



1.5

Office of the  
**BOARD OF SELECTMEN**  
272 Main Street  
Townsend, Massachusetts 01469

Nicholas Thalheimer, *Chairman*  
Andrew Sheehan,  
*Town Administrator*

Sue Lisio, *Vice-Chairman*

Robert Plamondon, *Clerk*  
Office (978) 597-1700  
Fax (978) 597-1719

**SELECTMEN'S MEETING MINUTES**  
**OCTOBER 9, 2012 - 7:00 P.M.**  
**SELECTMEN'S MEETING CHAMBERS**

**I PRELIMINARIES**

- 1.1 The Chairman called the meeting to order at 7:00 pm and roll call showed Chairman Nicholas Thalheimer (NT), Vice-Chairman Sue Lisio (SL), and Clerk Robert Plamondon (RP) in attendance.
- 1.2 NT gave notice that the meeting is being tape recorded.
- 1.3 The Chairman deleted 3.6, Sign Warrant for Presidential Election.
- 1.4 Motion was made by RP to approve the meeting minutes of September 25, 2012. SL seconded. Unanimous.
- 3.1 Recycling events update: Mr. Sheehan informed the Board and public of upcoming recycling events:
- October 13, 2012 there will be a yard sale at North Middlesex High School. Items may be dropped off on October 12<sup>th</sup>.
  - October 20, 2012 Shirley Middle school will be recycling reusable goods.
  - Devens household hazardous products collection facility will only be open 2 more months: November 7<sup>th</sup> and 10<sup>th</sup> and December 5<sup>th</sup> and 8<sup>th</sup> weather permitting. They will reopen in March. Information on all the events will be available on the town website.
- 3.2 Squannacook River Rail Trail: Mr. Sheehan suggested inviting Squannacook Greenways to the next meeting. The Board had suggested that the meeting be held as a public forum. Discussion about the process, where the forum would be held, how it would be moderated and what the goal is. NT suggested the forum be added to the agenda for the BOS meeting October 23<sup>rd</sup>.

**II APPOINTMENTS & HEARINGS**

- 2.1 7:05: Board of Assessors - filling of vacancy: There was one applicant for the vacancy. RP moved to appoint Julie Johnson to the Board of Assessors until local election in April. SL seconded. Roll call vote of the BOS and Board of Assessors present: SL (AYE), RP (AYE), NT (AYE), Niles Busler, Chairman of the Board of Assessors (AYE). Unanimous.
- 2.2 Executive Session:  
At 7:13pm RP moved to enter executive session under GL c. 30A, s. 21(a)(3) [exemption3] to discuss collective bargaining strategy with respect to a petition for recognition by firefighters; strategy with respect to the Highway union; and strategy with respect to the Telecommunications union and to reconvene open session. SL seconded. Roll Call: RP (AYE), SL (AYE), and NT (AYE). Unanimous.  
At 7:29pm NT called the meeting back to order.  
RP moved to sign the contract with the Highway union. SL seconded. Unanimous.  
RP moved to sign the contract with the Telecommunications union. SL seconded. Unanimous.

**III MEETING BUSINESS**

- 3.3 1-Day Liquor license for Colin McNabb, St. John's the Evangelist Church, 1 School Street, Townsend, MA for a Hillbilly Hoedown, October 20, 2012, 6PM-9PM. RP moved to accept. SL seconded. Unanimous.

- 3.4 Approve proclamation for Russ Moore day, October 13, 2012. RP moved to approve. SL seconded. Unanimous.
- 3.5 Approve proclamation for Edna A. Burnham, recipient of the Boston Post Cane, November 2, 2012. RP moved to approve. SL seconded. Unanimous.

#### IV APPOINTMENTS OF PERSONNEL/OFFICIALS

- 4.1 Appoint the following to the Fire-EMS Headquarters Building Committee for a term concluding when the project is finished.
- Brett King
  - William Elliott
  - Michael Grimley
  - Mark Mercurio
- RP moved to appoint the above to the Fire-EMS Headquarters Building Committee for a term concluding when the project is finished. SL seconded. Unanimous.
- 4.2 Appoint Roger Rapoza to the Capital Planning Committee for a term from October 9, 2012-June 30, 2013. RP moved to appoint Roger Rapoza to the Capital Planning Committee for the term stated. SL seconded. Unanimous.
- 3.7 FY13 budget discussion: Mr. Sheehan reported he expects free cash to be submitted to the State within the week. He is estimating \$773,369. He said with the pending budget reductions we can't expect such robust free cash numbers in the future. He proposes putting \$400,000 into capital stabilization: \$200,000 would be to pay our portion of the Spaulding School roof over the next 4 years and \$200,000 for municipal capital needs. A number of budget adjustments will also be funded out of free cash. That will leave a balance of \$341,385 to be kept in anticipation of a snow and ice deficit.

Chief Marshall rallied for reinstatement of the cuts he offered, especially the Communications Supervisor position, if the override should pass. Discussion included the amount that should be requested at the override, what it would fund, and how to best educate the public. This led to discussion about the pros and cons of the election being held before Town Meeting. Mr. Sheehan reiterated that if the warrant for the override is for the entire deficit amount, current services would remain intact. NT concluded that the BOS is in favor of having the Special Town Meeting after the election on November 13, 2012. There will be an informational session for the public on October 30<sup>th</sup>. SL moved to postpone Special Town Meeting originally scheduled for October 30, 2012, until a date in November to be determined. RP seconded. Unanimous.

SL noted that the budgets were well put together originally. The departments did a good job creating them in the first place. She asked Mr. Sheehan what the tax increase would be for the average homeowner. He said he would look into various scenarios. A work session was scheduled for Tuesday, October 16, 2012 at 7:00 pm.

- 3.8 Sign Warrant for Special Town Meeting of, October 30, 2012.  
The Board and Water Department discussed the article to establish an independent water district. Topics included the town's liability, potential conflicts of interest, the benefits of an independent water district, and the cost of employee benefits. Mr. Sheehan suggested this would be a good item to discuss at the pre-town meeting forum.

#### V WORK SESSION

- 5.1 Board of Selectmen Updates/Reports

None

- 5.2 Town Administrator Updates/Reports

Mr. Sheehan explained that he, Sue Lisio and Gene Rauhala will be conducting an introduction to local government Thursday evening at 7:00 in the Great Hall. This will not be a conversation about the

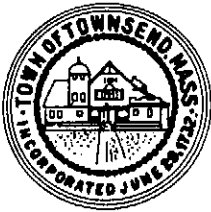
override, rather an opportunity to learn about the way local government operates. He also pointed out that the Water Department has lifted water restrictions and congratulated McDonald's on their grand re-opening ceremonies today. He then introduced Joan Landers, new superintendent of schools.

5.3 Review/Sign Payroll Warrant. RP moved to sign warrants out of session. SL seconded. Unanimous.

5.4 Review/Sign Bills Payable Warrant. RP moved to sign warrants out of session. SL seconded. Unanimous.

NT moved to adjourn at 9:06 pm. RP seconded. Unanimous.





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**SELECTMEN'S MEETING MINUTES**  
**OCTOBER 16, 2012 - 7:00 P.M.**  
**SELECTMEN'S MEETING CHAMBERS**

- 1 The Chairman called the meeting to order at 7:00PM. Roll call showed the following present: chairman Nicholas Thalheimer (NT), vice chair Sue Lisio (SL), clerk Robert Plamondon (RP).
  - 2 Budget work session.  
The Board discussed the budget deficit and ways to address it. Town Administrator Andrew Sheehan (AS) gave a summary of the budget picture. AS offered potential additional reductions or revenue sources as discussion points:
    - Negotiate a reduction in the janitorial contract reflecting the reduced hours at Town Hall, Library, and Senior Center. He estimates potential savings of about \$5,200.
    - Reduce the Facilities Department energy line item by another \$10,000 for a total reduction of \$30,000.
    - Increase the transfer of ambulance receipts by another \$50,000 for a total of \$300,000. Fire Chief Don Klein was in attendance and said there are a number of capital items whose lease payments are being paid from the ambulance receipts. After a discussion he agreed to the additional transfer, but asked that it return to \$250,000 in FY14.
    - Use the reserve excess levy of \$40,777. This excess levy is available as a result of an error in the levy calculation in 2001. The Dept. of Revenue previously informed the Town it had no objection to the Town using the excess levy, but AS reminded the Board it has been a topic of some concern. The Board decided to not use the excess levy.The following topics were also discussed:
    - Changes to trash collection, including charging for bags. The Board decided to take no action on this item now as the savings would not be immediate.
    - Carolyn Smart of the Capital Planning Committee and Finance Committee recommended transferring \$100,000 less to capital stabilization than AS has recommended and using the balance to reduce cuts. A discussion ensued about creating a structural deficit by such action.
    - A long discussion ensued about the use of a modest amount of free cash and an appropriate override number. The Board came to consensus that the override amount will be around \$199,000. AS will work with the finance team to confirm the numbers in time for the 10/23/12 meeting. The Board concurred on a special town meeting date of November 14, which is the day after the special election.
  - 3 Sign election warrants. The Board took no action.
  - 4 Items not anticipated at the time notice was posted. There were none.
- 9:15PM The meeting was adjourned.

