Town of Webster

Town Meeting Guide

October 19, 2020

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Town Meeting Information

Thank you for taking an interest in the Town of Webster's Town Meeting. Town Meeting is part of a great tradition of democracy which has been taking place in Webster ever since it's townspeople came together to found Webster in 1832. Town Meeting is the legislative body of the Town, acting much like our legislative counterparts at the State and Federal level, to fund a budget and to establish bylaws. One important difference is that in Webster's Open Town Meeting form of government, every registered voter of the Town is a Legislator and has the opportunity to participate in, and vote on, every issue.

Procedures

Webster's Town Meeting is governed by State law, the Town's Bylaws, tradition, and the book "Town Meeting Time: A Handbook of Parliamentary Law". Voters don't need to read these documents in order to participate in Town Meeting as your elected Town Moderator is there to guide the Town through the meeting while adhering to all applicable rules and regulations. Always remember that if you are not clear on the issue being voted on or the topic being discussed, you can always step up to the nearest microphone and ask questions.

At the front of the room, standing at a podium, you will find:

- The Town Administrator: Webster's Chief Administrative and Financial Officer

Sitting at tables, also at the front of the room, are the following Boards/Committees (from left to right):

- The Board of Selectmen: The Governing Body of the Town
- The School Committee: Recommends the School Department Budget
- The Finance Committee: Makes recommendations on all articles involving Town finances

The people on the stage are (from left to right):

- Town Counsel: the Town's attorney
- The Moderator: Elected to preside over Town Meeting
- The Town Clerk: Officially records the votes taken at Town Meeting

Town Meeting Warrant

The Board of Selectmen post a Warrant before the Town Meeting. The Warrant lists the agenda for what topics will be discussed and voted on at the Town Meeting. Each item on the agenda is called an "Article". An Article may be specific or broad. The booklet distributed at the Town Meeting includes both the Warrant that was posted by the Board of Selectmen as well as the Motions expected to be presented following the reading of each Article. Keep in mind that these may change.

Motions

While a Warrant Article generally describes what topics will be discussed, a Motion is a statement of a

specific action that is proposed to be taken. For example, a Motion to appropriate (designate) funds would specify the dollar amount, the source of the funds, and what purpose the funds are for. The Motions that are expected to be presented are printed in this booklet, but the actual Motion that ends up being presented may differ. It's important to realize the difference between the Warrant Article and the Motion: the Warrant Article is the agenda item describing the subject matter to be voted on, and the Motion outlines the specific action to be voted on.

Amendments to Motions

A Motion may also be made to amend the original Motion, in which case that amendment will be discussed and voted on before the original Motion. If the amendment passes, then discussion will return to the original Motion as amended. If the amendment is defeated, then discussion will return to the original Motion.

Motions to Pass Over

A Motion to "Pass Over" is a proposal to take no action on the Warrant Article at the Town Meeting. The Town's practice has been to either make a "Motion to Pass Over" or a "Motion to Pass Over for More Information". The Town of Webster's General Bylaw, 253-14, prohibits an Article that received a favorable vote on a "Motion to Pass Over" from being re-considered prior to the next Annual Town Meeting. If the Motion to Pass Over is approved, then no action will be taken and the Town Meeting will move on to the next Article. If the motion is defeated, then the Town Meeting would ask for a Motion to take action as it relates to the Article being discussed.

Discussion

After a Motion is presented, the topic of the Article is then open for discussion, questions, and debate by everyone participating in the Town Meeting. In order to for this to take place, registered voters may line up behind microphones stationed in each aisle if they have questions or would like to make comments. When recognized by the Moderator, the individual clearly states their name and address so that others in attendance know who is speaking. All comments should focus on the specific topic of the Article being discussed and not address a particular person or group other than the Moderator. Pursuant to rules accepted by Town Meeting (Annual Town Meeting: October, 2015), speakers are limited to 7 individuals in favor of the Article and 7 individuals against the article. Each speaker's time limit is 2 minutes. The Sponsor of the Article will be allowed 5 minutes to speak and their presentation does not count toward the 7 speaker limit. Town Meeting can extend a speaker's time for an additional 2 minutes by taking a 2/3 majority vote.

