

# **Special Town Meeting WARRANT**



**Town of Hudson  
Monday, November 21, 2011**

**Finance Committee Report  
&  
Recommendations**

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## Finance Committee Preamble

To the People of Hudson, Greetings,

The finance committee has reviewed the warrant articles and we have made our recommendations, which are reported with each article as is customary. We will make a recommendation on Article 8, the petitioned zoning article at town meeting after we have received the recommendation of the Planning Board.

Beyond our usual role of recommending on the various articles, however, the Finance Committee would like to take this opportunity to offer what we think is an even more important comment – one that reflects our strong feelings about the significance of the events that are memorialized on the front cover of this year's Town Meeting Warrant.

This year represents the tenth anniversary of the September 11, 2001 attacks on America. The 2,977 victims of September 11<sup>th</sup>, 2001 including the 403 public safety personnel killed in New York, were fathers, mothers, daughters and sons, grandparents, loved ones and friends. In 2009 The September 11<sup>th</sup> Families Association sponsored a program allowing organizations throughout the country to acquire a piece of steel artifact that was recovered from the World Trade Center site.

The Hudson Fire Department recognized this program as a way to bring an important piece of America's history here to Hudson. In the early morning of February 24, 2011 Fire Lieutenant David Duplisea, Firefighter William Ostertag, Lieutenant Kevin Werner and Firefighter Bryan Johannes traveled to Hanger 17 at the J. F. K. Airport in New York City, where they picked up a 1,400 lb piece of twisted I-beam recovered from the World Trade Center site since September 11, 2001.

On September 11, 2011, after months of planning and hard work this piece of history was proudly dedicated in a ceremony at Hudson's Fire Headquarters on Cox Street. We commend the Fire Department and its members that participated in all aspects of this ceremony. More importantly, we share a commitment with our fellow-citizens who attended this ceremony, those who have come to view this memorial since, and all of those who will in the years to come to never forget the sacrifice of those who perished on September 11, 2001.

This beautiful memorial will not only allow us to pay respect to those who lost their lives ten years ago but will also allow us the opportunity to help educate our young people in understanding how truly precious our freedom is.

Respectfully Submitted,  
**THE FINANCE COMMITTEE:**

John Parent, Chairman  
Justin Provencher, Vice Chairman  
Michael Downey  
David Provencher  
Barbara Rose

Claudinor Salomão  
Stephen Domenicucci  
Manuel A. Chaves  
Robert Clark

**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 TWENTY FIRST DAY OF**

**NOVEMBER, 2011**

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 take from available funds the sum of Five Hundred Eighty One Thousand Four Hundred Sixty Seven Dollars (\$581,467) for construction, reconstruction and improvements of 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 2012;

Or take any action relative thereto.

Director of Public Works  
Board of Selectmen

*Article 1: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$581,467 be taken from available funds.*

**Article 2 Supplemental Appropriation – Pensions**

To see if the town will take from available funds the sum of Four Thousand Three Hundred and Three Dollars (\$4,303) said sum to be added to the amount appropriated under Line 52, Pensions Expenses, of Article 1 of the Town Meeting held on May 2, 2011;

Or take any action relative thereto.

Executive Assistant  
Board of Selectmen

*Article 2: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$4,303 be taken from available funds.*

**Article 3 School Budget Adjustment**

To see if the Town will vote to add to the amount appropriated at the Town Meeting held on May 2, 2011 under Line 57, Hudson Schools Net Spending Expenses, by the sum of Two Hundred Twenty-Five Thousand Two Hundred Eighty-Four Dollars (\$225,284) said amount representing sixty percent (60%) of the increase 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 Downtown Parking & Traffic Infrastructure Study**

To see if the Town will vote to raise and appropriate or take from available funds the sum of Fifty-Two Thousand Five Hundred Dollars (\$52,500) said sum to be matched by an equal amount of funds, provided by the Hudson Business Association or otherwise donated, to allow the Town to complete a Downtown Parking and Traffic Infrastructure study;

Or take any other action relative thereto.

