

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEBSTER
ANNUAL TOWN MEETING WARRANT
May 13, 2013**

Worcester, ss

To either of the Constables in the County aforesaid:

In the name of the Commonwealth of Massachusetts you are hereby required and directed to notify and warn the inhabitants of the Town of Webster aforesaid who are qualified to vote in elections and Town affairs to meet in the Bartlett High School Auditorium, 52 Lake Parkway, in said Webster on **Monday, May 13, 2013 at 7:00 PM** then and there to act on the following Articles to wit:

ARTICLE 1: To hear and act upon the report and recommendations of the Board of Selectmen and the Finance Committee.

Sponsored by the Board of Selectmen - Selectmen recommend approval

ARTICLE 2: To see if the Town will vote to fix the compensation of elected officials, provide for a reserve fund, and determine what sum of money the Town will raise and appropriate including appropriations from any available funds to defray the charges and expenses of the Town including debt and interest for the fiscal year beginning July 1, 2013 and ending June 30, 2014; or take any action thereon.

Sponsored by the Board of Selectmen - Selectmen recommend approval

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer from any available funds a sum sufficient to operate the Sewer Enterprise Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014; or take any action thereon.

Sponsored by the Board of Selectmen - Selectmen recommend approval

ARTICLE 4: To see if the Town will vote to raise and appropriate or transfer from any available funds a sum sufficient to operate the Water Enterprise Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014; or take any action thereon.

Sponsored by the Board of Selectmen - Selectmen recommend approval

ARTICLE 5: To see if the Town will vote to authorize the Treasurer, with the consent of the Board of Selectmen, to temporarily borrow a note or notes, or make an interfund advance from available funds in anticipation of revenue from taxation, bonds, or grants, and to repay said sums within the current fiscal cycle; or take any action thereon.

Sponsored by the Board of Selectmen - Selectmen recommend approval

ARTICLE 6:**DEPARTMENTAL REVOLVING FUNDS**

To see if the Town will vote to create and/or continue revolving funds for certain town departments pursuant to the provisions of M.G.L. Chapter 44, Section 53E1/2 for the fiscal year beginning July 1, 2013:

Revolving Fund	Authority to Spend	Revenue Source	Use of Fund	FY2013 Budget
Animal Control	Board of Health/ Health Agent	Program Fees	Program expenses	\$1,000.00
Auditorium Rentals	Town Administrator	Rental Fees	Facility maintenance	\$5,000.00
Graphic Arts	School Committee	Program Fees	Program supplies	\$5,000.00
Recycling	Recycling Commission	Program Fees	Program expenses	\$1,000.00
Police	Chief of Police	Program Fees	Program expenses	\$1,000.00
Board of Health Training	Board of Health/ Health Agent	Program Fees	Program expenses	\$3,000.00
Board of Health Inspections	Board of Health/ Health Agent	Inspection Fees	Outside Consultant	\$5,000.00
Senior Center	Senior Center Director	Program Fees	Program expenses	\$3,000.00
Library	Library Director	Photocopier/Printer Fees	Equipment supplies	\$2,000.00
Board of Health Nuisance Properties	Town Administrator	Program Fees	Program expenses	\$20,000.00

; or take any action thereon.

Sponsored by the Town Accountant - Selectmen recommend approval

ARTICLE 7: To see if the Town will vote to amend Chapter 60. Contracts and Purchasing of the Town of Webster General Bylaws by adding the following § 60-7:

§ 60-7. Duration of Contracts

The Town Administrator and the School Committee are hereby authorized to enter into contracts for goods and services for such period of time as the Town Administrator or the School Committee may determine, which may be longer than three (3) years, but not more than ten (10) years, except as provided by law, or, as may be otherwise approved by majority vote of Town Meeting.

; or take any action thereon.

Sponsored by the Town Accountant and the Assistant to the Superintendent for Business - Selectmen recommend approval

ARTICLE 8: To see if the Town will vote to amend Webster Bylaw Chapter 85, Section two to revise the description of the penalty for violation of Section 313-6 relative to the timing of licensing for dogs, by deleting the words "April 30th" and inserting in place the words "June 30th".

; or take any action thereon.

Sponsored by the Town Clerk - Selectmen recommend approval

ARTICLE 9: To see if the Town will vote to amend By-Law Chapter 494; Sections 1-9, by inserting the underlined language and deleting the strikethrough language, as shown, and further, by inserting new sections 10-12; or take any action thereon.

**Proposed Amendment to By-Law Chapter 494; Section 1-9:
Licenses and Licensing Regulations
for the Town of Webster**

Chapter 494: PAWNBROKERS AND SECONDHAND DEALERS

[HISTORY: Adopted by the Town Meeting 10-18-1993 FATM, Art. 42 (Sec. 140.6 of the General Bylaws). Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting; transient vendors — See Ch. 505.

