



## **TOWN OF DUDLEY**

### **ANNUAL SPRING 2022 TOWN MEETING WARRANT**

#### **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, May 23, 2022. The meeting was brought to order at 7:04 pm. After the Pledge of Allegiance to the Flag, the moderator, Christopher Starczewski, made announcements regarding proper decorum at a town meeting. He announced that on Monday, June 6<sup>th</sup> at 6:00 pm there will be a Meet the Candidates Night held in Conference Room 321A for the upcoming June 13<sup>th</sup>, 2022, Annual Town Election. The Moderator encouraged everyone to participate in Memorial Day events this weekend honoring the veterans who have served and those who lost their lives protecting this great nation.

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 noted that there may be consultants in the audience tonight who are sitting in the first two rows, including Jeffrey Blake of KP Law. The Moderator asked for unanimous consent to adopt the 5-minute rule per speaker on articles. Unanimous consent was given. A brief tutorial on how to work the voting clickers was given. The Moderator then recognized the Town Clerk to read the service of the warrant.

**ARTICLE 1: Approved by Majority to accept** - to receive the reports of the several Town Officers and all Committees.

**ARTICLE 2: Approved by Majority to accept** to hear and act on the recommendations of the Board of Selectmen and the Finance, Appropriation and Advisory Committee.

The FAA recommends that Article 3 be approved as printed herein including the sources and uses of funds as recommended by the FAA and totaling \$23,626,199.00 to defray the charges and expenses of the Town and provide for a reserve fund(s), determine the compensation for

elected offices for the ensuing year beginning on July 1, 2022, and including payment of debt and interest. Motion was made and seconded.

**ARTICLE 3: Approved by Majority as presented** to defray the charges and expenses of the Town and provide for a reserve fund (s), determining the compensation for elected offices and including debt and interest for the ensuing fiscal year beginning on July 1, 2022.

GENERAL FUND	BUDGET FY 2023
ACCOUNTANT	93,527
ADMINISTRATION	317,763
ASSESSORS	140,854
BUILDING INSPECTOR	33,600
CEMETERY COMMISSION	0
CLERK TOWN <i>-Includes Town Clerk Salary of \$71,115.20</i>	151,428
CONSERVATION	0
COUNCIL ON AGING	0
F.A.A.	25,000
FIRE DEPARTMENT	1,165,835
HEALTH	6,001
HIGHWAY	869,117
INFORMATION Tech.	63,892
LIBRARY	392,188
MODERATOR	0
MUNICIPAL EXPENSES	103,201
PERSONNEL BOARD	0
PLANNING BOARD	49,087
POLICE	1,603,248
RECYCLING	180,000
SELECTMEN	34,008
TREASURER/COLLECTOR <i>-Includes Treas/Ctr Salary of \$96,928.51</i>	3,910,393
VETERANS SERVICES	194,473
ZONING BOARD OF APPEALS	0
<b>TOTAL GENERAL FUND:</b>	<b>9,333,615</b>
SCHOOLS	
DUDLEY-CHARLTON REGIONAL	9,791,520
SO, WORCESTER COUNTY REG. VOC.	1,102,992
<b>TOTAL EDUCATION:</b>	<b>10,894,512</b>
State Assessments (RMV, Air Pollution, Regional Transit):	45,442
ENTERPRISE FUNDS:	
Water Department	1,828,362
Sewer Department	1,379,687
<b>TOTAL ENTERPRISE FUNDS:</b>	<b>3,208,049</b>
<b>TOTAL TOWN BUDGET with State Assessments:</b>	<b>23,481,619</b>