Director of Community Development  
Board of Selectmen

*Article 4: The Finance Committee recommends the adoption of the subject matter of this article and that the sum of \$52,500 be taken from available funds. Vote 5-1-0.*

**Article 5 Acceptance of Deed of Land, Middle Road**

To see if the Town will vote to accept by gift, grant, transfer and conveyance, or pursuant to the authority of Massachusetts General Laws, c.60, Section 77C, a quitclaim Deed from owners, Thomas J. Bonica, Jr. and Elaine A. Bonica, a certain parcel of land off of Middle Road, designated on Assessor's Map 67, as Parcel 82. Being the same premises referred to in a Deed dated February 1, 1979, and recorded in the Middlesex South Registry of Deeds at Book 13637, Page 001. Said parcel containing .11 acres, more or less.

Or take any action relative thereto.

Executive Assistant  
Board of Selectmen

*Article 5: The Finance Committee recommends the adoption of the subject matter of this article. Vote 5-1-0.*

**Article 6 Amend General By- Laws: Removal & Placement of Snow from Private Property**

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 51.0 as follows:

**Section 51.0 Removal and Placement of Snow from Private Property**

No person, nor entity, nor any agent, assignee, employee, contractor or servant of any such person or entity shall displace or remove snow or ice from private property so as to cause it to be placed, deposited or dumped upon any portion of the Town's street, ways, sidewalks or real property.

Whoever violates the provisions of the By-Law shall be punished by a fine of fifty (\$50.00) Dollars.

And also by amending Article X Application and Penalties, Section 4 Non-Criminal Complaints by adding the following under Article VI:

Sec. 50 Placement of Snow

Fine: \$ 50.00

Enforcing Officer: Police

Or take any action relative thereto.

Director of Public Works

Board of Selectmen

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

## **Article 7 Amend Zoning By-Laws: Uses Prohibited in All Districts**

To see if the Town will vote to amend the Zoning By-Laws, pursuant to Chapter 40A of the Massachusetts General Laws, by making the following changes:

Delete section 5.1.5.2 in its entirety.

Or take any action relative thereto.

Planning Board

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

## **Article 8 Petitioned Article: Amend Zoning By-Laws, Zoning District Change**

To see if the Town will vote to amend the Zoning By-Laws, pursuant to Chapter 40A of the Massachusetts General Laws, as follows:

By striking from Appendix A the description of Zoning District C-12 (II) in it's entirety, the description of Zoning District SA-7 (I) in it's entirety and Zoning District SA-8 (VII) in it's entirety;

And by adding new descriptions as follows:

### **COMMERCIAL DISTRICT C-12 (II):**

C-12 (11) Beginning at a point at the intersection of Washington Street and Route 290 Connector;

Thence southerly by the westerly side of Washington Street to a point at the intersection of the 265 Washington Street Realty Trust and Spaeth property line and Residential District SA-8(VII)

Thence westerly by said property line and Residential District SA-8(VII) to a corner at the Girard and Spaeth properties;

Thence southerly by the Girard and Spaeth property line and Residential District SA-8(VII) to a corner at the Girard and Pizzimento properties;

Thence westerly by the Girard and Pizzimento property line and Residential Districts SA-8(VII) and SA-7(I) to a corner at the Girard and Brigham properties;

Thence northerly by the Girard and Brigham property line and Residential District SA-7(I) to a corner at the Girard, Brigham and Rio properties;

Thence westerly by the Girard and Rio property line extended 300 feet west of the westerly side of Washington Street and along Residential District SA-7(I) to a point;

Thence northerly by Residential District SA-7(I) 300 feet from and parallel to the westerly side of Washington Street to a point on the southerly side of Route 290 Connector;

Thence easterly by the southerly side of Route 290 Connector to the point of beginning.

