



TOWN OF DUDLEY

July 24, 2023 SPECIAL TOWN MEETING COMMONWEALTH OF MASSACHUSETTS

Commonwealth of Massachusetts

Worcester, ss

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, July 24, 2023. The meeting was brought to order at 7:14 pm as our required quorum has been exceeded at 7:14 p.m. with approximately 408 registered voters for the Town of Dudley. The Moderator facilitated the Pledge of Allegiance to the Flag. The Moderator then recognized the Town Clerk to read the service of the warrant and certified the return.

The Moderator briefly reviewed the procedures and etiquette of the Town Meeting. Only residents of the town or agents speaking on behalf of town departments or in an official capacity related to work in this town are allowed to speak. Town Counsel, Michelle Randazzo, is in attendance this evening and may be called upon for consultation or clarification. Non-registered voters were asked to sit in the front three rows. A brief tutorial on how to work the voting clickers was given.

FAA made a motion to approve Article 1 as printed in the warrant. Motion was seconded.

ARTICLE 1: Hear Committee Recommendations- **Unanimously passed** to hear and act on the recommendations of the Board of Selectmen and the Finance, Appropriation and Advisory Committee.

Board of Selectmen made a motion that the Town approve Article 2 as printed in the warrant, including the sources and uses of funds included in the warrant and as updated in "Addendum A" to the warrant, as recommended by the FAA, totaling \$25,244,597 to defray the charges and expenses of the Town, provide for a reserve fund(s), and determine the compensation for elected offices, for the ensuing year beginning on July 1, 2023 including payment of debt and interest; and further, to rescind the vote taken and appropriations made under Article 3 of the May 22, 2023 Annual Town Meeting. Motion was seconded.

ARTICLE 2: (Board of Selectmen) FY 2024 Budget with Adjusted Regional School District Appropriation

- 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 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, 2023, or take any other action relative thereto.

FY2024 BUDGET - No Override - and with Revised School Assessment	
REVISED BUDGET - FISCAL 2024	FY2024 BUDGET REQUEST
GENERAL FUND	
SELECTMEN	\$ 3,926
ADMINISTRATION	\$ 497,101
TOWN ACCOUNTANT	\$ 82,384
INFO TECH EXPENSES	\$ 53,302
BOARD OF ASSESSORS	\$ 107,939
TOWN TREASURER	\$ 3,904,936
MUNICIPAL EXPENSES	\$ 127,004
TOWN CLERK	\$ 171,982
PLANNING BOARD	\$ 12,176
POLICE DEPARTMENT	\$ 1,620,057
FIRE DEPARTMENT	\$ 1,088,732
BOARD OF HEALTH	\$ 41,600
BUILDING INSPECTOR	\$ 11,647
HIGHWAY DEPARTMENT	\$ 704,467
RECYCLING CENTER	\$ 154,700
VETERANS SERV.	\$ 156,751
LIBRARY	\$ 62,635
TOTAL GENERAL FUND:	\$ 8,801,400
SCHOOLS	
D-C REGIONAL	\$ 10,937,991
BAY PATH	\$ 1,128,269
TOTAL SCHOOLS	\$ 12,066,260
TOTAL GF + SCHOOLS:	\$ 20,867,660
STATE ASSESSMENTS (from Cherry Sheet)	\$ 35,820
Sub Total:	\$ 20,903,480
ENTERPRISE FUNDS	
WATER DEPARTMENT (0061)	\$ 2,661,797.83
SEWER FUND (0060)	\$ 1,517,322.01
TOTALS	\$ 4,179,119.84
Town Budget with St. Assmnts (includes Enterprise):	\$ 25,082,599
Cherry sheet offsets	\$ 34,708
Overlay	\$ 127,290
TOTAL BUDGET	\$ 25,244,597

