

**FINANCE COMMITTEE  
REPORT  
AND  
RECOMMENDATIONS  
AND  
TOWN WARRANT  
FOR THE  
SPECIAL TOWN MEETING**



**TOWN OF HUDSON  
MONDAY, NOVEMBER 19, 2007**

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## **Finance Committee Preamble**

**To the People of Hudson, Greetings,**

We have reviewed the warrant articles and made our recommendations.

The following warrant articles merit further discussion:

Article 4: Senior Center Renovation and Expansion funds: The senior center is an important resource for our valued senior citizens. As our population ages we will be expected to provide services to an increasing number of seniors. We need to update this historical building to provide these services adequately. If this article is approved you will be asked to vote for a debt exclusion in May of 2008. An exclusion is a temporary property tax increase used to provide for the annual debt service costs of projects funded by borrowing.

The finance committee recommends the passage of this article and the vote for debt exclusion in May.

Article 5: Rescission of Bond Authorization: The town has received its reimbursement from the state, therefore this Bond authorization is no longer needed. The finance committee recommends passage of this article.

Article 6: Acceptance of chapter 43D of the Ma General Laws: Adoption of this article gives the town an additional tool for targeted economic development. The properties listed are zoned commercial or industrial. Passage of the article gives us an opportunity to receive grant dollars we would otherwise not be able to qualify for. The finance committee recommends the passage of this article.

Article 7: Amend General By-Laws-Expand Historical District: By expanding this district we would now include the Senior Center. In addition to the fact that the senior center is a historical building and should be included, it also enables us to consider using CPA funds and the potential to obtain additional grant dollars. The finance committee recommends passage of this article.

Article 9. Amend General By-Laws: Anti Blight and Nuisance. Our current regulations simply do not address egregious blight issues. Several changes have been made to this article with regards to the issues brought up at the last town meeting including 1. defining "reasonable period of time" 2. providing for an appeal process and 3. substantially reducing the applicable fines. Property owners should not be forced to accept substantial reductions in market value because we are unable to address these situations. The finance committee recommends passage of this article.

Respectfully Submitted,

**THE FINANCE COMMITTEE:**

**John Parent, Chairman**

**Justin Provencher, Vice Chairman**

**Michael Downey**

**David Provencher**

**Barbara Rose**

**Claudinor Salomão**

**Stephen Domenicucci**

**TOWN WARRANT  
THE COMMONWEALTH OF MASSACHUSETTS  
Middlesex, ss.**

To any of the constables of the Town of Hudson 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 the Town of Hudson, qualified to vote in elections  
and on Town affairs, to assemble in the Hudson High School, Brigham Street, in said  
Town on

**MONDAY, THE NINETEENTH DAY OF  
NOVEMBER, 2007**

at 7:30 o'clock in the evening. Then and there to act on the following articles to wit:

## **Article 1 Chapter 90 Roadway Funds**

To see if the Town will vote to raise and appropriate or take from available funds the sum of Four Hundred Thirty Nine Thousand Two Hundred Two Dollars (\$439,202) for construction, reconstruction and for improvements for the Town roads as requested by the Board of Selectmen to be reimbursed by the Commonwealth of Massachusetts pursuant to the Town of Hudson's Chapter 90 apportionment for Fiscal 2008; Or take any action relative thereto.

Director of Public Works  
Executive Assistant  
Board of Selectmen

*Article 1: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that Four Hundred Thirty Nine Thousand Two Hundred Two Dollars (\$439,202) be taken from available funds.*

## **Article 2 Supplemental Appropriation-DPW Expense**

To see if the Town will vote to raise and appropriate or take from available funds the sum of Fifty Four Thousand Dollars (\$54,000) said sum to be added to the amount voted under Line 41, Public Works Expense of Article 1, of the Town Meeting held on May 7, 2007; Or take any action relative thereto.

