



**Hopkinton Annual Town Meeting
May 7, 2012**

WARRANT ARTICLES AND MOTIONS

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By Dr. Bruce Karlin, Town Moderator

Welcome to Town Meeting.

Let me outline how Town Meeting proceeds:

To start the meeting I ask the Clerk for confirmation of a quorum (100) and that the hour has arrived (as posted in the warrant). We salute the flag and then take a moment to honor those who have passed in the last year. I next review the handouts available to aid the meeting. I then establish the bounds of the hall and where voters and non-voters should sit. I give instructions on how voters can speak at the meeting. It's a simple and easy process; voters should not be intimidated. I then review the rules of order of the meeting. It has been our custom to address any rule changes at this time. We usually have a motion to end discussion of the article at hand at 11 PM and adjourn to the following evening. Other considerations might change the order of articles or request paper ballots for some article. I then ask the Town Clerk to read the call and return of the warrant signifying that the meeting has been announced and that we are ready to begin.

With that we launch into Article 1. We proceed through the Articles. In an unusual Hopkinton wrinkle, the meeting adjourned to the voting booths for a May 21 election. Only when the voting booths close do we end Town Meeting.

Motion: *I move that the Town vote to adjourn the Annual Town Meeting at the conclusion of any article under discussion at 11:00 p.m. of each date thereof and to reconvene at the Hopkinton Middle School Auditorium at 88 Hayden Rowe Street at 7 p.m. on the day next following.*

Vote Needed: Simple Majority

REPORTS

ARTICLE 1: Acceptance of Town Reports

Sponsor: Town Manager

To hear the Reports of Town Officers, Boards and Committees.

Pass any vote or take any act relative thereto.

Motion (Board of Selectmen): *We move that the Town accept the Reports of Town Officers, Boards and Committees.*

Vote Needed: Simple Majority

FINANCIAL – FISCAL YEAR 2012

ARTICLE 2: FY 2012 Supplemental Appropriations

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide various sums of money to supplement operating budgets for the fiscal year ending June 30, 2012.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the town transfer from Sewer Enterprise Free Cash the sum of \$150,000 to supplement the following operating budgets for the fiscal year ending June 30, 2012:*

Dept.440 Sewer Operating Budget 0775 Expenses \$150,000

Vote Needed: Simple Majority

ARTICLE 3: FY 2012 Budget Transfers

Sponsor: Town Manager

To see if the Town will vote to transfer various sums of money between and among various accounts for the fiscal year ending June 30, 2012.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the town transfer the following sums of money between and among various accounts for the fiscal year ending June 30, 2012:*

\$17,000 from 1368 Stormwater System Improvements to 107 Highway, Expenses
\$36,000 from 457 Recycling Collection & Disposal to 107 Highway, Expense

Vote Needed: Simple Majority

ARTICLE 4: Unpaid Bills from Previous Fiscal Years	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to pay unpaid bills from prior fiscal years, in accordance with the provisions of Chapter 44, Section 64, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends no action

Motion (Appropriation Committee): *We move that no action be taken on this article.*

Vote Needed: Simple Majority

ARTICLE 5: Amend FY 2012 Building Permit Revolving Fund	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to amend the vote taken pursuant to Article 9 of the 2011 Annual Town Meeting to provide that the unencumbered balance in the Building Department Revolving Fund at the end of the Fiscal Year shall be retained in such Fund.

Pass any vote or take any act relative thereto.

Required Recommendations: Board of Selectmen recommends approval
Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote, pursuant to Chapter 44, Section 53E ½ of the General Laws, to amend the vote taken pursuant to Article 9 of the 2011 Annual Town Meeting to provide that the unencumbered balance in the Building Department Revolving Fund at the end of the Fiscal Year shall be retained in such Fund.*

Vote Needed: Simple Majority

FINANCIAL – FISCAL YEAR 2013

ARTICLE 6: Amend the Salary of an Elected Official

Sponsor: Personnel Committee

To see if the Town will vote to fix the salary or compensation of all of the elected officers of the Town in accordance with Chapter 41, Section 108, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Personnel Committee): *We move that, in accordance with Chapter 41, Section 108 of the Massachusetts General Laws, the Town vote to fix the salary of the Town Clerk for the fiscal year commencing July 1, 2012 at \$65,706.79 (SIXTY-FIVE THOUSAND SEVEN HUNDRED SIX DOLLARS AND SEVENTY-NINE CENTS).*

Vote Needed: Simple Majority

ARTICLE 7: FY 2013 Operating Budget

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the operation and maintenance of Town Departments for the fiscal year beginning on July 1, 2012, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees.

Pass any vote or take any act relative thereto.

Required Recommendations: Board of Selectmen recommends approval
Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to raise and appropriate \$24,859,210.35 (TWENTY-FOUR MILLION EIGHT HUNDRED FIFTY-NINE THOUSAND TWO HUNDRED TEN DOLLARS AND THIRTY FIVE CENTS) and to transfer the following sums from available funds:*

<i>Cemetery Perpetual Care Trust Fund Income</i>	\$	15,000.00
<i>Title V</i>	\$	39,265.00
<i>Ambulance Receipts Reserved for Appropriation</i>	\$	45,787.50
<i>Sealers Receipts</i>	\$	500.00
<i>Overlay Surplus</i>	\$	274,893.77
<i>Sewer Enterprise Fund Fiscal 2013 Revenue</i>	\$	2,768,753.00
<i>Water Enterprise Fund Fiscal 2013 Revenue</i>	\$	1,512,228.00
<i>Parks & Recreation Enterprise Fund</i>		
<i>Fiscal 2013 Revenue</i>	\$	320,400.00
<i>Premiums on Bonds</i>	\$	618.38
<i>Sewer Enterprise Fund Free Cash</i>	\$	190,286.00
<i>Water Enterprise Fund Free Cash</i>	\$	165,000.00
<i>Community Preservation Fund</i>		

<i>Fiscal 2013 Revenue</i>	\$ 40,000.00
<i>Community Preservation Fund</i>	
<i>Reserve for Passive Recreation</i>	\$ 75,720.00
<i>Community Preservation Fund</i>	
<i>Reserve for Passive/Active Recreation</i>	\$ 47,100.00

For a total of \$30,354,762.00 (THIRTY MILLION THREE HUNDRED FIFTY-FOUR THOUSAND SEVEN HUNDRED SIXTY-TWO DOLLARS AND ZERO CENTS) for the purposes itemized and described in the FY 2013 Operating Budget of the Town, and in the amounts shown in the column titled "A/C Recommended Fiscal 2013", as set forth in the FY 2013 Appropriation Committee Report, for the fiscal year beginning July 1, 2012; said sums to be spent under the direction of the respective Town Officers, Boards and Committees.

Vote Needed: Simple Majority

ARTICLE 8: FY 2013 Operating Budget – School Department	<i>Sponsor: School Committee</i>
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To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the operation of the School Department for the fiscal year beginning July 1, 2012; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to raise and appropriate \$34,085,238.00 (THIRTY-FOUR MILLION EIGHTY-FIVE THOUSAND TWO HUNDRED THIRTY-EIGHT DOLLARS AND ZERO CENTS) for the operation of the School Department for the fiscal year beginning July 1, 2012; said sum to be spent under the direction of the School Committee.*

Vote Needed: Simple Majority

ARTICLE 9: FY 2013 Revolving Funds	<i>Sponsor: Town Manager</i>
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To see if the Town will vote to authorize, or re-authorize, the use of revolving funds containing receipts from the fees charged to users of the services provided by the various Boards, Committees, Departments or Offices of the Town, pursuant to Chapter 44, Section 53E 1/2, of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

Required Recommendations: Board of Selectmen recommends approval
Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote, pursuant to Chapter 44, Section 53E ½ of the General Laws, to re-authorize existing revolving funds for the*

fiscal year beginning July 1, 2012, as set forth under the motion for Article 9 in the Warrant Articles and Motions Document.

Re-Authorized Funds:

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of Prior Year Fund Balance
Building Department	Permit fees	Director of Municipal Inspections with approval of the Board of Selectmen	Expenses of operation of department and salaries of part-time building inspectors	\$270,000	Unencumbered balance shall be retained in such fund
Part-time Wire Inspector	Permit fees and inspection fees of Wire Inspector	Director of Municipal Inspections with approval of the Board of Selectmen	Expenses of operation of department and salaries of part-time wire inspectors	\$100,000	Unencumbered balance shall be retained in such fund
Part-time Plumbing Inspector	Permit fees and inspection fees of Plumbing Inspector	Director of Municipal Inspections with approval of Board of Selectmen	Expenses of operation of department and salaries of part-time plumbing inspectors	\$100,000	Unencumbered balance shall be retained in such fund
Board of Health	Permit fees, inspection fees and other funds collected by Board of Health relating to public health, safety and environmental laws, codes and regulations	Board of Health	Expenses of Board of Health, including services of inspectors, agents, consultants, contractors, clerical support, equipment, supplies and training, directly relating to the implementation and enforcement of federal, state and local public health, safety and environmental laws, codes and regulations.	\$150,000	Unencumbered balance reverts to general fund
Hazardous Materials	Fees and monies received from insurers & others relating to release or spills of hazardous materials	Fire Chief	Purchase equipment and materials, training, contingency planning, site assessments, service at hazardous release incidents.	\$5,000	Unencumbered balance reverts to general fund.
Conservation Commission	Filing and consultant fees referred to in Wetlands Protection Bylaw	Conservation Commission	To meet expenses & fees of consultants engaged by & other appropriate	\$115,000	Unencumbered balance reverts to general fund

			expenses of Conservation Commission		
Library	Lost Materials/Fines	Library Director	Replacement of lost and damaged materials.	\$9,000	Unencumbered balance reverts to general fund
Emergency Medical Services	Emergency Medical Services user fees	Fire Chief and Police Chief	To operate, maintain service, acquire, & upgrade vehicles, equipment & training for emergency medical services.	\$470,000	Unencumbered balance reverts to Ambulance Receipts Reserved for Appropriation
Public Safety	Permit fees and other collected pursuant to the administration and enforcement of the Town of Hopkinton by Law Ch. 150 – Peddling and Soliciting.	Police Chief	To meet the expenses of the Police Department related to the administration and enforcement of the Town of Hopkinton Bylaw Chapter 150 - Peddling and Soliciting.	\$5,000	Unencumbered balance reverts to general fund
Planning Board	Permit fees and consultant fees collected by the Planning Board relating to review of Site Plans, petitions, applications, permits and appeals.	Planning Board	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Planning Board	\$30,000	Unencumbered balance reverts to general fund
Open Space Preservation Commission	User fees, charges and donations collected by the Open Space Preservation Commission in the conduct of its programs and activities.	Open Space Preservation Commission	To meet expenses of the publication, reprinting and sale of the trail guide and the maintenance of trails and signage.	\$10,000	Unencumbered balance reverts to general fund
Youth Commission	User fees, charges and donations received by the Youth Commission in the conduct of its programs and activities.	Youth Commission	To meet expenses incurred in conducting programs and activities for the Town's young people.	\$4,000	Unencumbered balance reverts to general fund
Zoning Board of Appeals	Filing fees and consultant fees collected by the Zoning Board relating to review of appeals, petitions and applications	Zoning Board of Appeals	To meet expenses and fees of consultants engaged by and other appropriate expenses of the Zoning Board of	\$50,000	Unencumbered balance reverts to General Fund

