

Special Town Meeting WARRANT



Town of Hudson
Monday, November 15, 2010

**Finance Committee Report
&
Recommendations**

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Finance Committee Preamble

To the People of Hudson, Greetings,

We have reviewed the warrant articles and made our recommendations.

In May of 2009 and May of 2010 you approved substantial dollars in order to fund a feasibility study pertaining to the John F. Kennedy School. The JFK building committee, working closely with the Owner Project Manager, the selected architect, and the Massachusetts School Building Authority, have identified the problems with the current school, provided cost estimates to renovate or build new, produced schematic drawings, and explored the most effective ways to meet the teaching challenges of the future. All involved agree that the best solution is to build a new school that accomplishes all of our expected goals.

The only remaining question then becomes "when is the best time to proceed?" We would offer the following reasons as to why now is the best time. 1. Hudson has committed state funding of 54% -56% of the total cost. We do not anticipate that the State would be more generous in the future, especially given the economic times. 2. Contractors recognize the need to be competitive and the cost of materials will in all likelihood - increase not decrease. 3. The cost to remedy all of the existing problems thru renovation is the same as our cost to build new. 4. The most important reason for doing this now is the need to improve the education of our children in a 21st century facility. The current facility is simply not adequate and merely renovating it makes little sense from a cost or practical point of view.

The people of Hudson have always recognized that the education of our children requires quality leadership, quality staff and teachers, and facilities that allow the job of teaching to proceed with the greatest efficiency and positive results. The missing ingredient with the JFK School is the facility.

The time is now.

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 FIFTHTEENTH DAY OF

NOVEMBER, 2010

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 Four Hundred Fifty Two Thousand Four Hundred Ninety Nine Dollars (\$452,499) 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 2011;

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 the sum of \$452,499 be taken from available funds.

Article 2 Stabilization Fund

To see if the Town will vote to raise and appropriate the sum of Six Hundred Fifty Thousand Dollars (\$650,000.00), said sum to be transferred to the Stabilization Fund;

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 \$650,000 be raised and appropriated and transferred to the stabilization fund.

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 3, 2010 under Line 57, Hudson Schools Net Spending Expenses, by the sum of Forty-Four Thousand and Eighty-Two Dollars (\$44,082) said sum representing the net amount necessary to equal sixty percent (60%) of the increase in state and federal 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 and that the amount of \$44,082 be raised and appropriated and added to the amount appropriated at the town meeting of May 3, 2010 under line 57, Hudson School net spending Expenses.

Article 4 Community Development Transfers

To see if the Town will vote to transfer and appropriate the sums of Nine Hundred Thirty-Seven Dollars (\$937) from the amount appropriated under Article 5 at the Town Meeting held on November 21, 2005, Sixteen Thousand Two Hundred Seventy-Two Dollars (\$16,272) from the amount remaining under Article 8 of the Town Meeting held on May 1, 2006, to support the activities of the Community Development Department for Fiscal year 2011; or take any other action relative thereto.

Executive Assistant
Board of Selectmen

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

Article 5 Public Works Union Cost of Living

To see if the Town will vote to take from available funds the sum of \$25,914 (twenty-five thousand nine hundred fourteen dollars), said sum representing the amount of a 1.5% cost of living adjustment for the current fiscal year as provided for in the Collective Bargaining Agreement with the employees of AFSCME 3625 at the department of Public Works. Said amount to be added to the amount appropriated at the Town meeting held on May 3, 2010 under Line Item 39, Public Works Personnel.

Executive Assistant
Board of Selectmen

Article 5: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$25,914 be taken from available funds.

Article 6 Non-Union Cost of Living

To see if the Town will vote to take from available funds the sum of \$41,452 (forty-one thousand four hundred fifty-two dollars), said sum representing the amount of a 1.5% cost of living adjustment to the pay of non-union employees for the current fiscal year; said amount to be added to the following line items as approved at the Town meeting held on May 3, 2010:

Department	Line Item	Amount
Executive Assistant	3	\$2,408
Building Maintenance	8	\$ 726
Finance	11	\$5,159
Clerk	13	\$1,832
Police	31	\$9,549
Fire	33	\$2,943
Inspections	35	\$1,536

Public Works	39	\$8,027
Health	41	\$1,803
Council on Aging	43	\$ 978
Veterans	45	\$ 796
Library	47	\$3,897
Recreation	49	\$1,798

