30 of the fiscal year** following which their successors are appointed. Said committee shall choose its own officers and shall serve without pay, excepting, however, that the secretary thereof may receive such compensation as the town may by vote, provide. Said committee shall cause to be kept a true record of its proceedings.

(Note: the words that are ~~struck through~~ shall be deleted; words in **bold italics** are to be added.)

Motion: I move Article 15 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 16** (Board of Selectmen): To see if the Town will vote pursuant to Massachusetts General laws Chapter 41, Section 91B “Appointed Town Offices and Boards” to have its elected “Constables” become an appointed “Constables” of the Town, with such appointments to be staggered three year terms and shall be made by the Board of Selectmen years or take any other action relative thereto.

Motion: I move Article 16 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 17** (Board of Selectmen): To see if the Town will vote pursuant to Massachusetts General Laws Chapter 41, Section 81A “Planning board: establishment; membership; tenure; vacancies” to have its elected “Planning Board” elected for terms of three (3) years so arranged that the term of at least one member will expire each year or take any other action relative thereto.

Motion: I move Article 17 be accepted as printed.

Recommendation of the Planning Board: Approve  
Recommendation of the Selectmen: Approve

(Note: The Planning Board is currently elected for Five (5) year staggered terms and this article would authorize three (3) staggered terms.)

**ARTICLE 18** (Town Clerk): To see if the Town will vote to amend existing Town Animal Control By-Laws Article XXVII, Section A by adding the following definitions or take any other action relative thereto:

**H. “ K-9 Law Enforcement Dog” – a certified dog trained specifically to assist law enforcement with their duties and responsibilities.**

**I. “Service Animal” - any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.**

(Note: the words that are ~~struck through~~ shall be deleted; words in **bold italics** are to be added.)

Motion: I move Article 18 be accepted as printed.

Recommendation of the FAA: Defer to Selectmen  
Recommendation of the Selectmen: Approve

**ARTICLE 19** (Town Clerk): To see if the Town will vote to amend existing Town Animal Control By-Laws Article XXVII, Section 3, paragraphs C and G as follows or take any other action relative thereto:

**C. Any owner or keeper of more than three (3) dogs or three (3) cats must acquire a residential kennel license and is subject to the Dudley Zoning By-Laws.**

G. No fee shall be charged for a license for a **K-9 Police Dog or a Service Animal as defined in Section 1 of this by-law** provided that the owner of the **Service Animal** shows ~~written evidence that the animal is a service dog.~~ **a certification evaluation which should include: the proof of the owner’s disability; testing the animal’s manners, obedience and social skills; and demonstrate three tasks beneficial to the owner’s specific disability. The individual who is responsible for a K-9 Police Dog must provide a written statement from the law enforcement unit stating that the dog is actively working.**

(Note: the words that are ~~struck through~~ shall be deleted; words in **bold italics** are to be added.)

Motion: I move Article 19 be accepted as printed.

Recommendation of the FAA: Defer to Selectmen

Recommendation of the Selectmen: Approve

**ARTICLE 20** (Board of Selectmen): To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General court under the provisions of section 8 of Article 89 of the amendments to the Constitution of the Commonwealth of Massachusetts, to adopt by special act of legislation as follows any other action relative thereto:

Notwithstanding any special or general laws to the contrary, the Dudley board of Assessors is authorized to grant, starting in fiscal year 2015 real and personal property tax abatements, up to 100% of the total tax assessed, to our “citizen soldiers” of the Massachusetts national Guard and reservists on active duty and serving in foreign countries, subject to eligibility criteria developed by the Board of Assessors. The authority to grant abatements under this act shall expire after Fiscal year 2025, unless specifically extended by a vote of the Dudley Board of Selectmen. Further, the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General court, and further to authorize the Board of selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

(Note: the words that are ~~struck through~~ shall be deleted; words in **bold italics** are to be added.)

Motion: I move Article 20 be accepted as printed.

Recommendation of the FAA: Defer to Selectmen

Recommendation of the Selectmen: Approve

**ARTICLE 21** (Moderator): To see if the Town will vote to amend existing Town By-Law Article III, Section 12 - Rules Of Procedure At Town Meetings as follows or take any other action relative thereto:

**Section 12.**

The procedure and conduct of the business meeting of the town not otherwise herein provided for shall be governed by the ~~latest edition of Robert's Rules of Order revised~~ **"Town Meeting Times" 2001 Edition, Published by the Massachusetts Moderators Association** so far as ~~they are~~ **it** applicable and ~~are~~ **is** not inconsistent with by-laws of the town. **The Town Clerk shall keep at least one copy available to the general public at his/her office.**

(Note: "Town Meeting Times" is the Handbook of Parliamentary Law endorsed by the Mass Municipal Association)

(Note: the words that are ~~struck through~~ shall be deleted; words in **bold italics** are to be added.)

Motion: I move Article 21 be accepted as printed.

Recommendation of the FAA: Defer to Selectmen

Recommendation of the Selectmen: Not Approved

**ARTICLE 22** (Petition): To see if the Town will vote to raise, appropriate, borrow or transfer the sum of Nine Thousand One Hundred Thirty-five Dollars (\$ 9,135.00) for the purpose of archival preservation for the five town ledgers as follows:

Ledger (Assets and Liabilities) 1873 – 1895  
Ledger 1818 – 1835, No. 1 (Water damage)  
Records, 1845 - 1875  
Ledger (Deeds) , 1832 – 1865, No. 4  
Ledger (Town Orders) , 1835 – 1878, No. 5

or take any other action relative thereto.

Motion: I move Article 22 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

**ARTICLE 23:** (Selectmen) To see if the Town will vote to raise, appropriate, borrow or transfer from available funds the sum of up to One Hundred Thousand Dollars (\$ 100,000) for the purpose of adding to the Stabilization Fund in accordance with the provisions of MGL Chapter 40 Section 5B and to determine if the money should be raised by taxation or by appropriation from available funds in the Treasury or take any action relative thereto.

Motion: I move Article 23 be accepted as printed.

Recommendation of the FAA: Approve

Recommendation of the Selectmen: Approve

You are hereby directed to serve this warrant by posting attested copies thereof, at the Dudley Municipal Center and on the Town of Dudley Web site and by posting notice of availability of the warrant on one Cable Access Channel at least fourteen days before date of said meeting.

Hereof, fail not and make return of this warrant with your doings thereon, to the Town Clerk at the time of holding of said meeting.

**Given under our hands this \_\_\_\_\_ day of October in the year Two Thousand and Thirteen.**

\_\_\_\_\_  
Jonathan J. Ruda, Chairman

\_\_\_\_\_  
Steven P. Sullivan

\_\_\_\_\_  
John J. Marsi, Vice Chairman

\_\_\_\_\_  
Peter E. Fox

\_\_\_\_\_  
Paul M. Joseph, Clerk

I have notified and warned the inhabitants of the Town of Dudley by posting up attested copies of the same at the Dudley Town Hall on the \_\_\_ of October 2013 and Shepherd Hill Regional High School on the \_\_\_ of October 2013.

Thereby making my return to the Dudley Town Clerk on the \_\_\_ of October 2013.

\_\_\_\_\_  
Constable, Town of Dudley