			Appeals		
Department of Public Works – Highway Division	Road Opening, Driveway Opening, and Trench Permit fees	Director of the Department of Public Works	Expenses of operation of the Highway Division	\$8,000	Unencumbered balance reverts to general fund
Department of Public Works – Recycling Committee	User fees collected at the Recycling Center	Director of the Department of Public Works	Expenses of operation of Recycling Center	\$15,000	Unencumbered balance reverts to general fund
Department of Public Works	Fees collected from Overflow Trash Bags	Director of the Department of Public Works	To purchase Overflow Trash Bags and to meet expenses of Waste Collection and Disposal	\$8,000	Unencumbered balance reverts to general fund

And further to establish the following revolving funds:

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of Prior Year Fund Balance
Cemetery Commission	User fees and charges collected for the use of the Comey Chapel	Cemetery Commission	Maintenance and operation of the Comey Chapel	\$3,500	Unencumbered balance reverts to general fund
School Department 1:1 Laptop Initiative	Receipts collected from students and families for leasing computers	School Committee	Payments for leasing computers	\$470,000	Unencumbered balance shall be retained in such fund

Vote Needed: Simple Majority

ARTICLE 10: Chapter 90 Highway Funds

Sponsor: Town Manager

To see if the Town will vote to appropriate a sum or sums of money from the proceeds due to the Town pursuant to Chapter 90 of the *Massachusetts General Laws*, for the purposes of repair, construction, maintenance and preservation of the Town’s roads and bridges and other related costs that qualify under the State Aid Highway Guidelines adopted by the Massachusetts Department of Transportation; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to appropriate \$639,459.00 (SIX HUNDRED THIRTY-NINE THOUSAND FOUR HUNDRED FIFTY-NINE DOLLARS AND ZERO CENTS) from the proceeds due to the Town pursuant to Chapter 90 of the Massachusetts General Laws, for the purposes of repair, construction, maintenance and preservation of the Town’s roads and bridges and other related costs that qualify under the State Aid Highway Guidelines adopted by the Massachusetts Department of Transportation; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Simple Majority

ARTICLE 11: Transfer to Capital Expense Stabilization Fund

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the Capital Expense Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to raise and appropriate \$20,000 (TWENTY THOUSAND DOLLARS) and to transfer from Free Cash \$30,000 (THIRTY THOUSAND DOLLARS) to increase the Capital Expense Stabilization Fund, said sums to be used, upon further appropriation, for any lawful future capital expense.*

Vote Needed: Two-Thirds Majority

ARTICLE 12: Transfer to General Stabilization Fund

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of increasing the General Stabilization Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to raise and appropriate \$100,000 (ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS), to increase the General Stabilization Fund, said sums to be used, upon further appropriation, for any lawful purpose.*

Vote Needed: Two-Thirds Majority

ARTICLE 13: Other Post Employment Benefits Liability Trust Fund

Sponsor: Town Manager

To see if the Town will vote to accept the provisions of Chapter 32B, Section 20 of the *Massachusetts General Laws* to establish an Other Post Employment Benefits Liability Trust Fund; and further to see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, a sum or sums of money to said Other Post Employment Benefits Liability Trust Fund, to be used, upon further appropriation, for any lawful purpose.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to accept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws to establish an Other Post Employment Benefits Liability Trust Fund; and further that the Town vote to transfer from Free Cash \$50,000 (FIFTY THOUSAND DOLLARS AND ZERO CENTS), to the fund, said sums to be used, upon further appropriation, for any lawful purpose.*

Vote Needed: Two-Thirds Majority

ARTICLE 14: Close Drainage Improvement Fund & Return Funds *Sponsor: Cemetery Commission*

To see if the Town will vote to transfer the unencumbered balance remaining in the Drainage Improvement Fund to the Sale of Lots Fund; and further to close the Drainage Improvement Fund.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer the unencumbered balance remaining in the Drainage Improvement Fund to the Sale of Lots Fund; and further to close the Drainage Improvement Fund.*

Vote Needed: Simple Majority

ARTICLE 15: Cemetery Building Removal *Sponsor: Cemetery Commission*

To see if the Town will vote to transfer from the Sale of Lots Fund a sum or sums of money for the removal of an unused building at Mt. Auburn Cemetery and the development of burial lots on its site; said sum to be spent under the direction of the Cemetery Commission.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer from the Sale of Lots Fund \$750.00 (SEVEN HUNDRED FIFTY DOLLARS AND ZERO CENTS) for the removal of an unused building at Mt. Auburn Cemetery and the development of burial lots on its site; said sum to be spent under the direction of the Cemetery Commission.*

Vote Needed: Simple Majority

ARTICLE 16: Acceptance As-Built Plans for Hearthstone Road and Carriage Hill Road *Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide, a sum or sums of money for the purpose of hiring a firm to develop Street Acceptance as-built-plans for Hearthstone Road and Carriage Hill Road; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer from Free Cash \$12,000 (TWELVE THOUSAND DOLLARS AND ZERO CENTS) for the purpose of hiring a firm to develop Street Acceptance as-built-plans for Hearthstone Road and Carriage Hill Road; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Simple Majority

ARTICLE 17: Fire Personal Protective Equipment

Sponsor: Fire Chief

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, a sum or sums of money for the purpose of replacing Personal Protective Equipment for the Fire Department and any other related costs; said sum to be spent under the direction of the Fire Chief.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer from Free Cash \$11,000 (ELEVEN THOUSAND DOLLARS AND ZERO CENTS) for the purpose of replacing Personal Protective Equipment for the Fire Department and any other related costs; said sum to be spent under the direction of the Fire Chief.*

Vote Needed: Simple Majority

ARTICLE 18: Fire Generator Station 2

Sponsor: Fire Chief

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide, a sum or sums of money for the purchase of a replacement Fire Generator at Station 2, as well as any other related costs.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer from Free Cash \$15,000 (FIFTEEN THOUSAND DOLLARS AND ZERO CENTS) for the purchase of a replacement Fire Generator at Station 2, as well as any other related costs; said sum to be spent under the direction of the Fire Chief.*

Vote Needed: Simple Majority

ARTICLE 19: Property Tax Exemptions*Sponsor: Board of Assessors*

To see if the Town will vote to accept the provisions of Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to provide an additional real estate tax exemption in the fiscal year beginning July 1, 2012, for those qualifying for an exemption under Chapter 59, Section 5, clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, 41C, 42 or 43 of the *Massachusetts General Laws*.

Pass any vote or take any act relative thereto.

Required Recommendation: Appropriation Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to accept the provisions of Chapter 73, Section 4 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, to provide an additional real estate tax exemption of seventy five percent in the fiscal year beginning July 1, 2012, for those qualifying for an exemption under Chapter 59, Section 5, clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A, 41C, 42 or 43 of the Massachusetts General Laws.*

Vote Needed: Simple Majority

ARTICLE 20: Pay As You Go Capital Expenses*Sponsor: Town Manager*

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to fund Pay-As-You-Go capital purchases and projects; said sum to be spent under the direction of various town officials.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval of Items A, C, D, F, G and H; and recommends disapproval of Item B; no recommendation required for Item E.

Motion (Appropriation Committee): *We move that the Town vote to transfer \$703,520.00 (SEVEN HUNDRED THREE THOUSAND FIVE HUNDRED TWENTY DOLLARS AND ZERO CENTS) from free cash for the following capital purchases and projects, to be expended in the specified amounts and under the specified direction as set forth under the motion for Article 20 in the Warrant Articles and Motions Document.*

Capital Purchases and Projects

ITEM	DEPARTMENT	PURPOSE	AMOUNT	SPENT UNDER THE DIRECTION OF
A	School Department	Purchase a new rack-body dump truck with lift-gate and snowplow, accessories and any other related costs; dispose of old equipment	\$48,000	School Committee
B	School Department	Purchase and install emergency notification strobe light warning system and any other related costs	\$39,000	School Committee

C	DPW	Purchase a new Ford F-550 Dump Truck, accessories and any other related costs	\$65,000	Town Manager & Director of Public Works
D	DPW	Purchase a new trackless municipal tractor, accessories and any other related costs	\$125,000	Town Manager & Director of Public Works
E	DPW	Purchase a new mower, accessories and any other related costs	\$11,520	Town Manager & Director of Public Works
F	Police Department	Purchase two new police cruisers, accessories and any other related costs; dispose of old vehicles	\$75,000	Police Chief
G	Information Technology	Purchase and install information technology hardware, software and any other related costs in town and school departments	\$300,000	Town Manager, IT Director & School Committee
H	Information Technology	Purchase and install information technology hardware, software and any other related costs in public safety departments	\$40,000	Town Manager, IT Director, Police Chief & Fire Chief

Vote Needed: Simple Majority

CAPITAL EXPENSES AND PROJECTS

ARTICLE 21: Repair Drainage Improvements to Hayward Street *Sponsors: Town Manager & Director of Public Works*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the repair of the drainage system on Hayward Street, in accordance with the preliminary design prepared by Weston & Sampson, as well as any other related costs; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$170,000.00 (ONE HUNDRED SEVENTY THOUSAND DOLLARS AND ZERO CENTS) for the repair of the drainage system on Hayward Street, in accordance with the preliminary design prepared by Weston & Sampson, as well as any other related costs; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Two-Thirds Majority