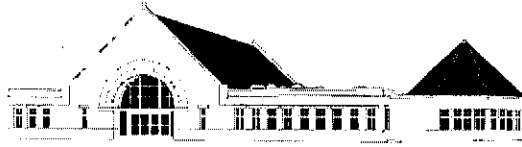


2.1

**NOTICE OF JOINT MEETING  
BOARD OF SELECTMEN  
AND  
BOARD OF LIBRARY TRUSTEES**

October 23, 2012, at 7:05PM  
Great Hall  
272 Main Street, Townsend

The Board of Selectmen and Board of Library Trustees will convene a joint meeting on Tuesday, October 23, 2012, at 7:05PM in the Great Hall, 272 Main Street, Townsend. The purpose of the meeting is to fill a vacancy on the Board of Library Trustees. Appointments will be made by majority vote of the Board of Selectmen and the Board of Library Trustees present and voting.



# Townsend Public Library

October 9, 2012

Board of Selectmen  
Town of Townsend  
272 Main Street  
Townsend, MA 01469

RE: Interim Library Board of Trustees Vacancy

On behalf of the Townsend Public Library Trustees, I am sending you a letter of recommendation for the interim board position. We would like to appoint Alison Bird for the board position effective immediately and ending with the April 2013 election.

We feel that Alison Bird is the perfect candidate for this position as she is an active patron and has expressed her desire to be more involved with all aspects of the library.

Thank you for your time and help in this matter and we hope to hear from you soon.

Pat Jeanig  
Chair, Townsend Public Library





**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

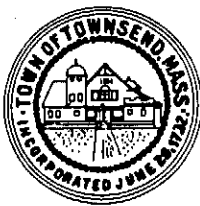
**TITLE VII** CITIES, TOWNS AND DISTRICTS

**CHAPTER 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

**Section 11** Appointment to fill vacancy in town office

Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.





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DRAFT

2.3

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Robert Plamondon, *Clerk*

Andrew J. Sheehan,  
*Town Administrator*

Office (978) 597-1701  
Fax (978) 597-1719

October 23, 2012

Commissioner Edward M. Lambert, Jr.  
Department of Conservation and Recreation  
251 Causeway Street, Suite 900  
Boston, MA 02114-2104

RE: Townsend  
Squannacook Greenways  
Letter of Support

Dear Commissioner Lambert,

At its meeting of October 23, 2012 the Townsend Board of Selectmen voted to support Squannacook Greenways' effort to build the Squannacook River Rail Trail in Townsend and to send this letter of support. The Town of Townsend, acting by and through its Board of Selectmen, makes the following commitments:

1. The Town commits to pursue the construction of a sidewalk approximately 900 feet in length along Route 119 in the Townsend Harbor area, near the intersection of South Street. This sidewalk will allow for the diversion of the trail from the railroad right of way, protecting environmentally sensitive areas and minimizing abutter impacts. This diversion was a key recommendation of the committee that studied the building and financing of the rail trail. The Town will undertake design of the sidewalk. MassDOT-Highways previously committed to construct the sidewalk when it reconstructed Route 119 if the Town undertook the design; and
2. The Town further commits that its public safety agencies (Police, Fire, and EMS) will provide reactive response on the rail trail.

The Board of Selectmen believes the rail trail will be a positive amenity for Townsend's residents and businesses, as similar projects have proven to be in other communities. We look forward to DCR's execution of agreements with Squannacook Greenways and the MBTA so this project can move forward.

Thank you for your attention to this matter and please feel free to contact me if I can be of further assistance.

Very truly yours,

Andrew J. Sheehan  
Town Administrator



2.4.1

**TOWNSEND WATER DEPARTMENT**  
540 Main Street West Townsend, Massachusetts 01474

Niles Busler, Chairman  
Paul L. Rafuse,  
Water Superintendent

Francis McNamara, Vice-Chairman

Ron Dionne, Clerk  
(978) 597-2212  
Fax (978) 597-5611

# Memo

**To:** Board of Selectmen  
Andy Sheehan, Town Administrator  
Capital Planning Committee

**From:** Paul Rafuse, Water Department Superintendent

**CC:**

**Date:** 10/18/2012

**Re:** Article to amend the FY13 Capital Plan

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In consultation with Town Counsel we are finalizing an Invitation For Bid (IFB) to go out very shortly for a project to upgrade the majority (approximately 1,500 meters) of our current meters to "Radio Read". This is a project that was part of the Capital Plan that was approved at the Annual/Special Town Meeting on May 1, 2012. Because we plan to install the equipment ourselves we obviously did not plan to install and upgrade the entire 1,500 meters in one year it would be phased in to be completed in about 3 years. Although we have the funds for the entire project, for this reason I did not submit the entire amount within the Capital Plan that was approved for this year. I submitted an amount of \$75,000.00 and estimate the cost for the entire project to be between \$150,000.00 - \$200,000.00. After consulting with the Town Accountant her recommendation was to go out to bid for the entire cost of the project in order to get the best price. In order to do this and keep moving forward we need to amend the Capital Plan approved in May. It is my understanding that the warrant remained closed and did not reopen when Town Meeting was extended until sometime after the November 13<sup>th</sup> election. Therefore I would ask for your indulgence and support to add the following article to the warrant so, we can continue to move forward with this project.

To see if the Town will vote to amend the Capital Plan as approved by article 15 at the Annual/Special Town Meeting held on May 1, 2012 and increasing the amount by \$150,000.00 in order to fund an entire meter reading improvement project such funds shall come from Water Enterprise account or take any other action in relation thereto.



AN ACT AUTHORIZING THE ESTABLISHMENT  
OF THE TOWNSEND WATER DISTRICT

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same, as follows:

**SECTION 1:**

- (A) The inhabitants of the town of Townsend, liable to taxation in said town and residing in the territory enclosed by the following boundary lines, to wit—Beginning at a point \_\_\_\_\_ shall constitute a water district and are hereby made a body corporate by the name of the “Townsend Water District” (hereinafter called the “District”) for the purpose of supplying themselves and others, for fair consideration, with water for the extinguishing of fires and for domestic and other purposes, with the power to lay water mains, establish a water distribution system, establish fountains and hydrants, and to relocate and discontinue the same, regulate the use of such water and fix and collect rates to be paid therefor, construct and finance such water treatment work and facilities as may be necessary to deliver pure, healthful drinking water, assess and raise taxes as provided hereinafter for the payment of such services and for defraying the necessary expenses of and to carry on the business of the District, subject to the General Laws relating to such districts, except as otherwise provided herein. For these purposes, the District may seek, obtain, and accept any available capital and operating funds from the Commonwealth or the federal government or any authority or entity created by either of said governments, and accept any donation or gift of capital, operating funds, land easements, equipment or easements, equipment or facilities from private or public or public sources. The District shall have the power to prosecute and defend all actions relating to its property and affairs.
- (B) All inhabitants of the Town liable to taxation in said Town in said District described in subsection (a) shall be liable to taxation by the Townsend Water District upon the acceptance of the Act by the District in accordance with the Section 8, subject however to the provisions, conditions of and limitations on such tax assessment, as set forth in Section 6 below.

**SECTION 2:**

For the aforesaid purposes, the District, acting by and through its Board of Commissioners, hereinafter provided for:

- A. May contract with any municipality, acting through its water department, or with any water company, water district or authority, for the purchase or sale of whatever water and/or

waterworks facilities which may be required, authority to furnish or purchase the same being hereby granted, and may enter into such other contracts as may be necessary to effectuate the purposes of the this Act, subject to District meeting appropriation of any necessary funds required to effectuate any purchase of waterworks facilities as aforesaid;

- B. May take by eminent domain under the provisions of Chapters 79 or 80A of the General Laws, or acquire, by lease, purchase, gift, or otherwise, and hold, the waters, or any portion thereof, of any ponds, spring or stream or of any groundwater sources of supply by means of drive, artesian or other wells, within the territorial limits of the town of Townsend, or towns adjoining thereto, not already appropriated for the purposes of a public water supply by another governmental body, and the water and flowage rights connected with any such water sources; may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of the District, provided, however, that the location and arrangement of dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of the Act shall be subject to the approval of the Department of Environmental Protection or any successor state agency.
- C. May construct and maintain on the lands acquired and held under this Act, proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures, and other structures, including the establishment and maintenance of purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of a complete and effective waterworks; and for the purpose may construct pipe lines, wells and reservoirs, may establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water course, railroads, railways, and public or other ways and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; provided, however that nothing in this Act shall require the District to construct or to undertake any extension of the waterworks, system, or any appurtenances thereto with the District not already served thereby at the time of acceptance of this Act, without the recommendation of the Commissioners and a vote at District meeting for this purpose.
- D. May, for the purpose of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that he manner in which all things are done upon any such way shall be subject to the direction of the appropriate governmental agency of the respective towns in which such lands, highways or other ways are located; and provided, further, that the District shall not enter upon or construct or lay any conduit, pipe or other works within the location of any railroad corporation except at



such time and in such manner as it may agree upon with such corporation or, in case of failure to so agree, as may be approved by the Department of Energy and Transportation, or any successor agency;

- E. May enter upon any lands for the purpose of water supply exploration, making surveys, test wells, or pits and borings, or any of them, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by the Act;
- F. May charge a one-time systems development charge and the cost any infrastructure improvement to those applicants seeking to connect into the water supply system.
- G. May from time to time sell such of the property of the District as shall, in the opinion of its Board of Water Commissioners hereinafter provided for, be no longer useful in the conduct of the affairs of the District;
- H. May employ personnel and engage architectural, engineering, accounting, management, legal, financial and environmental consulting and other professional services;
- I. May adopt rules and regulations including schedules for prices, charges, fees and rates as set in Section 5, governing the management of the waterworks and the use and consumption of water, the same to be not inconsistent with this Act;
- J. May adopt rules and regulations and fee schedules concerning the construction, replacement, maintenance and repair of hydrants for the purpose of extinguishing fires by the Town, and charges to the Town relative thereto;
- K. May establish specific construction standards and specifications for the water distribution supply system;
- L. May enter into contracts and agreements with the Town in all matters necessary, convenient or desirable for carrying out the purposes of this chapter including, without limiting the generality of the foregoing, collection of revenue, data processing, and other matters of management, administration and operation; and
- M. May do all things necessary, convenient or desirable for carrying out the purposes of the Act or the powers expressly granted or necessarily implied by this Act.

