

# **COMMONWEALTH OF MASSACHUSETTS**

**S.S. FRANKLIN**

To either of the Constables of Warwick, GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in elections and in Town affairs, to

**MEET AT THE TOWN HALL ON MONDAY, MAY 6, 2013, AT 7:00 P.M.**

**Then and there to act on the following articles:**

**ARTICLE 1:** Shall the Town accept the reports of Town Officers and Committees for 2012 or take any other action related thereto?

**ARTICLE 2:** Shall the Town authorize the Town Treasurer / Tax Collector to enter into compensating balance agreements during Fiscal Year 2014 as permitted by General Laws Chapter 44:53f, or take any other action related thereto?

**ARTICLE 3:** Shall the Town authorize the Board of Selectmen to apply for and accept private, state and federal grants, and to expend any monies received as set forth in the appropriate grant application, or take any other action related thereto?

**ARTICLE 4:** Shall the Town authorize the following revolving funds in accordance with **Massachusetts General Law, Chapter 44, Section 53E ½**, or take any other action related thereto?

A. Fees for Board of Health inspections will be deposited into a revolving fund and expended to pay the personnel performing the inspections and related expenses. The fund will be under the authority of the Board of Health and total expenditures for the fiscal year commencing on July 1, 2013, will be limited to Two Thousand Dollars (\$2,000).

B. Fees collected for burials by the Cemetery Commission or Board of Selectmen will be deposited into a revolving fund to pay personnel for the purpose of preparing the burial lot(s). The fund will be under the authority of the Cemetery Commission, and total expenditures for the fiscal year commencing on July 1, 2013, will be limited to Two Thousand Dollars (\$2,000).

C. Fees and reimbursements for costs of public hearings held by the Board of Selectmen and Zoning Board of Appeals will be deposited into a revolving fund and expended to pay the costs of advertising, recording fees, and expenses related to the hearings. The fund will be under the authority of the Board of Selectmen, and total expenditures for the fiscal year commencing on July 1, 2013, will be limited to Three Thousand Dollars (\$3,000).

D. Fees for inspections conducted by the Plumbing and Gas Inspector will be deposited into a revolving fund and expended to pay the Inspector for performing said inspections. The fund will be under the authority of the Board of Selectmen, and total expenditures for the fiscal year commencing on July 1, 2013, will be limited to Two Thousand Dollars. (\$2,000) If this fund is not reauthorized for the fiscal year commencing July 1, 2013, the balance will close out to surplus revenue at the close of Fiscal Year 2014.

E. Cleaning deposit fees retained by the Town, related to the use of Town Hall, will be deposited into a revolving fund and expended to pay the Town Hall Janitor for extra cleaning required after the use of Town Hall by any person or group which forfeits its cleaning deposit. The fund will be under the authority of the Board of Selectmen, and expenditures shall not exceed Two Thousand Dollars (\$2,000) for the fiscal year commencing July 1, 2013.

F. Funds received from the sale of timber from Town owned land will be deposited into a revolving fund and expended to pay the costs of professional forestry management services and related expenses. The fund will be under the authority of the Forestry Committee and total expenditures for the fiscal year commencing on July 1, 2013, will be limited to Two Thousand Dollars (\$2,000).

G. Funds received from sale of dog licenses or from loose dog fees collected will be deposited into a revolving fund to pay for expenses incurred for licensing expenses, and the care and kenneling of animals in the custody of the Animal Control Officer. The fund will be under the authority of the Chief of Police and the total expenditures in the fiscal year commencing July 1, 2013, shall not exceed Seven Hundred Fifty (\$750).

H. Fees collected for Fire Department inspections will be deposited into a revolving fund and expended to pay the personnel performing the inspections and related expenses. The fund will be under the authority of the Fire Department and total expenditures for the fiscal year commencing on July 1, 2013, will be limited to Two Thousand Dollars (\$2,000).

I. Fees collected by the Planning Board's Zoning Program will be deposited into a revolving fund and expended to pay costs associated with the Planning Board's Zoning Program such as zoning related hearings, zoning public notification, and zoning training of board members. The fund will be under the control of the Planning Board, total expenditures for the fiscal year commencing July 1, 2013, will be limited to one thousand dollars (\$1,000).

J. Fees from Highway department equipment sharing and inter-municipal rentals, Chapter 90 equipment use, and other highway machinery reimbursement will be deposited into a revolving fund and expended to fund highway machinery repairs, upkeep and replacement. The fund will be under the authority of the Selectboard and total expenditures for the fiscal year commencing on July 1, 2013, will be limited to ten thousand dollars (\$10,000).

K. Fees for inspections conducted by the Electrical Inspector will be deposited into a revolving fund and expended to pay the Inspector for performing said inspections. The fund will be under the authority of the Selectboard, and total expenditures for the fiscal year commencing on July 1, 2013, will be limited to Two Thousand Dollars (\$2000).