TOTAL TOWN BUDGET less State Assessments:	23,436,177
GENERAL FUND BUDGET <b>REVENUE SOURCES:</b>	
Taxation Real (Real property, personal property taxes)	13,441,924
New Growth	120,000
Debt Exclusions	1,140,732
State Aid & Reimbursements	2,207,131
ARPA	300,536
Stabilization Fund	0
Local Receipts	3,207,827
*Water and Sewer Indirect Fees: from Water and Sewer User Fees/Charges: \$185,912	
*Water & Sewer from Water & Sewer User Fees/Charges: \$3,022,137	
SEWER FUNDING: TOTAL FROM SEWER FEES & CHARGES: \$1,379,687 SEWER FUNDING: TOTAL FROM SEWER RETAINED EARNINGS \$0 WATER FUNDING: TOTAL FROM WATER FEES & CHARGES: \$1,828,362 WATER FUNDING: TOTAL FROM WATER RETAINED EARNINGS \$0	
*Note: W/S Budget: \$3,022,137 + Indirect Fees: \$185,912 =	3,208,049
GRAND TOTAL FUNDING SOURCES:	<b>23,626,199</b>
<hr/> <hr/> <b>TOTAL BUDGET EXPENSES:</b>	
Total Budget including schools + Water and Sewer w/o State Assessments	23,436,177
State & County & Regional Assessments	45,442
State Assessment: Cherry Sheet Offset	24,580
Overlay — Assessors	120,000
GRAND TOTAL TOWN BUDGET:	<b>23,626,199</b>

FAA recommends Article 4 be approved as printed in the warrant. Motion was made and seconded.

**ARTICLE 4: Approved by Majority** to establish Fiscal Year 2023 spending limits for the revolving funds set forth in Chapter 34§34-5, Authorized Revolving Funds of the Town's General Bylaws, as follows:

<u>Revolving Fund</u>	<u>Annual Spending Limit</u>
Animal Care	\$15,000
Arrest Warrant Services	\$10,000
Board of Health Education Programs	\$ 1,000
Cemetery Fees -BOS (began 11/6/2012)	\$ 5,000
COA Meals (began 11/19/2012)	\$ 5,000
Cruiser Use @ Police Details	\$50,000
Electric Charging Stations	\$10,000
Fire Outside Details	\$25,000
Fire Penalties/Violations	\$ 7,500

Firearms Permit Services	\$20,000
Genealogy Service – Town Clerk	\$ 3,000
Gift Shop	\$ 2,000
Highway Cleanup	\$50,000
Gifts to Town	\$50,000
Hazardous Material Collection	\$ 9,000
Inspectors – Fuel, Gas, Plumbing, Wire	\$80,000
Library Lost Books	\$ 5,000
Municipal Hearings – BOS	\$ 2,000
Planning Documents	\$ 1,000
Regulatory Compliance	\$75,000
Tax Title Fees	\$75,000
Monitor Testing – Former Dump	\$75,000
Veteran’s Bricks/Memorial	\$ 6,000
Website Expenses	\$ 4,000

FAA recommends Article 5 be approved as printed in the warrant. Motion was made and seconded.

**ARTICLE 5: Approved by a Majority** to see if the Town will vote to transfer the sum of Thirty-Two Thousand Dollars and Zero Cents (\$32,000) from free cash to fund merit-based increases for non-union employees for Fiscal Year 2023.

FAA recommends Article 6 be approved as printed in the warrant. Motion was made and seconded.

**ARTICLE 6: Approved by Majority** to transfer from free cash the sum of Nine Thousand, Eight Hundred Fifty Dollars (\$ 9,850) or some such sum to fund the balance of the cost of re-certification of real estate and personal property values for FY2023 as required by the Commonwealth’s Department of Revenue.

FAA recommends Article 7 be passed over to the Fall Special Town Meeting. Motion was made and seconded.

**ARTICLE 7: Passed Over by Majority** to raise and appropriate, borrow or transfer from available funds 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 8 be approved as printed in the warrant. Motion was made and seconded.

John Briare, 16 Flaxfield Rd wanted to confirm that the Highway Dept. has inspected the road and that it is acceptable to the town and that the Board of Selectmen and Planning Board have okayed it as well.

Bill Scanlan, Town Planner, responded that the Planning Board Engineer went out and inspected the road to make sure that it met the sub-division standards. The Planning Board then voted to

recommend to the Board of Selectmen that it be accepted. He said the Board of Selectmen also held a public hearing on the layout and they also agreed to have it be accepted.

