

TOWN OF WARREN
COMMONWEALTH OF MASSACHUSETTS

Worcester ss:

To either of the constables in the Town of Warren in the County of Worcester:

GREETING: In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Warren qualified to vote in elections and in Town affairs to meet at the Quaboag Regional Middle/High School Auditorium in Warren at **7:00 PM on Wednesday, November 12, 2014** then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow **\$60,000.00** for the purpose of the procurement & installation of a Play Structure at the Warren Elementary Community School, or take any action relative thereto.

(Board of Selectmen)

ARTICLE 2: To see if the Town will vote to transfer **\$2,500.00** from available funds as appropriated by the Town in Article 13 by Vote at the November 8, 2012 Special Town Meeting and see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of **\$2,500.00** for a total of **\$5,000.00** to purchase chairs for the Selectmen's Meeting Room, chairs for the Selectmen's Office and flooring for the Building/Planning & Conservation Office, or take any action relative thereto.

(Board of Selectmen)

ARTICLE 3 : To see if the Town will vote to raise and appropriate, transfer from available funds or borrow **\$80,000.00** for the purpose of purchasing two (2) fully marked police cruisers and related equipment to be used for police purposes, or take any action relative thereto.

(Board of Selectmen/Chief of Police)

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of **\$4,000.00** for the purpose of updating the technology infrastructure to the Shepard Municipal Building, or take any action relative thereto.

(Board of Selectmen)

ARTICLE 5: To see if the Town will vote to transfer **\$4,000.00** from the Highway Equipment fund to Highway Vehicle Maintenance for the purchase of wheel wells for the fleet of 7 trucks; or take any action relative thereto.

(Highway)

ARTICLE 6 : To see if the Town will vote to transfer **\$1,800.00** from the Highway Equipment fund to Highway Vehicle Maintenance for the purchase of a plasma cutter; or take any action relative thereto.

(Highway)

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of **\$30,000.00** for the purpose of razing a Town owned property known as 20 Chapel Street, Parcel Id# 21-4, or take any action relative thereto.

(Board of Selectmen)

ARTICLE 8: To see if the Town will vote to transfer the sum of **\$170,000.00** from the Stabilization Special Use Equipment Account and/or any other available funds to reduce the amount to be borrowed to purchase a new ambulance pursuant to Article 5 of the May 13, 2014 Annual Town Meeting, or take any action relative thereto.

(Treasurer)

ARTICLE 9: To see if the Town will vote to reduce the FY 2015 Quaboag Regional School District Assessment by the sum of **\$48,000.00** due to a refund of the FY 2014 Regional School Transportation allocated to the district following State Aid funding as Voted by the Town on Article # 4 of the May 29, 2013 Annual Town Meeting; or take any action relative thereto.

(Treasurer)

ARTICLE 10: To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a Tax Agreement for Payment of Taxes for Personal Property, a copy of which is available for review at the Town Clerk's office, in the amount of \$16,500.00 per year for twenty (20) years with WA MA Solar, LLC or its affiliates or assigns pursuant to Massachusetts General Laws, Chapter. 59, §38 H (b), and Chapter 164, Section 1, or any other enabling authority, in connection with the 1.0 Megawatt Solar Energy Generation Facility installed or to be installed on approximately 8.6 acres of land located at 87 Spring Street in West Warren, MA 01092, as shown on Assessors' Map 14, Lot 19 and recorded in the Worcester County Registry of Deeds in BK 47807, PG 269, and to authorize the Board of Selectmen to take any action necessary or appropriate to implement and further administer the Tax Agreement, or take any action relative thereto.

(Board of Selectmen)

ARTICLE 11: To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a Tax Agreement for Payment of Taxes for Personal Property, a copy of which is available for review at the Town Clerk's office, in the amount of \$16,500.00 per year for twenty (20) years with WA MA Solar II, LLC or its affiliates or assigns pursuant to Massachusetts General Laws, Chapter. 59, §38 H (b), and Chapter 164, Section 1, or any other enabling authority, in connection with the 1.0 Megawatt Solar Energy Generation Facility installed or to be installed on approximately 9.6 acres of land located at 70 Ware Road in West Warren, MA 01092, as shown on Assessors' Map 20, Lot 11 and recorded in the Worcester County Registry of Deeds in B 41811, PG 72, and to authorize the Board of Selectmen to take any action necessary or appropriate to implement and further administer the Tax Agreement, or take any action relative thereto.