FUNDING SOURCES:	
TAXATION (REAL PROPERTY, PERSONAL PROPERTY TAXES)	13,928,252
NEW GROWTH	120,000
DEBT EXCLUSIONS	1,007,382
STATE AID & REIMBURSEMENTS	2,264,044
LOCAL RECEIPTS	3,132,657
FREE CASH	17,050
STABILIZATION FUND	596,093
WATER AND SEWER INDIRECT FEES FROM W/S USER FEES AND CHARGES	212,149
WATER & SEWER USER FEES/ CHARGES (less Indirects above)	3,966,971
GRAND TOTAL FUNDING SOURCES:	25,244,598

Addendum A

TOWN OF DUDLEY
2023 ANNUAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS

Commonwealth of Massachusetts

Worcester, ss

July 24, 2023 Special Town Meeting Addendum A

ARTICLE 2 FUNDING SOURCES:

STABILIZATION FUND: \$534,305

CAPITAL STABILIZATION FUND: \$61,788

TOTAL of \$596,093

The Moderator recognized John Briare, 16 Flaxfield Road, who made a motion that the town reject proposed Article 2 as written and amend the already approved 5/22/23 FY24 Town Budget with the following changes:

1. Change Revenue Number from 5/22/23 FY24 Budget from \$25,182,810 to the most recent revenue number of \$25,244,598 as provided by the BOS and Town Administrator. (This change adds \$61,788 additional revenue, which is Addendum A the Board of Selectmen have introduced this evening)
2. Increase Library Budgetary Number from the 5/22/23 FY24 Line Item of \$360,223 to \$370,223 by transferring \$10,000 from the newly increased revenue number of \$61,788 leaving \$51,788 remaining.
3. Transfer the remaining \$51,788 to the General Fund.
4. Add a Contingent A column to the 5/22/2023 Approved FY24 Budget in the event that the August 17, 2023, Prop 2 ½ Override is successful for the increased School Assessment of \$901,693 and incorporate

the individual department override amounts for all other 8/17/23 Prop 2 ½ Override questions, and their approval if any.

5. Add a Contingent B column to the 5/22/2023 Approved FY24 Budget in the event that the August 17, 2023, Prop 2 ½ Override is not successful for the increased School Assessment of \$901,693 and incorporate the individual department override amounts for all other 8/17/23 Prop 2 ½ Override questions, and their approval if any.

6. If the School override fails, and the library override fails on August 17, 2023, the Contingent B Budget would then be in effect. The Town must immediately rectify any Library Funding shortfall issues to remain in compliance with the Massachusetts Board of Library Commissioners (MBLC) for Library certification and State Aid. In no event should the library be closed and subject the town to any repayment of loans, debt or negatively affect state aid.

7. Each item to be considered a separate appropriation and the amounts shown in the column captioned "Contingent A or B" and in the "Supplemental Funding" section to be appropriated contingent upon passage of a Proposition 2½ ballot question under General Laws Chapter 59, § 21C."

5/22/2023 Town of Dudley Approved Budget

AMENDED 5/22/2023 FY24 Budget Proposal

New Total Revenue Number as of 6/29/2023	\$	25,244,598
Old Revenue Number from 5/22/2023	\$	25,182,810
New Difference in Revenue #	\$	61,788
Transfer to Library from New Revenue #	\$	10,000
Difference to be added	\$	51,788