**ARTICLE 5:** Shall the Town raise and appropriate such sums of money as may be necessary to defray expenses, the amount estimated by the Board of Selectmen and the Finance Committee for the Fiscal Year commencing July 1, 2013, for the purposes designated in the budget that follows, or any other amounts for such purposes, which shall not exceed the amounts stated in the column designated "FY 2014 requested"? This article shall also act to fix the salaries and compensation of elected officials as required by Massachusetts General Law, Chapter 41, Section 108.

Requested salaries and compensation for elected officials:

|                     |        |                 |        |
|---------------------|--------|-----------------|--------|
| Moderator           | \$125  | Selectboard     | \$1200 |
| Assessors           | \$1500 | Town Clerk      | \$5989 |
| Tree Warden         | \$500  | Board of Health | \$1500 |
| Cemetery Commission | \$600  |                 |        |

**ARTICLE 6:** Shall the Town reconsider the PVRs operating assessment voted in the omnibus budget (line 372 in Article 5) and instead raise and appropriate a sum of money to the PVRs operating assessment or take any other action related thereto?

**ARTICLE 7:** Shall the Town raise and appropriate \$4,500 to capital projects at PVRs central office (HVAC) or take any other action related thereto?

**ARTICLE 8:** Shall the Town raise and appropriate \$3,285 to fund PVRs capital projects or take any other action related thereto?

**ARTICLE 9:** Shall the Town raise and appropriate the sum of \$18,000 to fund the Warwick Community School Improvement Account established by vote of the Annual Town Meeting held May 3, 2004, or take any other action related thereto?

**ARTICLE 10:** Shall the Town raise and appropriate the sum of \$2,500 to the Revaluation Account, or take any other action related thereto?

**ARTICLE 11:** Shall the Town appropriate \$92,000 to the Broadband Enterprise Fund effective July 1, 2013, for operation of the Warwick Broadband Service or take any other action related thereto?

**ARTICLE 12:** Shall the Town appropriate available Solid Waste funds certified in the amount of \$3763 to the operation of the FY '14 Transfer Station Enterprise Fund or take any other action related thereto?

**ARTICLE 13:** Shall the Town raise and appropriate \$3,237 to subsidize the Transfer Station Enterprise Fund effective July 1, 2013 or take any other action related thereto?

**ARTICLE 14:** Shall the Town appropriate a total budget of \$42,000 (inclusive of funds appropriated in Articles 13 and 14) to the operation of the Transfer Station Enterprise Fund effective July 1, 2013 or take any other action related thereto?

**ARTICLE 15:** Shall the Town raise and appropriate \$502 to the workers compensation assessment or take any other action related thereto?

**ARTICLE 16:** Shall the Town raise and appropriate \$25,000 to the Capital Stabilization Fund or take any other action related thereto? (2/3 vote required)

**ARTICLE 17:** Shall the Town appropriate from "free cash" \$195.20 to the Fire Department to pay a prior year bill or take any other action related thereto? (As a prior-year bill a 90% vote is required)

**ARTICLE 18:** Shall the Town raise and appropriate \$5,000 to audit town accounts or take any other action related thereto?

**ARTICLE 19:** Shall the Town transfer \$1,460.35 from the FY10 Assessor's overlay to the FY09 Assessor's overlay or take any other action related thereto?

**ARTICLE 20:** Shall the Town raise and appropriate \$25,778 to fund unrealized investment losses of Library, Scholarship, and Cemetery trust fund accounts and the Capital Stabilization Fund or take any other action related thereto?

**ARTICLE 21:** Shall the Town appropriate "Free Cash" in the amount of \$134,951 to reduce the FY 2014 tax levy or take any other action related thereto?

**ARTICLE 22:** Shall the Town appropriate \$11,748 from unrestricted "CDBG Program Income" to reduce the FY 2014 tax levy or take any other action related thereto?

**ARTICLE 23:** Shall the Town transfer \$13,528 from Overlay Surplus to reduce the FY 2014 tax levy or take any other action related thereto?

**ARTICLE 24:** Shall the Town approve the following by-law whereby: Every year beginning Feb 1 thru May 15 the highway superintendent is empowered to close town roads to traffic over 5 tons to prevent damage during spring mud season. Further, a motor vehicle operator in violation of this by-law is subject to a fine up to \$300.00 payable to the Town and responsible for any damage to the roads attributable to the driver's violation. This by-law exempts emergency vehicles, fuel deliveries, and school buses. Motor vehicle drivers otherwise prohibited from travel on closed town roads may apply in writing to the Selectboard for an exemption. Such exemptions will be granted only after the driver demonstrates good cause for the exemption and agrees to pay for any damage to the roads directly attributable to the driver's vehicle, or take any other action related thereto?