Ending the Discussion

If a voter has heard sufficient discussion and wants to end further debate, they can make a Motion to end the debate which is often referred to as "moving the question". A voter cannot both comment on an Article and then "move the question" during the same turn at the microphone: he/she can only do one or the other. A motion to "move the question" is not debatable and requires a 2/3 majority vote in order to pass. If the motion to "move the question" passes, then further debate on the Article ends and Town Meeting will vote on the Motion. If the Motion to "move the question" is defeated, then the debate of the Motion continues.

Reconsideration

If substantial new information becomes available that could alter the outcome of a vote after it has already been taken, a voter can make a "Motion to Reconsider" that earlier vote. The Moderator will not entertain a "Motion to Reconsider" on the basis of having different voters present in the room or because some voters are unhappy with the outcome of the original vote. If the "Motion to Reconsider" is accepted by the Moderator, it will be discussed by the Town Meeting. If the majority of the Town Meeting vote in favor of Reconsideration, then the original Motion that was previously voted upon will again be read to the voters. A "Motion to Reconsider" can only be made by an individual who earlier voted on the prevailing side. The Town of Webster General Bylaw 253-13 requires a 2/3 majority vote in order to Reconsider.

Voting

Rather than a voice vote or raising hands, each voter will be assigned an electronic voting device when they register at the door. Voters simply need to press a designated button, as instructed by the Moderator, for their vote to be recorded. Not only will this system be more accurate, but it also allows each vote to remain confidential. Additionally, the use of the electronic voting system will eliminate the need for any ballot votes, thus potentially reducing the length of Town Meeting. The electronic voting system will be tested prior to the Town Meeting to ensure that all votes will be accurate.

ANNUAL TOWN MEETING

ARTICLE 1. GENERAL FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Town Administrator Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to transfer from the following funds $1,100.85 to the Town Administrator Unpaid Bills account (0112352-579000) for the purpose of funding the payment of prior years' unpaid invoices.

Amount	Vendor	Account #	Account Description
714.87	Civic Plus	0115552-530000	IT Professional Services
170.93	Konica Minolta	0115552-530000	IT Professional Services
82.05	WB Mason	0115552-530000	IT Professional Services
133.00	GateHouse New England	0115552-530000	IT Professional Services
$1,100.85			

Background: A 9/10ths vote is required. Most of these bills were not received timely (a problem exacerbated by the pandemic), but the services were performed in the prior fiscal year.

ARTICLE 2. SEWER ENTERPRISE FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Sewer Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to transfer from the following funds $4,473.66to the Sewer Unpaid Bills (6045052-579000) account for the purpose of funding the payment of prior years' unpaid invoices.

Amount	Vendor	Account #	Account Description
890.00	Microbac	6046052-553010	Sewer Chemical Supplies
44.10	Stonebridge Press	6046052-553010	Sewer Chemical Supplies
3,539.56	Carmeuse Americas	6046052-553010	Sewer Chemical Supplies

$4,473.66

Background: A 9/10ths vote is required. Most of these bills came in well past the end of the fiscal year, but the services were performed in the prior fiscal year.

ARTICLE 3. WATER ENTERPRISE FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Water Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends passing over this article.

Recommended Motion: I move that the Town vote to pass over this article.

Background: There are no prior year bills for the Water Department.

ARTICLE 4. ADJUST THE FY21 OPERATING BUDGET

To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, sums sufficient to adjust the FY21 Operating Budget; or take any action thereon.

Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to appropriate an additional $304,850 to fund the following:

Amount	Account #	Account Description
50,000.00	01300-533002-3300	School transportation
50,000.00	0191451-517003	Health insurance
92,500.00	0191951-519030	Other Post Employment Benefit (OPEB)
77,350.00	0194552-574001	General liability insurance
35,000.00	0199059-596200	Economic development
TOTAL: $304,850		

Background: The final FY21 State Budget included more state aid revenue than our worst case projections. We are able to add some items back into our FY21 budget that we had eliminated due to the budget uncertainties due to the coronavirus. The table below briefly explains each of the accounts that will be receiving additional funding.

Budget Explanations

School transportation	Additional funds appropriated due to reduced capacity on buses from social distancing requirements.
Health insurance	This is a major portion of the Town's budget these additional funds will ensure that the budget line item is not exceeded.
OPEB	Per town policy, we appropriate $100,000 with a 2.5% annual increase to fund retiree's health care costs. This was eliminated due to budgetary uncertainty, but can now be added back into the budget.
General liability insurance	This line item increased significantly due to high worker's compensation claims.
Economic development	This is another line that was eliminated due to uncertainty, but is now added back into the budget. These funds will go towards attracting new businesses to town.