**ARTICLE 8: Approved by Majority** to accept a portion of Piasta Road modified by Plan of Land entitled Modification to Existing Definitive Subdivision Plan, dated June 8, 2005, and recorded in Plan Book 836, Page 125. Also reference by Planning Board as Grand View Estates Section II. (*Map attached Appendix A*)

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

Gerry Frank, 13 Causeway Rd wanted to know if there was public access. Jon Ruda, Town Administrator stated there is public access and this gives the town the ability to enter onto the property and conduct maintenance.

Derek Donahue, Misty Meadow Lane, asked if there was any potential that the land would be sold to another developer or built on. Jon Ruda stated that there is no intention to do that.

**ARTICLE 9: Approved by Majority** to accept the gift of a certain parcel of land from Huguenot Development Corp., situated in the Town of Dudley, County of Worcester, Massachusetts, being shown as Open Space on a plan of land entitled “Modification of existing definitive Subdivision Plan, Plan of Land Piasta Road” dated May 1, 2005 and recorded with the Worcester District Registry of Deeds in Plan Book 836, Plan 125. The parcel contains (+/-) 9.23 acres. (*Map attached Appendix B*)

FAA recommends Article 10 be approved as printed in the warrant. Motion was made and seconded.

**Article 10 Approved by Majority** to transfer from Free Cash Two Hundred Eighty Thousand Dollars (\$280,000) or some such sum as a supplemental appropriation to the Dudley-Charlton Regional School District’s budget for use in FY 23.

FAA recommends Article 11 be passed over until the Fall 2023 Special Town Meeting. Motion was made and seconded.

Collin Humphries, 10 Lakeside Drive wanted to know if there is a plan to have a fundraiser and donations to pay for this and if so, what is the plan. Jon Ruda stated that there is a group that will be announcing themselves soon that will be doing the fundraising.

Lori Smith, 112 Pierpont Road stated that since there will be fundraising can we vote on this article now to get the borrowing started? This is an extremely busy playground that has been closed for awhile now. The only other options for parents are Mason Road School playground and Dudley Elementary School playground which you cannot use during school hours. If we don’t get the borrowing approved now it will just delay this project that much more.

John Briare , 16 Flaxfield Road urged people to pass this over to the Fall Town Meeting to see if we can get better prices.

**ARTICLE 11: Passed over by Majority** to raise and appropriate, borrow, or transfer from available fund 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 that the Town borrow the sum of \$775,000.000 as recommended by the FAA for the purposes, and with the authorizations, as stated in Article 12 of the warrant, subject to the successful passage of a so-called Proposition 2 ½, debt exclusion ballot question. Motion was made and seconded.

John Briare, 16 Flaxfield Road, asked what the urgency is with the current Fire Truck that we need to place it. The Fire Chief said that the current truck is 26 years old and that we are spending more money on repairs than it is worth. He stated Engine 2 & 3 were both purchased in 1995 and in order to defray costs of replacing two vehicles at once he purchase a used engine. He cannot do that with Engine 3 as there is no guarantee that he will be able to find a quality engine in 7 to 10 years like he did for this. He said the costs are going to keep going up. Since being Chief he has reduced the fleet from 4 to 3 engines. We received a grant for forestry trucks and replaced 2 trucks with 1 truck.

Peter Fox, 12 Ridge Dr spoke in favor of passing this article and the importance of maintaining our Fire Department properly.

**ARTICLE 12: As Declared by Moderator, Approved by 2/3<sup>rd</sup> Majority (79%)** to borrow the sum of Seven Hundred Seventy-Five Thousand Dollars and Zero Cents (\$775,000.00) or some such amount for the purchase of a new Engine 3 Fire Truck, as recommended by the Capital Improvement Committee to be included on the Fire Department's Capital Improvement Plan and to meet said appropriation, the Treasurer, with the approval of the Selectmen, to authorize to borrow such sum under and consistent with M.G.L c. 44, § 7 or any other source of authority, and to issue bonds and notes of the Town therefor. Said amount shall be subject to a Proposition 2 ½ debt exclusion ballot question in accordance with M.G.L. Chapter 59§ 21C(k).