ARTICLE 22: Town Hall Basement Water Damage

Sponsors: Town Manager & Town Engineer

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to make necessary repairs to the basement of Town Hall in order to mitigate water damage; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$100,000.00 (ONE HUNDRED THOUSAND DOLLARS AND ZERO CENTS) to make necessary repairs to the basement of Town Hall in order to mitigate water damage; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(3A) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Two-Thirds Majority

ARTICLE 23: Parking Lot – Town Hall

Sponsor: Board of Selectmen

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design, engineering, reconstruction and repair of the parking lot at Town Hall; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$50,000.00 (FIFTY THOUSAND DOLLARS AND ZERO CENTS) for the design, engineering, reconstruction and repair of the parking lot at Town Hall; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(22) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Two-Thirds Majority

ARTICLE 24: High School Track Renovation

Sponsor: School Committee

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design, repair, maintenance, renovation and

improvement of the track at Hopkinton High School; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$278,500.00 (TWO HUNDRED SEVENTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS) for the design, repair, maintenance, renovation and improvement of the track at Hopkinton High School; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(25) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the School Committee; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½, so-called) amounts required to pay the principal and interest on the borrowing authorized by this Vote.*

Vote Needed: Two-Thirds Majority

ARTICLE 25: Lake Shore Drive Culvert

*Sponsor: Town Manager & Director
of Public Works*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design and construction of drainage improvements on Lakeshore Drive; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends
disapproval

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$300,000.00 (THREE HUNDRED THOUSAND DOLLARS AND ZERO CENTS) for the design and construction of drainage improvements on Lakeshore Drive; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½, so-called) amounts required to pay the principal and interest on the borrowing authorized by this Vote.*

Vote Needed: Two-Thirds Majority

ARTICLE 26: ADAOC Phase VI

Sponsors: ADAOC & Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for any improvements to Town or School buildings and grounds that may be necessary to comply with the Americans with Disabilities Act of 1990; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$150,000.00 (ONE HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS) for any improvements to Town or School buildings and grounds that may be necessary to comply with the Americans with Disabilities Act of 1990; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager;*

Vote Needed: Two-Thirds Majority

ARTICLE 27: Tender Truck Supplemental Appropriation

Sponsor: Fire Chief

To see if the Town will vote to amend its vote pursuant to Article 34 of the 2011 Annual Town Meeting Warrant by increasing the amount raised and appropriated thereby; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the *Massachusetts General Laws* (Proposition 2 ½, so-called) amounts required to pay the principal and interest on the borrowing authorized by this Vote.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to amend its vote pursuant to Article 34 of the 2011 Annual Town Meeting Warrant by appropriating an additional \$17,000.00 (SEVENTEEN THOUSAND DOLLARS AND ZERO CENTS), for a total of \$367,000 (THREE HUNDRED SIXTY-SEVEN DOLLARS AND ZERO CENTS) for the purchase of a tender truck, accessories and any other related costs; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(9) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½, so-*

called) amounts required to pay the principal and interest on the borrowing authorized by this Vote.

Vote Needed: Two-Thirds Majority

ARTICLE 28: Wood Street Pump Station Improvements

*Sponsors: Town Manager &
Director of Public Works*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the final design and construction of the replacement sewer pumping station at Wood Street; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to appropriate \$1,750,000 (ONE MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS) for the final design and construction of the replacement sewer pumping station at Wood Street; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(9) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Two-Thirds Majority

ARTICLE 29: Water Meter Upgrade to Radio Read

*Sponsors: Town Manager &
Director of Public Works*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the installation of radio-read water meters; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer from Water Enterprise Free Cash \$77,000 (SEVENTY-SEVEN THOUSAND DOLLARS AND ZERO CENTS) for the installation of radio-read water meters; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Simple Majority

ARTICLE 30: Water Supply Study

*Sponsors: Town Manager &
Director of Public Works*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to conduct an analysis of the Town’s water supply and treatment system; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer from Water Enterprise Free Cash \$90,000 (NINETY THOUSAND DOLLARS AND ZERO CENTS) to conduct an analysis of the Town’s water supply and treatment system; said sum to be spent under the direction of the Town Manager.*

Vote Needed: Simple Majority

ARTICLE 31: Water Vehicle

*Sponsors: Town Manager &
Director of Public Works*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the replacement of a Water Department truck; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer from Water Enterprise Free Cash \$43,000 (FORTY-THREE THOUSAND DOLLARS AND ZERO CENTS) for the replacement of a Water Department truck; said sum to be spent under the direction of the Town Manager; and further to authorize the disposal of any vehicles presently being used by the Water Department, by trade-in or otherwise.*

Vote Needed: Simple Majority

ARTICLE 32: Sewer Vehicle

*Sponsors: Town Manager &
Director of Public Works*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the replacement of a Sewer Department truck; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion (Appropriation Committee): *We move that the Town vote to transfer from Sewer Enterprise Free Cash \$43,000 (FORTY-THREE THOUSAND DOLLARS AND ZERO CENTS) for the replacement of a Sewer Department truck; said sum to be spent under the direction of the Town Manager; and further to authorize the disposal of any vehicles presently being used by the Water Department, by trade-in or otherwise.*

Vote Needed: Simple Majority

ARTICLE 33: Sandy Beach Improvements

*Sponsor: Parks & Recreation
Commission*

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the design and construction of the Sandy Beach Bath House and other property improvements; said sum to be spent under the direction of the Park and Recreation Commission.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$332,000 (THREE HUNDRED THIRTY-TWO THOUSAND DOLLARS AND ZERO CENTS) for the design and construction of the Sandy Beach Bath House and other property improvements; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(25) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Parks and Recreation Commission.*

Vote Needed: Two-Thirds Majority

ARTICLE 34: Library – Replace Knob/Tube Electrical System/Envelope Repairs

Sponsor: Town Manager

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for Library Building envelope repairs and replacement of the knob and tube electrical system; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to raise and appropriate \$50,000 (FIFTY THOUSAND DOLLARS AND ZERO CENTS) for Library Building envelope repairs and replacement of the knob and tube electrical system; said sum to be spent under the direction of the Town Manager; provided, however, that this appropriation shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½, so-called) the amounts authorized pursuant hereto.*

Vote Needed: Simple Majority

ARTICLE 35: Loop Road Repair

Sponsor: School Committee

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the design, repair, maintenance, renovation and improvement of the main entrance of the High School loop road; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to raise and appropriate \$96,025 (NINETY SIX THOUSAND TWENTY-FIVE DOLLARS AND ZERO CENTS) for the design, repair, maintenance, renovation and improvement of the main entrance of the High School loop road; said sum to be spent under the direction of the School Committee; provided, however, that this appropriation shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½, so-called) the amounts authorized pursuant hereto.*

Vote Needed: Simple Majority

ARTICLE 36: School and West Main Street Traffic Signal

Sponsor: Town Manager & Director of Public Works

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the final design and construction of a traffic signal and intersection improvements at the intersection of School Street and West Main Street; said sum to be spent under the direction of the Town Manager.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$540,000 (FIVE HUNDRED FORTY THOUSAND DOLLARS AND ZERO CENTS) for the final*

design and construction of a traffic signal and intersection improvements at the intersection of School Street and West Main Street; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(14) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½, so-called) the amounts required to pay the principal and interest on the borrowing authorized by this Vote.

Vote Needed: Two-Thirds Majority

ARTICLE 37: Pave Lumber Street

*Sponsor: Town Manager & Director
of Public Works*

To see if the Town will vote to amend its vote pursuant to Article 70 of the 1987 Annual Town Meeting, “to continue to maintain Lumber Street, south of Granite Street as a gravel surfaced road until such time as the citizens of the Town wish to have it paved” so as “to continue to maintain Lumber Street, south of Granite Street, as a gravel surfaced road until such time as the paving of that section of Lumber Street,” and to vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to provide for the paving of Lumber Street, said sum to be spent under the direction of the Director of the Department of Public Works.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends no action
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that no action be taken on this article.*

Vote Needed: Simple Majority

Alternative Motion: *I move that the Town vote to amend its vote pursuant to Article 70 of the 1987 Annual Town Meeting, “to continue to maintain Lumber Street, south of Granite Street as a gravel surfaced road until such time as the citizens of the Town wish to have it paved” so as “to continue to maintain Lumber Street, south of Granite Street as a gravel surfaced road until such time as the paving of that section of Lumber Street,” and to vote to raise and appropriate \$50,000 (FIFTY THOUSAND DOLLARS AND ZERO CENTS) to provide for the paving and paving of Lumber Street, including any necessary grading, repairs and preparation for paving; said sum to be spent under the direction of the Director of Public Works; provided, however, that this appropriation shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½, so-called) the amounts authorized pursuant hereto.*

Vote Needed: Two-Thirds Majority

**ARTICLE 38: Buildings & Grounds Equipment –
Tractor-Mower**

Sponsor: School Committee

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purpose of purchasing a new 12-foot-wide tractor-mower for maintaining athletic fields; and further, to authorize the disposition of any surplus equipment presently being used by the School Building and Grounds Department by trade-in or otherwise; said sum to be spent under the direction of the School Committee.

Pass any vote or take any act relative thereto.

Required Recommendations: Appropriation Committee recommends approval
Capital Improvement Committee recommends approval

Motion: (Appropriation Committee): *We move that the Town vote to raise and appropriate \$64,000 (SIXTY-FOUR THOUSAND DOLLARS AND ZERO CENTS) for the purpose of purchasing a new 12-foot-wide tractor-mower for maintaining athletic fields; and further, to authorize the disposition of any surplus equipment presently being used by the School Building and Grounds Department by trade-in or otherwise; said sum to be spent under the direction of the School Committee; provided, however, that this appropriation shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½, so-called) the amounts authorized pursuant hereto.*

Vote Needed: Simple Majority

ARTICLE 39: Undergrounding Utilities On Main Street

Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen, on its behalf, to petition the General Court for passage of a special law substantially as provided below:

AN ACT AUTHORIZING THE TOWN OF HOPKINTON TO APPROPRIATE FUNDS AND INCUR DEBT FOR THE PURPOSE OF REMOVING OVERHEAD UTILITIES ALONG MAIN STREET AND REPLACING THE SAME WITH UNDERGROUND FACILITIES.

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

SECTION 1. The town of Hopkinton may appropriate funds and/or incur debt, outside the limit of indebtedness prescribed in section 10 of chapter 44 of the General Laws, for the purpose of removing or causing to be removed poles, overhead wires and associated overhead structures used in connection with the provision of public utilities and which are located upon, along or across Main Street within the town and replacing the same with underground facilities. Any debt incurred pursuant to this act shall be repaid over a term of not more than 20 years. Any debt incurred hereunder shall otherwise be subject to said chapter 44.