	ALREADY APPROVED 5/22/23 FY24 Budget CURRENT BUDGET	FINAL AMENDED BUDGET AFTER SUCCESSFUL SCHOOL OVERRIDE (CONTINGENT A) Changes in Green	FINAL REVISED BUDGET AFTER FAILED SCHOOL OVERRIDE (CONTINGENT B)
GENERAL FUND			
SELECTMEN	\$ 5,302	\$ 5,302	\$ 3,926
ADMINISTRATION	\$ 542,838	\$ 542,838	\$ 497,101
F.A.A.C.	\$ -	\$ -	\$ -
TOWN ACCOUNTANT	\$ 82,384	\$ 82,384	\$ 82,384
INFO TECH EXPENSES	\$ 63,696	\$ 63,696	\$ 53,302
BOARD OF ASSESSORS	\$ 110,420	\$ 110,420	\$ 107,939
TOWN TREASURER	\$ 3,805,626	\$ 3,805,626	\$ 3,904,936
MUNICIPAL EXPENSES	\$ 142,782	\$ 142,782	\$ 127,004
TOWN CLERK	\$ 166,862	\$ 166,862	\$ 171,982
PLANNING BOARD	\$ 47,453	\$ 47,453	\$ 12,176
POLICE DEPARTMENT	\$ 1,722,198	\$ 1,722,198	\$ 1,620,057
FIRE DEPARTMENT	\$ 1,269,820	\$ 1,269,820	\$ 1,088,732
BOARD OF HEALTH	\$ 46,450	\$ 46,450	\$ 41,600
BUILDING INSPECTOR	\$ 32,800	\$ 32,800	\$ 11,647
HIGHWAY DEPARTMENT	\$ 899,500	\$ 899,500	\$ 704,467
RECYCLING CENTER	\$ 164,700	\$ 164,700	\$ 154,700
COUNCIL ON AGING	\$ -	\$ -	\$ -
VETERANS SERVICES	\$ 178,251	\$ 178,251	\$ 156,751
LIBRARY	\$ 360,223	\$ 370,223	\$ 62,695
TOTAL GENERAL FUND	\$ 9,641,305	\$ 9,651,305	\$ 8,801,400
SCHOOLS			
D-C REGIONAL	\$ 10,036,308	\$ 10,937,991	\$ 10,937,991
BAY PATH	\$ 1,128,269	\$ 1,128,269	\$ 1,128,269
TOTAL SCHOOLS	\$ 11,164,577	\$ 12,066,260	\$ 12,066,260
TOTAL General Fund +SCHOOLS	\$ 20,805,882	\$ 21,717,565	\$ 20,867,660
STATE ASSESSMENTS (From Cherry Sheet)	\$ 35,820	\$ 35,820	\$ 35,820
Sub Total:	\$ 20,841,702	\$ 21,753,385	\$ 20,903,480
ENTERPRISE FUNDS			
WATER DEPARTMENT (0061)	\$ 2,661,797.83	\$ 2,661,797.83	\$ 2,661,797.83
SEWER FUND (0060)	\$ 1,517,322.01	\$ 1,517,322.01	\$ 1,517,322.01
TOTALS	\$ 4,179,119.84	\$ 4,179,119.84	\$ 4,179,119.84
Town Budget with State Assmnts *includes Enterprise)	\$ 25,020,822	\$ 25,932,505	\$ 25,082,599
Cherry Sheet offsets	\$ 34,708	\$ 34,708	\$ 34,708
Overlay	\$ 127,280	\$ 127,290	\$ 127,290
SUBTOTAL	\$ 25,182,810	\$ 26,094,503	\$ 25,244,597
GENERAL FUND DEPOSIT		\$ 51,788	\$ -
TOTAL BUDGET	\$ 25,182,810	\$ 26,146,291	\$ 25,244,597

FUNDING SOURCES:	\$	25,182,810	\$	26,146,291	\$	25,244,597
TAXATION (REAL PROPERTY, PERSONAL PROPERTY TAXES)	\$	13,928,252	\$	13,928,252	\$	13,928,252
NEW GROWTH	\$	120,000	\$	120,000	\$	120,000
DEBT EXCLUSIONS	\$	1,007,382	\$	1,007,382	\$	1,007,382
STATE AID AND REIMBURSEMENTS	\$	2,264,044	\$	2,264,044	\$	2,264,044
LOCAL RECEIPTS	\$	3,132,657	\$	3,132,657	\$	3,132,657
FREE CASH	\$	17,050	\$	17,050	\$	17,050
STABILIZATION FUND	\$	596,093	\$	596,093	\$	596,093
WATER/SEWER INDIRECT FEES FROM W/S USER FEES AND CHARGES	\$	212,149	\$	212,149	\$	212,149
WATER/SEWER USER FEES/CHARGES (LESS INDIRECT ABOVE)	\$	3,966,971	\$	3,966,971	\$	3,966,971
GRAND TOTAL FUNDING SOURCES	\$	25,244,598	\$	25,244,598	\$	25,244,598