FAA recommends Article 13 be approved as printed in the warrant. Motion was made and seconded.

**ARTICLE 13: As Declared by Moderator, Approved by 2/3<sup>rd</sup> Majority (89%)** to appropriate from the Capital Improvement Stabilization Fund the sum of One Hundred Thousand Dollars and Zero Cents (\$100,000.00) for the purposes of funding administrative costs, matching fees and project costs associated with regulatory and compliance testing, grant funding application and administration.

FAA recommends Article 14 be approved as printed in the warrant. Motion was made and seconded.

**ARTICLE 14: Approved by Majority** to transfer from free cash the sum of One Thousand Five Hundred Dollars and Zero Cents (\$1,500.00) for the purchase of signs, banners, and associated materials to be used for public events.

Board of Selectmen recommends Article 15 be passed over for purposes of additional information, at the request of the road betterment petitioners, until the Fall Special Town Meeting. Motion was made and seconded.

**ARTICLE 15: Passed over by Majority** to authorize the Treasurer, with approval from the Board of Selectmen, to borrow Four Hundred Ninety Thousand Dollars and Zero Cents (\$490,000.00) or some such sum to be expended under the control of the Highway Department as follows:

The Town appropriate Four Hundred Ninety Thousand Dollars and Zero Cents (\$490,000.00) or some such sum 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 to issue bonds and notes of the Town therefor. 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.

Board of Selectmen recommends Article 16 be passed over for purposes of additional information, at the request of the road betterment petitioners, until the Fall Special Town Meeting. Motion was made and seconded.

**ARTICLE 16: Passed over by Majority** to authorize the Treasurer, with approval from the Board of Selectmen, to borrow, Two Hundred Eighty Thousand and Zero Cents (\$280,000) or some such sum to be expended under the control of the Highway Department as follows:

The Town appropriate Two Hundred Eighty Thousand and Zero Cents (\$280,000) or some such sum 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 to issue bonds and notes of the Town therefor. 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 Article 17 be approved as printed in the warrant. Motion was made and seconded.

**ARTICLE 17: As Declared by Moderator Approved by a 2/3<sup>rd</sup> Majority** to authorize the Treasurer, with approval from the Board of Selectmen, to borrow One Hundred Five Thousand and Zero Cents (\$105,000.00) or some such sum to be expended under the control of the Highway Department as follows:

The Town appropriate One Hundred Five Thousand and Zero Cents (\$105,000.00) or some such sum for improvements to the private way access to the Partridge Hill 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 to issue bonds and notes of the Town therefor. 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.

Board of Selectmen referred Article 18 to the Planning Board. Guy Horne, stated the Planning Board held a public hearing on April 27, 2022 and that all legal requirements were met. The Planning board voted to recommend that Article 18 be approved as printed in the warrant. Motion was made and seconded.

Maureen Chickering, Chickering Road wanted to know exactly what area this covers.

Bill Scanlan, Town Planner, stated that it is 9 lots on Southbridge Road to Quinebaug Road (approximately 62-86 Southbridge Rd) The purpose of the overlay district is to allow the residential zone to stay in place while placing an addition district on top of it which allows them to conduct business uses.

**ARTICLE 18: Approved by a 2/3<sup>rd</sup> Majority** to amend the Official Dudley Zoning Map by applying the Business 15 Overlay District to 9 properties on Southbridge Road identified as Assessors' map 229, Parcel numbers 146-154, as shown on the map entitled "Proposed BUS-15 Overlay District on Southbridge Road" said proposed amendment Zoning Map attached as *Appendix A* and to amend the description of the Business 15 Overlay District in Section 2.01.01 of the Zoning Bylaws ("Establishment of Districts") by deleting the following strikethrough words:

BUS-15 Business or General Residential Overlay District (~~along portions of West Main Street –~~ see Official Zoning Map). *See Addendum B*

Board of Selectmen referred Article 19 to the Planning Board. The purpose of this article is to replace the Interim Wellhead Protection Area with the actual Zone II and is based upon a detailed hydro-geological study. Guy Horne, stated the Planning Board held a public hearing on April 27, 2022 and all legal requirements were met. The Planning board voted to recommend that Article 19 be approved as printed in the warrant. Motion was made and seconded.

