

**TOWN OF LEICESTER  
SPECIAL TOWN MEETING  
November 18, 2014**

The following is a report of the Doings of the Special Town Meeting held at the Leicester Town Hall, Washburn Square on Tuesday, November 18, 2014. The Moderator, Donald A. Cherry, Jr., opened the meeting at 7:07 pm with 98 voters present stating "The Town Clerk has informed me that a quorum is present, the meeting will come to order."

The Moderator asked that everyone stand and Pledge Allegiance to our flag. He then had words of gratitude for John Binienda, who passed away after a long battle with diabetes. At his passing, John Binienda, Sr. had represented the 17<sup>th</sup> Worcester District for 28 years, and was, it seemed, everywhere while always managing to be on Beacon Hill for a vote. The Moderator asked that there be a moment of silence to commemorate John's service.

Please remain standing so that we observe a moment of silence to commemorate the service and sacrifice of the members of our armed forces who defend our liberties and freedoms, and the members of our emergency management services who work to keep us safe here at home.

The Moderator welcomed the Superintendent of Schools, Judy Paolucci, Principal Hippert and Mr. Liang principal from Shijiazhuang, Hebei Province in China. He is visiting here under a US-China Principal Shadowing Project (PSP) to learn about and observe one another's educational systems from close up. The partner visits provide the opportunity to discuss future opportunities for student and faculty exchanges and joint educational projects. Principal Hippert visited China for two weeks in April, 2014.

Thomas E. Buckley III moved that the Town vote to dispense with the reading of the warrant, which is in the hands of the voters. VOTED UNANIMOUSLY

Thomas E. Buckley III moved that the Town vote to dispense with a hand count by tellers on motions requiring a two-thirds vote, except when the vote or the method of voting is challenged, or when in the opinion of the Moderator, a hand count is necessary to establish a quantum of vote, or when the vote involves the potential to borrow money. VOTED UNANIMOUSLY

Article 1. Thomas E. Buckley III moved that Town vote to raise and appropriate \$2,326 in order to pay bills from prior fiscal years as follows:

\$26.00 to Kelley & Ryan Associates, Inc. for the Police Department  
\$800.00 to Duggan Vehicle Equipment for the Animal Control Department  
\$1,500.00 to Dave Holdcraft's Services for Tax Title  
\$30.00 to Harper's Payroll for the Treasurer Collector Department

VOTED UNANIMOUSLY

Article 2. Matthew Dennison moved that Town vote to set the rate of compensation for the Town Clerk at \$48,865.00. VOTED UNANIMOUSLY

Article 3. Dianna Provencher moved that the Town vote to raise and appropriate by taxation the sum of \$49,473 and allocate the same to the following budgets to defray expenses in the Fiscal Year 2015 operating budget of the Town:

Assessor	\$1,700
Treasurer/Collector	\$29,288
Town Clerk	\$865
Police Department	\$5,620
School Department	\$12,000

and transfer \$129,000 from Ambulance Receipts Reserved Account to defray the costs of ambulance services. VOTED UNANIMOUSLY

Article 4. Thomas E. Buckley III moved that the Town raise and appropriate \$21,765 to fund an investment grade energy and infrastructure audit and related expenses at Town and School Facilities, said funds to be expended by the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

Article 5. Dianna Provencher moved that the Town vote to raise and appropriate \$9,000 to fund the purchase of mobile communication devices for the Fire and EMS Departments, said funds to be expended by the Board of Selectmen. VOTED BY A SIGNIFICANT MAJORITY

Article 6. Sandra Wilson moved that the Town vote to accept the provisions of Massachusetts General Laws Chapter 54, Section 16A for the hiring of election workers by the Town Clerk. VOTED UNANIMOUSLY

Article 7. Sandra M. Wilson moved that the Town vote to accept the provisions of Massachusetts General Laws Chapter 32, Section 85H1/2, for disability retirement for call firefighters. VOTED BY A SIGNIFICANT MAJORITY

Article 8. Matthew Dennison moved that the Town vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 8J, for the establishment of a Commission on Disabilities. VOTED UNANIMOUSLY

Article 9. Dianna Provencher moved that the Town vote to amend the General Bylaws Chapter 9 Section 30 "Alarm System By-Law" Subsection 6(A), as printed and in the hands of the voters.