(Board of Selectmen)

ARTICLE 12 : To see if the Town will vote to transfer the sum of \$50,000.00 from available funds to the Maturing Debt and Interest Account to pay down principal on debt issued for Downtown Design Engineering pursuant to Article 19 of the May 29, 2013 Annual Town Meeting, or take any action relative thereto.

(Treasurer)

ARTICLE 13: To see if the Town will vote to transfer \$135,000.00 from the Sewer Enterprise Capital Improvement Account to comply with requirements in the Warren Wastewater Treatment Plant's renewed National Pollutant Discharge Elimination System (NPDES) permit, which requirements include a nitrogen optimization study, phosphorus removal study, and collection system Operation and Maintenance plan and related mapping; or take any action relative thereto.

(Sewer Commissioners)

ARTICLE 14: To see if the Town will vote to transfer \$53,100.00 from the Sewer Enterprise Fund Retained Earnings Account to offset sewer user fees for Fiscal Year 2015; or take any action relative thereto.

(Sewer Commissioners)

ARTICLE 15: To see if the Town will vote pursuant to Massachusetts General Laws Chapter 41, Section 110A, that any public office of the Town may remain closed on any or all Saturdays, and where the last day for performance of any act in any such office falls on a Saturday when said office is closed, the act may be performed on the next succeeding business day, or take any action relative thereto.

(Town Clerk)

ARTICLE 16: To see if the Town will vote to transfer from available funds a sum of money to offset tax rate, or take any action relative thereto.

(Board of Selectmen)

ARTICLE 17 : The Board of Trustees of the Warren Public Library requests voters to restore the library appropriations to the allocation recommended by the Finance Committee at the May 2014 Annual Town Meeting. This would result in a restoration of the historic funding split based on the populations, collection sizes, and differing expenses of the two libraries resulting in 2/3 funding for the Warren Public Library and 1/3 funding for the West Warren Public Library for the balance of the fiscal year.

(Petition Article)

ARTICLE 18 : "To see if the Town will vote to sell Town owned property located at 105 Quaboag Street to the highest bidder from the July 11, 2014 auction that was held to sell the property located at 105 Quaboag Street, or take any action in relation thereto."

(Petition Article)

ARTICLE 19 : Move to establish the position of citizen ombudsman to serve as an independent and impartial dispute resolver for the citizens of Warren in conflicts involving any Department within the Municipal Government when they perceive unfair treatment by any Agency, Department, Employee, Board or Commission within the Town (see attached) Attachment "A"

(Petition Article)

And you are directed to serve this Warrant by posting attested copies of the Warrant therefore as follows: one copy at the Shepard Municipal Building, one copy at the Warren Post Office, one copy at the West Warren Post Office, and one copy at the Community Board adjacent to the Senior Center fourteen days at least before the time for holding said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk. Given under our hands this 21st day of October in the year Two Thousand Fourteen.

WARREN BOARD OF SELECTMEN

David A. Delanski, Chairman

Robert E. Lavash, Sr., Vice-Chairman

Dario F. Nardi, Clerk

A True Copy Attest:

Lorena Prokop
Administrative Secretary

WORCESTER SS:

Pursuant to the within warrant, I have notified the inhabitants of the Town of Warren, herein described to meet at the time and place and for the purpose within mentioned, by posting up attested copies of the Warrant therefore as follows: one copy at the Shepard Municipal Building, one copy at the Warren Post Office, one copy at the West Warren Post Office, and one copy at the Community Board adjacent to the Senior Center, fourteen days at least before the time for holding said meeting.

On this _____ day of _____, 2014 @ _____ AM/PM

CONSTABLE _____

Arbitrary

In an ombudsman investigation, "arbitrary" means that:

- did not base its action or decision on intelligible or understandable public policies; based its action or decision on a delegation of authority under inadequate standards. (standards are "inadequate" if they are unrelated to the fundamental purposes of the statute under which the action or decision is taken); treated the complainant differently than others without reasons recognized under law or related to the purpose of the law; or did not conscientiously consider all factors relevant to its decision or action.

Unsupported by an Adequate Statement of Reasons

In an ombudsman investigation, "unsupported by an adequate statement of reasons" means:

- did not address the complainant's concerns in the decision directly and completely; did not plainly state the rule of law on which its decision is based; presented insufficient support for its factual assertions and legal conclusions; provided incomprehensible reasons for its action; or failed to include appropriate documentation with its decision.

