

Special Town Meeting

WARRANT



David J. Quinn Middle School

Town of Hudson
Monday, November 18, 2013
Finance Committee
Report and Recommendations

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Finance Committee Preamble

To the People of Hudson, Greetings,

Respectfully Submitted,

THE FINANCE COMMITTEE:

John Parent, Chairman, Justin Provencher, Vice Chairman, Claudinor Salomão, Stephen Domenicucci, Michael Downey, Manuel A. Chaves, David Provencher, Robert Clark
Barbara Rose

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 EIGHTEENTH DAY OF

NOVEMBER, 2013

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 \$596,282 (Five Hundred Ninety-Six Thousand Two Hundred Eighty-Two Dollars) 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 2014; 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 \$596,282 be taken from available funds.

ARTICLE 2 School Budget Adjustment

To see if the Town will vote to add to the amount appropriated at the Town Meeting held on May 6, 2013 under Line 59, Hudson Schools Expenses, by the sum of \$16,267 (Sixteen Thousand Two Hundred Sixty-Seven Dollars), 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 2: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$16,267 be raised and appropriated.

ARTICLE 3 General Insurance Budget Adjustment

To see if the Town will vote to reduce the amount appropriated at the Town meeting held on May 6, 2013 under line 56, General Insurance, by the sum of \$53,259 (Fifty Three Thousand Two Hundred Fifty-Nine Dollars); 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 reduce by \$53,259 the amount raised and appropriated.

ARTICLE 4 Supplemental Appropriation – Group Health Insurance

To see if the Town will raise and appropriate or take from available funds the sum of \$134,282 (One Hundred Thirty-Four Thousand Two Hundred Eighty-Two Dollars) said sum to be added to the amount appropriated under line 55, Group Health Insurance, of Article 1 of the Town Meeting held on May 6, 2013; or take any action relative thereto.

Executive Assistant

Article 4: The Finance Committee recommends the adoption of the subject matter of this article and that the sum of \$134,282 be raised and appropriated.

ARTICLE 5 Murphy Water Storage Tank Rehabilitation

To see if the Town will vote to borrow pursuant to Massachusetts General Laws, Chapter 44, as amended, the sum of \$500,000 (Five Hundred Thousand Dollars) said funds to be used for design, plans, specification, environmental permitting and rehabilitation of the 1.0 Million Gallon Murphy Water Storage Tank located off Crestview Road and that the Board of Selectmen be authorized to seek, accept, expend, and contract for any available State and/or Federal funds to be spent for the project providing that the total authorized sum shall be reduced by the amount of State and/or Federal funds obtained for the purpose of carrying out said project; or take any action relative thereto.

Director of Public Works
Board of Selectmen

Article 5: The Finance Committee recommends the adoption of the subject matter of this article and that the sum of \$500,000 be borrowed. Vote 8-1-0

ARTICLE 6 Supplemental Appropriation – Public Works Water

To see if the Town will raise and appropriate or take from available funds the sum of \$655,951 (Six Hundred Fifty Five Thousand Nine Hundred Fifty-One Dollars), said sum to be added to the amount appropriated under line 42, Public Works Expenses, of Article 1 of the Town Meeting held on May 6, 2013; or take any action relative thereto.

Executive Assistant
Director of Public Works
Board of Selectmen

Article 6: The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$655,951 be raised and appropriated.

ARTICLE 7 AFSCME DPW Cost of Living

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$28,771 (Twenty-Eight Thousand Seven Hundred Seventy-One dollars), said sum representing the cost of a 1.5% cost of living adjustment to the pay of Local 3625 AFSCME Union employees for the current fiscal year, and a \$50 (Fifty dollars) increase in clothing allowance; said amounts to be added to Article 1 line items as approved at the Town meeting held on May 6, 2013; or take any action relative thereto.

Department	Line Item	Amount
Public Works Personnel	41	\$26,821
Public Works Expenses	42	\$1,950

Executive Assistant

Article 7; The Finance Committee unanimously recommends the adoption of the subject matter of this article and that the sum of \$28,771 be raised and appropriated.