#### **Section 1. Title and Purpose**

- (A) This by-law shall be known as the Alarm System By-Law and shall regulate alarms which cause message to be transmitted to Police and/or Fire Departments.
- (B) The purpose of this by-law is to encourage alarm users to maintain the operational reliability of their alarm systems, to reduce or eliminate false alarm dispatch requests, to establish a system of regulations and fees with respect to alarm systems, and to provide for penalties for violations of this by-law.

#### **Section 2. Definitions**

- (A) Chief of Police – The term "Chief of Police" means the Chief of Police of the Town of Leicester or his/her designated representative.
- (B) Fire Chief – The term "Fire Chief" means the Chief of the Fire Department of the Town of Leicester or his/her designated representative.
- (C) Police or Police Department – The term "Police or Police Department" means the Town of Leicester Police Department or any authorized agent thereof.
- (D) Fire Department – The term "Fire Department" means the Town of Leicester Fire Department or any authorized agent thereof.
- (E) Town – The term "Town" means the Town of Leicester.
- (F) Alarm Administrator – The term "Alarm Administrator" means the Chief of Police of the Town of Leicester or his/her designated representative.
- (G) Town Administrator – The term "Town Administrator" means the Town Administrator of Leicester or his/her designated representative.
- (H) Board of Selectmen – The term "Board of Selectmen" means the Selectmen of the Town of Leicester.
- (I) Alarm User – The term "Alarm User" means: Any person on whose premises an alarm system is maintained within the Town. The owner of any premises on which an alarm device is used, provided that an occupant that expressly accepts responsibility for an alarm device by registration pursuant to: Section 3 (Registration Requirements) of this bylaw shall be deemed the alarm user.
- (J) False Alarm – The term "False Alarm" means: (a) the activation of an alarm system or device through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his/her employees or agents; (b) any signal or oral communication transmitted to

the Leicester Police Department requesting, or requiring, or resulting in a response on the part of the police department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises; (c) any signal or oral communication transmitted to the Leicester Fire or Police Department requesting, or requiring, or resulting in a response on the part of the fire department when in fact there has been no fire, or potential hazardous or life threatening situation or circumstance at a premises. Excluded from the definition is activation of alarm systems caused solely by a criminal offense, a fire, or other emergency, power outages or extreme weather conditions.

- (K) Alarm System – The term "Alarm System" means: An assembly of equipment and devices or a single device which when activated calls for a response by police or fire personnel: (a) transmits a signal to the Leicester Police or Fire Departments; (b) transmits a signal to a person who relays information to the Leicester Police or Fire Departments; or (c) produces an audible or visible signal to which police or fire personnel are expected to respond.

### **Section 3. Registration Requirements**

- (A) No alarm user shall operate, or cause to be operated, an alarm System without a valid registration issued in accordance with this by-law. A separate registration is required for each alarm site. There may be a one-time registration fee set by the licensing authority. The registration form format shall be determined by the Chiefs of the Police and Fire Departments and made available at Police and Fire Stations. Failure to comply with this section (3A) shall result in a \$100.00 fine.
- (B) There is a \$50.00 inspection fee for commercial fire alarms.

### **Section 4. Alarm System Operation and Maintenance**

- (A) The alarm user shall maintain the alarm site and alarm system in a manner that will minimize or eliminate false alarm dispatches.
- (B) The alarm user shall make every reasonable effort to respond or cause a representative to respond within twenty (20) minutes, when notified to deactivate a malfunctioning alarm system or to provide access to the alarm site.
- (C) Alarm Reset - The alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than 15 minutes after being activated. Fire alarms must be reset manually by a responsible party.
- (D) The alarm business performing monitoring services shall attempt to verify every alarm signal, except for duress, hold-up alarm activation, or a fire alarm before requesting a police, fire or EMS response before requesting a police response to an alarm signal. In the case of a duress, hold-up or fire alarm the Leicester Police Department's Communications center shall be notified immediately (first call).
- (E) An alarm system does not include an alarm installed in a vehicle or an alarm designed to alert only the inhabitants of a premise that does not have a sound device which can be heard on the exterior of the alarm site.
- (F) Automatic Dialers to the Police or Fire Departments are prohibited. Any alarm system currently using an automatic must discontinue automatic dialer service by July 1, 2008.