### **SECTION 3:**

Any person sustaining damages on his property by any taking under this Act or any other thing done under authority thereof may recover such damages from the District under said Chapter 79 or said Chapter 80A of the General Laws; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this Act.

### **SECTION 4:**

- A. The District, for the purpose of paying other necessary expenses and liabilities incurred under the Act, other than expenses of maintenance and operation, may from time to time borrow such sums or additional sums as may be necessary, not exceeding, in the aggregate, Twenty Million Dollars, and may issue bonds or notes therefor which shall bear on their face the words "Townsend Water District Loan Act of \_\_\_\_\_," and such other distinguishing designations as may be determined by the Board of Water Commissioners. Each such borrowing, and each such issue of bonds or notes shall constitute a separate loan, Such loans shall be payable in not more than thirty years from their dates, notwithstanding any other provision of law. The District may borrow from time to time such sums as may be necessary for the purposes of this Act in anticipation of revenue. Indebtedness incurred under this Act shall, except as otherwise provided herein, be subject to the provisions of said Chapter 44 pertaining to such districts and each such borrowing, and each such issue of bonds or notes shall constitute a separate loan. Borrowing shall be authorized by affirmative vote of those present at an Annual or Special Meeting of the District as provided by law and shall be upon the full faith and credit of the District provided that the District votes pursuant to the provisions of Section of this Act to authorize imposing a tax if necessary for the purpose of each such borrowing. All bonds or notes issued under the provisions of this Act shall be obligatory upon the District and its inhabitants and the property within the District according to the tenor and purpose thereof. The principal of and interest on bonds or notes issued under the provisions of this Act shall be payable from the revenues of the District and, subject to the provisions of Section 6 of this Act, from a District tax if necessary and if authorized under the provisions of Section 6, in order to pledge the full faith and credit of the District for the repayment of such borrowing until the debt incurred by said borrowing is extinguished and shall be authorized by the affirmative vote of not less than two-thirds of those present at an Annual or Special Meeting of the District.
- B. In the discretion of the Board of Water Commissioners, any bonds issued hereunder may be secured by a resolution of the Commission or by a trust agreement between the Board of Water Commissioners and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth, and such trust agreement shall be in such form and executed in such manner as may be determined by the Board of Water Commissioners. Such trust agreement or resolution may pledge or assign in whole or in part, the revenues and other monies held or to be received by the Board of Water Commissioners, including the revenues from any facilities already existing when the pledge or assignment is made, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the District and the proceeds thereof, but shall not convey or mortgage the water works system. Such

trust agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the Board of Commissioners, be reasonable and proper and not in violation of law, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include the acceleration of maturities and covenants setting forth the duties of and limitations on the District in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and disposition of the water works system or other property of the District, the custody, safeguarding, investment and application of monies, the issue of additional or refunding bonds, the fixing, revision and collection of fees, rates, assessments or other charges, the use of any surplus bond proceeds, the establishment of reserves, and the making and amending of contracts.

In the discretion of the Board of Commissioners, any bonds or notes issued hereunder may be issued by the District in the form of lines of credit or other banking arrangements and under such terms and conditions, not inconsistent with the chapter, and under such agreements with the purchasers or makers thereof, as the Board of Water Commissioners may determine to be in best interest of the District. In addition to other security provided herein or otherwise by law, bonds or notes issued by the District may be secured, in whole or part; by letter of credit issued to the District by any bank, trust company or other financial institution, within or without the Commonwealth, and the District may pledge or assign any of its revenues as security for the reimbursement by the District to the issuers of such letter of credit of any payments made under the letters of credit.

- C. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other monies under any such trust agreement or resolution and to furnish such indemnification or to pledge such securities and issue such letters of credit as may be required by the District. Any such trust agreement or resolution may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Board of Water Commissioners may deem reasonable and proper for the security of bondholders. Any pledge of revenues or other property made by the District under this chapter shall be valid and binding and shall be deemed continuously perfected for the purposes of Chapter 106 of the General Laws from the time when the pledge is made. The revenues, monies, rights and proceeds so pledged and then held or thereafter acquired or received by the District shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien

of any such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the District, irrespective of whether such parties have notice thereof. Neither the resolution, any trust agreement nor any other agreement by which a pledge is created need be filed or recorded except in the records of the District and no filing need be made under the provisions of Chapter 106 of the General Laws.

#### SECTION 5:

- A. The District; acting by and through said Board of Water Commissioners, shall, subject to the applicable provisions of law, fix just and equitable prices, charges, fees and rates for the use of water determined by the cost of producing the same and shall prescribe the time and manner of payment. The income of the waterworks shall be available for appropriation to defray all operating expenses, interest charges and payments on the principal of any lien, as accruing upon any bonds or notes issued under authority of this Act.
- B. If there should be a net surplus remaining at the end of any fiscal year after the payment of all costs of operation, such net surplus may be appropriated by a District meeting for the systems development costs as recommended by the Board of Water Commissioners and in the absence of any such recommendation, shall be applied to pay costs of operation for the District for the succeeding fiscal year. Any systems development charge funds in a separate account are to be excluded in the determination of net surplus.
- C. The fiscal year of the District shall commence on July first and end June thirtieth of each year, or as otherwise provided in the bylaws of the District.
- D. Notwithstanding the provision of this Act or any general or special act to the contrary, the District is hereby authorized to establish a revolving fund which shall be kept separate and apart from all other monies by the Treasurer of the District and in which shall be deposited only the fees received from the installation of water service and water meters. Such money may be expended without appropriation, for the payment of contractors performing such water service and meter installation, provided that no expenditures from this fund shall be made in any one fiscal year that would result in District expenditures greater than the total amount appropriated by the District Meeting for respective fiscal year to be made from this fund.
- E. Notwithstanding the provisions of Section 53 of Chapter 44 of the General Laws or any other general or special law to the contrary, the Townsend Water District is hereby authorized to establish a separate fund to be known as the

Betterment Reserve Fund, which shall be kept separate and apart from all other monies of said District by the Treasurer of the Water District. All betterment payments, apportioned and unapportioned and received by said District shall be deposited into said fund. The Treasurer may invest such funds in the manner authorized by Sections 54 and 55 of said Chapter 44. The principal and interest thereon shall be reserved for appropriation for the payment of said District's betterment debt. Any excess in said fund may be transferred to the general fund of the District.

- F. No money shall be drawn from the treasury of the District on account of its waterworks except upon written order of the Board of Water Commissioners or a majority of them.

#### SECTION 6:

- A. If for any reason the revenues and available funds of the District, including revenues from prices, fees, charges and rates for the use of water as provided in Section 5 hereof, shall not be sufficient to pay the full cost of development and operation of the District, said District shall have power by a supermajority vote of seventy percent (70%) in the affirmative of the voters present and voting at an Annual District meeting duly called by the Board of Water Commissioners, to raise and appropriate by a District tax, sufficient funds to pay the full cost of development or operation of the District, followed by a supermajority vote of seventy percent (70%) in the affirmative on a ballot question at the next Annual or Special Election of the District, duly called to approve such a District tax, and promptly thereafter the Clerk of the District shall send a certified copy of the votes to the Assessors of the Town, who shall also be the District Assessors, as provided below and who shall assess the same on property within the District in the same manner in all respects in which taxes by the Town are required by law to be assessed.
- B. For such periods as the Board of Water Commissioners may request, the Assessors of the Town shall be the District Assessors. During such periods, the Town Assessors shall receive such salary for their services as District Assessors as shall be agreed upon by the District Water Commissioners. All District assessments shall be committed to the Tax Collector of the Town, who shall also be the District Tax Collector, as provided below, who shall collect said tax in the manner provided by law for the collection of Town taxes and who shall deposit the proceeds thereof with the District Treasurer for the use and benefit of said District. For such periods as the Board of Water Commissioners may

request, the Town Tax Collector shall be the District Tax Collector. During such periods, the Town Tax Collector shall receive such salary for services as District Tax Collector shall be agreed upon by the Board of Water Commissioners. Nothing contained herein shall be construed to limit the authority of the District to hire its own Assessors or Tax Collector and to pay for same from the District's revenues. Any cost incurred by either the Assessors or the Tax Collector of the Town of Townsend in performing services hereunder shall be paid for by the District unless otherwise provided under any intermunicipal agreement between the Town and the District.

#### **SECTION 7:**

Any personal property or real estate taken, purchased or acquired under this Act, shall be managed, improved and controlled by the Board of Water Commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the District.

#### **SECTION 8:**

Any meeting of the voters of the territory included within the boundaries set forth in Section 1 to be held to accept this Act, shall be called, on petition of ten or more legal voters therein, or on petition of the duly elected Water Commissioners of the Townsend Water Department, who shall remain in office for the balance of their respective terms, by a warrant from the Selectmen of said Town, directed to one of the petitioners, requiring such petitioner to give notice of the meeting by posting copies of the warrant in two or more public places in the District at least seven days before the time of the meeting. One of the Selectmen shall preside at such meeting until a Clerk is chosen and sworn, and the Clerk shall preside until a Moderator is chosen and sworn. At any meeting called hereunder prior to the acceptance of this Act, after the choice of a Clerk and Moderator for the meeting, the question of the acceptance of this Act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon, it shall thereupon take effect and the meeting may then proceed to act on the other articles in the warrant. The Board of Voter Registrars of the Town shall certify to the Selectmen the voters eligible to participate in the meeting. The duly elected three (3) Water Commissioners of the Townsend Water Department shall continue to serve as members of a three (3) member Board of Water Commissioners of the newly created District for the balance of their respective terms and until such time as elections shall be held pursuant to Section 9, and thereafter until successors are duly elected and qualify to serve. As provided for hereinafter, meeting of the District shall be called by warrant under their hands, unless some other method is provided by bylaw or vote of the District, The Board of Voter Registrars of the Town shall provide a list to the Board of Water Commissioners, upon request, designating those voters eligible to vote at District Meetings.