SECTION 2. Any resolution or other vote of the town appropriating funds and/or authorizing the incurring of debt pursuant to section 1 of this act shall specify in general terms the area in which the overhead utilities are to be removed and replaced by underground facilities and contain a

finding that the project to be financed by such appropriation and/or incurring of debt will improve the provision of such utilities within the town and will enhance the general quality and public welfare of the town.

SECTION 3. The provisions of sections 22A through 22I of chapter 166 of the General Laws shall not apply to any projects carried out by the town under this act. The town and any utility whose poles, overhead wires or associated overhead structures are to be removed and replaced by underground facilities by any project undertaken by the town pursuant to this act may enter into, and from time to time amend, any agreements pursuant to which the utility shall pay to the town in each fiscal year all or a portion of the debt service payable in such fiscal year related to a borrowing incurred by the town hereunder for such project. Such agreement may contain any and all provisions as shall be consistent with the provisions of this section. In addition to all other rates, charges and fees it may otherwise be authorized to impose and collect any utility that agrees to make payments to the town pursuant to this section shall impose and collect a surcharge, in each year in which it is required to make such a payment, on each customer located in the town equal in the aggregate to the amount of such payment.

SECTION 4. This act shall take effect upon its passage.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommends no action
Capital Improvement Committee recommends approval

Motion #1 (Board of Selectmen): *We move that the Town vote to authorize the Board of Selectmen, on its behalf, to petition the General Court for passage of a special law substantially as provided in Article 39 of the Annual Town Meeting Warrant, with the following exception: in Section 1 add the following after the words "underground facilities" "; provided, however, that any such appropriation or borrowing authorization made by the town prior to the effective date of this Act shall be ratified, validated and confirmed, notwithstanding any defect or omission in the applicable town meeting warrant or other lack of authorization at the time of such appropriation"; provided, however, that the Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature; and the Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of the petition.*

Vote Needed: Simple Majority

Motion #2 (Appropriation Committee): *We move that no action be taken on the appropriation specified in this article.*

Vote Needed: Simple Majority

Alternative Motion: *We move that the Town vote to appropriate \$580,000 for the purpose of designing underground facilities to replace poles, overhead wires and associated overhead structures used in connection with the provision of public utilities*

upon, along or across Main Street, said sum to be spent under the direction of the Director of Public Works; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with any enabling authority; provided that the appropriation authorized by this vote shall not take effect until a special law has been enacted, substantially as provided in Article 39 of the Annual Town Meeting Warrant, and the Town votes to exempt, from the limitation on total taxes imposed by Chapter 59, Section 21C, of the Massachusetts General Laws (Proposition 2 1/2), the amounts required to pay the principal of and interest on the borrowing authorized by this vote.

Vote Needed: Two-Thirds Majority

COMMUNITY PRESERVATION FUNDS

ARTICLE 40: Community Preservation Recommendations	<i>Sponsor: Community Preservation Committee</i>
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To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money, not to exceed 5% of the Fiscal Year 2013 estimated annual revenues, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013; and, further, to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, and community housing purposes; and, further, to appropriate from the Community Preservation Fund, or borrow pursuant to Chapter 44B, Section 11, of the *Massachusetts General Laws*, or any other enabling authority, a sum or sums of money for Community Preservation projects or purposes, including the acquisition of interests in land, all as recommended by the Community Preservation Committee.

Pass any vote or take any act relative thereto.

Required Recommendations: Community Preservation Committee recommends approval
Appropriation Committee recommends approval
Capital Improvements Committee will provide a recommendation on Items e, f and g at Town Meeting; no recommendation is required for Items a through d.

Motion (Community Preservation Committee): *We move that the Town vote, pursuant to Chapter 44B of the Massachusetts General Laws, to accept the report and recommendations of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget, to reserve from Fiscal Year 2013 Community Preservation Fund annual revenues the following amounts totaling \$819,100 (EIGHT HUNDRED NINETEEN THOUSAND ONE HUNDRED DOLLARS AND ZERO CENTS) recommended for transfer to the following reserves:*

Community Preservation Fund FY 2013 Transfer to Reserves

<u>Fund Balance Reserved Account</u>	<u>Amount</u>
Reserve For Open Space	\$81,910
Reserve For Passive/Active Recreation	\$409,550
Reserve For Historic Resources	\$81,910
Reserve For Community Housing	\$ 81,910
Reserve For CPF (discretionary)	\$163,820
Total Transfers to Reserves	\$819,100

And further to appropriate \$620,500.00 SIX HUNDRED TWENTY THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS) from Community Preservation Fund Reserves the amounts listed for the following projects:

Community Preservation Fund FY 2013 Projects Appropriated from Reserves

- a. *Transfer \$20,000 from Reserve for Historic Resources to restore the Assessor's tax records, many of which are over 100 years old. These records have been damaged by mold and mildew in their current location (Town Hall basement vault). The real estate tax record listings of owners, tax amounts, locations, lot sizes, etc. would be properly preserved and stored with the Town Clerk's records in the first floor vault at Town Hall; said sum to be spent under the direction of the Community Preservation Committee and the Principal Assessor*
- b. *Transfer \$10,000 from Reserve for Historic Resources for repairs to be made to historic headstones, tombs and monuments at the Mt. Auburn, Evergreen, Granite Street, East Hopkinton and Bear Hill Cemeteries; said sum to be spent under the direction of the Community Preservation Committee; and the Hopkinton Historical Commission/Hopkinton Cemetery Commission*
- c. *Transfer \$8,500 from Reserve for Historic Resources to restore general Town records from 1798 through 1999; including Selectmen records, licenses, naturalization records, registers of voters, World War I discharge records, and water line and well records; said sum to be spent under the direction of the Community Preservation Committee and the Town Clerk.*
- d. *Transfer \$7,000 from Reserve for Passive Recreation for the construction and installation of signage on HALT properties, including Hill Street, Clinton Street, Hopkinton Highlands II, Hopkinton Highlands III, 30 North Mill Street, Peloquin Drive, Deneen Road, Scarlata Road, Braim Farm, Hopkinton Meadows and Fruit Street; said sum to be spent under the direction of the Community Preservation Committee; and the Hopkinton Area Land Trust (HALT);*
- e. *Transfer \$17,500 from Reserve for Open Space and \$157,500 from Reserve for Passive Recreation for the acquisition of 6.1 acres of space on Whisper Way adjacent to Cameron Woods. This space will provide access to and parking for access to trails; said sums to be spent under the direction of the Community Preservation Committee; and the Open Space Committee.*
- f. *Transfer \$40,000 from Reserve for Open Space, \$180,000 from Reserve for Passive Recreation and \$180,000 from Reserve for Passive/Active Recreation for the acquisition of a parcel of land on Hayden Rowe Street totaling about 20+ acres, including the demolition of the current structure. This would advance efforts to access the Milford bike trail and be available for both passive and active recreation; said sum to be spent under the direction of the Community Preservation Committee; and the Open Space Committee.*

Vote Needed: Simple Majority

- g. *Appropriate the sum of \$1,800,000 for the acquisition by purchase or eminent domain of a fee simple interest or lesser interest in a parcel of land of approximately 80 acres within the bounds of Hopkinton owned by the Abbott Realty Trust or the Trust for Public Land as shown on Assessor's Map U20, Parcel 30,*

and Map R25, Parcels 47 and 48 and also described in a deed recorded at the Middlesex South Registry of Deeds in Book 26382, Page 326, and expenses incidental and related thereto, to be managed and controlled by the Open Space Preservation Committee of the Town of Hopkinton in accordance with Chapter 19 of the Acts of 1999, or any other enabling authority, for conservation and passive recreation purposes; and, further that to meet said appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,800,000 under Chapter 44B of the Massachusetts General Laws, or any other enabling authority; and that the Town Manager be authorized to file on behalf of the Town of Hopkinton any and all applications deemed necessary under the Self-Help Act (Chapter 132A, Section 11 of the Massachusetts General Laws) or any other applications for funds in any way connected with the scope of this acquisition, and that the Town Manager, the Board of Selectmen, the Conservation Commission and the Historical Commission be authorized to enter into all agreements and execute any and all instruments, including permanent deed, conservation, or historic preservation restrictions, in accordance with Chapter 184 of the Massachusetts General Laws, or an agricultural lease or license on terms and conditions they deem to be in the best interest of the Town and as may be necessary on behalf of the Town of Hopkinton to affect said purchase; and further that future repayment of principal and interest on the borrowing shall be apportioned as follows: 10% of from Reserve for Open Space, 45% from Reserve for Passive Recreation and 45% from Reserve for Passive/Active Recreation; said sum to be spent under the direction of the Community Preservation Committee; and the Open Space Committee.

Vote Needed: Two-Thirds Majority

GENERAL BYLAW AMENDMENTS

ARTICLE 41:	Amendment to Alcoholic Beverage, Marihuana or Tetrahydrocannabinol and Tobacco Bylaw	<i>Sponsor: Youth Commission</i>
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To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By deleting the words "\$50" from the first sentence of section 58-3, Violations and penalties, and inserting the words "\$100" in its place;
2. By deleting the words "\$100" from the second sentence of section 58-3, Violations and penalties, and inserting the words "\$300" in its place;
3. By amending Section 1-4, Penalties enumerated, by deleting the following:

Alcoholic Beverages, Marihuana or Tetrahydrocannabinol, and Tobacco Bylaw (Ch. 58)	Alcoholic Beverages, Marihuana or Tetrahydrocannabinol, and Tobacco Police Department	Alcoholic Beverages: \$50 Marihuana or Tetrahydrocannabinol: \$100 Tobacco: tobacco and products containing tobacco confiscated, and parent(s) or guardian(s) of violator notified and provided with educational materials on the health issues related to tobacco, and information on smoking cessation programs; no monetary penalty.
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and inserting in its place the following:

Alcoholic Beverages, Marihuana or Tetrahydrocannabinol, and Tobacco Bylaw (Ch. 58)	Alcoholic Beverages, Marihuana or Tetrahydrocannabinol, and Tobacco Police Department	Alcoholic Beverages: \$100 Marihuana or Tetrahydrocannabinol: \$300 Tobacco: tobacco and products containing tobacco confiscated, and parent(s) or guardian(s) of violator notified and provided with educational materials on the health issues related to tobacco, and information on smoking cessation programs; no monetary penalty.
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Pass any vote or take any act relative thereto.