Failure to comply with this section (4F) shall result in a \$100.00 fine.

- (G) The Police or Fire Departments shall not serve as alarm monitors.
- (H) All new commercial fire alarms systems shall include a key lock box system meeting Leicester Fire Department specifications. All current commercial fire alarms systems shall install a key lock box system meeting Leicester Fire Department specifications by July 1, 2009.

### **Section 5. Determination of False Alarms**

- (A) The Police Chief, Fire Chief or their designee shall determine if alarm activation is false. Their determination shall serve as the basis for the issuing of a false alarm violation.

Section 6. Fines

- (A) Effective July 1, 2007 an alarm user shall be subject to warnings and fines depending on the number and/or type of false alarms emitted from the alarm system within a ~~twelve-month period~~ a **calendar year** based on the following Schedule.

**False Burglar Alarms Fines  
(Commercial & Residential)**

<u>Number of False Alarm Dispatches</u>	<u>Action Taken</u>	<u>Fine</u>
1	Warning	None
2	Warning	None
3	3 <sup>rd</sup> Offense	\$50.00
4	4 <sup>th</sup> Offense	\$75.00
5	5 <sup>th</sup> Offense	\$100.00
6	6 <sup>th</sup> & subsequent offense	\$200.00
Failure to Register an Alarm		\$100.00
Prohibited Use of an Auto Dialer		\$100.00

**False Fire Alarm Fines  
(Residential)  
3 Residential Units or Less**

<u>Number of False Alarm Dispatches</u>	<u>Action Taken</u>	<u>Fine</u>
1	Warning	None
2	Warning	None
3	3 <sup>rd</sup> Offense	\$50.00
4	4 <sup>th</sup> Offense	\$75.00
5	5 <sup>th</sup> & subsequent Offense	\$100.00
Failure to Register an Alarm		\$100.00
Prohibited Use of an Auto Dialer		\$100.00

**False Fire Alarm Fines  
(Commercial)  
4 or more Residential Units, Group Housing, Commercial and Industrial Establishments**

<u>Number of False Alarm Dispatches</u>	<u>Action Taken</u>	<u>Fine</u>
1	Warning	None
2	2 <sup>nd</sup> Offense	\$100.00
3	3 <sup>rd</sup> Offense	\$200.00
4	4 <sup>th</sup> Offense	\$400.00
5	5 <sup>th</sup> & Subsequent Offense	\$500.00
Failure to Register an Alarm		\$100.00
Prohibited Use of an Auto Dialer		\$100.00

- (B) Non Registered Alarms - Any persons operating an alarm system without a registration issued in accordance with this by-law shall be subject to an additional fine of \$100.00 for each false alarm dispatch.
- (C) An alarm dispatch request caused by a criminal offense, a fire or other emergency, or an alarm resulting solely from power outages or extreme weather conditions shall not be counted as a false alarm dispatch. The Police Chief, Fire Chief or their designee shall be responsible for making this determination.

- (D) All fines and fees resulting from the enforcement of the provisions of this by-law shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Leicester and should be forwarded to the Police Department, 90 South Main Street, Leicester, MA 01524.
- (E) State and municipal entities shall be exempt from the provisions of this by-law.
- (F) All fines shall be paid within 21 days of receipt of a non-criminal violation notice.