Executive Assistant
Board of Selectmen

Article 6: The Finance Committee recommends the adoption of the subject matter of this article and that the sum of \$41,452 be taken from available funds. Vote 7-1

Article 7 John F. Kennedy Construction Funds

To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of Forty-Three Million Four Hundred Twelve Thousand and Ninety-Three Dollars (\$43,412,093) to be expended under the direction of the School Building Committee for the demolition of the existing John F. Kennedy Middle School structure; and the design, construction, equipping and furnishing of a new Middle School at the existing site at 201 Manning Street, Map 12, Parcel 45, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that Hudson may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-four and sixteen hundredths percent (54.16%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant determined by the MSBA. It shall be understood that said percentage rate may increase if the MSBA determines the Town is eligible to receive any incentive reimbursement points.

JFK Building Committee
Board of Selectmen

Article 7: The Finance committee recommends that the Town appropriate the sum of Forty-Three Million Four Hundred Twelve Thousand and Ninety-Three Dollars (\$43,412,093) for the demolition of the existing John F. Kennedy Middle School structure; and the design, construction, equipping and furnishing of a new Middle School at the existing site at 201 Manning Street, Map 12, Parcel 45, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, said sum to be expended under the direction of the School Building Committee, and to meet said appropriation the Board of Selectmen is authorized to borrow said sum under MG.L. Chapter 44, or any other enabling authority; that the Town of Hudson acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that

any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-four and sixteen hundredths percent (54.16%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant determined by the MSBA. It shall be understood that said percentage rate may increase if the MSBA determines the Town is eligible to receive any incentive reimbursement points; and further provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by Massachusetts General Laws C.59, Section 21C (Proposition 2 ½) as amended; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

Article 8 Community Preservation Appropriations

To see if the Town will vote to appropriate from the **Community Preservation** annual revenues in the amounts recommended by the Community Preservation Committee for community preservation projects in fiscal year 2011, with each item to be considered a separate appropriation:

- | | |
|--------------------|---|
| \$2,000.00 | From the Historic Preservation Reserve for the preservation of Historic Archives – Street Acceptance Book for the Town of Hudson. |
| \$7,011.02 | From Historic Preservation Reserve for the replacement and rehabilitation of the Hudson Public Library windows in the original Carnegie building. |
| \$54,023.98 | From Budgeted Reserve for the replacement and rehabilitation of the Hudson Public Library windows in the original Carnegie building. |

Or take any action relative thereto.

Community Preservation Committee
Board of Selectmen

Article 8: The Finance Committee unanimously recommends the adoption of the subject matter of this article.

Article 9 Route 62 Coolidge Street / Central Street Acceptance

To see if the Town will authorize the Board of Selectmen to accept as discontinuance by the Commonwealth of Massachusetts, Department of Transportation, a section of State highway in the Town of Hudson beginning at the Berlin Town Line at station 33+81.85 and ending at the intersection with Central Street at station 46+65.66 for a distance of 1,283.71 feet along the centerline of said highway and shown on a plan, a copy of said plan being on file with the Town Clerk's Office, entitled "Plan of Road in the Town of Hudson, Middlesex County, Laid out as a State Highway by the Department of Public Works, April 30, 1963, Scale: 40 feet to the inch".

And further to see if the Town will vote to raise and appropriate the sum of One Hundred

Dollars (\$100.00) to carry out the provisions of this article;

Or take any action relative thereto.

Director of Public Works
Board of Selectmen

Article 9: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$100 be taken from available funds.

Article 10 Acceptance of Chapter 137 of the Legislative Acts of 2003

To see if the Town of Hudson will vote to accept the provisions of Chapter 137 of the Legislative Acts of 2003 as amended by Chapter 77 of the Acts of 2005, the provisions of which were subsequently extended in 2008, and which provides compensation and benefits to the employees of the Commonwealth called to active military service.

Veterans Director
Board of Selectmen

Article 10: The Finance Committee unanimously recommends the adoption of the subject matter of this article.

Article 11 Amend Zoning By-Laws: Site Plan Approval

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 7.1.7 in its entirety and replaces it with a new section 7.1.7 as follows:

7.1.7 SITE PLAN APPROVAL

7.1.7.1 Purpose

The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town of Hudson by providing for a procedure for the review of plans of structures and uses that may have significant impacts on traffic, municipal and public services and utilities and environmental and visual quality; as well as encouraging a desirable and compatible character of development within the Town while complying with all zoning requirements.