**ARTICLE 19: Approved by a 2/3<sup>rd</sup> Majority** to amend the Official Dudley Zoning Map by replacing the existing Groundwater (Aquifer) Protection Overlay District with a revised Groundwater (Aquifer)Protection Overlay District as shown on the map entitled "Proposed Groundwater (Aquifer) Protection Overlay District Based on Approved Zone II" said proposed amended Zoning Map attached as *Appendix B* and to amend Section 10.04.00 of the Zoning Bylaws ("Establishment and Delineation of Groundwater Protection District") by adding the following underlined words, and deleting the following strikethrough words, as depicted below:



#### **10.04.00 ESTABLISHMENT AND DELINEATION OF GROUNDWATER PROTECTION DISTRICT**

For the purposes of this district, there are hereby established within the town certain groundwater protection areas, consisting of aquifers or recharge areas which are delineated on a map. This is entitled ~~“Groundwater Protection District, Town of Dudley”, dated March 1992~~ “Proposed Groundwater (Aquifer) Protection Overlay District Based on Approved Zone II,” May 2022. This map is hereby made a part of the town zoning bylaw and is on file in the Office of the Town Clerk.

Board of Selectmen referred Article 20 to the Planning Board. The Planning Board voted tonight to have this article passed over. Motion was made and seconded.

Jo-Ann Szymczak, 21 Schofield Ave. stated that this article was submitted by a family who is looking for their area to be returned to its highest and best use. They believe that when this occurred back in the 1990's their parent who owned this property was non-knowledgeable about hearings held, etc. but it was not his intention they felt to change that into a Conservation situation which made his 16 acres of land virtually useless. He did protect his farmland so that it could not be developed but they feel it was not his intention to place this property in Conservation.

John Briare, 16 Flaxfield Road stated he has served on the Planning Board for years and says he feels that this would set a dangerous precedence. He stated that they have been paying virtually no taxes for many years as it was in Conservation and now they feel they could perhaps make a lot of money on it want it taken out of Conservation. He feels it should be passed over or defeated tonight.

Chris Starczewski, Moderator, said that his personal feelings on this article is that it is being passed over tonight for additional information before making important Zoning changes.

Jason Carlson, 15 Marsh Road said that this property is the watershed for Pierpont Pond and is full of vernal pools. He said he feels there is no need to pull the entire property out of Conservation and that if they want to pull out the small section that is possibly buildable, he sees no issue with that.

**Peter Fox, 12 Ridge Drive wanted to amend the motion to either vote for or against article 20 as written in the warrant. Motion was made and seconded.**

**The Moderator suggested withdrawing the motion to amend so that we can go ahead with the vote to pass over and if that is denied we can go ahead with the vote. Peter Fox withdrew his amendment.**

**The motion to Pass Over Article 20 Failed to Achieve the 2/3<sup>rd</sup> Majority.**

**Collin Humphries, 10 Lakeside Dr. made a motion to approve Article 20 as proposed by the Planning Board. Motion was made and seconded.**

**ARTICLE 20: Failed to Achieve a 2/3<sup>rd</sup> Majority** to amend the Official Dudley Zoning Map by changing the zoning district for the property identified as Assessors' Map 211 Lot 9 from Conservation to Residential 87 as shown on the map entitled "Zoning Map Amended: Re-Zone Map 211 Lot 9 to Residential 87", said proposed amended Zoning Map *February 2022* attached as *Appendix C*.

Moderator noted a scrivener error in Article 21 as printed in the warrant and that the Water Operating Expenses Account Number should read 0061-450-5700-02. The FAA recommends Article 21 be approved as read. Motion was made and seconded.