ARTICLE 5. PROHIBITION OF ENGINE COMPRESSION BRAKES

To see if the Town will vote to amend Town By-law Chapter 599 Vehicles and Traffic by adding section 599-5 Compression Brakes as follows:

Except in the case of an emergency and where required by G.L. c.90, §7 or any other applicable law, it is unlawful for the driver of any vehicle on a public way to use or operate, or cause to be used or operated, within the Town limits of the Town of Webster, any compression brake, engine brake, dynamic brake or mechanical exhaust devise designed to assist in the deceleration or braking of any motor vehicle. Violations shall be punishable by a fine of one hundred dollars ($100.00) for the first offense and three hundred dollars ($300.00) for the second and subsequent offenses.

Or take any action thereon.

Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as presented.

Background: We have many large vehicles that travel through Town. They often use engine or compression brakes to slow their vehicles. However, these types of brakes are often very loud and disturbing to neighbors. Additionally, large vehicles would need to travel slower if they had to rely only on their tire brakes.

ARTICLE 6. MARIJUANA RETAILERS LICENSED ~ GENERAL BYLAW

To see if the Town will vote to amend Part II, Regulatory Bylaws, Chapter 445 – Marijuana of the Town of Webster General Bylaws by deleting the text shown with a ~~strikethrough~~, and inserting the text shown in *italics* as follows; or take any action thereon:

Chapter 445 – Marijuana

§ 445-1. Marijuana Retailers Limitation.
The number of Marijuana Retail Licenses issued in the Town of Webster shall be limited to *three with the third retail license being restricted to only allow for delivery sales and that no in-person retail sales would be allowed pertaining to the third license.* ~~twenty (20%) percent of licenses issued in the Town of Webster for retail sale of alcoholic beverages not to be drunk on the premises where sold, which shall be calculated by rounding up to the next whole number.~~
Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as presented.

Background: Previously the Town approved two licenses for the retail sale of marijuana and designated two overlay districts in which these would be authorized—the former Webster Plaza (former Kmart area) and on Town Forrest Road. We are now requesting a third license that would only be available for a marijuana delivery service. There is a company interested in moving into the Webster Plaza that would make at-home deliveries. They would only store one day's worth of product on site. There would be some delivery vehicles and an office, but no on-site sales would be permitted. This is a very low-impact business that would create significant tax and other revenues for the Town. The Town of Webster recently received a grant to pay the full cost for seven full-time firefighters for three years. The taxes and other revenue generated from this marijuana delivery business is one of the options we have to pay for the increased fire department expenses once the grant expires.

ARTICLE 7. LEASE OF TOWN-OWNED PROPERTY AT 0 RAY STREET
To see if the Town will vote to allow the Board of Selectmen to (a) negotiate a lease agreement for the tennis courts located at 0 Ray Street, Webster, MA currently designated as Tax Parcel Number 27_G_16_2, which lease agreement will provide for lessee to renovate and improve court surfaces for the playing of Futsol; and (b) authorize the Board of Selectmen to execute the lease agreement, and any documents relating thereto; or take any action thereon.
Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as presented.

Background: A local not-for-profit organization is interested in leasing the tennis courts located at the Ray Street ball fields for use as a futsol court (a hard surface, smaller version of soccer). They would like to refurbish and resurface the courts and spend a significant amount of money in doing so. Similar to other sports organizations, they are looking for priority scheduling for investing money into and maintaining the courts. When not in use by their organization, the courts would be available for the public. This article would allow the Board of Selectmen to enter into a long-term lease with the organization.

The courts are currently not in a useable condition. This is a win-win situation in which a local not-for-profit can bring life and vitality back into the courts, provide additional recreational opportunities and improve a town asset. There are tennis courts at the high school for public use and a new pickle ball court is being constructed at Memorial Beach next spring.

ARTICLE 8. TRANSFER FUNDS TO PURCHASE A WATER DEPARTMENT PICKUP

To see if the Town will vote to transfer $65,000 from Fund 6325 *Water Filtration Plant* to fund the purchase of a pickup truck for the Water Department, including all costs incidental and related thereto; or take any action thereon.

Sponsored by the Water and Sewer Commission

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as presented.