SUPPLEMENTAL FUNDING SOURCES:	\$	901,683	\$	-
Proposition 2 ½ Override Ballot Questions – August 17, 2023 Special Town Election				
Question #1: Police/Fire Dept : \$556,111.09	* (See Supplemental Funding Notes Below)		* (See Supplemental Funding Notes Below)	
Question #2: Highway Dept : \$534,304.50	* (See Supplemental Funding Notes Below)		* (See Supplemental Funding Notes Below)	
Question #3: Town Government: \$133,698	* (See Supplemental Funding Notes Below)		* (See Supplemental Funding Notes Below)	
Question #4: Library : \$297,528.41	* (See Supplemental Funding Notes Below)		* (See Supplemental Funding Notes Below)	
Question #5: School Assessment \$901,683		\$ 901,683		FAIL

*** SUPPLEMENTAL FUNDING NOTES FROM 8/17/2023 Special Town Election**

Approved Supplemental Funding, if any, based on final results of the 8/17/2023 Special Town Election Prop 2 1/2 Override Questions are hereby authorized to be incorporated and entered into the budget according to the final approved amounts and departments. Authorization for this action has been approved at The Dudley Town Meeting Vote, taken on July 24, 2023 in accordance with Massachusetts General Laws. In addition, the final supplemental funding amounts, if any, are hereby authorized to be automatically entered into the above budgets, on the appropriate line items, and final totals will be considered to be the Town Meeting Approved budget. Such final budget with or without supplemental funding shall be posted by the Town Clerk within 48 hours. Such Notice will constitute the Approved Town of Dudley Balanced Budget for FY2024.

Revised 7/31/2023 to the include the excel sheets for the amended article 2.

The motion was seconded and accepted by majority vote.

John Briare, 16 Flaxfield Road, stated that he feels this is a compromise budget. He feels the previous overrides failed because the override requests were clumped together and would have been approximately 33% tax increase. He feels confident that with the school override listed separately that it will pass and then the town can operate on the 5/22/23 FY24 town budget. If the school assessment passes on August 17th the town can hire back the fire fighters and it buys the town time and doesn't have to wait until October Special Town Meeting.

Selectmen Kerry Cyganiewicz thanked Mr. Briare for his time and effort. He asked Mr. Briare if his proposal would give us a balanced budget as he is wondering how the DOR would view it with the menu override. Mr. Briare stated that he had sent it to the DOR and they responded that they were not under statutory authority to review or recommend what to do. John Briare said the key language to the budget is the Supplemental Funding notes from the 8/17/2023 Special Town Election. He said that allows the town to incorporate the override amounts directly into the line items and have a balanced budget.

Town Counsel, Michelle Randazzo, stated that specifically to Mr. Cyganiewicz's question if it is voted tonight to approve this amended budget we would not leave here tonight with a balanced budget as it is contingent on an override vote for the schools. She stated the DOR does two important things regarding town budgets: approves and certifies the tax rate and free cash. They cannot certify the tax rate without

a balanced budget and we cannot spend any free cash until it is certified. DOR will not get in the middle of this. When talking on voting on the DCRSD revised assessment the only way to avoid the possibility of a Regional Super Town Meeting would be if we were to fully fund the schools this evening without any contingencies. Michelle stated that the override monies, if any, from 5 override questions on the August 17th Special Town Election will need to go to the specific purpose listed. If there was a way feasibly to make a motion that would encompass all the different outcomes, but she does not see where this amendment motion does it. She appreciates that the proponent has incorporated language that says all of those amounts, whatever is voted, gets folded in. She is concerned that it may not be sufficient for the DOR when an override is voted because unless a specific amount is voted to be a supplemental appropriation based on the outcome of the override there will still need to be an appropriation vote in October after the override vote.

John Briare said he sent this proposed amendment to Town Counsel, Board of Selectmen, and Town Administrator over a week and a half ago for review with no response. John stated that he feels even the town proposed budget is technically not the final balanced budget and will need to go before the Town Meeting in October for appropriation. He added that the town has until November to present a balanced budget to be certified after free cash and all that. He said both the town budget and his proposed budget need to go through the same exact process, and yes contingent A is dependent on the Supplemental funding of the school override but if that fails it clearly says in Contingent B it is funded through the towns proposed budget, so how come it's good for them now but not on August 17th? Michelle Randazzo stated that it is not her opinion it is what the law says.