Motion (Youth Commission): *We move that the Town vote to amend Chapters 1 and 58 of the General Bylaws of the Town of Hopkinton, as set forth in Article 41 of the Annual Town Meeting Warrant.*

Vote Needed: Simple Majority

ARTICLE 42: Amendment to Wetlands Protection Bylaw	<i>Sponsor: Conservation Commission</i>
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To see if the Town will vote to amend section 206-2 of the General Bylaws of the Town of Hopkinton as follows:

1. By deleting the definition of BUFFER ZONE in its entirety and inserting, in place thereof, a new definition of BUFFER ZONE as follows:

BUFFER ZONE – That area of land extending 100 feet horizontally outward from the boundary of any resource area specified in §206-3.

2. By deleting the definition of INTERMITTENT STREAM in its entirety and inserting, in place thereof, a new definition of INTERMITTENT STREAM as follows:

INTERMITTENT STREAM – A body of running water, including brooks and creeks, which moves in a defined channel, that may cease to flow from time to time throughout the area, including portions upgradient of all bogs, swamps, wet meadows, marshes and vernal pools.

3. By deleting the definition of SUFFICIENT INFORMATION in its entirety and inserting, in place thereof, a new definition of SUFFICIENT INFORMATION as follows:

SUFFICIENT INFORMATION – The compliance with all Commission requirements for submission of information, material and fees as set forth in §206-5 and the Regulations.

Pass any vote or take any act relative thereto.

Motion (Conservation Commission): *We move that the Town vote to amend Section 206-2 of the General Bylaws of the Town of Hopkinton, as set forth in Article 42 of the Annual Town Meeting Warrant.*

Vote Needed: Simple Majority

ARTICLE 43: Unregistered Motor Vehicles Bylaw
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<i>Sponsor: Police Chief</i>

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By deleting Chapter 130, Dealers in Junk, Secondhand Articles And Unregistered Motor Vehicles, of the General Bylaws in its entirety;
2. By adding a new Chapter as follows:

**Chapter 188
UNREGISTERED MOTOR VEHICLES**

§188-1. Storage of parts of motor vehicles and trailers.

No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any part or component of any motor vehicle or trailer that is visible from a public or private way or from an abutting property to remain on such property.

188-2. Storage of unregistered motor vehicles and trailers.

No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee or otherwise, shall allow more than one unregistered motor vehicle or trailer to remain on such property, except as provided in §§188-3.

§188-3. Hearing; notice; conditions.

- A. The Board of Selectmen may issue a permit to keep, store or allow more than one unregistered motor vehicle or trailer to remain on a property after the Board has held a public hearing thereon, first causing at least 14 days' notice of the time, place and subject matter of such hearing to be given at the expense of the applicant by:
 - (1) Publication in a newspaper of general circulation in the town; and
 - (2) Certified mail to each of the persons appearing upon the Assessors' most recent valuation list as the owners of property abutting the property in question.
- B. Said Board shall not issue a permit unless it finds that the presence of more than one unregistered motor vehicle or trailer on the property:
 - (0) Will not nullify or substantially derogate from the intent or purpose of this

Chapter; and

- (1) Will not constitute a hazard to the safety and welfare of the inhabitants of the town; and
 - (2) Will not adversely affect the neighborhood in which such property is situated.
- C. Each such permit shall specify the maximum number of unregistered motor vehicles or trailers that may be kept, stored or allowed to remain on the property, shall be limited to a reasonable period of time not exceeding two years and shall be a personal privilege of the applicant and not a grant attached to and running with the land.

§188-4. Applicability.

This Chapter shall not apply to:

- A. A motor vehicle in an enclosed building;
- B. A motor vehicle on the property of a holder of a class license under section 58 of Chapter 140 of the *Massachusetts General Laws*;
- C. A motor vehicle on the property of a farming or business enterprise operated in a lawful place and manner when necessary or appropriate to the operation of such enterprise; or
- D. A motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

§188-5. Violations and penalties.

Any person who continues to violate any provision of §188-1 of this Chapter after thirty (30) days following receipt by him of written notice of such violation from the Police Department shall be liable for a penalty not exceeding twenty dollars (\$20) for each offense. Each day that any violation continues after said thirty-day period shall constitute a separate offense.

§188-6. Noncriminal disposition.

Any person who violates any provision of this Chapter shall be subject to a noncriminal penalty of twenty dollars (\$20) for each offense. Each continuing day of such violation may be considered a separate offense. Such violation may be addressed by the procedure for noncriminal disposition provided in section 21D of Chapter 40 of the *Massachusetts General Laws* and section 1-4 of these Bylaws.

- 3. By amending section 1-4, Penalties enumerated, by adding the following in alphabetical order:

Unregistered Motor Vehicles Bylaw (Ch. 188)	Parts of motor vehicles and trailers; unregistered motor vehicles and trailers	\$20.00 for each offense, each continuing day being a separate offense
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	Police Department	
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Pass any vote or take any act relative thereto.

Motion (Police Chief): *I move that the Town vote to amend the General Bylaws of the Town of Hopkinton by deleting Chapter 130, by adding a new Chapter 188 entitled “Unregistered Motor Vehicles”, and amending Chapter 1, as set forth in Article 43 of the Annual Town Meeting Warrant, with the following exceptions to Section 188-2: add a “§” symbol before the number “188-2” that is displayed in the heading and remove one “§” symbol from the number “188-3” at the end of the paragraph.*

Vote Needed: Simple Majority

ARTICLE 44: Secondhand Dealers Bylaw	<i>Sponsor: Police Chief</i>
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To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton as follows:

1. By adding a new Chapter as follows:

**Chapter 161
SECONDHAND DEALERS**

§161-1. License Required.

No person, firm, business or corporation shall be a dealer in junk, old metals, precious metals, jewelry or secondhand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals, precious metals, legal currency, coins, jewelry or secondhand articles unless licensed therefor by the Board of Selectmen. It shall be unlawful for any person, firm, business or corporation to engage in such business within the Town of Hopkinton without first obtaining a license therefor in compliance with the provisions of this Chapter.

§161-2. Applicability.

The provisions of this Chapter shall not apply to any person engaging in solicitation for charitable, benevolent, fraternal, religious or political activities, or to any person exempted by Chapter 101 of the *Massachusetts General Laws* or by Sections 54 and 76 of Chapter 140 of the *Massachusetts General Laws*. .

§161-3. Definitions.

As used in this Chapter, the following terms have the meanings indicated:

RECORD OF PURCHASE – A transaction record, completed in duplicate on a form approved by the Hopkinton Police Department, detailing the proven identity of the seller of a Secondhand Article, including the seller’s complete name (first, last and middle initial), date of birth, street address, city or town, zip code, telephone number, and a valid driver's license number, as well as the month, day, time, and year when the transaction occurred and a full, accurate, and detailed description of each

Secondhand Article purchased, including brand name, model number, serial number, and initials if any, with the price paid therefor.

SECONDHAND DEALER - Any person who, for himself or for another person, firm, business or corporation, engages in the purchase and sale of or a dealer in junk, old metals, precious metals, jewelry, legal currency, coins or secondhand articles either used or in new condition formerly owned by another and offered for sale to the secondhand dealer and/or sold by the secondhand dealer to another. When issued a license pursuant to this Chapter, a Secondhand Dealer shall be referred to as a **“LICENSED SECONDHAND DEALER.”**

SECONDHAND ARTICLE - Any property offered for resale by persons to Secondhand Dealers including but not be limited to: used property, new property, electronic components, computers, televisions, radios, compact disc players, video recorders, telephones, appliances or junk, old metals, precious metals, precious gems, jewelry, legal currency, coins, tools and bicycles.

§161-4. Applications for License; Investigation; Approval or Disapproval.

Applicants for a license shall file with the Board of Selectmen a written application. At the time of filing the application, each applicant shall pay a fee as determined by the Board of Selectmen. Upon receipt of the application and payment of the fee, the Board of Selectmen shall cause to investigate the reputation as to morals, integrity, and fitness of the applicant and his/her employees to engage in the business of being a Secondhand Dealer. After the investigation has been completed, the Board of Selectmen may approve or deny the application. In the event that the Board of Selectmen approves the application, a license shall be issued. If the Board of Selectmen denies the application, a public hearing may be requested by the applicant for reconsideration.

§161-5. Contents of License; Records.

A license issued pursuant to this Chapter shall contain the name and signature of the applicant, the address of the Licensed Secondhand Dealer's business, the hours of operation, the days of operation, the date of issuance of the license and the expiration date. A copy of any license issued pursuant to this Chapter shall be forwarded to the Hopkinton Police Department.

§161-6. Posting of Licenses.

Every Licensed Secondhand Dealers shall post his/her license in a conspicuous place within his/her place of business in clear view of the public and the police.

§161-7. Enforcement.

- A. The Chief of Police and/or the police officers of the Town of Hopkinton shall enforce the provisions of this Chapter and are hereby vested with this authority. The Chief of Police and/or his or her designee shall forward police reports of violations of any provision of this Chapter to the Board of Selectmen
- B. Criminal disposition

Any person violating any provision of this Chapter may be punished by a fine according to the following schedule:

First violation	not to exceed one hundred dollars (\$100.00)
Second violation	not to exceed two hundred dollars (\$200.00)
Third and each succeeding violation	three hundred dollars (\$300.00)

C. Noncriminal Disposition

Violations of any provision of this Chapter may be addressed by the procedure for noncriminal disposition provided in section 21D of Chapter 40 of the *Massachusetts General Laws* and section 1-4 of these Bylaws. In the event of such noncriminal disposition, a noncriminal penalty shall be assessed as follows:

First violation	one hundred dollars (\$100.00)
Second violation	two hundred dollars (\$200.00)
Third and each succeeding violation	three hundred dollars (\$300.00)

D. A Licensed Secondhand Dealer shall be deemed to be in violation of any provision of this Chapter that is violated by his/her employees or agents.

§161-8. Licenses Not Transferable.

No license issued pursuant to this Chapter shall be transferable.

§161-9. Revocation of License.