## **SECTION 9:**

The District shall, after acceptance of this Act as aforesaid, elect by ballot, at each subsequent Annual Meeting of the District in accordance with applicable law, a Water Commissioner, to serve as a member of the three (3) member Board of Water Commissioners created by this Act, one (1) such Water Commissioner being elected each year to replace the Commissioner then serving pursuant to Section 8, and whose term is then expiring, and who shall in each case be an inhabitant and registered voter in the District, to hold office, until the expiration of three years from the date of the Annual District Meeting at which such Commissioner is elected, or until his successor is elected and qualified who together with the other Commissioners shall constitute a three (3) member Board of Water Commissioners. Before, after or at every Annual District meeting, as the date of such election may be established by the District in accordance with law, one such Commissioners shall be elected by ballot for the term of three years in accordance with the laws governing such election and this Act, The date of the annual meeting and election of officers shall be fixed by the bylaws of the District in accordance with the law. All the authority granted to the District by this Act, except Sections 4 and 6, and not otherwise specifically provided for, shall be vested in said Board of Water Commissioners, who shall be subject, however, to such instructions and bylaws, as the District may be vote by impose. The District acting though its Board of Water Commissioners, shall appoint, each for such term as it may determine, a Clerk and a Treasurer of the District, and such other officers and employees not specifically provided for in this Act, as it may deem necessary and proper, and shall fix their compensation. The Treasurer shall not be a member of the Board of Water Commissioners and shall give bond to the District in such amounts as may be approved by said Board with a surety company authorized to transact business in the Commonwealth as surety. A majority of said Water Commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the District at any special meeting called for that purpose, or at the next Annual Meeting, as may be determined in the discretion of the Commissioners or as otherwise required by law.

## **SECTION 10:**

The District, at any Annual or Special Meeting, may adopt bylaws regulating the call of District Meetings and elections, and the necessary quorum at any meeting and may adopt such other bylaws as are appropriate for the operation of the District. All District meetings and elections shall

be called pursuant to a warrant issued by the Board of Water Commissioners. The procedure for the call of a meeting, publication of the warrant, and the conduct of the meeting shall be as set forth in Chapter 39 of the General Laws, unless the bylaws adopted by the District otherwise provide. The District may adopt provisions for the election of District Officers, at a different time or place, in accordance with the provisions of Chapter 39 of the General Laws and applicable provisions of the General Laws governing elections, before or after the annual District Meeting held for the transaction of other business. The bylaws of the District may allow for such other officers not provided for in this Act as deemed necessary or proper.

#### **SECTION 11:**

Whoever willfully or wantonly corrupts, pollutes, or diverts any water obtained or supplied under this Act, or willfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the District for any of the purposes of this Act, shall forfeit and pay to the District three times the amount of damages assessed therefore, to be recovered in any civil or criminal action, and upon conviction of any of the above willful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

#### **SECTION 12:**

- A. Upon a petition in writing addressed to the Board of Water Commissioners, requesting that certain real estate, accurately described therein, located in said Town or abutting on said District and not otherwise served by a public water supply, be included within the limits thereof, and signed by a majority of the owners of such real estate, said Water Commissioners shall cause a meeting of the District to be called, at which meeting the voters may vote on the question of including said real estate within the District.
- B. If a majority of the voters present and voting thereon vote in the affirmative, the District Clerk shall, within ten days, file with the Town Clerk of said Town an attested copy of said petition and vote, and thereupon said real estate shall become and be part of the District and shall be holden under this Act in the same manner and to the same extend as the real estate described in Section 1.
- C. If land within the Town of Townsend is acquired by the District by purchase, gift, transfer or eminent domain, the District Clerk shall, within ten days thereafter, file with the Town Clerk of said Town an attested copy of the instrument of acquisition and the thereupon said real estate shall be come and be part of the District and shall be



holden under this Act in the same manner and to the same extent as the real estate described in Section 1.

### **SECTION 13:**

The District may, for the purpose of creating a stabilization fund, appropriate in any fiscal year an amount not exceeding ten percent (10%) of the amount raised in the preceding fiscal year pursuant to Section 5 and 6 of the Act. Any interest accruing shall be added to and become a part of the fund, The stabilization fund may be appropriated at an Annual Meeting by a two-thirds vote for any purpose for which the District would be authorized to borrow money,

### **SECTION 14:**

- A. Twelve months after the acceptance of this Act, or such earlier day after said acceptance as the commissioners shall determine, the employees of the Town whose work is primarily related to the water works system shall be transferred to the District and become employees of the District subject to the provisions of this act. Terms of office of such employees shall not be deemed to be interrupted by such transfer and rights, seniority, wages, salaries, hours, and working conditions of such employees, including, but only so long as such an employee holds the position which is comparable to the position in which he or she was classified prior to transfer rights under the Act, shall be preserved in their employment by the District, provided that after such transfer such employees perform their duties subject to the direction, control, supervision of the District and its Commissioners. The terms and conditions of employment of any other persons who the District may employ shall be determined by the Commissioners, provided that the Commissioners shall take into account and provide for continuation of seniority vacation and sick leave rights and other benefits based on prior employment with the Town for former employees who enter the employment of the District other than by transfer under the previous sentence. Notwithstanding any provisions of any general or special law to the contrary, the Commissioners in filling vacant positions may give preference over applicants who are not employees of the District to any person who is either an employee of the Town or a former employee of the Town laid off for lack of funds who applies for a vacant position, so long as the Commissioners determine in their sole discretion that such applicant is qualified for the position.
- B. Every employee who immediately prior to being transferred to the District by this section is a member of the Town's insurance programs and contributory retirement

system established by and under the County Retirement Board, or predecessor retirement systems thereto, may, as the Commissioners may determine, in conjunction with the Town and/or county, as may be necessary and appropriate, and in accordance with applicable law, continue to be members thereof and subject to the laws applicable thereto. All other present or future employees of the District may be entitled to become members of the Town's insurance and contributory retirement system in the same manner and subject to the same laws, rules and regulations as persons entering the employ of the Town, or to a separate District system, as the Commissioners may determine in conjunction with the Town and/or county, as may be appropriate and necessary, and in accordance with applicable law. The District shall deduct from the wages of its employees, and pay over to the Town or county, such sums as the Town would deduct and pay over if such person were an employee of the Town, in accordance with the insurance programs and retirement systems, as may be continued, joined in, or adopted hereunder by determination of the Commissioners.

- C. The District shall reimburse the Town for its proportionate share of any amounts expended by the Town under the provisions of Chapter 32 of the General Laws for retirement allowances to or on account of employees of the District.

#### **SECTION 15:**

The District Assessors may create an overlay fund by adding to any amount to be assessed in accordance with Massachusetts General Laws, Chapter 59, Section 25.

#### **SECTION 16:**

The District may, by vote at a District Meeting, provide for the levy of special assessments to meeting the whole or part of the cost thereafter incurred of laying pipes in public and private ways for the conveyance or distribution of water to its inhabitants in accordance with the provisions of Massachusetts General Laws, Chapter 40, Sections 42G, 42H and 42I.

#### **SECTION 17:**

Upon acceptance of this Act at a meeting held in accordance with the provisions of Section 8, and subsequent majority vote of the District at the same meeting or a later meeting, and upon a majority vote of a duly called Town Meeting of Townsend authorizing the same, all other assets

and including but not limited to the existing waterworks and appurtenances, pumping stations, water mains and all piping currently existing in public ways, together with an assignment of any of the Town's rights, title and interest in or easements thereto, liabilities, contractual rights, leases and obligations of the existing Water Department of the Town of Townsend, shall be transferred to and assumed by the Townsend Water District and the existing Water Department of the Town of Townsend shall be dissolved and cease to exist, notwithstanding any prior Townsend Town Meeting acceptance of General Laws or Special Acts relating to water, water distribution systems, or in any relating to the creation of a Town of Townsend Water Department, election of Water Commissioners, or any other provision of law to the contrary, including, but not limited to, Chapter 391 of the Acts 1920, Chapter 304 of the Acts of 1923, and Chapter 13 of the Acts of 1987. Such transfer of property or employees from the Town to the District shall be negotiated and any required action taken by votes of the Board of Selectmen of the Town and the Commissioners of the District, and such actions by Town or District Meeting as may be required by law.

#### **SECTION 18:**

- A. Notwithstanding Section 17, and except for any General Laws or Special Acts specifically referenced therein, and except as otherwise provided in this Act, upon acceptance of this Act, any provisions of the General Laws, or parts thereof previously enacted or accepted by the Town and applicable to the Water Department of the Town shall remain in effect, except to the extent that such General Laws or Special Acts, or parts thereof, are inconsistent with the provisions of this Act.
- B. In order to provide for the collection and enforcement of its fees, rates, rents, assessments and other charges the District is hereby granted all the powers and privileges with respect to such collection and enforcement held by the Town on the effective date of this Act or as otherwise provided by law. Without limiting the generality of the foregoing, the District shall have the benefit of sections 42A to 42F, inclusive, of Chapter 40 of the General laws, filing of any certificate relating thereto, and the establishment of liens for unpaid fees, rates, rents, assessments, and other charges as provided in sections 42A and 42B of said Chapter, to the extent applicable and consistent with the Act.