Gerry Frank, 13 Causeway Shores, asked what happens if Article 2 is approved as written in the warrant and Question 5 is approved for the school funding on August 17th what happens to the extra money as it would have then been double appropriated. Where is it allocated and who decides? Atty. Randazzo responded that the \$901,683.00 in the town budget would need to be reallocated to the other departments at the October Annual Town meeting. Mr. Frank asked if there will still need to be another Town Meeting if any of these overrides are approved. Atty. Randazzo stated that the bylaws require a fall town meeting and any necessary fiscal adjustments are made then. Mr. Frank then asked if the town has a definitive answer as to if the town would have to pay back the 2.6 million with 13 years interest if the Library does not get appropriately funded. Atty. Randazzo stated that she has been in touch with the state and they have not given her a definitive answer that yes we would have to pay back the 2.6 million with 13 years interest. The state suggested that the town wait until the override vote in August to see what we are looking at. We have enough in the budget to keep the library open until October. Mr. Frank asked what would happen if the override for the library fails; where would that money come from. John Briare stated that the Library is already fully funded in the 5/22/2023 so he doesn't have to figure out where it is going to come from. He said it seems to him that in trying to get the towns budget passed it is messing up his amendment, so he if simply got rid of his Contingent B he would eliminate all his problems and they all center around the towns budget. He said he has no problem amending his motion to drop the whole contingent B and go for broke and just go for contingent A and hope for a successful override on the school and if fails we are right back here to figure it out. The Moderator asked Mr. Briare if he was making a motion to amend his amendment. Mr. Briare said no he is not as he thinks it is beneficial to keep it in and that his emotions just got the best of him. Mr. Briare stated that in his supplemental notes it states that he has worked with the Division of Local Services and he has never in his 20 years had a warrant article, a petition denied by the Attorney General's Office or the Department

of Revenue. He said his amendment is rock solid. Atty. Randazzo stated that the Attorney General's Office does not review budget appropriations, the Department of Revenue will only look at this in the context of free cash certification and tax rate setting. She stated that Mr. Briare's contingent B is the same as the town's proposed budget but it balances with no contingencies, and that is the way to eliminate the possibility of a Super Town Meeting if the school is fully funded without any contingencies.

Richard Raymond, 191 Corbin Rd., expressed his concern that if we don't properly fund the library taxpayers may be forced to pay the state back the grant money plus interest. He feels the amended budget is the best way to prevent this possibility.

Selectmen Steven Sullivan stated we are in this situation because the school assessment changed. He expressed his respect for the petitioner of the amended article. At previous meetings where Mr. Briare presented his proposed budget and again tonight keeps using the word "hope" he hopes people will see this and vote for it . . . Mr. Sullivan stated the \$900,683 for the school plus the 10% cut across the board for the town budget that was already taken have affected the budget. We are talking level services for the school side but it is not even level funding on the town side. Mr. Sullivan stated that to go with a budget on the hopes that an override passes, is not a strategy. If we go with the proposed amended budget and spend accordingly we are already 3 three months into the fiscal year when it could turn out the overrides fail. He said if and when the school gets the money it has to be accounted for as would the \$370,223 for the library. The bottom line is we don't have the revenue to fund the proposed budget. If this continues the town will continue to go backwards while the school continue to go forward.

Selectman Mark Landry has two questions for town counsel: 1. Does this amended budget save the library in any permanent way?; and 2. Is Article 2 as printed in the warrant legally sound and does it balance the budget between now and October 2023 and eliminate the possibility of a Super Town Meeting? Atty. Randazzo stated the proposed amended budget does not eliminate the possibility of a Super Town Meeting for the reasons she previously stated. With respect to the library the money has to come from somewhere. If the money is to come from the override it will not be a balanced budget today; it may be balanced in the future.