Director of Public Works  
Board of Selectmen

*Article 2: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of Fifty Four Thousand Dollars (\$54,000) be raised and appropriated.*

## **Article 3 School Budget Adjustment**

To see if the Town will vote to reduce the amount appropriated at the Town Meeting held on May 7, 2007 under Line 58, Hudson Schools Net Spending Expenses, by the sum of Ninety-One Thousand Four Hundred Seventy-Seven Dollars (\$91,477) said amount representing fifty percent (50%) of the reduction in state aid approved by the legislature from that used in preparing the budget; or take any action relative thereto.

Executive Assistant  
Board of Selectmen

*Article 3: The Finance Committee unanimously recommends the adoption of the subject matter of this article.*

## **Article 4 Senior Center Renovation & Expansion Funds**

To see if the Town will vote to authorize borrowing the sum of Four Million Four Hundred Thirty

One Thousand Seven Hundred and Ninety Five Dollars (\$4,431,795) for the purpose of funding the design, rehabilitation, construction, equipping and furnishing of a newly expanded Senior Center of approximately 14,000 square feet to be located at the existing Church Street site shown on Assessor's Map 29 as Parcel 148, pursuant to the authority contained in Massachusetts General Laws C.44 section 7, clause(3) and (3A), as amended, and every other enabling authority, provided that the majority of voters voting on Ballot Question #1 in the Town Election of May 12, 2008 vote in the affirmative to exclude the payment on debt arising therefrom, from the limits set on the tax levy by Massachusetts General Laws C.59, Section 21 as amended, and further to see if the Town will vote to authorize the Senior Center Building Committee together with the Board of Selectmen, to apply for and accept any Federal or State grants in aid that may be available; or take any action relative thereto.

Executive Assistant  
Council on Aging  
Board of Selectmen

*Article 4: The Finance Committee unanimously recommends the adoption of the subject matter of this article.*

## **Article 5 Rescission of Bond Authorization**

To see if the Town will vote to rescind the authority to borrow the sum of Twenty-Nine Million Four Hundred Forty Thousand Six Hundred and Thirty-Six Dollars (\$29,440,636), which amount represents the payment by the Massachusetts School Building Authority, and, therefore, the unused portion of the Bond Authorization as approved by the Town in Article Twenty-Seven (27) of the Town Meeting held on May1, 2000, Hudson High School Construction Funds; or take any action relative thereto.

Executive Assistant  
Board of Selectmen

*Article 5: The Finance Committee unanimously recommends the adoption of the subject matter of this article.*

## **Article 6 Acceptance of Chapter 43D of the MA General Laws**

To see if the Town will accept the provisions of chapter 43D of the Massachusetts General Laws as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at 205 Washington Street (Map 52, Parcel 35 & 36), 191 Washington Street (Map 52, Parcel 34), 191A Washington Street (Map 52, Parcel 32), 185 Washington Street (Map 52, Parcel 33), 173 Washington Street (Map 52, Parcel 31), Cabot Road (Map 65, Parcel 34 & 43) and 75 Reed Road (Map 41, Parcel 33) as Priority Development Sites,

Or take any other action relative thereto.

Planning Board  
Town Planner  
Director of Community Development

Board of Selectmen

*Article 6: The Finance Committee unanimously recommends the adoption of the subject matter of this article.*

**Article 7 Amend General By-Laws: Expand Historical District**

To see if the Town will vote to amend Article VIII, Section 3 of the General by-laws pertaining to the establishment of boundaries for the Silas Felton Historic District adopted in 1988 by replacing the period following the words "Town Clerk's Office," inserting in its place a comma, and adding the following language:

*as further amended by Article 7 of the Town Meeting held on November 19, 2007, a copy of which is also on file in the office of the Hudson Town Clerk.*

Or take any other action relative thereto.

Director of Community Development  
Senior Center Director  
Board of Selectmen

*Article 7: The Finance Committee unanimously recommends the adoption of the subject matter of this article.*

**Article 8 Amend General By-Laws: Rabies**

To see if the Town will vote to amend the General By-Laws of the Town of Hudson by adding to Article VI, section 7 a new subsection G to read as follows:

Section G. No person shall own or keep any dog or cat in the Town of Hudson which is unvaccinated for rabies. Penalty for violation of this subsection shall be Fifty dollars (\$50.00).