Background: Approximately $350,000 remains from the construction budget of the Water Filtration Plant. The Water Department is looking to purchase a replacement pickup truck with a portion of those remaining funds. The new vehicle would be replacing a 2001 Ford F350 with 133,000 miles.

ARTICLE 9. BORROW FUNDS FOR WATER DISTRIBUTION INFRASTRUCTURE

To see if the Town will vote to borrow a certain sum of money and authorize the Treasurer, with the approval of the Selectmen, per M.G.L. Chapter 44, Section 7 and/or any enabling authority, to borrow the sum for the purpose of improving water distribution infrastructure, including, without limitation all costs incidental or related thereto and issue bonds and notes therefor; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any action thereon.

Sponsored by the Water and Sewer Commission

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to vote to borrow $2,280,000 and authorize the Treasurer, with the approval of the Selectmen, per M.G.L. Chapter 44, Section 7 and/or any enabling authority, to borrow the sum for the purpose of improving water distribution infrastructure, including, without limitation all costs incidental or related thereto and issue bonds and notes therefor; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Background: As part of the Water Department's long-term water main replacement plan, the department will be replacing the water mains on Lincoln, Whitcomb and Nelson Streets. The ongoing replacement of water mains has been incorporated into the water rate structure. The department will continue to replace water mains and anticipates roughly $2 million in project costs every other year.

ARTICLE 10. BORROW FUNDS FOR TOWN HALL ROOF IMPROVEMENTS

To see if the Town will vote to borrow a certain sum of money and authorize the Treasurer, with the approval of the Selectmen, per M.G.L. Chapter 44, Section 7 and/or any enabling authority, to borrow the sum for the purpose of making improvements to the town hall roof and clock tower, including, without limitation all costs incidental or related thereto and issue bonds and notes therefor; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any action thereon.

Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to vote to borrow $650,000 and authorize the Treasurer, with the approval of the Selectmen, per M.G.L. Chapter 44, Section 7 and/or any enabling authority, to borrow the sum for the purpose of making improvements to the town hall roof and clock tower, including, without limitation all costs incidental or related thereto and issue bonds and notes therefor; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any action thereon.

Background: Last year, the Town received a grant to evaluate the Town Hall physical structure. The analysis recommended restoring the clock tower cupola and making repairs to the roof parapet to eliminate water entering into the building. The estimated costs of these repairs is $700,000. The Town applied for and received $55,000 to offset these repair costs.

A few years ago, the Town began leasing the old landfill on Cudworth Road. The lease revenue received (approximately $68,000 annually) was designated at town meeting for Town Hall improvements. The plan is to use these funds to pay for the debt service for this project, thus not putting any additional strain on the operating budget.

ARTICLE 11: TAX INCREMENT FINANCING AGREEMENT GOYA FOODS

To see if the Town will vote pursuant to G.L. c. 40, §59 and G.L. c. 23A, §§3E and 3F and applicable regulations thereunder, to: (a) allow the Board of Selectmen to negotiate a Tax Increment Financing ("TIF") Agreement between Goya Foods Inc. and the Town of Webster for improvements to the property located at 9 Cudworth Road, Webster, MA currently designated as Tax Parcel Number 96_A_2_2, which TIF Agreement will provide for real estate tax exemptions over a ten year period at the exemption rate schedule set forth therein; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto; and (c) authorize the Board of Selectmen to approve submission of the TIF Agreement, any Economic Development Incentive Program (EDIP) "Local Incentive-Only" Application, and any associated documents to the Massachusetts Economic Assistance Coordinating Council (EACC), all relating to the project as described in the TIF Agreement to be located at 9 Cudworth Road, and to take such other and further action as may be necessary or appropriate to obtain EACC approval, implement these documents and carry out the purposes of this article; or take any action thereon.

Sponsored by the Board of Selectmen

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote pursuant to G.L. c. 40, §59 and G.L. c. 23A, §§3E and 3F and applicable regulations thereunder, to: (a) allow the Board of Selectmen to negotiate a Tax Increment Financing ("TIF") Agreement between Goya Foods Inc. and the Town of Webster for improvements to the property located at 9 Goya Drive, Webster, MA currently designated as Tax Parcel Number 96_A_2_2, which TIF Agreement will provide for real estate tax exemptions for up to a ten year period at the exemption rate schedule set forth therein; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto; and (c) authorize the Board of Selectmen to approve submission of the TIF Agreement, any Economic Development Incentive Program (EDIP) "Local Incentive-Only" Application, and any associated documents to the Massachusetts Economic Assistance Coordinating Council (EACC), all relating to the project as described in the TIF Agreement to be located at 9 Goya Drive, and to take such other and further action as may be necessary or appropriate to obtain EACC approval, implement these documents and carry out the purposes of this article.