Eric Franszen, 43 Ramshorn Rd., urged voters to fund the schools, town and emergency services. He stated that his daughter was recently in a bicycle accident and is currently in ICU. If it wasn't for the Dudley Fire Department reacting to her daughter, he wouldn't be here today. He said that our number one priority should be our schools, fire and police departments. We need to stop this madness as we are currently putting our children and all of us in danger.

Theresa Rousseau, 22 D'Allesandro Ave., asked if the budget that the town is proposing on Article 2 as printed in the warrant restore the police and fire departments and is it a balance budget? Town Administrator, Jon Ruda, said that it does not restore the police and fire to previous levels. What it does do is balance the budget until the August 17, 2023 Special Election. After the override vote we will adjust the budget at the October town meeting once we know the results of the 8/17/23 ATE. Article 2 as printed in the warrant is a balanced budget as it does not depend on any contingencies and also eliminates the possibility of a Super Town Meeting being scheduled.

Gerry Frank, 13 Causeway Shores Rd., stated he would like to see the money put back into Article 2 budget as printed in the warrant to eliminate any chance that the town would be required to pay back the grant money plus interest. Selectman John Marsi, if we were to include the library in the budget, we

would need to take it from somewhere else. He urged voters to support the override questions on August 17, 2023. Mr. Frank asked if we accept the previous speaker's amendment regarding the library, is it legally binding or not. (note: the previous speaker, Selectmen Marsi, did not make an amendment, Mr. Frank was referring to Mr. Briare's amended budget) Atty. Randazzo stated that in her opinion it is not legally binding on town officials.

Richard Norton, 1 Queen Circle, stated that if Article 2 as printed passes there would be no need for a Super Town Meeting; he asked if Mr. Briare's amended budget passes and the school override passes would the school committee cancel the Super Town Meeting? Steven Lamarche, School Superintendent, said if the school is not fully funded tonight a Super Town Meeting is on the table and it would be canceled if the school override is approved on August 17th. Cathy Carmignani, School Committee Chair, said that she can only speak as a member of the School Committee and that she does not want to see a Super Town Meeting. She would like to figure this out tonight and fund the town and schools. Ms. Carmignani asked town counsel, if either Article 2 as printed in the warrant or Mr. Briare's amended article 2 with contingencies get approved, the school gets their money what is the legality of it. Atty. Randazzo stated that the legal effect per state regulations is that if you don't appropriate the money without contingencies within the time limits the state sets it is considered a rejection of the budget and there is still the possibility that the district could move forward with a Super Town Meeting.

Richard Raymond, 191 Corbin Road made a motion to move the question; motion was seconded. Moderator clarified that this motion is to end the discussion on the Proposed Amendment to Article 2. Motion passed with a majority vote to move the question.

John Briare made a point of order. He wanted clarification on what we are now voting on. The Moderator explained that we had a motion which was seconded on the floor to accept Article 2 as printed in the warrant. We then had a motion which was seconded to amend article 2 with discussion that followed about amending the main article. In order to move the amendment to a vote, we must first vote to accept the amendment as the main article.

Motion to accept the amendment to Article 2 as the main motion and to replace article 2 as printed in the warrant passed with a clear majority vote.

The Moderator asked for unanimous consent to be allowed to dispense with the reading of the complete amended article. Richard Raymond made the motion to allow the dispensing of the reading of the complete amended article, which was seconded. Moderator opened it up for discussion on the merits of the article.

Richard Raymond made a motion to move the question. Motion was seconded and passed unanimously.

The Moderator then moved the vote on the amended Article 2 which requires a 2/3 majority vote. He clarified that we will be voting on Article 2 FY24 with adjusted regional school district appropriations. Moderator declared the motion passed with a clear 2/3rd majority.

A motion was made to adjourn at 8:45 pm and was seconded. Motion to adjourn was approved by unanimous vote.

Brought to order at 7:14 p.m.

Adjourned at 8:45 p.m.

Voters Present: 437

Action Taken on Articles 1-2

A True Copy,

Lori A. Smith

Attest:

Lori A. Smith, Dudley Town Clerk