7.1.7.2 Applicability

The following circumstances shall require a Site Plan review and approval by the Planning Board:

- a) Construction or exterior expansion of any structure which is ten (10%) percent or more of the original structure, provided however that single and two family

residential structures are exempt from this provision.

- b) The creation or expansion of a parking area or facility. Any construction or change of use that causes 3 or more parking spaces to be eliminated other than single and two family residential structures.
- c) Substantial alteration to areas for parking, loading or vehicular access, including a change in the layout or location of parking spaces, an increase in pavement area or any relocation, addition or change of driveways other than single or two family residential structures. Resurfacing shall not be construed as a substantial alteration.
- d) Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan or earth removal permit.
- e) The subdivision of an existing building, which contains a business or businesses on a specific floor, into additional businesses the result of which is the creation of insufficient parking spaces for each business in the building.
- f) A change of use from commercial to industrial or any change of commercial or industrial use which would generate or result in the reception of hazardous waste and/or create toxic, noxious or corrosive fumes, gas, smoke or odors.

7.1.7.3 Procedures

- a) Prior to filing an application for Site Plan Review with the Planning Board, the Applicant must first submit an application and receive initial plan approval from the Internal Traffic Committee (ITC). The ITC will provide the Planning Board recommendations in writing regarding the proposed plan. The recommendations may be in the form of Meeting Minutes.
- b) Applications for site plan review shall be submitted in accordance with the Planning Board's Rules and Regulations. Copies of which are available at the Town Clerk's Office.
- c) The Planning Board shall hold a public hearing on the application for Site Plan review. Written notice of the time and place of the public hearing shall be given to the applicant and to all parties in interest as defined in Chapter 40A, Section 11 of the Massachusetts General Laws, as amended. A hearing shall be held within sixty (60) days of the receipt of the application.
- d) In considering an application, it shall be assured that, to a degree consistent with a reasonable use of the site for the purpose permitted or permissible by the regulations of the district in which it is located, that there is adequate:
 - 1) Protection of the adjoining property against detrimental or offensive uses on the site.

- 2) Convenience and safety of vehicular traffic and pedestrian movement within the site and in relation to adjacent streets, property and improvements.
- 3) Methods of disposal of sewage, refuse and other wastes resulting from uses permitted or permissible on the site and methods of drainage for surface water.
- 4) Space for off-street parking, loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of uses permitted or permissible.
- 5) Control of lighting, sound emissions and odor emanating from the site and any other condition not in harmony with the intent and purpose of the By-Law.

7.1.7.4 Plans

- a) The Plan shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the State of Massachusetts and submitted in accordance with the Planning Board's submittal requirements and with the associated filing fee.
- b) All Site Plans shall indicate the following:
 - 1) Proper heading, containing the project title, name and address of the owner of the property, name of the developer, location of the project by street and number, plate and parcel, Assessor's Maps, zoning district, proposed use, name of the designer, seal, signature and discipline.
 - 2) North arrow, existing and proposed topography using USC&G Datum, bench marks and turning points.
 - 3) Lot completely dimensioned, showing front, rear and side dimensions and square footage of the lot, all easements on the site, existing and proposed.
 - 4) All existing and proposed buildings on the site along with all dimensions and square footage. Also, all sill and floor elevations.
 - 5) All street lines abutting the site, all interior drives and access lanes, entrances and exits to the site, parking spaces and pedestrian walkways indicating dimensions of same.
 - 6) Indicate all utilities in the public way abutting the site including all hydrants within 500 feet of the site.
 - 7) All handicapped parking spaces and handicapped walkways and ramps with all dimensions.
 - 8) All snow storage areas, at least 5% of all paved areas, and method of removal if necessary.
 - 9) All wetlands and aquifer areas on the site and within 100 feet of the property boundaries.