Background: Goya currently owns and occupies approximately 205,000 square feet of warehouse space in Webster and is considering investing an additional $5,000,000 in the construction of approximately 120,000 square feet of additional space. Goya's investment would assist in retaining 120 workers and potentially create an additional 20 new jobs. Goya has requested a Tax Increment Financing (TIF) Agreement to move forward with the development. A TIF is an exemption from property taxation on all or part of the increased value of real estate as a result of the new investment or development. Goya's original request would have provided a 100% exemption for the first year with the exemption percentage decreasing 10% each year for ten years until there is no exemption and the property is taxed at full value. Approving this article would allow the Board of Selectmen to negotiate and enter into the TIF agreement. When obtaining a TIF, Goya certifies to the State that without this incentive the development would not be moving forward.

ARTICLE 12. AMEND TEMPORARY REPAIRS OF PRIVATE WAYS BY-LAW

To see if the Town will vote to amend section 573.3.1, first para., of the Temporary Repairs of Private Ways by-law as follows (deletions strikethrough, additions bolded italics); or take any action thereon:

Section 573.3 - Major Temporary Repairs

573.3.1 The Town may make major temporary repairs on a private way in the Town. Such repairs shall be made only after a petition has been filed in the office of the board of selectmen. Such petition shall identify the repairs to be made and shall be signed by the owners of no less than ~~2/3rds~~ ***50%*** of the primary lineal frontage of said way. Where a property is owned by more than one person or entity, each such person, and where appropriate, each trustee and/or representative, must sign the petition in order for that property's frontage to count towards the frontage percentage.

Submitted by Citizen's Petition

Recommendation: No recommendation is given.

Recommended Motion: For purposes of discussion, I move that the Town vote to approve the Article as presented.

Background: The Town has a bylaw that allows abutters of a private way to make improvements (i.e. pave) the private way through an assessed betterment on all of the abutters. This article would decrease the percentage of abutting property owners needed to solicit and make the major temporary repairs on private ways through a betterment.

ARTICLE 13. AMEND THE WETLANDS PROTECTION BY-LAW

To see if the Town will vote to amend the Town of Webster General By-laws by inserting the following language into Chapter 85-2B or take any action thereon.

Code chapter Subject

Chapter 636 Wetlands Protection 636-3B(3)

A list, with a minimum of three or more outside consultants shall be provided by the commission for the applicant to choose from. Any applicant aggrieved by the imposition of, or size of the consultant fee, or any act related thereto, may appeal to the Board of Selectmen, in accordance with the provisions of the MGL c. 44 § 53G. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of Interest or does not possess the minimum required qualifications. The standard of qualification shall consist of Massachusetts certification or license in the field at issue or references mutually acceptable to the Commission and the applicant, showing expertise and experience in the field at issue. The required time limit for action upon an application by the Commission shall be extended by the duration of the administrative appeal.

Submitted by Citizen's Petition

Recommendation: No recommendation is given by the Finance Committee. The Conservation Commission recommends that the Citizen petition NOT be approved.

Recommended Motion: For purposes of discussion, I move that the Town vote to approve the Article as presented.

Background: The intent of this article appears to be to allow an applicant to choose a third party consultant from a pool of three consultants for review of their application rather than using a single consultant chosen by the Commission. The Conservation Commission recommends that the Citizen petition NOT be approved for the following reasons:

- Other town boards such as the Planning Board have their own consultant which is the only option for applicants.
- The Commission's current consultant (Mr. Fanuef) was chosen because he is qualified. He is certified by the Society of Wetland Scientists and has been practicing for 20 years. He is very knowledgeable about this section of Massachusetts. He is well versed in the nature of wetlands, biodiversity, and the regulations. His price is much cheaper than the major competitors. Since he is from Rhode Island, it is less likely that he will run into Conflict of Interest. The Board has built trust and has a professional relationship with Mr. Fanuef.
- It will contribute to more delay in getting applications through by providing an extra step.
- A benefit of having a dedicated Consultant is that if they receive a large amount of work from the town they are more likely to act on those jobs promptly, saving time for the applicant.