#### **SECTION 19:**

This Act shall take effect upon its passage, and as voted and subsequently accepted by a meeting called for this purpose pursuant to Section 8 hereof.





COMMONWEALTH OF MASSACHUSETTS  
WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

3.1

SS. Middlesex County  
To the Constables of the Town of Townsend

**GREETING:**

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 the State Election to vote at

**Precincts I, II, and III**

**North Middlesex Regional High School, 19 Main Street, Townsend, MA 01469**

on **TUESDAY, THE SIXTH DAY OF NOVEMBER, 2012**, from 6:45 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices and questions:

ELECTORS OF PRESIDENT AND VICE PRESIDENT . . . . .	FOR THIS COMMONWEALTH
SENATOR IN CONGRESS . . . . .	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS. . . . .	THIRD DISTRICT
COUNCILLOR . . . . .	. SEVENTH DISTRICT
SENATOR IN GENERAL COURT . . . . .	. WORCESTER & MIDDLESEX DISTRICT
REPRESENTATIVE IN GENERAL COURT . . . . .	FIRST MIDDLESEX. DISTRICT
CLERK OF COURTS. . . . .	.MIDDLESEX COUNTY
REGISTER OF DEEDS . . . . .	.MIDDLESEX SOUTHERN DISTRICT
SHERIFF (To fill vacancy) . . . . .	.MIDDLESEX COUNTY

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

**SUMMARY**

This proposed law would prohibit any motor vehicle manufacturer, starting with model year 2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to have access to the same diagnostic and repair information made available to the manufacturer’s dealers and in-state authorized repair facilities.

The manufacturer would have to allow the owner, or the owner’s designated in-state independent repair facility (one not affiliated with a manufacturer or its authorized dealers), to obtain diagnostic and repair information electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer’s dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that the manufacturer makes available through an electronic system to its dealers and in-state authorized repair facilities. Manufacturers would have to make such information available in the same form and manner, and to the same extent, as they do for dealers and authorized repair facilities. The information

would be available for purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and wireless capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For all years covered by the proposed law, the required diagnostic and repair information would not include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

The proposed law would not require a manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer, dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting January 1, 2013, the proposed law would prohibit any agreement that waives or limits a manufacturer's compliance with the proposed law.

Any violation of the proposed law would be treated as a violation of existing state consumer protection and unfair trade-practices laws.

*A YES VOTE* would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers' Massachusetts dealers and authorized repair facilities.

*A NO VOTE* would make no change in existing laws.

## **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

### **SUMMARY**

This proposed law would allow a physician licensed in Massachusetts to prescribe medication, at a terminally ill patient's request, to end that patient's life. To qualify, a patient would have to be an adult resident who (1) is medically determined to be mentally capable of making and communicating health care decisions; (2) has been diagnosed by attending and consulting physicians as having an incurable, irreversible disease that will, within reasonable medical judgment, cause death within six months; and (3) voluntarily expresses a wish to die and has made an informed decision. The proposed law states that the patient would ingest the medicine in order to cause death in a humane and dignified manner.

The proposed law would require the patient, directly or through a person familiar with the patient's manner of communicating, to orally communicate to a physician on two occasions, 15 days apart, the patient's request for the medication. At the time of the second request, the physician would have to offer the patient an opportunity to rescind the request. The patient would also have to sign a standard form, in the presence of two witnesses, one of whom is not a relative, a beneficiary of the patient's estate, or an owner, operator, or employee of a health care facility where the patient receives treatment or lives.

The proposed law would require the attending physician to: (1) determine if the patient is qualified; (2) inform the patient of his or her medical diagnosis and prognosis, the potential risks and probable result of ingesting the medication, and the feasible alternatives, including comfort care, hospice care and pain control; (3) refer the patient to a consulting physician for a diagnosis and prognosis regarding the patient's disease, and confirmation in writing that the patient is capable, acting voluntarily, and making an informed decision; (4) refer the patient for psychiatric or psychological consultation if the physician believes the patient may have a disorder causing impaired judgment; (5) recommend that the patient notify next of

kin of the patient's intention; (6) recommend that the patient have another person present when the patient ingests the medicine and to not take it in a public place; (7) inform the patient that he or she may rescind the request at any time; (8) write the prescription when the requirements of the law are met, including verifying that the patient is making an informed decision; and (9) arrange for the medicine to be dispensed directly to the patient, or the patient's agent, but not by mail or courier.

The proposed law would make it punishable by imprisonment and/or fines, for anyone to (1) coerce a patient to request medication, (2) forge a request, or (3) conceal a rescission of a request. The proposed law would not authorize ending a patient's life by lethal injection, active euthanasia, or mercy killing. The death certificate would list the underlying terminal disease as the cause of death.

Participation under the proposed law would be voluntary. An unwilling health care provider could prohibit or sanction another health care provider for participating while on the premises of, or while acting as an employee of or contractor for, the unwilling provider.

The proposed law states that no person would be civilly or criminally liable or subject to professional discipline for actions that comply with the law, including actions taken in good faith that substantially comply. It also states that it should not be interpreted to lower the applicable standard of care for any health care provider.

A person's decision to make or rescind a request could not be restricted by will or contract made on or after January 1, 2013, and could not be considered in issuing, or setting the rates for, insurance policies or annuities. Also, the proposed law would require the attending physician to report each case in which life-ending medication is dispensed to the state Department of Public Health. The Department would provide public access to statistical data compiled from the reports.

The proposed law states that if any of its parts was held invalid, the other parts would stay in effect.

*A YES VOTE* would enact the proposed law allowing a physician licensed in Massachusetts to prescribe medication, at the request of a terminally-ill patient meeting certain conditions, to end that person's life.

*A NO VOTE* would make no change in existing laws.

### **QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 1, 2012?

#### **SUMMARY**

This proposed law would eliminate state criminal and civil penalties for the medical use of marijuana by qualifying patients. To qualify, a patient must have been diagnosed with a debilitating medical condition, such as cancer, glaucoma, HIV-positive status or AIDS, hepatitis C, Crohn's disease, Parkinson's disease, ALS, or multiple sclerosis. The patient would also have to obtain a written certification, from a physician with whom the patient has a bona fide physician-patient relationship, that the patient has a specific debilitating medical condition and would likely obtain a net benefit from medical use of marijuana.

The proposed law would allow patients to possess up to a 60-day supply of marijuana for their personal medical use. The state Department of Public Health (DPH) would decide what amount would be a 60-day supply. A patient could designate a personal caregiver, at least 21 years old, who could assist with the patient's medical use of marijuana but would be prohibited from consuming that marijuana. Patients and caregivers would have to register with DPH by submitting the physician's certification.

The proposed law would allow for non-profit medical marijuana treatment centers to grow, process and provide marijuana to patients or their caregivers. A treatment center would have to apply for a DPH registration by (1) paying a fee to offset DPH's administrative costs; (2) identifying its location and one additional location, if any, where marijuana would be grown; and (3) submitting operating procedures, consistent with rules to be issued by DPH, including cultivation and storage of marijuana only in enclosed, locked facilities.

A treatment center's personnel would have to register with DPH before working or volunteering at the center, be at least 21 years old, and have no felony drug convictions. In 2013, there could be no more than 35 treatment centers, with at least one but not more than five centers in each county. In later years, DPH could modify the number of centers.

The proposed law would require DPH to issue a cultivation registration to a qualifying patient whose access to a treatment center is limited by financial hardship, physical inability to access reasonable transportation, or distance. This would allow the patient or caregiver to grow only enough plants, in a closed, locked facility, for a 60-day supply of marijuana for the patient's own use.

DPH could revoke any registration for a willful violation of the proposed law. Fraudulent use of a DPH registration could be punished by up to six months in a house of correction or a fine of up to \$500, and fraudulent use of a registration for the sale, distribution, or trafficking of marijuana for non-medical use for profit could be punished by up to five years in state prison or by two and one-half years in a house of correction.

The proposed law would (1) not give immunity under federal law or obstruct federal enforcement of federal law; (2) not supersede Massachusetts laws prohibiting possession, cultivation, or sale of marijuana for nonmedical purposes; (3) not allow the operation of a motor vehicle, boat, or aircraft while under the influence of marijuana; (4) not require any health insurer or government entity to reimburse for the costs of the medical use of marijuana; (5) not require any health care professional to authorize the medical use of marijuana; (6) not require any accommodation of the medical use of marijuana in any workplace, school bus or grounds, youth center, or correctional facility; and (7) not require any accommodation of smoking marijuana in any public place.

The proposed law would take effect January 1, 2013, and states that if any of its part were declared invalid, the other parts would stay in effect.

**A YES VOTE** would enact the proposed law eliminating state criminal and civil penalties related to the medical use of marijuana, allowing patients meeting certain conditions to obtain marijuana produced and distributed by new state-regulated centers or, in specific hardship cases, to grow marijuana for their own use.

**A NO VOTE** would make no change in existing laws.



Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
(month)

Nicholas Thalheimer \_\_\_\_\_

Robert Plamondon \_\_\_\_\_

Sue Lisio \_\_\_\_\_  
Selectmen of TOWNSEND

Posting of attested copies at: Memorial Hall, 272 Main Street at the Center, the West Townsend fire Station, 460 Main St in Townsend, the Police/Communications Center, 70 Brookline Road, North Middlesex High School, 19 main Street and the Habor Church, 80 Main Street at least SEVEN (7) DAYS BEFORE THE DATE OF THE ELECTION, AS WITHIN DIRECTED.