**ARTICLE 21: Approved by Majority** to transfer from Account No: 0061-000-3590-01 (Water Retained Earning) the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00), as follows: the amount of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) to Account No: 0061-450-5700-02 (Water-Operating Expenses) and the amount of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00), to Account No.: 0061-450-5870-02 (Water-Capital).

Board of Selectmen recommends Article 22 be approved as printed in the warrant. Motion was made and seconded.

**ARTICLE 22: Approved by Majority** to add the following to the By-laws Section 95-1 Annual Town Meeting, **Unless otherwise established by vote of the Board of Selectmen, all citizens' petitioned warrant articles submitted pursuant to M.G.L. c. 39, §10 for inclusion on either an annual or special town meeting warrant must be delivered to the Board of Selectmen's office prior to the date set by the Board of Selectmen for closing of the warrant.**

Board of Selectmen recommends Article 23 be approved as printed in the warrant. Motion was made and seconded.

Charles Cormier, 18 Tobin Dr. Questioned section D – detention/retention pond(s) . . . . He wanted to know if the Town is taking the detention basin and are they splitting the lot. He asked if he had an acre lot, and the detention basin was a quarter of an acre are they taking that off his deed? Jon Ruda, Town Administrator, responded that in this scenario the lot would be configured or an easement for access would be granted to the town at the town's sole discretion. In Mr. Cormier's specific case the town would be looking for a permanent easement. Jeff Blake, of KP Law, stated that this by-law change is intended for new sub-divisions and that moving forward they will make sure that detention basins/retention ponds are on separate lots or permanent access will be provided to the town at the town's sole discretion to allow for maintenance.

**ARTICLE 23: Approved by Majority** to amend Article III section 257-14 as follows (with deletions shown in strikethrough and additions are shown in bold underline text):

Streets **may be accepted at any Town Meeting** ~~shall be accepted only at the Annual Spring Town Meeting.~~

B. All materials, hereafter referred to as the "street acceptance package," shall be submitted in entirety to the Town Administrator's office sixty (60) days, before the first business day in January and not later than the last business day of January prior to the Town Meeting where street acceptance will be placed on the warrant.

C. Private Road adoption. Developers/property owners who are seeking to have their private roads put on a the Town's Annual Town Meeting warrant for acceptance shall have the finish coat of asphalt no more than two years old at the time of acceptance. Roads that have a finish coat of asphalt more than two years old shall be required to have improvements and/or additional maintenance made to them before they can be accepted. The improvements that are needed will be determined by the Highway Superintendent or designee, Planning Board or its designee, Town Engineer and the Selectmen or their designee. Improvements will include at least one of, but are not limited to, the following:

- (1) Crack filling along with oil and sand sealing of the entire roadway, or portions as determined.
- (2) One-and-one-half inch to two-inch overlay of asphalt including any necessary blending of driveways and the raising of any roadway structures to a height flush with the new pavement.
- (3) Complete reclamation and regrading of the roadway and a minimum of four inches compacted thickness of asphalt, installed in two lifts, and related work.
- (4) Any other improvements the bodies named above or their designees may deem necessary for acceptance.

**D. Developers/property owners who are seeking to have their private roads accepted as public ways shall provide for easements in the Town's behalf to allow access for maintenance of all stormwater facilities. Detention/retention pond(s) shall be located on separate lot(s) that shall be conveyed to the Town at no cost as part of the street acceptance process or permanent easements to the Town shall be provided to allow for access for repair and maintenance of the pond(s) at the Town's sole discretion.**

Board of Selectmen recommends Article 24 be approved as printed in the warrant. Motion was made and seconded.

John Briare, 16 Flaxfield Rd wanted to know what the value of unpaid taxes on this parcel and what is the value of the parcel.

Jon Ruda, stated that this piece of land should have been recorded by the Registry of Deeds in 2005. The intention is to make this development complete as it was improperly recorded at the Registry of Deeds in 2005. He said it was never intended to cover the taxes and that this is one step closer to making that neighborhood publicly accepted.