#### **Section 7. General Provisions**

- (A) Except as otherwise required by law, the information furnished and secured pursuant to this by-law shall be confidential in character and shall not be subject to public inspection.
- (B) The alarm user may appeal the decision of the alarm administrator to the Town Administrator or designee by filing a written request for a review within ten (10) days after receipt of a non-criminal violation notice. The Town Administrator or designee shall conduct a hearing and render a written decision within 30 days. The decision of the administrator or designee shall be final.
- (C) The Chief of Police, Fire Chief or his designee shall serve as the alarm administrator to: administer, control and review alarm applications, registrations and alarm dispatch requests, develop a procedure to accept verified cancellation of alarm dispatch requests, promulgate such regulations as may be necessary or required to implement this by-law.

#### **Section 8. Applicability**

This by-law shall be subject to the provisions of M.G.L. Chapter 40 section 21D for non-criminal enforcement.

#### **Section 9. Limitation of Liability**

Notwithstanding the provisions of this By-law, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm system or of alarm monitoring facilities. No Liability whatsoever is assumed for the failure of such alarm devices for monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents, and employees from liability in connection with the alarm user's alarm device.

#### **Section 10. Separability**

If any clause, sentence, paragraph, or part of this local bylaw or the application thereof to any person or circumstance shall for any reason be adjudged by a Court to be invalid, such judgment shall not affect, impair or invalidate the remainder and the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the intent of the Town of Leicester that this enactment would have been adopted had such invalid provision not been included therein.

VOTED UNANIMOUSLY

**LEICESTER POLICE & FIRE  
ALARM REGISTRATION FORM**

**REGISTRATION:** \_\_\_\_\_  
Name (Person or Firm) Telephone No.

**ALARMED PREMISES:** \_\_\_\_\_  
Street Address, Town, Zip

**ALARM MONITORING COMPANY:** \_\_\_\_\_  
Company Name Telephone No.

**TYPE OF PREMISES:**

- ☐ Commercial  
☐ Residential

**CONDITION REPORTED BY ALARM**

- ☐ Burglary  
☐ Hold Up  
☐ Fire

**TYPE OF ALARM SYSTEM:**

- ☐ Monitored Off-Site ☐ Yes  
☐ Audible  
☐ Both

**SOUNDS OUTSIDE PREMISES:**

- ☐ No

**CONTACT PERSON(S) IN CASE OF AN ALARM:**

1. \_\_\_\_\_  
Name Phone / Cell / Pager
2. \_\_\_\_\_  
Name Phone / Cell / Pager
3. \_\_\_\_\_  
Name Phone / Cell / Pager

**MAILING / BILLING ADDRESS:**

This must be completed if mailing/billing address is different from registration address.

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ P.O. Box: \_\_\_\_\_

Town, State, Zip: \_\_\_\_\_

**PLEASE FORWARD THIS COMPLETED ALARM REGISTRATION FORM ALONG WITH YOUR \$25.00 ALARM REGISTRATION FEE (CHECK OR MONEY ORDER MADE PAYABLE TO THE 'TOWN OF LEICESTER' AND MAIL / DROP OFF TO THE LEICESTER POLICE DEPARTMENT, 90 SOUTH MAIN STREET, LEICESTER, MA 01524.**

Article 10. Douglas Belanger moved that the Town vote to add a new section to the General Bylaws entitled "Sex Offender Residency Bylaw", per document in the hands of the voters.

#### **PREAMBLE, FINDINGS, INTENT**

**A.** It is the intent of this by-law to serve and protect the Town's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Town by creating areas around locations where children, the elderly, and the mentally impaired regularly congregate in concentrated numbers wherein certain registered sex offenders are prohibited from loitering and establishing temporary or permanent residence.

**B.** After careful consideration, the Town finds that this by-law is the most narrowly-tailored means of limiting, to the fullest extent possible, the opportunity for registered sex offenders to approach or otherwise come in contact with children, the elderly, and the mentally impaired in places where children and the elderly would naturally congregate, and that the protection of the health and safety of our children, the elderly, and the mentally impaired is a compelling governmental interest.