**ARTICLE 25:** Shall the Town approve the following proposed by-law change whereby:

Current by-law:

Police Chief - Members & Term: 1 chief appointed annually

Responsibilities: The Chief shall be in immediate control of all town property used by the department, and of the police officers whom he/she shall assign to their respective duties and who shall obey his/her orders (MGL Ch. 41, sec 97A, 98 and adopted under Article 28, Annual Town Meeting May 22, 1978).

Police Officers - Members & Term: 8 officers appointed annually

Responsibilities: The police shall suppress and prevent disturbance and disorder and may disperse and arrest persons who do not give a satisfactory account of themselves (MGL Ch. 41, sec 98).

Proposed By-law:

Police Chief - Members & Term: 1 chief appointed in accordance with MGL Chapter 41 section 96.

Responsibilities: The Chief shall be in immediate control of all town property used by the department, and of the police officers whom he/she shall assign to their respective duties and who shall obey his/her orders (MGL Ch. 41, sec 97A, 98 and adopted under Article 28, Annual Town Meeting May 22, 1978).

Police Officers -

Members & Term: Officers appointed in accordance with MGL Chapt 41 section 96.

Responsibilities: The police shall suppress and prevent disturbance and disorder and may disperse and arrest persons who do not give a satisfactory account of themselves (MGL Ch. 41, sec 98).

**ARTICLE 26:** Shall the Town accept the proposed changed open container by-law wherein:

Current bylaw:

Anyone who has an alcoholic beverage in his or her possession or in the passenger compartment of a motor vehicle while he or she is on the public ways, common land, or other public places, but not including the inside portions of public buildings, of the Town shall be punished by a fine of \$25.00 for a first offense and \$50.00 for a subsequent offense. Beverages in a sealed, unopened container, and beverages lawfully possessed in connection with an activity for which a one day license or permit for distribution of alcoholic beverages has been granted shall be exempt from the provision of this by-law.

Adopted under Article 8  
Special Town Meeting  
September 14, 1982

Approved by Attorney General 1/11/83

Voted to amend the by-law passed as Article 8 at the Special Town Meeting 9/14/82, by adding the following sentence:

“The restrictions do not apply to Fellows Memorial Field between the hours of noon and the time of sunset on any day.”

Adopted under Article 18  
Annual Town Meeting  
May 14, 1984

Proposed bylaw:

Any person found in possession of any open container or other vessel containing alcoholic beverages as defined in MGL c. 138 while he or she is on the public ways, common land, or other public places, but not including the inside portions of public buildings, of the Town of Warwick shall be punished by a fine of \$25.00 for a first offense and \$50.00 for a subsequent offense. Beverages in a sealed, unopened container, and beverages lawfully possessed in connection with an activity for which a one day license or permit for distribution of alcoholic beverages has been granted shall be exempt from the provision of this by-law.

Any person(s) who violate this bylaw may be arrested without a warrant in the place where the offense is committed pursuant to MGL c.272 s.59. The fine for such violation may be recovered upon complaint before the District Court and shall inure to the Town of Warwick, Massachusetts, all in accord with MGL c.40 s.21.

**ARTICLE 27:** Shall the Town accept the following article or take any action thereon: The Planning Board may have up to two alternate members who shall be appointed by the moderator for 5 year terms. The first appointments shall be for one five year term (the first alternate) and one four year term (the second alternate.) Subsequent appointments shall be for five year terms. Each alternate member shall attend meetings and may participate in discussions, but may not vote except when replacing an absent member. If a member is absent from a meeting the first alternate member will take that person's place and may vote. If a second member is absent the second alternate member shall take that person's place and may vote, except that the second alternate may serve if the first alternate is unavailable. The same procedure will be used for a hearing, except the alternate member must have attended all previous hearing sessions, unless the "Mullins Rule" is applicable. In the case of a vacancy the first alternate member shall replace the unfilled term of the member and, if the moderator has not received notice, the chairman shall notify the moderator of the action.

**ARTICLE 28:** Shall the Town transfer a sum of money from Capital Stabilization to insulate the Highway Department equipment garage or take any other action related thereto? (2/3 vote required).

Hereof fail not and make return of this warrant with our doings thereon at the time and place of said meeting. Given under our hand this \_\_\_<sup>th</sup>\_day of April, 2013

\_\_\_\_\_  
Dawn Magi

\_\_\_\_\_  
Nicholas Arguimbau

\_\_\_\_\_  
Patricia Lemon

And you are directed to serve this Warrant by posting up attested copies thereof at Town Hall, the Senior Center (Town Hall Dining Hall), the Transfer Station and the Warwick Free Public Library seven (7) days before the date of the meeting, as within directed.

FRANKLIN S.S.

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of WARWICK by posting attested copies of the same at the Town Hall, the Senior Center (Town Hall Dining Hall), the Transfer Station and the Warwick Free Public Library seven (7) days before the date of the meeting, as within directed.

\_\_\_\_\_  
Constable

This \_\_\_<sup>th</sup> Day of April, 2013