

**TOWN OF DUDLEY**  
**ANNUAL SPRING 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, May 20, 2013 and Tuesday, May 21, 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.

**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.

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

**Genealogical Research Revolving Fund.** For the purpose of accepting receipts from researching genealogical records. 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 restoration of Town Clerk records. 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 Three Thousand Dollars (\$3,000).

**Composting Bins /Rain Buckets.** For the purpose of accepting receipts from the sale of Composting Bin & Rain Buckets. 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 Composting Bins/Rain Buckets program. 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 Seven Thousand Five Hundred Dollars (\$7,500).

**Police Detail Cruiser Use Revolving Fund.** For the purpose of accepting receipts from the use of police vehicles during private police details. 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 purchasing Police vehicles. 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 Fifty Thousand Dollars (\$50,000).

**Fire Code Violation Fund.** For the purpose of accepting fines from fire code & building code violations under Chapter 148A. 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 fire alarm box system and fire code enforcement . 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 M.G. L. Chapter 148A. Total expense not to exceed Seven Thousand Five Hundred Dollars (\$7,500).

**Gift Shop Revolving Fund.** For the purpose of accepting receipts from the sale of shirts and other Town of Dudley logo goods. 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 operating the gift shop and gift shop supplies.. 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 expenses not to exceed Two Thousand Dollars (\$2,000).

**West Main Street Donations / Court of Honor / Veteran's Bricks.** For the purpose of accepting receipts from the sale of memorial bricks and gifts. 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 operating the Court of Honor. 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 expenses not to exceed Six Thousand Dollars (\$6,000).

**Web Site Fees.** For the purpose of accepting receipts from the sale of advertising on the Town of Dudley's Web Site. 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 operating the Town's web site. 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 expenses not to exceed Three Thousand Dollars (\$3,000).

**Arrest Warrant Services.** For the purposes of accepting proceeds from warrant service recall fees from the appropriate Massachusetts Court. 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 off set costs associated with investigation, apprehension, processing, holding and transportation of warrant service arrestees, but 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 expenses not to exceed Ten Thousand Dollars (\$10,000).

**Firearms Permit Services.** For the purposes of accepting fees associated with the issuance of firearm identification cards, licenses to carry firearms, or other similar licenses. 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 costs associated with the processing of permits and purchase of equipment necessary to carry out this function, but 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 expenses not to exceed Five Thousand Dollars (\$5,000).

**Fire Outside Detail.** For the purposes of accepting fees associated with the Fire Department's personnel working at outside details. 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 costs associated with providing outside details and purchase of equipment necessary to carry out this function, but 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 expenses not to exceed Fifteen Thousand Dollars (\$15,000).

**Board of Health-Education.** For the purposes of accepting fees associated with the Health Department's educational training programs. 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 costs associated with providing educational training necessary to carry out this function, but 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 expenses not to exceed One Thousand Dollars (\$1,000).

**Gas Inspector, Fuel Burner Inspector, Plumbing Inspector and Wire Inspector.** Funds to be used for inspectors' salaries and expenses. The funds to be deposited into these separate and respective accounts shall be seventy percent (70%) of the fees charged for the separate and respective Inspectors' services. The separate and respective inspectors shall authorize all expenditures of funds from these accounts, without further appropriation, provided that the amount to be expended in the fiscal year 2013 shall not exceed Twenty Thousand Dollars (\$20,000) per inspector account established unless both the Board of Selectmen and Finance Appropriation Advisory Committee recommend such additional amounts.

**Hazardous Materials Collection Revolving Fund.** For the purpose of accepting receipts from Hazardous Materials & Waste Collections and donations for the same. 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 of collection of hazardous wastes. 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 Nine Thousand Dollars (\$9,000).

**Planning Services Revolving Fund.** For the purpose of accepting receipts from services from the Planning Department, Inspector of Buildings, Historical Commission and donations for the same. 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 of planning services. 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 One Thousand Dollars (\$1,000).

**Municipal Hearings.** For the purposes of accepting fees associated with Municipal Hearings. Said funds to be received by the Board of Selectmen and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset costs associated with conducting municipal hearings and related expenses, but 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 expenses not to exceed Two Thousand Dollars (\$2,000).

**Fire Alarm Boxes.** For the purposes of accepting annual fees for monitoring local and town buildings. Receipts to be used for equipment, replacement and / or repairs related to the monitoring system. 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. 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 Chapter 148A. Total expenses not to exceed Thirty- Five Thousand Dollars (\$35,000).

**Cemetery Fees.** For the purpose of accepting fees associated with cemetery services. Said funds to be received by the Board of Selectmen and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset costs associated with conducting municipal hearings and related expenses, but 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 expenses not to exceed Two Thousand Dollars (\$2,000).

**Council on Aging Meals.** For the purpose of accepting fees for providing meals in the senior center. Receipts to be used for supplies, food costs, equipment ( including replacement and / or repairs) related to the food service section of the senior center. Monies 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 the meals program. 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 expenses not to exceed One Thousand Dollars (\$ 1,000.00).