**RESIDENTIAL DISTRICT SA-8 (VII)**

SA-8 (VII) Beginning at a point on the westerly side of Washington Street and at the Hudson-Marlborough Town line;

Thence westerly along the Hudson-Marlborough Town line to a point 200 feet westerly of the westerly side of Washington Street and at Residential District SA-7(I);

Thence northerly by Residential District SA-7(I) 200 feet from and parallel to the westerly side of Washington Street to a point at the intersection of the Pizzimento and Girard property line and Commercial District C-12(II)

Thence easterly by the Pizzimento and Girard property line and Commercial District C-12(II) to a corner at the Girard and Spaeth properties;

Thence northerly by the Girard and Spaeth property line and Commercial District C-12(II) to a corner of the Spaeth and Girard properties;

Thence easterly by the Spaeth, Girard and 265 Washington Street Realty Trust property line and Commercial District C-12 to the westerly side of Washington Street;

Thence southerly by the west side of Washington Street to the point of beginning.

**RESIDENTIAL DISTRICT SA-7 (I)**

SA-7 (I) Beginning at a point on the Hudson-Marlborough Town line at the end of Chapin Road;

Thence southerly by the easterly side of Chapin Road to a point on the northerly side of River Road;

Thence southwesterly by the northerly side of River Road to a point on the easterly side of Interstate Route 495;

Thence southerly by the easterly side of Interstate Route 495 to a corner on the Marlborough-Hudson Town line;

Thence easterly by the Marlborough-Hudson Town line to a corner at Residential District SA-8(VII), said point being 200 feet westerly of the westerly side of Washington Street;

Thence northerly 200 feet from and parallel to the westerly side of Washington Street and along Residential District SA-8(VII) to a point at the intersection of the Pizzimento and Girard property line and Commercial District C-12(II);

Thence westerly by the Pizzimento and Girard property line and Commercial District C-12(II) to a corner of the Girard and Brigham properties;

Thence northerly by the Girard and Brigham property line and Commercial District C-12(II) to a corner of the Girard, Brigham and Rio properties;

Thence westerly by the Girard and Rio property line extended 300 feet west of the westerly side of Washington Street and along Commercial District C-12(II) to a point;

Thence northerly 300 feet from and parallel to the westerly side of Washington Street and along Commercial District C-12(II) to a point on the southerly side of the Route 290 Connector;

Thence northeasterly to the intersection of the Residential of the Route 290 Connector and Residential District SA-8(VII), said intersection being 200 feet westerly of Washington Street;

Thence northerly 200 feet from and parallel to Washington Street by the Residential District SA-8 to a point on the southerly side of Washington Street at the intersection of Commercial District C-11;

Thence southerly by Commercial District C-11 to a corner at the Boston and Maine Railroad;

Thence northerly by said railroad 1700 feet to a point;

Thence still in a northerly direction 700 feet to a corner;

Thence northeasterly to a point on the westerly side of Washington Street, said point being 425 feet northerly of the Boston and Maine Railroad;

Thence northerly by the westerly side of Washington Street to a point on the southerly side of Brigham Street;

Thence westerly by the southerly side of Brigham Street to a point at the intersection of Brigham Street and the westerly side of Park Street;

Thence still by the northerly side of Brigham Street, southwesterly to a point at Multi-Family District SB-1, said point being 1,000 feet westerly of Chapin Road;

Thence northerly by Multi-Family District SB-1 to a corner at the Assabet River;



Thence northeasterly by the Assabet River 1,000 feet to a corner on the westerly side of Chapin Road;

Thence northerly by the westerly side of Chapin Road to the point of beginning.

A plan of said proposed zoning amendments entitled "Plan of Proposed Zoning Amendments, in Hudson, Ma.", dated August 29, 2011;

Or take any other action relative thereto.

Petitioned by Thomas P. DiPersio,  
Michael & Nancy Girard

***Article 8: The Finance Committee will make its recommendation at town meeting.***


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 26<sup>th</sup> day of September signed by the Selectmen in the year Two Thousand and Eleven.

  
James D. Vereault, Chairman

  
Joseph J. Durant

  
Christopher P. Yates, Clerk

  
Charles P. McGourty

.....

## 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 PREVIOUS 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".