\_\_\_\_\_, 2012.  
Constable

Warrant must be posted by **October 30, 2012**, (at least *seven days prior* to the **November 6, 2012**, State Election).

**MIDDLESEX, SS.**

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of TOWNSEND by posting up attested copies of the same at: MEMORIAL HALL, 272 MAIN STREET AT THE CENTER, THE WEST TOWNSEND FIRE STATION, 460 MAIN STREET IN WEST TOWNSEND, THE POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD and THE NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET AND HARBOR CHURCH, 80 MAIN STREET AT LEAST SEVEN (7) DAYS BEFORE THE DATE OF THE ELECTION, AS WITHIN DIRECTED.

*Constable of TOWNSEND*

SIGNATURE

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LOCATION	TIME	MONTH	DAY	YEAR
MEMORIAL HALL	_____	_____	_____	_____
W. TOWNSEND FIRE STATION	_____	_____	_____	_____
NORTH MIDDLESEX REGIONAL HIGH SCHOOL	_____	_____	_____	_____
POLICE/COMMUNICATIONS CENTER	_____	_____	_____	_____
HARBOR CHURCH	_____	_____	_____	_____

The Commonwealth of Massachusetts

3.2

MIDDLESEX SS.

To either of the Constables of the Town of TOWNSEND in the County of MIDDLESEX.

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to vote at PRECINCTS I, II, AND III at the MEMORIAL HALL AUDITORIUM, 272 MAIN STREET for the SPECIAL TOWN ELECTION in said TOWNSEND on TUESDAY, NOVEMBER 13, 2012 next at 8:00 in the morning to 8:00 in the evening to vote on the following ballot question:

Question 1:

Shall the Town of Townsend be allowed to assess an additional \$199,000.00 in real estate and personal property taxes for the purposes of funding a supplemental appropriation for the municipal budget for the fiscal year beginning July first, two thousand and twelve?

YES [ ]

NO [ ]

And you are directed to serve this Warrant, by posting up attested copies thereof at MEMORIAL HALL, 272 MAIN STREET at the Center, THE WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, THE NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, in the harbor and THE POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD and the HARBOR CHURCH, 80 MAIN STREET in said Town, SEVEN (7) days at least before the time of holding said election.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of election, as aforesaid.

Given under our hands this \_\_\_ day of OCTOBER in the year TWO-THOUSAND-TWELVE.

SELECTMEN OF TOWNSEND

Nicholas Thalheimer, Chairman

Sue Lisio, Vice-Chairman

Robert Plamondon, Clerk

A true copy. ATTEST:

CONSTABLE

**MIDDLESEX, SS.**

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of TOWNSEND by posting up attested copies of the same at: MEMORIAL HALL, 272 MAIN STREET AT THE CENTER, THE WEST TOWNSEND FIRE STATION, 460 MAIN STREET IN WEST TOWNSEND, THE POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD and THE NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET AND HARBOR CHURCH, 80 MAIN STREET AT LEAST **SEVEN (7) DAYS** BEFORE THE DATE OF THE ELECTION, AS WITHIN DIRECTED.

*Constable of TOWNSEND*

\_\_\_\_\_  
SIGNATURE

LOCATION	TIME	MONTH	DAY	YEAR
MEMORIAL HALL	_____	_____	_____	_____
W. TOWNSEND FIRE STATION	_____	_____	_____	_____
NORTH MIDDLESEX REGIONAL HIGH SCHOOL	_____	_____	_____	_____
POLICE/COMMUNICATIONS CENTER	_____	_____	_____	_____
HARBOR CHURCH	_____	_____	_____	_____

The Commonwealth of Massachusetts

3.3

**MIDDLESEX SS.**

To either of the Constables of the Town of Townsend in the County of Middlesex, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of the Town of Townsend, qualified to vote at Town Meetings for the transaction of Town affairs, to meet at the Memorial Hall, 272 Main Street, Townsend, MA for the Special Town Meeting on Tuesday, **November 14, 2012, at 7:00 PM**, then and there to act on the following articles:

**ARTICLE 1**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$ \_\_\_\_\_ for the purpose of paying prior fiscal year bills, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 2**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of \$ \_\_\_\_\_ for the purpose of supplementing the stabilization fund, as allowed under MGL Chapter 40, Section 5B, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 3**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$ \_\_\_\_\_ for the purpose of supplementing the capital stabilization fund, including debt service payments of capital items, as allowed under MGL Chapter 40, Section 5B, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 4**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$893.00** to supplement the FY13 assessment from Nashoba Associated Boards of Health, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen and Board of Health

**ARTICLE 5**

To see if the town will vote to transfer Police Department Training Expenses from the Expenses subcategory to the Personnel Services subcategory with the Training Expenses appropriation remaining unchanged at **\$11,838.00** and the department total remaining unchanged at **\$1,440,972.00**, or take any action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 6**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$40,000.00** to supplement the FY13 Employee Health Insurance account, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen and Treasurer/Collector

**ARTICLE 7**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$5,307.00** to implement an amendment to the collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME), Council 93, Local 1703, Highway Union, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 8**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$2,150.00** to supplement the FY13 Police Chief Salary line, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 9**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$500.00** to supplement the FY13 Expenses line in the Finance Committee budget, or take any other action in relation thereto.

**SUBMITTED BY:** Finance Committee

**ARTICLE 10**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$3,300.00** to supplement the election budget for professional services to cover the costs of the November 13, 2012 special election, or take any other action in relation thereto.

**SUBMITTED BY:** Town Clerk

**ARTICLE 11**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$8,000.00** for the purpose of funding consulting services to evaluate changes to the Town's employee health insurance and benefits program, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 12**

To see if the Town will vote to amend Article 6 of the May 1, 2012 Annual Town Meeting by increasing the amount appropriated and transferred from the Ambulance Receipts Reserved Account by an additional sum of **\$50,000.00** to supplement the FY13 Fire-EMS Department operating budget, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 13**

To see if the Town will vote to supplement the appropriation for the North Middlesex Regional School District approved under Article 8 of the Annual Town Meeting held on May 1, 2012 by appropriating the additional sum of **\$417,728** for such purposes, and, as funding therefor:

- to transfer the sum of \$ \_\_\_\_\_ from available funds in the treasury; and
- to raise and appropriate the sum of \$ \_\_\_\_\_;

Provided, however, that the appropriation and transfer authorized hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override question pursuant to the provisions of Section 21C(g) of Chapter 59 of the Massachusetts General Laws, or take any other action in relation thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 14**

To see if the Town will vote to supplement the appropriation for the North Middlesex Regional School District approved under Article 8 of the Annual Town Meeting held on May 1, 2012 by appropriating the additional sum of **\$417,728.00**, and to meet said appropriation, to transfer the sum of \$ \_\_\_\_\_ from available funds in the treasury and to reduce appropriations under various line items of the budget approved under said Article 8, as set forth in a detailed schedule, by the total sum of \$ \_\_\_\_\_; provided however, that any vote taken hereunder shall be effective only if Town Meeting fails to approve Article 12, or if Town Meeting approves Article 12, but the related ballot question fails at a special election called for such purposes prior to November 30, 2012;

Or take any other action relative thereto.

**SUBMITTED BY:** Board of Selectmen

**ARTICLE 15**

To see if the town will vote to amend the Townsend General By-Laws, Chapter 138, Section 9, by lowering the limit on fines to \$300, as follows (with text to be added underlined and text to be deleted stricken):

Any person who violates any provision of this by-law shall be punished by a fine of not more than ~~\$300~~ \$600. Each day or portion thereof of continuing violation shall constitute a separate offense; and each provision of the by-law, regulations, or permit violated shall constitute a separate offense. This by-law may be enforced by any Town police officer, the Town Building Inspector, or other officer having police powers. The Conservation Commission, as an alternative to initiating criminal proceedings against a violator of this by-law or any rules and regulations promulgated hereunder, may give the offender a written notice to appear before the Clerk of the Ayer District Court pursuant to the provisions of MGL c 40, §21D. Any person notified to appear before the Clerk of the Ayer District Court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to such Clerk with the notice such specific sum of money as is stated in the notice. Such payment shall operate as a final disposition of the case. If an offender desires to contest the violation alleged in the notice to appear, he may, within 21 days after the date of the notice, request in writing a hearing be held before a district court judge, clerk, or assistant clerk.

Proceedings held pursuant to this provision shall not be deemed to be criminal proceedings.

Or take any other action in relation thereto.

**SUBMITTED BY:** Conservation Commission

**ARTICLE 16**

To see if the Town will vote to amend the General By-Laws, Chapter 138, Section 1-B, by deleting the range of filing fee amounts, and by changing “Department of Environmental Quality” to “Department of Environmental Protection”, as follows (with text to be added underlined and text to be deleted stricken):

In accordance with this purpose no person shall remove, fill, dredge, build upon, degrade, pollute, discharge into, or otherwise alter the following resource areas: banks, freshwater wetlands, marshes, bogs, wet meadows, swamps, creeks, rivers, streams, ponds, lakes, lands under water bodies, lands subject to flooding or inundation, vernal pools, isolated wetlands (collectively, resource areas) and lands within a buffer zone (as defined in § 138-7) of any such resource areas without a permit from the Conservation Commission, or as provided by this by-law. Any person wishing to engage in such activities must file a written notice of his intention to do so, including such plans as may be necessary to fully describe such proposed activity and its effect on the environment, and receive and comply with a permit issued by the Conservation Commission. Each notice shall be accompanied by a filing fee ~~not less than \$25 or more than \$1,000~~ as shown on the graduated schedule of fees contained in the Townsend Wetland Regulations. Copies of such notice shall be sent at the same time, by certified mail, to the Department of Environmental Protection ~~Department of Environmental Quality~~, Board of Selectmen, Planning Board and the Board of Health. Such notice must be filed concurrently with or after applications for all other permits, variances and approvals required by any zoning or non-zoning by-law or by the Subdivision Control Law and the regulations of the Planning Board thereunder have been obtained. Upon written request of any person, the Conservation Commission shall within 21 days make a written determination as to whether this by-law is applicable to any land or work thereon. Where such person is other than the owner, notice of any such determination shall be sent to the owner and to the person making such request.