And further to see if the Town will vote to amend the General By-Laws of the Town of Hudson by adding to Article IX, Application and penalties, subsection 4., Non-Criminal Complaint, the Following:

<u>Article, Section</u>	<u>Fine</u>	<u>Enforcing Officer</u>
Sec 7(G), Dog Violations	\$50.00	Police & Dog Officer

Or take any other action relative thereto.

Police Department  
Board of Selectmen

*Article 8: The Finance Committee unanimously recommends the adoption of the*

*subject matter of this article.*

## **Article 9 Amend General By-Laws: Anti Blight and Nuisance**

To see if the Town will vote to amend the General By-Laws of the Town of Hudson by adding to said By-Laws under Article VI a new section 49 as follows:

### **Section 49 Anti Blight & Nuisance**

#### **49.1 Purpose**

Notwithstanding any matter contained within the By-law of the Town of Hudson which may be contrary, this By-law is adopted for the prevention and removal of nuisances within the Town of Hudson, which nuisances constitute a hazard of blight, or adversely affect property values, or the quiet enjoyment of property.

#### **49.2 Definitions**

In the interpretation of this Chapter, the meanings of words and phrases shall be according to the definitions indicated in Section 2.0 of the Zoning by-laws of the Town of Hudson, unless the context of this Chapter shows another sense to be intended.

##### **49.2.1 Blight**

Any condition constituting a "nuisance" as defined in Section 49.2.6 below that substantially impairs the value, condition, durability or appearance and quiet enjoyment of real property, including real property owned or occupied by an Interested Party as defined in Section 49.2.5 below.

##### **49.2.2 Building**

A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter per persons, animals, or property. See "structure" below.

##### **49.2.3 Dilapidated**

A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

- a. Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors.
- b. Property having defective weather protection for exterior wall covering or deleterious weathering due to lack of such weather protection or other protective covering such that the property is not structurally sound.
- c. Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration, is unsuitable for the purpose for which designed.

**49.2.4      Hazard**

A condition likely to expose persons to injury, or property to damage, loss or destruction.

**49.2.5      Interested Parties**

In conjunction with the notification requirements of this by-law Interested Parties are the Building Commissioner and his agents and assigns; owner (s) and/or occupants of property which is the subject of a hearing; owners and/or occupants of property directly opposite the subject property on any public or private street or way, owners and/or occupants of property abutting the subject property, and owners and/or occupants of property abutting, that are within three hundred (300') feet of the property line of the subject property. Other persons who own or occupy property and who demonstrate, to the satisfaction of the Building Commissioner and his assigns, that they are affected by the condition of the property or building that is the subject of a hearing may be regarded as Interested Parties by the Building Commissioner and his assigns.

**49.2.6      Constitution of Nuisance**

It shall be a violation of this by-law to maintain, cause, or create a nuisance that substantially interferes with the common interest of the general public in maintaining decent, safe, and sanitary structures that are not dilapidated when such interference results from the hazardous or blighted condition of private real property, land or buildings. The fact that a particular structure or use may be permitted under the Zoning By-Law does not create an exemption from the application of this By-Law. The term "nuisance" includes, but is not limited to:

- a. The existence of any structure or part of the structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer salvageable or habitable as a dwelling, nor useful for any other purpose for which it may have been intended;
- b. Dilapidated real or personal property, which includes the existence of any vacant dwelling, garage, or other out-building not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto by vandals.
- c. Overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances and/or constitutes blight;
- d. Dead, decayed, diseased or hazardous trees, debris or trash;
- e. Personal property that is exposed to the elements without protection against deterioration, rust, or dilapidation;
- f. Unregistered motor vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil.
- g. In any Residential District, keeping of more than one commercial vehicle, or of a tractor that exceeds a gross vehicle weight of three-quarters (3/4) of a ton for hauling a van or trailer as defined by the Registry of Motor Vehicles. Any motor vehicles, stock or racing cars, off road vehicle, snowmobile, travel trailer, motorcycle, road tractor, trailer and semi-trailer is defined as a junk, unused, dilapidated, unlicensed or disassembled motor vehicle, road tractor, trailer or semi-trailer if:
  1. It has been unregistered or inoperable for more than three (3) consecutive months;
  2. It has any major part missing there from, including but not limited to missing fenders,

windows, wheels, transmissions, engines, carburetors, doors, axles, beds or the like; or