**C.** By the enactment of this or any other by-law, the Town understands that it cannot remove the threat posed to or guarantee the safety of children, the elderly, and the mentally impaired, or assure the public that registered sex offenders will comply with the mandates of this law. This By-Law is intended to create a regulatory scheme in order to protect children, the elderly, and the mentally impaired to the extent possible under the circumstances. Nothing contained herein shall constitute a specific assurance of safety or assistance.

**D.** The Town finds that registered sex offenders pose a clear threat to the children, the elderly, and the mentally impaired residing in or visiting in Leicester. Because registered sex offenders are more likely than any other type of offenders to re-offend for another sexual offense, the Town desires to impose safety precautions in furtherance of the goal of protecting the children, the elderly, and the mentally impaired in the Town of Leicester. The purpose of this by-law is to reduce the potential risk of harm to the children, the elderly, and the mentally impaired of the community by restricting the ability of registered sexual offenders to be in contact with those persons in locations that are primarily designed for use by or are primarily used by children, the elderly, and/or the mentally impaired, namely, the grounds of a public or private school for children, a pre-school, a day care facility, parks or other public recreational facilities, facilities for the elderly, facilities for the mentally impaired, or public libraries.

#### **Section 1. Definitions**

1. "Public Library" means the structure in which the Leicester Public Library is located.
2. "Park" means public land designated for active or passive recreational or athletic use by the Town of Leicester, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Leicester.
3. "School" means any public or private education facility that provides services to children in grades pre-kindergarten — 12.
4. "Day care center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
5. "Elderly or Age Restricted housing" means a building or buildings on the same lot containing two or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.
6. "Place of worship" means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of, any religious organization.
7. "Senior Center" means the Town owned center commonly used to provide activities and services to individuals fifty-five years of age or older.
8. "Sex offender," as defined in G.L. c. 6, § 178C, means a person who resides, works or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A, §14, as in force at the time of adjudication, or a person released

from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.

9. "Sex offender registry" means the collected information and data that is received by the criminal history systems board pursuant to G.L. c. 6, §§ 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.

10. "Permanent residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.

11. "Establishing a residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

12. "Loitering" means to remain for more than fifteen (15) minutes within a five hundred (500) foot distance of the location in question.

## **Section 2. Sexual Offender Residence Prohibition; Penalties;**

1. It is unlawful for any sex offender who is so long as classified as a level 2 or level 3 sex offender, pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within one thousand five hundred (1,500) feet of the Town Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center or place of worship within the Town of Leicester.

2. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of the Public Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center or place of worship.

- a. A list and/or map depicting zones where a sex offender shall be created and maintained by the Town in coordination with the Police Department, which shall be reviewed annually or as the need arises for changes. Said list and/or map as well as a copy of this section shall be available to the public at the offices of the Town of Leicester Police Department and the Town Clerk and will also be posted on the Town of Leicester's official website. In the event that the list, map or the words of this bylaw shall conflict, then the words of this bylaw shall control.

3. Notice to move. Any classified registered level 2 or 3 sex offender who establishes a permanent residence within one thousand five hundred (1,500) feet of the Town Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center, or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within one thousand five hundred (1,500) feet of the Public Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within one thousand five hundred (1,500) feet of the Public Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center or place of worship. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Leicester to another that is within one thousand five hundred (1,500) feet of the Public Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center or place of worship.

4. Loitering. A registered sex offender, after having received notice from the Leicester Police Department that he/she is loitering by having remained for more than fifteen (15) minutes within five hundred (500) feet of a Town Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center, or place of worship, is prohibited from continuing to so loiter. For purposes of determining the minimum distance separation under this section, the distance shall be measured by following a straight line from the registered sex offender to the outer property line of the Town Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center, or place of worship.

5. (A) Notice of Residency : Notice: The Chief of Police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this section (which notice shall contain a copy of the bylaw) to all persons who are listed on the sex offender registry as of the effective date of this section and who were given a Level 2 or Level 3 designation, as well as those persons who are added to the sex offender registry at such levels thereafter, which persons' addresses (as shown on the sex offender registry) are within the Town of Leicester. Such notice requirement may be satisfied by the mailing such



notice by registered or certified mail, return receipt required to the last known address of such person as listed on the sex offender registry or as otherwise known to the Chief of Police. The failure of any person to receive such actual written notice shall not be a defense to a violation of this section.