John Briare, 16 Flaxfield Road stated that based on the wording of this article it appears to him that this is to get them out of a foreclosure and that usually there is monetary amount assigned to it. Jeff Blake, KP Law, said that he is correct that the town can go through the foreclosure process and cost of such, or we can accept the parcel in lieu of foreclosure for less cost. The town gets the property either way.

Paul McGown, 12 Tobin Dr. wants to know if the town now takes over this lot, will it become lot 41 and the town will be responsible for their share of the betterment of Tobin Dr? Jeff Blake, KP Law, responded that would depend on many things such as if this would be a buildable lot and if the town would be exempt from the betterment.

Rich Carmignani, 49 Airport Road and Town Treasurer said the taxes are less than \$20.00 and the property is accessible by the powerline easement and is a portion of the dam that the town took over in 1995, nothing of much value. This article is to be closing a loophole so that the town will own the dam and the land adjacent to it to allow maintenance.

**ARTICLE 24: Approved by Majority** to accept a deed in lieu of foreclosure from Wendy L. Slingo and Suzanne J. Miller FKA Suzanne J. Vallee, or from the then current owners, pursuant to the provisions of G.L. Chapter 60, Section 77C, a parcel of land identified by the Assessors as Parcel 104-3, which is shown on a plan shown entitled “Subdivision Plan Tobin Farm Estate”, dated 9/24/2002, recorded with the Worcester South District Registry of Deeds in Plan Book 786, Plan 89, and is a portion of the premises described in a deed recorded in Book 25027, Page 167, which parcel is subject to tax takings held by the Treasurer/Collector for unpaid real estate taxes, said parcel to be under the care, custody and control of the Board of Selectmen for general purposes and for the purposes of conveyance, and to authorize the Board of Selectmen to accept and record the deed, provided the Board of Selectmen determines that the deed complies with the provisions of G.L. Chapter 60, Section 77C, and to convey said parcel on such terms and conditions as the Board of Selectmen deems appropriate.

Board of Selectmen recommends that Article 25 be tabled at the request of the petitioner, who is not present tonight. Motion was made and seconded.

Much discussion ensued on both sides of this article. Questions were posed as to why the petitioner wanted to table this article. Chris Starczewski, Moderator, stated he personally feels that the economic development committee has been actively trying to get more businesses in town and that we should take the time to research this more thoroughly before moving forward. Jen Cournoyer, Board of Health Chair, stated that part of the reason the petitioner wanted it tabled is that when he came before their board they voiced their appreciation for his enthusiasm on this initiative however, they cannot support the enforcement of this. The Health Agent only works a limited number of hours a week and it is not possible for her to take this on as well. Jeff Blake, KP Law, stated that he has concerns about how the Attorney General’s Office would view this. In his opinion, it would have to be a by-law change and he doesn’t think the AG would view this as such. Debate ensued on whether this article should be tabled or passed over. Jeff Blake, KP Law, stated that either way this article is dead once this meeting is adjourned.

**Scott Zajkowski, Catherine St., made a motion to move the question. Motion was made and seconded. Motion to move the question for Article 25 was approved by a majority vote.**

**ARTICLE 25: Tabled by 2/3<sup>rd</sup> Majority vote** to ban single use plastic bags for checkout purposes at retail stores and restaurants. Reusable bags and paper bags are allowed to be used and businesses will be strongly encouraged to remind customers to bring and reuse their bags.

Exemptions of the ban include but not limited to, dry cleaning bags, produce bags or bags at the meat/seafood counters. The measure would be regulated by the Board of Health.

Michael Mayotte, FAA, made a motion to adjourn at 8:45 pm. Motion was seconded. Motion to adjourn was approved by unanimous vote.

Brought to order at 7:04 p.m.

Adjourned at 8:45 p.m.

Voters Present: 115

Action Taken on Articles 1-25

A True Copy,

A handwritten signature in cursive script that reads "Lori A. Smith".

Attest:

Lori A. Smith, Dudley Town Clerk