3. Although all parts are present, it remains in a dismantled or disassembled condition; or
4. A motor vehicle or road tractor cannot be propelled under its own power.

h. The storage upon any property of building materials unless there is in force a valid building permit issued by the Town for construction upon said property and said materials are intended for use in connection with such construction. In no event, however, shall the storage of building materials occur on the property in excess of three (3) months without written consent from the Building Commissioner. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, nails, screws, steel, or any other materials commonly used in constructing any structure.

i. Gravel, rock, and dirt piles stored by the owner for purposes of construction and/or landscaping and said item remains stored for more than three (3) months on the owner's premises; or

j. All dumpsters used to store trash for more than three (3) months shall be screened from public view and shall be covered at all times.

#### **49.2.7                    Occupant**

A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

#### **49.2.8                    Owner**

Every person who alone or jointly or severally with others:

- (a) has legal title to any building, structure or property;
- (b) has care, charge, or control of any such building structure or property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title;
- (c) is a lessee under a written letter agreement;
- (d) is a mortgagee in possession; or
- (e) is an agent, trustee or other person appointed by the courts.

#### **49.2.9                    Reasonable Amount of Time**

Reasonable amount of time shall mean thirty (30) days.

#### **49.2.10                    Responsible Party**

The owner or occupant (in the case of real property) of property that is the subject of proceedings under this by-law. The singular use of the term includes the plural when the context so indicates.

#### **49.2.11                    Structure**

A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, framework, retaining wall, stand, platform, bin, fence (having a height at any point of six feet or greater above grade), parking area sign, flagpole, or mast for an antenna or the like.

**49.2.12      Enforcing Authority**

The Enforcing Authority of this by-law, for investigation and enforcement purposes, shall be the Building Commissioner and his agents and assigns and may include the Board of Health Agent, Fire Chief, Police Chief and any other Town employee empowered to enforce Article VI of the By-Laws of the Town of Hudson, Regulations or Statutes of the Commonwealth of Massachusetts.

**49.3      Administration****49.3.1      Enforcement**

This By-law shall be enforced by the Enforcing Authority.

If the Enforcing Authority shall be informed or have reason to believe that any provision of this By-law has been, is being, or is likely to be violated, he shall make or cause to be made an investigation of the facts, including an investigation of the property where the violation may exist. In making such an inspection, the Enforcing Authority shall have such right of access to premises that may be lawfully exercised by him under the laws and constitution of the Commonwealth or of the United States.

The first notice of violation issued by the Enforcing Authority shall be a written warning. The Owner of Occupant shall then have thirty (30) days within which to remedy and cure the violation. If within a reasonable period of time after this thirty (30) days have elapsed, the violation has yet to be remedied, the Enforcing Authority may issue a second written violation notice with a fine of fifty (\$50.00) dollars. If within a reasonable period of time after sixty (60) days has elapsed since the issuance of the first notice of violation, the violation has still not been remedied, the Enforcing Authority may issue a third written violation with a fine of one hundred (\$100.00) dollars, plus an additional ten (\$10.00) dollars per day beginning on the 76<sup>th</sup> day following issuance of the first notice of violation and continuing thereafter until the violation is fully remedied/cured.

If the Enforcing Authority determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this By-law, he shall refer the matter to the Board of Health Agent of the Town of Hudson and/or appropriate State or Local Officials for action.

During investigation of the matter, the Enforcing Authority may consult, but is not required to do so, with any Interested Party in an attempt to obtain voluntary compliance with this By-law without the need to issue a notice of violation.

**49.3.2      Notice to Complainant**

In any matter in which a complaint has been made by a person other than the Enforcing Authority, the Enforcing Authority shall promptly notify the complainant in advance of all conferences or proceedings concerning resolution of the nuisance complaint or of any enforcement action and the complainant shall be allowed to be present and to be heard.