- 10) All fences, walls, trees, screening and other devices to be erected on the site.
- 11) All lighting to be utilized on the site and method of illumination and control of any overflow on to adjacent property.
- 12) Size, height and type of illumination of all signs to be installed on the site.
- 13) All required fire lanes, indicating type of material to be used for surfacing and width of same. Show all hydrants to be installed on the site.
- 14) Identify and show all utilities entering the site showing separation of domestic and fire services. Also identify all utilities entering any building.
- 15) All loading and unloading facilities, service roads and service areas.
- 16) Type of surfacing to be used for all drives, parking areas, fire lanes and pedestrian walkways, also, show all berms.
- 17) All required open space, (green area) giving the percentage of the site allocated to same.
- 18) Plantings, landscaping, buffers and screening.
- 19) Adequate method of disposal of sewage and potential pollutants emanating from uses on the site including all catch basins, manholes and traps.
- 20) Adequate means of disposal of all storm water runoff by means of retention ponds, storm drains, or by means of natural water courses available to the site. Indicate type and size of pipe to be used and provided all necessary calculations when required. Indicate elevations of inverts, outlets and spillways.
- 21) Adequate means of disposal of all solid waste generated on the site along with the type of waste receptacles and method of screening the same from the view of the public and abutters.
- 22) Indication of necessary ground water protection such as limitations of products used to control ice and snow and those to remove oil and grease from surface runoff.
- 23) A list of all permits required from the state and or local governmental bodies for street and sidewalk excavation, sewer extension, septic, driveway and conservation.
- 24) Compliance with the Americans with Disabilities Act (ADA).
- 25) Adequate provisions on the site plan for the signatures of the Director of Public Works, the Fire Chief, the Police Chief, the Zoning officer and the Planning Board.

7.1.7.5 Compliance and Impact Statement

Each site plan review application submitted for approval under this Section, shall include a statement explaining how compliance with each sub-section has or will be achieved. The statement shall also describe potential impacts of the proposed development, compare them to the impacts of uses which are or can be made of the site without a requirement for site plan review. Identify all significant positive and adverse impacts and propose acceptable prevention or mitigation of adverse impacts. The impacts should include but not be limited to traffic and environmental.

7.1.7.6 Waivers

- a) The Planning Board may in its administrative discretion, upon written request, and in the public interest waive any of the requirements of sections 7.1.7.4 and 7.1.7.5 where the project involves minor development plans.
- b) The Planning Board may waive the requirement of submission of a site plan for review provided that it determines, at a duly held meeting, with notice to abutters: That the proposed project does not generate any additional parking, and does not have a significant impact on the property upon which the proposed project is to be located, and has no adverse impact to abutters.

7.1.7.7 Approval

- a) The Planning Board shall approve an application based on its review, if the Board finds that the proposed development is in conformance with this By-Law. The Planning Board may impose reasonable conditions at the expense of the Applicant to promote the intent and purpose of the By-Law.
- b) Any decision issued by the Planning Board shall be recorded at the Middlesex South Registry of Deeds within 20 days of issuance and proof of recording shall be returned to the Planning Board. No Building Permit will issue without proof of recording.

7.1.7.8 Performance Guaranty

As a condition of site plan approval and in conjunction with the intent and purpose of this by-law provision, the Planning Board may require a performance bond or cash security to be posted with the Town to guarantee completion of site improvements in compliance with plans submitted and approved hereunder, or for land restoration not having to do with construction of site improvements. The amount of security shall be determined by an estimate from the applicant's engineer, which may be verified or increased by the Planning Board or its Agent with due consideration of inflationary costs and conformance with the provisions of site plan review and approval. The Town may use the secured funds for their stated purpose in the event that the proponent does not complete all improvements in a manner satisfactory to the Planning Board as provided in the approval.

7.1.7.9 Changes

Any and all changes to any approved site plan must be first submitted through the same procedure as the original site plan for review and approval prior to incorporation.

7.1.7.10 Administration

- a) The Planning Board may establish and may periodically amend rules and regulations relating to the administration of this section.
- b) The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section including technical review fees. No application shall be considered complete unless accompanied by the required fees.
- c) The Planning Board or its Agent shall be responsible for deciding the meaning and intent of any provision of this section which may be unclear or in dispute.

7.1.7.11 Validity

The actions allowed by the Site Plan Approval are authorized for a two year period from the date of granting of final approval. Thereafter if substantial use thereof has not commenced such approval shall be deemed to have lapsed and a new application with notice and hearing will be required. Said approval, for good cause, may be extended in writing by the Planning Board upon written request of the applicant prior to expiration.

7.1.7.12 Severability

In the event that any portion of this by-law is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, then it is intended that the remaining portions hereof remain in full force and effect.

Or take any action relative thereto.

Planning Board

Article 11: The Finance Committee unanimously recommends the adoption of the subject matter of this article.

Article 12 Amend Zoning By-Laws: Wireless Communication Facilities

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 5.9 in its entirety and replaces it with a new section 5.9 as follows:

5.9 WIRELESS COMMUNICATION FACILITIES

Section 5.9.1 PURPOSE

The Wireless Communication Facility (WCF) Overlay District is established for the purpose of minimizing the adverse impacts of wireless communication facilities; to promote the shared use of wireless communication facilities; to guide sound development and to encourage the most appropriate use of the land.