Upon receipt of a police report of any violation of this Chapter, the Board of Selectmen may suspend or revoke any license issued pursuant to §161-4. Prior to any suspension or revocation, the Board of Selectmen shall hold a public hearing, giving a written notice to the Licensed Secondhand Dealer. Such notice shall be mailed by certified mail, return receipt requested, or shall be delivered in hand by a constable authorized to provide such service. Any violation of this Chapter shall constitute a valid reason for revocation of said license.

§161-10. Term of License.

Each license issued pursuant to §161-4 shall continue in force until December 31 of the year it was first issued. Thereafter, it may be renewed annually for each calendar year, unless the Board of Selectmen decides that such renewal does not promote the public health, safety or welfare. If the Board of Selectmen is considering not renewing a particular license, it shall hold a public hearing, giving a written notice to the Licensed Secondhand Dealer. Such notice shall be mailed by certified mail, return receipt requested, or shall be delivered in hand by a constable authorized to provide such service.

§161-11. Purchases from Minors.

It shall be unlawful for any Secondhand Dealer, its employees or agents, either directly or indirectly, to conduct any transactions with any person under the age of eighteen (18) years, knowing or having reason to believe such person to be a minor. It shall be the Secondhand Dealer's responsibility to require satisfactory proof of age.

§161-12. Records and Inspections.

A. Record Of Purchase

Every Secondhand Dealer, upon the acquisition of any Secondhand Article, shall prepare a Record of Purchase. If the identity of the seller cannot be proven by a valid driver's license, or another form of government-issued identification, no transaction may occur. The Secondhand Dealer shall cause each Record of Purchase to be signed by the seller in person. A copy of the Record of Purchase shall be forwarded to the Hopkinton Police Department as soon as possible, but no later than 48 hours after completion of the transaction. The Secondhand Dealer shall retain a copy of the Record of Purchase at his local place of business for one year from the date of transaction, which, along with any article therein listed that continues to be held by the Secondhand Dealer, may be inspected by any duly authorized Police Officer.

B. All acquisitions of any Secondhand Article by a Secondhand Dealer shall be videotaped or photographed so as to show clearly the item being purchased or received and the face of the person selling the item. Any such videotape or photograph shall be retained by the Secondhand Dealer for a period of ninety (90) days, and made available to the Chief of Police or a designee immediately upon request, and a copy provided within twenty-four (24) hours of said request.

C. Whenever necessary to make an inspection to enforce the provisions of this Chapter, or when the Chief of Police or his designee has reasonable grounds to believe that a specific Secondhand Article held by a Secondhand Dealer is associated with criminal conduct, the Chief of Police or a designee may enter the premises of the Secondhand Dealer at any reasonable time, provided that the premises are occupied at the time of entry and the Chief of Police or designee presents proper official identification at or near the time of entry. If entry is refused, the Chief of Police or designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

§161-13. Holding Periods

A. All Secondhand Articles that are precious metals, precious gems or jewelry and that are purchased by a Secondhand Dealer shall be held by the Secondhand Dealer for a period of fourteen (14) days after the relevant Record of Purchase has been provided to the Police Department. All other Secondhand Articles purchased by a Secondhand Dealer shall be held by the Secondhand Dealer for a period of seven (7) days after the relevant Record of Purchase has been provided to the Police Department).

B. During the applicable holding period provided in this section, the Secondhand Dealer shall maintain each Secondhand Article in the same form as when purchased and shall not alter, exchange or comingle the Secondhand Article. During such holding period each Secondhand Article shall be kept on the business premises of the Secondhand Dealer during normal business hours and shall be subject to inspection by the Chief of Police or a designee.

C. A Licensed Secondhand Dealer may, from time to time, request in writing that the Chief of Police shorten the length of or waive the holding period. Upon a determination that relief from the holding period requirement is appropriate due to unreasonable hardship, the Chief of Police

or a designee shall provide the Licensed Secondhand Dealer with written authorization to sell, transfer or otherwise dispose of the particular Secondhand Article. All requests made pursuant to this section shall identify the property and state the basis of the claimed unreasonable hardship.

§161-14. Exclusions.

This Chapter shall not apply to:

- A. Yard sales, charitable fund-raisers for non-profit organizations, and purchases from private residences by citizens not engaged in business as a Secondhand Dealer.
- B. Secondhand clothing or secondhand books businesses.
- C. Antique Dealers.
- D. Individual items with a sale price of \$10.00 or less.

The Board of Selectmen may, upon written request and after a hearing, grant an exemption to a business from the requirements of this Chapter if it determines that such exemption

- (1) Will not nullify or substantially derogate from the intent or purpose of this Chapter; and
- (2) Will not constitute a hazard to the safety and welfare of the inhabitants of the town; and
- (3) Will not adversely affect the neighborhood in which the business is situated

§161-15. Rules and regulations.

The Board of Selectmen may adopt rules and regulations governing the conduct of Secondhand Dealers, pursuant to the authority granted by Section 54 of Chapter 140 of the Massachusetts General Laws and such other rules and regulations governing the issuance of licenses in accordance with the provisions of this Chapter.

§161-16. Severability.

If any provision of this Chapter shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible and the balance of the Chapter shall be deemed to be amended to the minimum extent necessary to provide the Town substantially the protections of this Chapter.

- 2. By amending section 1-4, Penalties enumerated, by adding the following in appropriate alphabetical order:

Secondhand Dealers Bylaw (Ch. 161)	Secondhand Dealers Police Department	First violation: \$100 Second violation: \$200 Third and subsequent violations: \$300.
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Pass any vote or take any act relative thereto.

Motion (Police Chief): *I move that the Town vote to amend the General Bylaws of the Town of Hopkinton by adding a new Chapter 161 entitled "Secondhand Dealers", and amending Chapter 1, as set forth in Article 44 of the Annual Town Meeting Warrant, with the following exception: in the definition of "Secondhand Dealer" strike the words "or a dealer of" and add the word "regularly" before the word "engages".*

Vote Needed: Simple Majority

ZONING BYLAW AMENDMENTS

ARTICLE 45: Site Plan Review Bylaw

Sponsor: Planning Board

To see if the Town will vote to delete Article XX, Site Plan Review, from the Zoning Bylaws in its entirety and insert, in place thereof, a new Article XX, Site Plan Review, as follows:

ARTICLE XX Site Plan Review

§ 210-133. Purpose.

The purpose of this Article is to protect the health, safety, convenience and general welfare of the public by providing a comprehensive review of plans for uses and structures that may have impacts on traffic, services and utilities, environmental quality, water resources, drainage and community character. The Town encourages site plans to be designed to utilize energy efficient technology and renewable energy resources, and adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements. With respect to building design, consideration should be given to the architectural style and its relation to the prevailing character and scale of buildings in the neighborhood. Factors to be considered include appropriate building materials, screening, breaks in roof and wall lines, massing and other architectural techniques. The construction, alteration, enlargement or reconstruction of buildings that are to be used exclusively for residential purposes shall be exempt from the provisions of this Article. Any use or structure, or expansion thereof, referred to in section 3 of Chapter 40A of the *Massachusetts General Laws* shall not be exempt from the provisions of this article, provided any of the criteria contained in §210-134 also applies.

§ 210-134. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

MAJOR PROJECT - Any construction project that requires new construction or will result in a change in the outside appearance or a change of use of a building or buildings or premises, and that includes one or more of the following:

- A. Construction of 5,000 or more square feet of gross floor area; or
- B. An increase in gross floor area by 50% or more, which results in a gross floor area of at least 5,000 square feet; or

- C. Construction of a parking area containing 25 or more parking spaces, or the addition of 25 or more parking spaces to an existing parking lot.

MINOR PROJECT - Any construction project or change of use, not included within the definition of a "major project," that includes one or more of the following:

- A. An increase in gross floor area of not more than 5,000 square feet or the addition of rooftop HVAC or mechanical equipment, substantially visible from a public or private street or public place, requiring a building permit; or
- B. Construction, enlargement or alteration of a parking area containing five or more parking spaces.

§ 210-135. Procedure.

- A. An Applicant for site plan review shall file with the Planning Board an application and submission materials as required by the Site Plan Review Submission Requirements and Procedures adopted by the Planning Board and filed with the Town Clerk.
- B. The Planning Board shall, within five days of receipt of a site plan review application, transmit copies of the application and the site plan to the Director of Municipal Inspections, Conservation Commission, Board of Health, Design Review Board, and Director of Public Works for comments and recommendations.
- C. The Planning Board shall hold a public hearing within 65 days of the filing of any application for a major project and shall file a decision within 90 days of the close of the hearing. The Planning Board shall hold a public hearing and shall file a decision on an application for a minor project within 60 days of the receipt of the application. Notice of the time, place, and subject matter of the public hearing shall be given by the Planning Board, at the expense of the Applicant, to the Applicant and to all owners of land abutting the land being the subject of such application as appearing on the most recent tax list on file at the Assessors Office. In addition, in the case of major project site plan review, the Planning Board shall also give notice of the time, place, and subject matter of the public hearing, at the expense of the Applicant, by advertisement in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing. The time within which the Planning Board must act on an application may be extended upon mutual agreement in writing between the Planning Board and the Applicant. Notwithstanding anything to the contrary in this Section, the Planning Board must act on a major project site plan review application for a renewable/alternative energy research and development or renewable/alternative energy manufacturing facility within six (6) months of the date of submission of a complete application. Failure to act within the time limitations established in this article shall be deemed constructive approval of the application.
- D. Final action shall be a "Decision of Site Plan Review" that is filed with the Office of the Town Clerk and the Director of Municipal Inspections.
- E. A majority vote of the membership of the Board shall be sufficient to approve or disapprove a Decision of Site Plan Review.
- F. Appeals.

Any person aggrieved by a Decision of Site Plan Review by the Planning Board may appeal such Decision to the Board of Appeals within 20 days of the date filed with the Office of the Town Clerk. All Decisions of Site Plan Review issued by the Planning Board shall include a brief notice of such rights of appeal. Any such appeal shall contain a reasonably concise statement of the grounds therefor.

If the Planning Board has issued a denial decision, the Board of Appeals shall examine the proposal and prepare its own findings to determine if the Applicant has failed to furnish the information, materials or fees required by this Article or by the Submission Requirements and Procedures adopted by the Planning Board, or if the application and site plan present a problem so intractable as to admit of no reasonable solution.