ARTICLE 8 Non-Union Cost of Living

To see if the Town will vote to raise and appropriate or take from available funds the sum of \$32,234 (Thirty-Two Thousand Two Hundred Thirty-Four dollars), said sum representing the cost of a 1.25% cost of living adjustment to the pay of non-union employees for the current fiscal year; said amount to be added to the following Article 1 line items as approved at the Town meeting held on May 6, 2013; or take any action relative thereto.

Department	Line Item	Amount
Executive Assistant	3	\$2,255
Community Development	7	\$1,442
Building Maintenance	10	\$ 633
Finance	13	\$5,994
Police	33	\$3,004
Fire	35	\$2,998
Inspections	37	\$1,100
Public Works	41	\$6,675
Health	43	\$1,191
Conservation	23	\$ 455
Council on Aging	45	\$ 877
Veterans	47	\$ 738
Library	49	\$3,242
Recreation	51	\$1,604
Planning Board	25	\$ 13
Zoning Board of Appeals	21	\$ 13

Executive Assistant
Board of Selectmen

Article 8: The Finance Committee recommends the adoption of the subject matter of this article and that the sum of \$32,234 be raised and appropriated. Vote 8-0-1

ARTICLE 9 Amend General By-Laws: Civil Fingerprinting

To see if the Town will vote to amend the General By-Law of the Town of Hudson by adding a new Section 51 entitled "Fingerprint-Based Criminal Record Background Check Authorization", pursuant to the authority of the Massachusetts General Laws, Chapter 6 §172 B ½ as follows:

Section 51

FINGERPRINT-BASED CRIMINAL RECORD BACKGROUND CHECK AUTHORIZATION

51.1 Purpose and authorization.

In Order to protect the health, safety and welfare of the Inhabitants of the Town of Hudson, and as authorized by Massachusetts General Laws Chapter 6, Section 172B ½, this By-Law shall require a) applicants for certain Town licenses permitting the engagement in specific occupational activities within the Town, as enumerated in Subsection 51.2 below, to submit to fingerprinting by the Hudson Police Department; b) the Police Department to conduct criminal record background checks based on such fingerprints; and, c) the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), as may be applicable, to conduct, on behalf of the Town and its Police Department, fingerprint-based State and National criminal records background checks, including FBI records, consistent with this By-Law. The Town further authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with the provisions of this By-Law. The State and FBI criminal history will not be disseminated to unauthorized entities.

51.2 Applicant's Submission to Fingerprinting by the Hudson Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Hudson Police Department within ten (10) days of the date of the application for a license for the purpose of conducting state and national criminal record background check to determine the suitability of the applicant for the license:

- * Hawking and Peddling or other Door-to-Door Salespeople (Licensing Authority Police Department)
- * Ice Cream Truck Vendors (Licensing Authority Police Department)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town By-Laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

51.3 Police Department Processing of Fingerprint-Based Criminal Background Checks

Upon receipt of the fingerprints and appropriate fees, the Police Department shall transmit fingerprints it has obtained pursuant to Section 51.2 of this By-Law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice, DCJIS, and/or the Federal Bureau of Investigations (FBI), or successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in Subsection 51.2.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete or challenge the accuracy of the information contained in it, including information contained in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining any change, correction, or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 pertaining to FBI identification records. The Police Department shall not utilize the

fingerprint-based criminal record background check pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with the Town's policy applicable to Town licensing-related criminal record background checks.

51.4 Reporting

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall, in addition, render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department should consider all applicable laws, regulations and Town policies bearing on applicant's suitability. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force.

51.5. Reliance on Results of Fingerprint-Based Criminal Record Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in Subsection 51.2. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

51.6 Compliance with Law, Regulation and Town Policy

Implementation of this By-Law and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and Town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record background checks which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal record background checks except as may be provided by law, regulation and Town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

51.7 Promulgation of Regulations

The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed By-Law, but in doing so, they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

51.8 Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this By-Law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the

check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this By-Law.

51.9 Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). A portion of the fee, as specified in Mass. General Laws Chapter 6, Section 172B ½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system, or take any action relative thereto.

Chief of Police
Board of Selectmen

Article 9: The Finance Committee has no recommendation on 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 23rd day of September signed by the Selectmen in the year Two Thousand and Thirteen.

Joseph J. Durant, Chairman

Fred P. Lucy, Vice Chairman

James D. Quinn, Clerk

James D. Vereault

Christopher P. Yates

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".