Or take any other action in relation thereto.

**SUBMITTED BY:** Conservation Commission

**ARTICLE 17**

To see if the Town will vote to appropriate and/or borrow the sum of \$35,877.00, and authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary, for the purpose of acquiring, for open space and passive recreational purposes, a certain parcel of land known as the Genova property, consisting of 35.3 acres, more or less, shown on a plan entitled “\_\_\_\_\_”, on file with the Town Clerk, and described in a deed recorded with the Middlesex Registry of Deeds in Book 49618, Page 39, which sum shall supplement the \$16,888.00, the balance of the acquisition price, transferred from the Conservation Fund, and authorize the Conservation Commission to acquire said land by gift, purchase, and/or eminent domain under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may hereafter be amended and other Massachusetts statutes relating to Conservation, to be managed and controlled by the Conservation Commission, and authorize the Conservation Commission to file on behalf of the Town of Townsend any and all applications under the LAND Program (G.L. c. 132A, §11) and/or any other applications for funds, gifts, grants, under any federal and/or other state program, in any way connected with the scope



of this acquisition, and to enter into all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, authorize the Board of Selectmen and/or the Conservation Commission to convey a conservation restriction on said land in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a), to take any other action relative thereto.

Or take any action in relation thereto.

**SUBMITTED BY:** Conservation Commission

**ARTICLE 18**

To see if the Town will vote to amend the General Bylaws, Section 1-1 to insert a new section J, as follows:

- J. Conservation Commission
- (1) Enforcing Officer: Conservation Agent
  - (2) Fine Schedule:
    - a. Unauthorized Activity Either in Absence of or Beyond the Scope of Valid Order of Conditions or Determination of Applicability
      - (i) In Wetland Resource Area
        - (a) First Offense: \$100
        - (b) Second Offense: \$200
      - (ii) In Buffer Zone
        - (a) First Offense: \$50
        - (b) Second Offense: \$100
    - b. Activity in violation of or failure to comply with conditions of a valid Order of Conditions
      - (i) First Offense: \$100
      - (ii) Second Offense: \$200
      - (iii) Third and Subsequent Offenses: \$300
    - c. Failure to comply with any measures mandated by an Enforcement Order
      - (i) First and Subsequent Offenses: \$300
    - d. Failure to comply with required procedures, such as, but not limited to, recording an Order of Conditions or Negative Determination of Applicability with conditions at the Registry of Deeds before commencement of permitted activity, posting DEP file number at the site, and notifying Conservation Agent before commencement of work
      - (i) First Offense: \$25
      - (ii) Second Offense: \$50
      - (iii) Third Offense: \$100

or take any other action relative thereto.

**SUBMITTED BY:** Conservation Commission

**ARTICLE 19**

To see if the Town will vote to accept the following home rule act:

“Shall the Town of Townsend pursuant to the Home Rule Amendment of the Massachusetts Constitution and Massachusetts General Laws, Chapter 43B, vote and authorize the Town, acting by and through its Board of Selectmen and the Board of Water Commissioners, to petition the General Court of Massachusetts Legislature to pass a Special Law substantially in the form of the Enabling Act presented

to or adopted at Town Meeting for the purpose of creating a legal entity separate from the Town, to be known as the "Townsend Water District," to provide water and water works necessary for all purposes in the territory of the District as defined therein."

Or take any action in relation thereto.

**SUBMITTED BY:** Water Department

DRAFT

And you are directed to serve this Warrant, by posting up attested copies thereof at MEMORIAL HALL, 272 MAIN STREET at the Center, WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, and HARBOR CHURCH, 80 MAIN STREET in said Town, at least FOURTEEN (14) days before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

Given under our hands this \_\_\_\_\_ day of OCTOBER in the year TWO THOUSAND TWELVE.

SELECTMEN OF TOWNSEND

\_\_\_\_\_  
Nicholas Thalheimer, Chairman

\_\_\_\_\_  
Sue Lisio, Vice Chairman

\_\_\_\_\_  
Robert Plamondon, Clerk

A true copy. ATTEST:

\_\_\_\_\_  
CONSTABLE

MIDDLESEX, SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of TOWNSEND by posting up attested copies of the same at: MEMORIAL HALL, 272 MAIN STREET AT THE CENTER, WEST TOWNSEND FIRE STATION, 460 MAIN STREET IN WEST TOWNSEND, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, and HARBOR CHURCH, 80 MAIN STREET, AT LEAST FOURTEEN (14) DAYS BEFORE THE DATE OF THE MEETING, AS WITHIN DIRECTED.

Constable of TOWNSEND

\_\_\_\_\_  
SIGNATURE

LOCATION	TIME	MONTH	DAY	YEAR
MEMORIAL HALL	_____	_____	_____	_____
WEST TOWNSEND FIRE STATION	_____	_____	_____	_____
NORTH MIDDLESEX REGIONAL HIGH SCHOOL	_____	_____	_____	_____
POLICE/COMMUNICATIONS CENTER	_____	_____	_____	_____
HARBOR CHURCH	_____	_____	_____	_____

3.4

**TOWN OF TOWNSEND**  
**272 MAIN STREET, TOWNSEND, MA 01469**

**NOTICE OF APPROVAL OF SPECIAL PERMIT**

This is to certify that:

**JOHN FORS**

V.F.W. Post #6538

491A Main Street

West Townsend, MA

**THE ABOVE NAMED NON PROFIT ORGANIZATION IS HEREBY  
GRANTED A SPECIAL LICENSE FOR THE SALE OF ALL ALCOHOLIC  
BEVERAGES, TO BE DRUNK ON THE PREMISES**

Under Chapter 138, Section 14, of the Liquor Control Act.

In conjunction with a "40<sup>th</sup> Birthday Party" to be held on **November 17, 2012**, with  
sale hours from **7:00P.M. to 11:00P.M.**

The license is granted in conformity with the Statutes and ordinances relating thereto,  
and expires **November 17, 2012** unless sooner suspended or revoked.

Date:

**THE LOCAL LICENSING AUTHORITIES**

**SEE ATTACHED CONDITIONS OF LICENSE**



yn

The Commonwealth of Massachusetts  
The Alcoholic Beverages Control Commission  
238 Causeway Street, Suite 200  
Boston, MA 02114

Telephone (617) 727-3040  
Fax (617) 727-1258

**NOTICE OF APPROVAL OF SPECIAL LICENSE**

The Local Licensing Authorities of the within named City or Town have approved, pursuant to the provisions of Chapter 138 Section 14, issuance of a Special License as described herein.

City/Town: Townsend  
Date of Local Authority Approval: October 09, 2012  
Name of Licensee: John Fors  
Address of Licensee: 491A Main Street, Townsend, MA  
Effective Date or Dates of License: November 17, 2012  
Authorized Hours of Sales: 7:00P.M. to 11:00P.M.  
Description of the Licensed Premise: VFW Post 6538, 491A Main Street, West Townsend MA in conjunction with a "40<sup>th</sup> Birthday Party."

License is for sale of:  
All Alcoholic Beverages: X  
Wines and Malt Beverages Only:  
Wines Only:  
Malt Beverages Only:

The Licensed Activity or Enterprise is:  
For profit:  
Non-profit: X

Is the license for a dining hall maintained by an incorporated educational institution authorized to grant degrees? \_\_\_\_\_

Restrictions attached to the license by the local authority: SEE ATTACHED

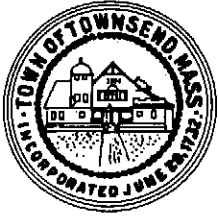
**THE LOCAL LICENSING AUTHORITY**

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **ONE-DAY LIQUOR LICENSE CONDITIONS**

**JOHN FORS  
VFW POST 6538  
491A MAIN STREET, WEST TOWNSEND, MA**

1. One license has been issued for use at the Pavilion/Function Hall area and is to be secured so that alcohol is confined to licensed area.
2. Licensee must stock alcoholic beverages in separate storage area within licensed area.
3. Licensee must purchase alcohol stock separately for each license issued and from a wholesaler/importer, manufacturer, etc. Licensee can not purchase from a package store under a Section 14 license.
4. Licensee can not use any alcohol stock from existing licensed premise known as the VFW Post #6538 Club.
5. Attendees can not travel with alcoholic beverages outside the licensed secured area.
6. The Licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premise.
7. The Licensee is responsible, whether present or not, for enforcing the serving capacity of 100 guests for the licensed premises to include the "bar area".