If the Planning Board has issued an approval decision, the Board of Appeals shall examine the proposal and prepare its own findings to determine whether the conditions imposed by the Planning Board are reasonable, and shall limit its evaluation to those conditions at issue in the appeal. The Board of Appeals shall determine the reasonableness of each such condition in a two-step process:

- (1) The Board shall determine whether the condition relates to one of the Site Plan Standards listed in Section 210-136.1; and
- (2) The Board shall examine the condition for reasonableness, which requires that the Board make detailed factual findings to justify its determination of the condition's reasonableness or unreasonableness.

As the party requesting relief, the Appellant bears the burden of proof before the Board of Appeals. Any party before the Board of Appeals upon appeal shall have the right to introduce testimony or evidence relating to the grounds for appeal.

§ 210-136.1 Site Plan Standards

The site plan shall be designed to conform to the following Site Plan Standards:

- A. Site disturbance in wetland buffer zones and to slopes in excess of 25% shall be minimized.
- B. Unique natural and historic features shall be preserved whenever feasible.
- C. Tree, vegetation and soil removal shall be minimized.
- D. The site activities shown on the Site Plan shall be screened from view from abutting properties in residential use. Methods of screening may include solid fencing, landscaping or other proposals of the Applicant, subject to review by the Planning Board. Such screening may be located on or off-site. If located off-site, written permission of the off-site property owner shall be provided to the Board.
- E. All utilities shall be underground.
- F. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other similar uses shall be visually screened from abutting properties and those using public

ways. Screening methods may consist of solid fencing, landscaping or similar proposals submitted by the Applicant, subject to review by the Planning Board.

- G. The site plan shall show measures to reduce and abate noise and odors generated from the site that will impact surrounding properties.
- H. The site plan shall comply with all zoning requirements.
- I. The site plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and to and from adjacent public ways. If supporting documentation, such as a traffic or parking study, submitted to the Planning Board indicates that the vehicular and pedestrian traffic movement depicted on the site plan and proposed in the application will have a significant negative impact or impacts on the site or within the adjacent ways, such impacts shall be mitigated by the Applicant.
- J. Parking areas shall be designed so that they are safe and convenient and do not detract from the use and enjoyment of proposed structures. Parking areas shall be designed to facilitate safe pedestrian access to the structures and other on-site facilities.
- K. The site plan shall minimize the number of curb cuts on public ways.
- L. Driveways shall be designed to ensure safe sight distances at interior and exterior intersections and along driveways, in accordance with applicable AASHTO requirements.
- M. Sidewalks shall be provided along the entire frontage of the subject property along existing public ways. The Planning Board may approve alternative provisions or waive the requirements of this Standard in situations where sidewalk construction or use is not feasible or practical.
- N. Levels of illumination shall be provided within parking lots and other vehicular and pedestrian areas in accordance with applicable Illuminating Engineering Society standards. All illumination shall be directed and shielded so as not to shine beyond the perimeter of the site or impair safe traffic flow, with the following exceptions:
 - (1) Sidewalks exterior to the site may be illuminated; and
 - (2) Illumination may spill onto abutting non-residential property if requested in writing by the abutting property owner.
- O. Adequate access shall be provided to each structure for emergency vehicles and personnel.
- P. The site plan shall conform to applicable Massachusetts Department of Environmental Protection Stormwater Management Regulations. The site plan shall show adequate measures to prevent pollution of surface water and groundwater, to minimize erosion and sedimentation and to prevent changes in the potential for flooding. Stormwater management facilities shall be designed so that neighboring properties, public ways and public storm drainage systems will not be adversely impacted.
- Q. Mechanical equipment or other utility hardware on the roof, grounds or buildings shall be screened from view from the ground.

R. All dumpsters shall be screened from public view.

§ 210-136.2. Decision criteria.

The Planning Board shall issue a “Decision of Site Plan Review” in one of the following forms:

- A. A written approval of the application subject to any reasonable conditions, modifications and restrictions relating to the Site Plan Standards contained in Section 210-136.1; or
- B. Disapproval of the application if the Applicant fails to furnish the information, materials or fees required in this Article or by the Submission Requirements and Procedures adopted by the Planning Board, or if the application and site plan present a problem so intractable so as to admit of no reasonable solution.

Notwithstanding the above, regulation of uses and structures referred to in section 3 of Chapter 40A of the *Massachusetts General Laws* shall be limited to the extent required by said section.

§ 210-137. Conditions of approval; building permits.

Site plan approval may be made subject to reasonable conditions, modifications and restrictions relating to the Site Plan Standards contained in Section 210-136.1 as the Planning Board may deem necessary, and any construction, reconstruction, alteration or addition shall be carried out only in conformity with such conditions, modifications or restrictions and in conformity with the application and site plan. An order of conditions issued pursuant to section 40 of Chapter 131 of the *Massachusetts General Laws* or Chapter 206 of the Town of Hopkinton Bylaws, which imposes conditions inconsistent with a site plan approval, shall require a revision of the site plan to be submitted to the Planning Board for review and approval.

In the discretion of the Planning Board, recording of a certification of the Town Clerk and the Decision of Site Plan Review at the Registry of Deeds may be made a condition of an approval. For any construction project or change in use that requires site plan review, no building permit may be issued unless and until the Applicant has complied with the provisions of this Article. The conditions, modifications, and restrictions contained within the Decision of Site Plan Review shall be referenced in, incorporated into, and made an express condition of, such building permit.

§ 210-138. Performance guarantee.

As a condition of site plan approval, the Planning Board may require that a performance bond, secured by a deposit of money or negotiable securities in a form selected by the Planning Board, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements. The amount of security shall be determined by an estimate from the Applicant's engineer, which may be confirmed or increased by the Board. The Town may use the secured funds for their stated purpose in the event that the Applicant does not complete all improvements in a manner satisfactory to the Board within two years from the date of approval, or the final date of the last extension of such approval, if any.

§ 210-139. Duration of approval.

Site plan approval for a minor or major project shall become void two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal, unless any construction work contemplated hereby shall have commenced and proceeded in good faith continuously to completion, except for good cause. In such case, a request for extension of the date of completion must be submitted to the Planning Board for approval.

§ 210-140. Fees.

Site plan review fees shall be governed and set by the Planning Board and shall be assessed to the owner and/or the Applicant. Such fee may include a deposit for review by a consultant selected by the Town.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 45 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 46: Health Services Facility

<i>Sponsor: Planning Board</i>

To see if the Town will vote to amend the Zoning Bylaws as follows:

1. Delete the definition of “medical center” in §210-4 in its entirety, and insert, in appropriate alphabetical order, a new definition of “health services facility” as follows:

HEALTH SERVICES FACILITY -- A building that contains establishments dispensing health services for health maintenance and the outpatient diagnosis and treatment of medical and physical conditions, including outpatient surgery. The term health services facility shall not include hospitals, urgent medical care requiring emergency transportation, nursing homes or extended-care facilities, but may include establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks and oxygen and other miscellaneous types of medical supplies and services.

2. Amend Article VII, Rural Business District, by deleting the words “Medical centers and” from §210-24.E and inserting a new subsection, having an appropriate numerical designation, to the end of §210-23 as follows: “Health services facility”.
3. Amend Article VIII, Industrial A District, by deleting §210-35.C “Medical centers” therefrom in its entirety, and inserting a new subsection, having an appropriate numerical designation, to the end of §210-34.A as follows: “Health services facility”.

4. Amend Article VIIIA, Industrial B District, by deleting §210-37.9.C “Medical centers” therefrom in its entirety, and inserting a new subsection, having an appropriate numerical designation, to the end of §210-37.8.A as follows: “Health services facility”.
5. Amend Article XXVIII, Office Park District, by inserting a new subsection having an appropriate numerical designation, to the end of §210-184 as follows: “Health services facility”.
6. Amend the following sections of the Zoning Bylaws by deleting the words “medical center” therefrom in its entirety, and inserting the words “health services facility” in its place:
 - a. §210-40.B;
 - b. §210-124.B(1); and
 - c. §210-165.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 47 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 47: Medical Office Use	<i>Sponsor: Planning Board</i>
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To see if the Town will vote to amend the Zoning Bylaws as follows:

1. Amend §210-4 by inserting, in appropriate alphabetical order, a new definition of “medical office” as follows:

MEDICAL OFFICE – A medical, dental, or psychiatric practice offering medical services on an outpatient basis. A medical office may contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, and similar services.

2. Amend Article VII, Rural Business District by deleting the words “Business or professional offices” from §210-23.C, and replacing them with the following: “Business, medical or professional offices”.
3. Amend Article VIII, Industrial A District by inserting the words “and medical” immediately following “Professional” in §210-34.A(2).
4. Amend Article VIIIA, Industrial B District by inserting the words “and medical” immediately following “Professional” in §210-37.8.A(2).
5. Amend Article XXVIII, Office Park District by inserting the words “medical offices” immediately following “Professional offices” in §210-184.A.

Pass any vote or take any act relative thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 47 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 48: Continuing Care Retirement Community

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning Bylaws as follows:

1. Amend Article VIII, Industrial A District, by inserting a new subsection, having an appropriate alphabetical designation, to the end of §210-35 as follows: "Continuing care retirement community/assisted living facility/nursing home facility".
2. Amend Article VIIIA, Industrial B District, by inserting a new subsection, having an appropriate alphabetical designation, to the end of §210-37.9 as follows: "Continuing care retirement community/assisted living facility/nursing home facility".

Pass any vote or take any action related thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 48 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 49: Restaurants in Industrial B District

Sponsor: Planning Board

To see if the Town will vote to amend Article VIIIA, Industrial B District, of the Zoning Bylaws as follows:

1. By inserting a new subsection, having an appropriate numerical designation, into §210-37.8.A as follows: "Restaurants, where all patrons are seated, that contain no more than 100 seats, and that are not open for business after 11:00 PM";
2. By inserting into §210-37.9.D, immediately following the word "Restaurants", the following: "where all patrons are seated, and (1) that contain more than 100 seats; or (2) that are open for business after 11:00 PM."