#### **49.3.3 Removal of Nuisance**

If the Responsible Party fails to remedy the nuisance caused by a burnt or dangerous building, upon notice from the Building Commissioner or his agents and assigns to do so, said Building Commissioner or his assigns may cause the nuisance to be removed as provided in M.G.L. Ch. 139 at the owner's expense. Any such debt shall constitute a lien on the land upon which the nuisance was located as provided in Massachusetts General Laws, Chapter 139, Section 3A.

#### **49.3.4 Appeals**

Any citizen against whom a notice of violation is issued under this by-law shall have the right for a hearing before the Board of Health and/or its designee, and following said hearing, the Board of Health and/or its designee shall within a reasonable period of time thereafter, issue a decision. From the date that such a hearing request is received by the Board of Health until the date that a decision is issued, all of the deadlines stated in 49.3.1 above shall be temporary stayed.

#### **49.3.5 Reports by the Enforcing Authority**

The Building Commissioner shall make each month, upon request by the Board of Selectmen, a report that shall include all complaints of nuisance made to him during the prior month; all proceedings begun by him under this By-law; all pending complaints and all investigations and enforcement actions taken by the Enforcing Authority. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the Responsible Party (ies), and the disposition or the status of the matter.

And also to amend said By-Laws under Article X, Section 4, non-criminal complaint by adding the following:

<u>Article/Section</u>	<u>Fine</u>	<u>Enforcing Officer</u>
Article VI		
Section 49	\$0 First Offense	Building Inspector/Police Depart.
	\$50 Failure to remedy/cure first offense within thirty (30) days following issuance of the first notice of violation.	
	\$100 Failure to remedy/cure first offense within sixty (60) days following issuance of the first notice of violation.	
	\$10 Additional per diem fine for failure to remedy/cure first offense within	

seventy-five (75) days following issuance of first notice of violation which additional daily fine shall continue until the first offense is fully remedied/cured.

Or take any other action relative thereto.

Building Commissioner  
Board of Selectmen

*Article 9: The Finance Committee unanimously recommends the adoption of the subject matter of this article.*

And you are directed to serve this warrant by posting up copies attested by you in the following places: one at the Post Office, one at the Town House, one at the Office of the Town Clerk, and in six other public places in said Town, Fourteen days at least before the time of holding said meeting and by publication in a newspaper published in said Town.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before time of holding said meeting.

Given under our hands this 17th day of September signed by the Selectmen in the year Two Thousand and Seven.

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Antonio S. Loura, Chairman

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Joseph J. Durant, Vice Chairman

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Santino Parente, Clerk

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Carl J. Leeber

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Fred P. Lucy II

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**INTRODUCTION TO TOWN MEETING**

The Town Meeting is a deliberative assembly, charged with considering a number of questions of varying complexity in a reasonable period of time, and with full regard to the rights of the majority.

**AUTHORITY**

The three elements of authority at Town Meeting are a quorum of 150 registered voters or more, the Moderator and the Town Clerk. The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is his responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

**THE WARRANT:** All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. The Finance Committee reviews the warrant, making recommendations on items of business to be presented. In accordance with the By-Laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes otherwise, after reasons have been stated. The Moderator has full discretion to decide whether or not the motion to change the order of articles will be entertained.

**PARTICIPATION:** All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from the Meeting. Each individual who speaks to the Meeting should make an effort to be as brief as possible out of consideration for others attending the Meeting and the need to give adequate time to all matters coming before it.

**CLASSIFIED MOTIONS:** Pursuant to section 8 of article II of the By-Laws of the Town of Hudson, when a question comes before Town Meeting certain motions shall be received and have precedence in the following order:

**PRIVILEGED MOTIONS:** These are motions that have no connection with the main motion before the Town Meeting, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business before the Town Meeting.