5. (B) Opportunity for Hearing: Any registered sex offender as defined herein receiving a 30 day notice to move his or her permanent residence may request a hearing before a local tribunal consisting of the Chief of Police, The Town Administrator and the Chairman of the Board of Selectmen provided that the request for hearing is filed with the office of the Town Administrator within 14 days from receipt of the 30 day notice. Filing of the notice of hearing shall suspend the operation of the 30 days' notice to vacate. The local tribunal shall as soon as reasonably practical and no later than 30 days from the filing of the request for hearing hold such hearings in the offices of the Town of Leicester. The party requesting the hearing may present evidence, present witnesses and testimony all relative to the issue of the application of this bylaw to the registered sex offender. The local tribunal shall promptly render a decision as to whether this bylaw applies to the registered sex offender receiving the 30 day notice hereunder. When the local tribunal issues its finding that the bylaw applies to the registered sex offender appealing this notice, the sex offender shall have 15 days to comply with the notice to remove oneself from the protected area. Additionally, for good cause shown, the local tribunal may extend the time within which the registered sex offender must change his or her permanent residence from 30 days to 180 days.

5. (C ) Penalties. Violations of this bylaw may be enforced through any lawful means in law or in equity by any police officer of the Town of Leicester including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows;

- a. First Offense: Notification to sex offender that he/she has thirty (30) days to move.
- b. Subsequent Offense: Non-criminal fine of \$300.00 and notification to the sex offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal bylaw.

### **Section 3. Exceptions**

1. A person residing within one thousand five hundred (1,500) feet of the Town Library or any school, day care center, park, Elderly or Age Restricted housing, Senior Center or place of worship does not commit a violation of this section if any of the following apply:

- a. The person established the permanent residence and reported and registered the resident pursuant to G.L. c. 6, §§178C to 178P, inclusive, prior to the date of the Town Meeting at which this bylaw was approved.
- b. The person was a minor when he/she committed the offense and was not convicted as an adult.
- c. The person is a minor.
- d. The Public Library or school, day care center, park Elderly or Age Restricted housing, Senior Center or place of worship within one thousand five hundred (1,500) feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to G.L. c. 6, §§178C to 178P, inclusive.
- e. The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123.
- f. The person is an incapacitated person under guardianship pursuant to G.L. ch. 190B Article V, Section 5 and is residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day.
- g. The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or other facility.
- h. The prohibitions defined in this bylaw shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to vote in any federal, state or municipal election, conducting town and/or police business or from attending any religious service.

**SEVERABILITY:** the invalidity of any section of this bylaw shall not affect the validity of any remaining section or paragraph which shall be deemed to be in full force and effect until vacated by a court of competent jurisdiction. VOTED BY A SIGNIFICANT MAJORITY

Article 11. Matthew Dennison moved that the town accept the provisions of Massachusetts General Laws Ch.71, section 71F relating to monies received by the school committee as tuition payments for

nonresident students and as state reimbursements for students who are foster care children.  
VOTED UNANIMOUSLY

Article 12. Douglas Belanger moved that the Town vote to establish a revolving account entitled Parks and Recreation Revolving Account pursuant to Massachusetts General Laws Chapter 44, Section 53E½, to be expended by the Parks & Recreation Committee for the purposes of receiving fees charged for recreation programs and to expend the same for the operation of recreation programs and maintenance and upkeep of fields and facilities, with a spending limit of \$20,000 FY15. VOTED UNANIMOUSLY

Article 13. Thomas E. Buckley III moved that the Town vote to authorize the Board of Selectmen to seek lower electricity rates for Town residents and businesses in a competitive market through any municipal electric aggregation plan. VOTED UNANIMOUSLY

Thomas E. Buckley III moved that the town vote to adjourn the Special Town Meeting at 8:31pm with 150 voters present. VOTED UNANIMOUSLY