Section 5.9.2 SITE SELECTION PREFERENCES

These regulations are written for the purpose of indicating that the Town of Hudson's preferences for facility locations are as follows in descending order of preference:

1. On or in existing structures such as buildings, communications towers, smokestacks, utility structures, etc. in any Zoning District provided that said WCF is camouflaged through location, design, color, or other means to resemble a compatible architectural feature or other element of the primary structure.
2. New Towers in Industrial Districts (M-1 through M-7) and the Limited Commercial and Light Industrial (LCI) District
3. The following parcels of land owned by the Town of Hudson, however no new towers shall be constructed unless all available positions on existing towers have been utilized and preferences 1 & 2 have been exhausted:

<u>Assessor's Map/Lot No.</u>	<u>Location/Description</u>
Map 56, Lot 17	Murphy Water Tank (located off Murphy Road)
Map 54, Lot 163	Lakeview Water Tank (off Saratoga Drive)
Map 40, Lot 74	Pope's Hill Water Tower (off Princeton Road and Mildred Road)

Section 5.9.3 USES ALLOWED BY SPECIAL PERMIT BY THE BOARD OF APPEALS

All Wireless Communications Facilities require a Special Permit to be issued by the Board of Appeals subject to the following conditions and requirements:

1. Applicants shall first obtain Site Plan Review from the Hudson Planning Board as provided in Section 7.1.7 of the Protective Zoning by-laws of the Town of Hudson;
2. All new towers shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten year period) as technically practicable;
3. All wireless communication facilities shall not exceed 120 feet above ground level (AGL) in overall height;
4. Lots upon which towers are located must have a minimum width and length equal to twice the height of the tower, with the tower located in the center of the lot such that a radius equal to the height of the tower "the fall zone" is fully contained within the boundaries of the lot;
5. Existing on-site vegetation shall be preserved to maximum extent possible;
6. All network interconnections from the wireless communication facility shall be via underground land lines to the extent feasible;
7. All wireless communication facilities shall minimize, to the extent feasible, any adverse visual effects on the environment;
8. Although not an accessory use as defined by the By-Law, a WCF may be sited on a lot which already accommodates a lawful principal use;
9. If the facility is abandoned or no longer operable, it shall be removed within 6 months of its abandonment;
10. The applicant shall provide written authorization from the property owner of the proposed site;
11. The applicant shall provide evidence of contractual authorization from the Town of

Hudson to conduct wireless communications services if located on municipally owned land;

12. The applicant shall provide material describing a plan for a “balloon” or similar test, including the date and time as well as a rain date and time for inclusion in the legal notice;
13. The Board of Appeals may impose reasonable conditions including, but not limited to, painting and lighting standards;
14. The Board of Appeals is authorized to grant the Special Permit if it finds the proposal is not contrary to the best interests of the inhabitants of the Town of Hudson, is in accordance with Section 8.2 of the Protective Zoning by-laws of the Town of Hudson, is in harmony with the general purpose and intent of the protective zoning by-law, and does not constitute a substantial detriment to the public good.

Section 5.9.5 EXEMPTIONS

1. Amateur radio towers or antennas used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the towers or antennas are not used or licensed for any commercial purpose.
2. Towers or antennas used for the purposes set forth in Massachusetts General Laws Chapter 40A, Section 3, as amended;
3. Digital Satellite System (DDS) and television antennas for the purpose of enhancing television reception.

Section 5.9.5 SEVERABILITY

If any paragraph, sentence, phrase or word contained in this by-law is adjudicated by a Court of competent jurisdiction to be unconstitutional, illegal or otherwise unenforceable, then it is intended that the remaining provisions of this by-law continue in full force and effect.

Section 5.9.6 PREEMPTION

No portion of this by-law is intended to supersede or preempt any other State or Federal Law or regulation to the extent applicable to wireless communication towers as specified herein. In the event of conflict between the provisions of this by-law and preemptive provisions of State and Federal law, then such State and Federal law shall supersede the provisions of this by-law.

Or take any action relative thereto.

Zoning Board of Appeals

Article 12: 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 27th day of September signed by the Selectmen in the year Two Thousand and Ten.

Antonio S. Loura, Chairman

Santino Parente , Vice Chairman

Joseph J. Durant, Clerk

Charles P. McGourty

James D. Vereault

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".