**Library Lost Books.** For the purposes of accepting receipts for lost, damaged or destroyed library books. Said funds to be used for the replacement of library books. 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 library materials. 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 Five Thousand Dollars (\$5,000).

**ARTICLE 4:** (Highway Dept.): 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 to the Machinery Maintenance Account for fiscal year 2014 or take any other action relative thereto.

**ARTICLE 5:** (Police Department) To see if the Town will vote to transfer from the Firearms Services Revolving Fund Account #0910-000-5780-00 to the Police Overtime Account #0001-210-5131-01 the sum of Seven Thousand Five Hundred Dollars (\$7,500) to offset overtime costs incurred for fiscal year 2013 or take any other action relative thereto.

**ARTICLE 6:** (Sewer Commissioners) To see if the Town will vote to transfer the sum of Seventy Nine Thousand One Hundred and Ninety Five Dollars (\$79,195) from retain earning to Sewer Department revenues to cover any fiscal year 2013 operational revenue deficit the Department may incur or take any other action relative thereto.

**ARTICLE 7:** (Selectmen) - **FY 2014 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 charges and expenses of the Town and provide for a reserve fund(s) and including debt and interest for the ensuing year, or take any other action relative thereto.

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

**ARTICLE 8:** (Assessors) To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of Twenty Three Thousand Dollars (\$ 23,000) 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.

**ARTICLE 9:** (Building & Grounds) To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds the sum of Six Thousand Six Hundred Dollars ( \$6,600.00 ) for the purchase of a new 48" cut, zero turn commercial grade lawn mower, and to sell or trade the old 48" cut mower and apply the proceeds towards the purchase of the new mower or take any other action relative thereto.

**ARTICLE 10:** (Highway / Capital Planning) To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of Fifty Nine Thousand Five Hundred Dollars ( \$59,500.00) for the purchase of a new One (1) ton Dump Truck or take any other action relative thereto.

**ARTICLE 11:** *(Selectmen) To see if the Town will approve the \$73,722,405 borrowing authorized by the Southern Worcester County Regional Vocational School District, for the purpose of paying costs of designing, constructing, originally equipping and furnishing an addition to and renovation of the Bay Path Regional Vocational Technical High School, located at 57 Old Muggett Hill Road, Charlton, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) sixty-seven and forty-one hundredths percent (67.41%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA or take any other action relative thereto.*

**ARTICLE 12: (Fire)** To see if the Town will to vote to accept Chapter 148, Sec. 26I of Mass General Law which provided as follows:

Section 26I. In a city, town or district which accepts the provisions of this section, any building hereafter constructed or hereafter substantially rehabilitated so as to constitute the equivalent of new construction and occupied in whole or in part for residential purposes and containing not less than four dwelling units including, but not limited to, lodging houses, boarding houses, fraternity houses, dormitories, apartments, townhouses, condominiums, hotels, motels and group residences, shall be equipped with an approved system of automatic sprinklers in accordance with the provisions

of the state building code. In the event that adequate water supply is not available, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. Owners of buildings with approved and properly maintained installations may be eligible for a rate reduction on fire insurance.

**ARTICLE 13:** (Selectmen) To see if the Town will vote to amend the Town's By-laws "Article XXVII, "Animal Control Bylaw" Section 3 Changes as follows, words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded (i.e. **with**):

Section 3. LICENSE REQUIREMENTS, **VACCINATION**, FEES, EXCEPTIONS

- A. **License**. Any owner or keeper of a dog six (6) months of age or older in the Town of Dudley shall cause that dog to be licensed as required by Massachusetts General Laws Chapter 140 during the month of January of each year, or within 30 days after a dog becomes six months old. The license will be obtained from the Town Clerk. Each license shall be numbered and contain the color, breed, gender and special markings of the dog; the name, residential address and phone number of the owner; the expiration date of the rabies vaccination; and other information as the Town Clerk deems appropriate. Each license shall be issued upon the condition that the owner or keeper shall comply with the provisions of this by-law, rule or regulation relating to the ownership and control of dogs.
- B. **Tags**. The owner or keeper of a licensed animal shall cause ~~#~~ **the animal** to wear around its neck or body a collar or harness to which shall be securely attached a tag issued by the Town Clerk at the time of licensing. A fee of \$1.00 (one) Dollar shall be charged to replace a lost tag.
- C. **Veterinarian's Certification**. The Town Clerk shall not issue any license including residential kennels unless the owner or keeper provides either a veterinarian's certification that such dog has been vaccinated against rabies by a licensed veterinarian, therein, provided, or a notarized letter from a veterinarian that a certification was issued.
- D. **Commercial & Residential Kennels:**
- i. Any owner or keeper of more than three (3) dogs or three (3) cats must acquire a residential kennel.
  - ii. Commercial Kennels must be fully licensed pursuant to the provisions of M.G.L. Chapter 140 and subject to Dudley's Zoning By-laws.
  - iii. Each residential kennel and commercial kennel shall be available to inspection by the Animal Control Officer, a Natural Resource Officer, Fish and Game Warden, Police Officer or the Board of Health.
- E. **Vaccination**. All dogs (6) six months of age or older must be currently vaccinated against rabies as per M.G.L. Chapter 140, Section 145b.
- F. **Fees**. The annual fee for every animal license, residential kennel and commercial kennel license and all fines relevant to dog control shall be as follows:

- i. **Establishing Fees.** The Board of Selectmen, at its discretion, on or before by September 30th of the preceding calendar year, may review and establish animal control fees pursuant to this Article XXVII of the General By-Laws.
- ii. Annual **Dog** Fee. The fee for all dogs (male, neutered, female, spayed) shall be as established by the Board of Selectmen. ~~Twelve (\$12.00) Dollars per dog.~~
- iii. Residential **Dog** Kennel License: Fifty (\$ 50.00) Dollars
- iv. Commercial **Dog** Kennel License: Seventy-Five (\$75.00) Dollars.
- v. Commercial or Residential **Cat** Kennel License: ~~for cats if~~ Fifty Dollars (\$50.00).
- vi. No fee shall be charged for a license for a dog trained as a guide dog, signal dog, or trained to provide assistance to an individual with a disability provided that the owner shows written evidence that the animal is a service dog.
- vii. No license fee shall be refunded in whole or in part for any reason.
- G. **Town Clerk.** The registering, numbering, describing and licensing of dogs shall be performed in the office of the Town Clerk on a form prescribed and supplied by the Town, and shall be subject to the condition expressed therein that the dog so licensed shall be controlled and restrained from killing, chasing or harassing livestock or fowls.
- H. **Failure to License.** Should any owner or keeper of an animal fail to license that animal as required under M.G.L. Chapter 140 before April, 1, the owner or keeper shall pay a late fee of Ten (\$10.00) Dollars before obtaining said license, except a dog brought into the Town as provided by M.G.L. Chapter 140, Section 138. This late fee shall be applicable from the 61st day after the arrival of such dog. Any person maintaining a commercial kennel in the Town of Dudley who fails to license as prescribed by this section and the laws of the Commonwealth, shall pay a late fee of Fifty (\$50.00) Dollars, commencing April 1. Any owner or keeper of a dog failing to license by June 15th in any year shall be subject to a fine of Twenty-Five (\$25.00) Dollars per dog in addition to the license fee upon the complaint of the dog officer or Town Clerk. Any person maintaining a Commercial Kennel who fails to license by June 15<sup>th</sup> in any year shall be subject to a fine of Seventy-Five (\$75.00) Dollars upon the complaint of the dog officer or Town Clerk.
- I. **Unpaid Fees.** In addition to all other sums due and owing for any license fee hereunder, a person who applies for license hereunder shall be obligated to pay all prior amount of license fees and late fines determined to be due and owing by the Town Clerk pursuant to this By-law, for past periods in which said person was obligated to obtain license. It shall be a violation of the By-law to fail to pay any said sum due hereunder; this remedy shall be cumulative.
- ~~J. No license fee shall be refunded in whole or in part for any reason.~~
- K. ~~The owner or keeper of a licensed animal shall cause it to wear around its neck or body a collar or harness to which shall be securely attached a tag issued by the Town Clerk at the time of licensing. A fee of \$1.00 (One) Dollar shall be charged to replace a lost tag.~~

~~M. Commercial or Residential Kennel License for cats if Fifty Dollars (\$50.00).~~

{Note: words to be deleted shall have a line strike through (i.e. ~~with~~) and words to be added bolded (i.e. **with**)}.

**ARTICLE 14:** (Petition) To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$ 17,797 for the purpose of paying monies owed to former Police Sergeant Pamela A. Daniels in connection to her retirement or take any other action relative thereto.

**ARTICLE 15:** (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.

**ARTICLE 16:** (Selectmen) To see if the Town will vote to raise, appropriate, borrow or transfer from available funds the sum of 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.

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.

Warrant make due return of this warrant with your doing thereon, to the Town Clerk at the time of holding of be posting and publishing at least fourteen (14) days before holding of said meeting. Hereof, fail not, and said meeting.

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

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

\_\_\_\_\_  
Paul M. Joseph

\_\_\_\_\_  
Steven P. Sullivan, Vice Chairman

\_\_\_\_\_  
John J. Marsi

\_\_\_\_\_  
Peter E. Fox, 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 \_\_\_\_\_ 2013 and Shepherd Hill Regional High School on the \_\_\_\_, of \_\_\_\_\_ 2013.

Thereby making my return to the Dudley Town Clerk on the \_\_\_ of \_\_\_\_\_ 20123.

\_\_\_\_\_  
Theodore J. Baron Sr.  
Constable, Town of Dudley

A True Copy.  
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Attest: \_\_\_\_\_  
Ora E. Finn, Dudley Town Clerk