**TO ADJOURN** (decided without debate); **TO FIX THE TIME FOR ADJOURNMENT**; **SUBSIDIARY MOTIONS:** These are motions that are used to modify or dispose of the main motion being considered. Their existence as motions depend on the main motion to which they are subordinate; **TO LAY ON THE TABLE** (decided without debate);

**FOR THE PREVENTION QUESTION** (decided without debate); **TO COMMIT**; **TO AMEND**; **TO POSTPONE INDEFINITELY**

All motions may be withdrawn by the maker if no objection is made.

**INFORMATION ON MOTIONS:** A motion is the means of bringing a proposal or question before the Meeting for consideration. When put forward it is a motion; after is seconded and acknowledged by the Moderator, it becomes the question or proposal; and if it is approved by the Meeting, it becomes a resolution. Generally, no motion shall be entertained unless the subject is contained within a warrant article. The Moderator shall determine whether a motion is within the "scope of the article," that is, whether the warrant gives adequate notice that the action proposed by the motion might be taken at the Meeting. Articles only give notice and do not initiate action; motions do. Motions may be withdrawn; articles may not be.

Some motions avoid a final determination by the Meeting. A motion to commit or refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to lay on the table which only temporarily delays a vote.

Pursuant to article II, section 3 of the Town of Hudson By-Laws, no vote of Town Meeting shall be

reconsidered except upon notice by an individual who voted with the majority thereon given within one hour of such vote at the same or succeeding session. If the individual who gives notice does not immediately make such motion, then a motion to reconsider may be made by another individual voter who voted with the majority.

Pursuant to section 4 of article II, no article in the Warrant shall be again taken into consideration after disposed of unless ordered by a vote of two-thirds of the voters present and voting. Pursuant to section 5 of article II, no voter shall speak more than twice upon any question without obtaining leave of Town Meeting except to correct an error or explain a point, nor until all other individuals who have not spoken and so desire have been given the opportunity to speak. Pursuant to section 6 of article II, all motions must be reduced to writing before being submitted to the Town Meeting if required by the Moderator.

Pursuant to section 9 of article II, a motion to receive the report of a committee shall put the report before Town Meeting but not discharge the committee. A vote to accept or adopt such report with or without amendment shall discharge the committee.

Pursuant to section 10 of article II, a 150-voter quorum is required to conduct business at Town Meeting. However, no quorum is needed for a motion to adjourn.

Pursuant to section 11 of article II, articles in a warrant shall be considered in order, except that the Moderator upon request and for reasons stated, may entertain a motion to consider an article out of regular order.

Pursuant to section 12 of article II and in addition to the authority already specified above, the Moderator may administer the oath of office to a town officer chosen at Town Meeting. If a vote declared by the Moderator is immediately questioned by seven or more voters, then the Moderator must verify the vote by polling voters or dividing the Town Meeting. If a two-thirds vote of Town Meeting is required by State Statute, the count shall be taken and the vote recorded by the Town Clerk. However, if the vote is declared to be unanimous, a count is not needed and the Town Clerk shall record the vote as unanimous unless immediately questioned by seven or more voters.

#### TOWN FINANCE TERMINOLOGY

The following terms are used from time to time in the Annual Report and Town Meeting. In order to provide everyone with a better understanding of the meaning, the following definitions are offered:

**SURPLUS REVENUE:** (Sometimes referred to as Excess and Deficiency Account). This fund is the amount by which the Cash, Accounts Receivable, and other assets exceed the liabilities and reserves.

**AVAILABLE FUNDS:** (Often called "Free Cash") This fund represents the amount of money remaining after deducting from the Surplus Revenue all uncollected taxes for prior years, taxes in litigation and court judgments. This fund is certified annually by the State Bureau of Accounts and may be used to defray town costs by a vote of the Town Meeting.

**OVERLAY:** The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements and exemptions granted and to avoid fractions in the tax rate.

**RESERVE FUND:** This is a fund established by the voters at the annual town meeting and may consist of direct appropriations or transfers. Transfers from the Reserve Fund are initiated by the Executive Assistant and require the approval of the Finance Committee. The use of the Reserve Fund is restricted to "extraordinary or unforeseen expenditures".