Performed Discourteously

In an ombudsman investigation, "performed discourteously" means an town employee failed in a duty owed to the public, was negligent, or acted rudely or discourteously.

Unnecessarily Discriminatory

In an ombudsman investigation, "unnecessarily discriminatory" means that:

- discriminated against the complainant for reasons the commonwealth or a similar body could not have intended to make relevant, or discriminated against the complainant for reasons not reasonably required to achieve its purpose.

Oppressive

In an ombudsman investigation, "oppressive" means:

- imposed unreasonable or unjust preconditions on the complainant; imposed an unequal burden on the complainant compared to the benefit received; or placed the complainant at a disadvantage relative to all others, and the disadvantage is unreasonable.

Capricious

In an ombudsman investigation, "capricious" means that governing or supervising entity acted at the whim or pleasure of a town official or employee without regard to any law or controlling principle.

Based on Improper Grounds

In an ombudsman investigation, "based on improper grounds" means that the town failed to consider all relevant information or factors in making its decision.

Based on Irrelevant Grounds

In an ombudsman investigation, "based on irrelevant grounds" means that town governing or supervising entity based its decision on information or factors that have no bearing on the matter under consideration.

No Grounds for Agency Action

In an ombudsman investigation, "no grounds for agency action" means the town entity acted without reference to any law, entirely lacking a legal basis for its act or decision.

The Ombudsman will be an independent party, chosen by a panel of interested the citizens, from applicants received from within the community. Initial chairperson for the Ombudsman search committee will be Patricia LaBoeuf. Members of this panel will include the business, faith, residential and municipal communities The Ombudsman will be a volunteer position, serving a year term. The ombudsman cannot be employed, elected, appointed or serving in any manner in a town position currently or previously.

The Ombudsman while have all needed powers to investigate and make recommendations, but no authority to make or reverse a decisions, or have power to order changes in rules, regulations, policies or procedures. The Ombudsman will have access to all needed public records as required within acceptable time limits. If unable to work out a satisfactory solution, a formal report of findings and recommendations to the involved parties will be published.

When the ombudsman performs an investigation they will use written standards to determine whether the complaint is justified. The ombudsman will be empowered to investigate 15 types of inappropriate actions based on statute, commonwealth law, and administrative best practices. These definitions are called standards because ombudsman will measure actions against them.

Unreasonable

In an ombudsman investigation, "unreasonable" means:

- adopted and followed a procedure in managing that is inconsistent with, or fails to achieve, the purpose; that defeats the complainant's valid application for a right or benefit; or placed the complainant at a disadvantage relative to all others through actions inconsistent with town policy.

Unfair

In an ombudsman investigation, "unfair" means that:

- failed to provide the complainant adequate and reasonable notice of the matter at issue; did not give a person interested in a decision adequate opportunity to be heard or to secure full disclosure of the facts; allowed a decision to be made by someone biased or otherwise disqualified; acted without regard to pertinent facts, circumstances, testimony, evidence, or point of view of interested persons; did not disclose the reason for its decision or the evidence relied on in making it; or was inconsistent in its application of standards or principles in the making the decision.

Contrary to Law

In an ombudsman investigation, "contrary to law" means that:

- did not comply with statutory or regulatory requirements; misinterpreted or misapplied a statute, regulation or comparable requirement; failed to follow common law doctrines; or failed to comply with court or administrative orders.

"Contrary to law" might also apply to individual misconduct in which a town employee performed his or her duties illegally or for an illegal or improper purpose.

Performed Inefficiently

In an ombudsman investigation, "performed inefficiently" means:

- exceeded a time limit established by law or by custom, good judgment, sound administrative practice, or decent regard for the rights or interests of the complainant or of the general public; or mishandled the decision-making process or the process of implementing an act or service through delay, "red tape," or by requiring an unreasonable and unnecessary amount of clarification from the complainant.

Based on a Mistake of Fact

In an ombudsman investigation, "based on a mistake of fact" means that based its decision on a misperception or misunderstanding of relevant facts.

Abuse of Discretion

In an ombudsman investigation, "abuse of discretion" means that:

- did not proceed according to law; based its decision on an erroneous choice of standards or principles; based its decision on considerations not supported by evidence; based its decision on considerations that are not relevant; or made a decision that is clearly contrary to the reasonable inferences or deductions to be made from the evidence.