Pass any vote or take any action related thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 49 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 50: Retail Uses

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. Amend Article VIII, Industrial A District, by inserting a new subsection, having an appropriate numerical designation, at the end of §210-34.A as follows: “Retail stores not to exceed 2,000 square feet, located so as to provide for the convenience of the occupants of the immediate neighborhood, selling items such as groceries, prepared take-out food, toilet articles, cosmetics, candy, sundries, medications, newspapers, magazines and ice cream.”
2. Amend Article VIIIA, Industrial B District, by inserting a new subsection, having an appropriate numerical designation, at the end of §210-37.8 as follows: “Retail stores not to exceed 2,000 square feet, located so as to provide for the convenience of the occupants of the immediate neighborhood, selling items such as groceries, prepared take-out food, toilet articles, cosmetics, candy, sundries, medications, newspapers, magazines and ice cream.”
3. Amend Article XXVIII, Office Park District, by inserting a new subsection, having an appropriate numerical designation, at the end of §210-184 as follows: “Retail stores not to exceed 2,000 square feet, located so as to provide for the convenience of the occupants of the immediate neighborhood, selling items such as groceries, prepared take-out food, toilet articles, cosmetics, candy, sundries, medications, newspapers, magazines and ice cream.”

Pass any vote or take any action related thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 50 of the Annual Town Meeting Warrant, with the following exception: Within Item 2: strike “§210-37.8” and substitute therefor “§210-37.8.A”*

Vote Needed: Two-Thirds Majority

ARTICLE 51: Zoning District of 91 Grove Street

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning Map by changing the zoning of a parcel of land located at 91 Grove Street, shown on the Assessors Map as Parcel U19 68 0, and consisting of approximately 8,300 square feet, from Residence A to Business.

Pass any vote or take any action related thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 51 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

To see if the Town will vote to amend Article XVIII, Supplementary Regulations, of the Zoning Bylaws, as follows:

1. By inserting a comma, in §210-124.B(1), into the Type of Use column between the words “dental office” and the words “research and development.”
2. By deleting the words “2 beds” from the “Number of Spaces” column in the row of § 210-124.B(1) applicable to “Nursing home” and inserting in place thereof, the words “3 beds”;
3. By deleting § 210-124.B(2) in its entirety and inserting in place thereof, the following:

(2) Each parking space shall consist of a rectangle of the following minimum dimensions:

Small car/compact spaces	8 feet by 16 feet
Parallel/curbside parking spaces	8 feet by 22 feet
All other spaces	9 feet by 18 feet

In parking lots containing up to 50 parking spaces, 20% of such parking spaces may be for small car use. In parking lots of 50 spaces or more, up to 40% of such parking spaces may be for small car use. Said small-car spaces shall be grouped in one or more contiguous areas and shall be identified by signs.

4. By inserting, in the second sentence of §210-124.B(3), the words “maneuvering aisle or” between the words “If the” and the words “access driveway.”
5. By deleting the term “5%” from §210-124.E(5) and inserting, in place thereof, “10%”.

Pass any vote or take any action related thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 52 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

To see if the Town will vote to amend the Zoning Bylaws as follows:

1. Amend Article VIII, Industrial A District, as follows:
 - (a) By inserting a new subsection, having an appropriate numerical designation, at the end of §210-34.A as follows: “Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 1 (involving specific combinations of work, practices, safety equipment and facilities appropriate for infectious agents that do not ordinarily cause human disease) or Level 2 (involving specific combinations of work practices, safety equipment and facilities appropriate for

infectious agents that can cause human disease, but whose potential for transmission is limited), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.”

- (b) By inserting, at the end of §210-35.A, the following: “with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.”

2. Amend Article VIII A, Industrial B District, as follows:

- (a) By inserting a new subsection, having an appropriate numerical designation, at the end of §210-37.8.A as follows: “Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 1 (involving specific combinations of work, practices, safety equipment and facilities appropriate for infectious agents that do not ordinarily cause human disease) or Level 2 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that can cause human disease, but whose potential for transmission is limited), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.”
- (b) By inserting at the end of §210-37.9.A “with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.”

Pass any vote or take any action relative thereto.

Required Recommendation: Planning Board recommends approval

Motion (Planning Board): *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 53 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

ARTICLE 54: Amend Zoning Map	<i>Sponsor: Land Owner Petition</i>
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To see if the Town will vote to amend the Zoning Map of the Town of Hopkinton by changing the zoning district of a parcel of land shown on the Assessors Map as parcel R33 11 0 and consisting of approximately 14.2 ± acres located between Old Town Road and the westerly limit of the existing Industrial A zoning district along South Street from Agricultural (A) to Industrial (IA).

The land to be rezoned is more fully described on a Plan entitled, “Plan to Accompany Proposed Re-zoning”, prepared for EMC Corporation, dated March 1, 2012, prepared by Beals and Thomas, Inc., on file with the Planning Board.

Pass any vote or take any action relative thereto.

Required Recommendation: Planning Board recommends approval

Motion: *We move that the Town vote to amend the Zoning Bylaws of the Town of Hopkinton, as set forth in Article 54 of the Annual Town Meeting Warrant.*

Vote Needed: Two-Thirds Majority

LAND ACQUISITIONS AND DISPOSITIONS

ARTICLE 55: Street Acceptances

Sponsor: Board of Selectmen

To hear the report of the Board of Selectmen relative to the laying out and the widening and relocation of the following named streets under the provisions of Chapter 82 of the *Massachusetts General Laws*, and to see if the Town will vote to accept such streets as and for public ways and to authorize the Board of Selectmen to acquire by gift, purchase or eminent main any land or interest in land necessary or such laying out, and act on all matters relating thereto:

Longwood Drive	from Spring Street to dead end
Emma Drive	from Longwood Drive to Ralph Road
Ralph Road	from Spring Street to Longwood Drive
Meadowland Drive	from Emma Drive to dead end

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommendation pending???
Capital Improvement Committee recommends approval

Motion (Board of Selectmen): *We move that the Town accept the report of the Board of Selectmen relative to the laying out and the widening and relocating the named streets listed in Article 55 of the Annual Town Meeting Warrant and, pursuant to Chapter 82 of the Massachusetts General Laws, vote to accept Longwood Drive (from Spring Street to dead end), Emma Drive (from Longwood Drive to Ralph Road), Ralph Road (from Spring Street to Longwood Drive), and Meadowland Drive (from Emma Drive to dead end) as and for public ways and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any land or interest in land necessary for the laying out of these roads as public ways; provided, however, that such recommendation shall be contingent upon the completion of all necessary corrections to these roads to the satisfaction of the Department of Public Works.*

Vote Needed: Two-Thirds Majority

ARTICLE 56: Acquisition of Property on West Main Street

Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, property located at 2 West Main Street as shown on Assessors Map U18 15 0, said property to be under the care, custody, management and control of the Board of Selectmen and used for general municipal purposes.

Pass any vote or take any act relative thereto.

Required Recommendation: Board of Selectmen recommends approval
Appropriation Committee recommendation pending
Capital Improvement Committee recommendation pending

Motion: (Appropriation Committee): *We move that the Town vote to appropriate \$325,000.00 (THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS) to acquire by gift, purchase, eminent domain or otherwise, including any administrative and legal costs related thereto, the property located at 2 West Main Street as shown on Assessors Map U18 15 0; said property to be under the care, custody, management and control of the Board of Selectmen and used for general municipal purposes, under such terms as the Board of Selectmen may determine; and, for the purpose of meeting such appropriation, to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum in accordance with Chapter 44, Section 7(3) of the Massachusetts General Laws, or any other enabling authority; said sum to be spent under the direction of the Town Manager and Board of Selectmen.*

Vote Needed: Two-Thirds Majority

ADMINISTRATIVE

ARTICLE 57: Package Licenses *Sponsor: Voter Petition*

To see if the Town will vote to authorize the Board of Selectmen, on its behalf, to petition the General Court for passage of a special law substantially as provided below:

AN ACT AUTHORIZING THE LICENSING AUTHORITY OF THE TOWN OF HOPKINTON TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES, NOT TO BE DRUNK ON THE PREMISES.

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

SECTION 1. (a) In addition to the number of licenses otherwise authorized to be granted by the provisions of Section 17 of Chapter 138 of the General Laws, the Town of Hopkinton, acting through its local licensing authority, may grant an additional license for the sale of all alcoholic beverages, not to be drunk on the premises, pursuant to Section 15 of said Chapter 138, to CJPM Development, LLC for the premises located at 22 South Street in the Town of Hopkinton. Such license shall be subject to all of the provisions of said Chapter 138 except as otherwise provided in this section.

(b) The local licensing authority shall not approve the transfer of the licenses issued pursuant to this section to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of

revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the licenses granted pursuant to this section are cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this herein.

SECTION 2. This act shall take effect upon its passage.

Pass any vote or take any act relative thereto.

Motion (Board of Selectmen): *We vote to authorize the Board of Selectmen to petition the General Court for passage of a special law substantially as provided in Article 57 of the Annual Town Meeting Warrant; provided, however, that the Legislature may make clerical or editorial changes in form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.*

Vote Needed: Simple Majority

ARTICLE 58: PerkinElmer TIF

Sponsor: Board of Selectmen

To see if the Town will vote to take certain actions relative to the PerkinElmer expansion project, more specifically as follows:

1. To see if the Town will approve the Tax Increment Financing (TIF) Plan and TIF Agreement among PerkinElmer Inc., RREEF America REIT III Corp.Z1 and the Town of Hopkinton for the land and building(s) at 5 Parkwood Drive and 68 Elm Street shown on Hopkinton Assessor's Map as Parcel Number R23-11-0 and Parcel Number R23-12-0, respectively, including designation of a TIF Zone as described in the TIF Plan, pursuant to the provisions of section 59 of Chapter 40 of the *Massachusetts General Laws*; both the TIF Plan and TIF Agreement being on file with the Board of Selectmen and Town Clerk;
2. To authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto, and to take such other actions are necessary or appropriate to implement those documents; and
3. To authorize the Board of Selectmen to approve and certify proposed projects as provided in the TIF Plan and to apply to the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts under the Economic Development Incentive Program for approval and designation of the Elmwood Park Economic Opportunity Area, TIF Zone, TIF Plan, and any such certified projects, and to take such other and further action as may be necessary or appropriate to carry out the purposes of this article.

Pass any vote or take any act related thereto.

Motion (Board of Selectmen): *We move that the Town vote to take certain actions relative to the PerkinElmer expansion project as set forth in Article 58 of the Annual Town Meeting Warrant.*

Vote Needed: Simple Majority

FINAL ATM MOTION

Motion (Board of Selectmen): *We move that the Annual Town Meeting adjourn until the date of the Annual Town Election, May 21, 2012, held at the Hopkinton Middle School Gymnasium, and further that the Annual Town Meeting shall be dissolved upon the close of the polls on the date of the Annual Town Election.*

Vote Needed: Simple Majority