TOWN OF TOWNSEND  
One-day Special License Application Form  
(M.G.L. Chapter 138, Section 1)

John R. Fors Townsend VFW Post 6538  
Name of Responsible Person/License Holder

491 A Main Street West Townsend, Ma.  
Name/ Address of Event Premise

11-17-12                      7pm - 11pm 4 hours  
Date of Event                      Hours of Event

40<sup>th</sup> Birthday Party  
Type of Event/Sponsors

Number of people expected at event: 60

Police Detail Required: YES [ ] NO  (Please consult with Licensing Agent)

Type of Beverages to be served: All Alcoholic  Wine & Malt only [ ]

United Liquors Sales  
Name of licensed wholesaler

Servers trained in serving and handling alcohol: YES  NO [ ]

*By signing below I certify that I am in receipt of the Town of Townsend Alcohol Beverages Policy Guidelines and agree to the terms and conditions set forth under section V. - One-day Special Licenses.*

John R. Fors  
Signature of License Holder

10-3-12  
Date

Date Application Received: 10-04-12

Date sent to licensing Agent for review: \_\_\_\_\_





3.5

**TOWNSEND POLICE DEPARTMENT**  
**P. O. Box 137**  
**70 Brookline Road**  
**Townsend, Massachusetts 01469**

**Erving M. Marshall, Jr.**  
**Chief of Police**

**978-597-6214**  
**978-597-2242**

Date: October 9, 2012

To: News Media

From: Erving M. Marshall, Jr.

Re: Halloween

Cc: [REDACTED] Communications Center, Bulletin Board, VFW Post 6538, Hawthorne Brook Middle School, Squannacook Elementary School, Spaulding Memorial School, Channel 9, Townsendpd.org.

The Townsend Police Department advises that Halloween will be celebrated in Townsend on Wednesday, October 31<sup>st</sup> from 6:00 P.M. to 8:00 P.M. Chief Erving Marshall requests that the following rules be observed to insure a safe and happy Halloween for all concerned:

- Trick or treat in your own neighborhoods
- Children and accompanying adults should wear light colored clothing and carry a flashlight or some other alternative lighting
- Motorists and pedestrians should use **EXTREME CAUTION** in areas where street lighting is poor or in case of inclement weather
- Children should be allowed only to consume products that are in the original wrapping from the manufacturer
- Parents should make certain that all costumes are nonflammable and provide adequate ventilation and visibility
- Parents should know where their children are and what they are doing
- Trick-or-treaters should be accompanied by an adult
- Report any suspicious behavior to the local police immediately

Halloween is a great time of excitement for children who often times forget the dangers present along our streets while they trick-or-treat. By going slow, paying attention, and working together we can insure a safe and happy Halloween for all.





3.6

Office of the  
**BOARD OF SELECTMEN**  
272 Main Street  
Townsend, Massachusetts 01469


Nicholas Thalheimer, *Chairman*  
Andrew J. Sheehan,  
*Town Administrator*

Sue Lisio, *Vice-Chairman*

Robert Plamondon, *Clerk*  
Office (978) 597-1701  
Fax (978) 597-1719

**MEMORANDUM**

TO: Board of Selectmen

FROM: Andrew J. Sheehan, Town Administrator 

DATE: October 19, 2012

SUBJ.: License Fees

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Selectmen's staff has reviewed our existing license fees and compared them to area communities. This analysis shows that several of our fees are below the market. Please see the attached license fee survey. I recommend the Board of Selectmen adopt the following revised fee schedule.

Thank you in advance for your consideration.

<u>License Type</u>	<u>Existing Fee</u>	<u>Proposed Fee</u>	<u>Increase</u>
All Alcohol Club	\$425	\$425	\$0
All Alcohol Package Store	\$1,050	\$1,050	\$0
Wine & Malt Package Store	\$800	\$1,000	\$200
All Alcohol on Premises	\$800	\$1,500	\$700
Wine & Malt on Premises	\$550	\$750	\$200
Class I	\$100	\$100	\$0
Class II	\$100	\$100	\$0
Class III	\$100	\$100	\$0
Common Victualler	\$25	\$25	\$0

## LICENSE FEE SURVEY 2012

<b>License Type</b>	<b>Pepperell</b>	<b>Ayer</b>	<b>Groton*</b>	<b>Littleton</b>	<b>Lunenburg</b>	<b>Shirley</b>	<b>Townsend</b>
All Alcohol Club License	100.00			1,000.00	350.00	300.00	425.00
All Alcohol Package Store	600.00	3,000.00		2,000.00	1,450.00	1,250.00	1,050.00
Wine & Malt Package Store		1,500.00		1,000.00	700.00	600.00	800.00
All Alcohol on Premises	1,000.00	3,000.00		3,250.00	1,450.00	1,500.00	800.00
Wine & Malt on Premises	750.00	1,500.00			700.00	600.00	550.00
Class I	75.00	100.00		100.00	100.00	100.00	100.00
Class II	75.00	100.00		100.00	100.00	100.00	100.00
Class III	75.00	100.00		100.00	100.00	100.00	100.00
Common Victualler	25.00	50.00		25.00		25.00	25.00
Lodging House	20.00			60.00			

\* No response received

**Andy Sheehan**

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4.1

**From:** Michael Brown <mbrown.galaxy@yahoo.com>  
**Sent:** Monday, October 08, 2012 8:59 PM  
**To:** asheehan@townsend.ma.us  
**Subject:** Resident Request for Appointment to Volunteer Board or Committee  
**Attachments:** Attach0.html

Request From: Michael Brown  
Email: [mbrown.galaxy@yahoo.com](mailto:mbrown.galaxy@yahoo.com)  
Source IP: 24.91.253.18

Street Address: 57 Gilchrist Road, Townsend, MA 01469  
Mailing Address: Same

Home Phone: 978-597-6743  
Work Phone: 978-635-9600  
Fax: NOTE: I would like to volunteer for the ENERGY COMMITTEE

Checkbox Choices

Are you a registered voter in the Town of Townsend? Yes/No  
Yes

Do you have conflicts with meeting times or group assignments?  
Yes

If you have previously served on any Boards or Committees in the Town of Townsend, please describe your experience:  
Street light review committee (circa 1996-2000); main author of current zoning bylaw on outdoor lighting.

Are there other background experiences or skills that you feel would contribute to this appointment?  
I have a Ph.D. in environmental engineering from Harvard University, am currently employed by WSP Environment & Energy (for 26 years), and have knowledge of energy issues.

Why are you interested in this appointment?  
Terry Morse (current Energy Committee member) informed me about the committee's work and the Green Communities designation. I am interested in contributing my time and expertise to advancing Townsend's energy conservation and renewable energy efforts.

What are your goals for this Board or Committee?



## **PUBLIC NOTICE OF VACANCY**

April 12, 2012

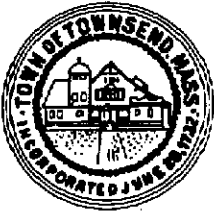
In accordance with Section 7-10 of the Townsend Charter requiring a ten (10) day posting, the following vacancy is posted:

### **2 VACANCIES - ENERGY COMMITTEE**

A newly formed Committee that will operate under the general direction of the Board of Selectmen and its purpose is to evaluate the feasibility of and requirements for Townsend becoming a Green Community under the Massachusetts Green Communities Act; advise on energy procurement for municipal facilities and residential and commercial customers; pursue funding opportunities; and work with consultants, including but not limited to an energy services company (ESCO) under a performance contract.

If interested, please forward a Volunteer Application form to the Office of the Board of Selectmen, 272 Main Street, Townsend, MA 01469.

POSTED 4/12/12



**TOWNSEND COMMUNICATIONS CENTER**  
**P. O. Box 137**  
**70 Brookline Road**  
**Townsend, Massachusetts 01469**

4.2

**Erving M. Marshall, Jr.**  
**Chief of Police**

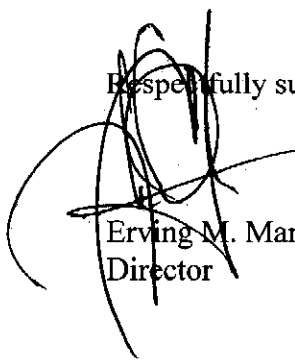
**978-597-2242**  
**978-597-6214**

DATE: October 17, 2012  
TO: Board of Selectmen  
FROM: Erving M. Marshall, Jr.  
Director  
RE: Ronald Sawyer  
Robert Heffernan  
Part-time Telecommunicator Appointments  
October 23, 2012 – June 30, 2013

I request that the Board appoint Ronald Sawyer and Robert Heffernan to the position of part-time Telecommunicator for the period of October 23, 2012 through June 30, 2013, with a nine-month probationary period and upon satisfactory completion of psychological and physical exams. This action is being requested with respect for the need of additional part-time Communication's staff and with regards to the original posting of the position with the Town Clerk on August 27, 2012 in which Ronald Sawyer and Robert Heffernan applied.

A copy of Ronald Sawyer and Robert Heffernan's employment applications are attached for your review along with a copy of the job posting. Please return the employment applications after reviewing same.

Respectfully submitted,

  
Erving M. Marshall, Jr.  
Director

EMM/dls

Attachments

Cc: Senior Telecommunicator Diane Babineau  
Sawyer file  
Heffernan file  
Appointment file

# **Townsend Police/Communication Center**

## **Part Time Opening**

**The Townsend Communication Center has openings for a part time emergency dispatcher. Experience is preferred. Computer skills, verbal & writing skills & the ability to multi-task are required. The dispatch center is opened 24/7 365 days a year. Police, Fire & Ambulance are all dispatched from the Communication Center. Flexible & availability is a must & available to work ALL shifts including days, evenings, overnights, weekends & holidays.**

**Applications can be picked up at the front window at the Police Station or send resumes to:**

**Townsend Communication Center**

**70 Brookline Rd.**

**P.O. Box 137**

**Townsend, Ma 01469**

**C/O Diane Babineau 978-597-6214**

**All applications must be in by September 14, 2012**

**Posted August 27, 2012**