§ 494-1 License required; fee.

§ 494-2 Permanent business or bond required.

§ 494-3 Records; inspection of premises.

§ 494-4 Restrictions on sales.

§ 494-5 Place of business.

§ 494-6 Incorporation of provisions into license.

§ 494-7 Authorized interest rates for pawnbrokers.

§ 494-8 Items to remain on licensed premises; title lending prohibited.

§ 494-9 Firearms, rifles, shotguns and machine guns.

§ 494-10 Holding period before sale.

§ 494-11 Notification to police regarding possible stolen property.

§ 494-12 Enforcement and penalties.

Explanation:

Amend to incorporate the words "Secondhand dealers", Precious Metal, Stones, and Gems.

[Amended 5-11-2009 ATM, Art. 26]

§ 494-1 No person shall carry on a business of a pawnbroker or keeper of a secondhand shop for the purchase, sale or barter of junk, precious metal, stones, and gems. "old metals," which shall be defined as gold and silver, or secondhand articles unless he is duly licensed thereof by the licensing board, the Board of Selectmen. The annual fee for the license shall be one hundred dollars (\$100).

§ 494-2 Permanent business or bond required.

No person who does not maintain a permanent place of business in the Town of Webster pursuant to § 494-5 of this bylaw shall deal in old metals "defined as gold and silver" unless he has furnished to the Board of Selectmen a bond in such sum as the board may by regulation require, executed by him or a surety company authorized to do business within the Commonwealth or by the applicant and by two good and sufficient sureties approved by the board. Said bond shall be payable to the Town of Webster, for the benefit of any person aggrieved, and shall be conditioned upon the faithful observation by the licensee of all applicable statutes, bylaws and regulations. Any person so aggrieved may bring suit on the bond in his own name; provided, however, that the aggregate liability of the surety to all such persons shall in no event, exceed the sum of such bond. The board may revoke the license of any dealer whenever the bond filed by him ceases to be in full force and effect.

Explanation:

Amend to incorporate language relative to positively identifying the person from whom the articles are being purchased.

Also incorporate language relative to the electronic reporting to the police department. (Section C)

§ 494-3 Records; inspection of premises.

A. Every pawnbroker or keeper of a secondhand shop described in § 494-1 of this bylaw shall keep a book in which shall be written at the time of receiving any article as a pawn, or purchasing any article, a description of the same. A photocopy, or photograph of a drivers license or other government issued photo identification showing the name, address, and date of birth of the person from whom purchased and the day and hour when he received or purchased it. Such book shall at all times be open to the inspection of the Board of Selectmen, the Chief of Police, or any person authorized by them to make such inspection and the members of the police force.

B. The Chief of Police or any officer authorized by him may at any time enter upon any premise used by a licensed pawnbroker, or secondhand shop for the purpose of his business, ascertain how he conducts his business, and examine

all articles taken in pawn or kept or stored in or upon said premises and all books inventories relating thereto. Every pawnbroker, or secondhand shop, his Clerk, agent or other person in charge of the premises shall exhibit to such officer, on demand, any and all such articles, books and inventories.

C. With respect to secondhand articles, precious metals, stones, gems and old metals, one clear copy of each transaction record shall be electronically delivered to the Webster Police Department and / or any law enforcement agency authorized by the Chief of Police no later than 12:00 Noon the following business day.

§ 494-4 Restrictions on sales.

No person licensed under the provision of § 494-1 of this bylaw shall directly or indirectly receive any article in pawn, or purchase any article from any minor or apprentice knowing or having reasonable cause to believe him to be such, nor sell any article purchased or received until at least 30 days from the date of its purchase or receipt have elapsed; provided, however, that said retention period shall be seven days in the case of purchase of old metals (defined as gold and silver), and provided further that the Chief of Police may upon a proper showing of the origin of said old metal, reduce said retention period to four days.

§ 494-5 Place of business.

All licenses granted under § 494-1 of this bylaw shall designate the place where the person licensed may carry on his business, and he shall not engage in or carry on his business in any other place than the one designated.

§ 494-6 Incorporation of provisions into license.

All provisions of this bylaw shall be incorporated into every license which shall be granted under it.

§ 494-7 Authorized interest rates for pawnbrokers.

[Added 5-12-2003 ATM, Art. 3; amended 5-10-2004 ATM, Art. 14]

A. Licensed pawnbrokers may charge an interest rate of two percent (2%) per week.

B. No such pawnbroker shall charge or receive any greater rate of interest and interest shall be determined on the precise sum advanced by the lender. No pawnbroker shall make or receive any extra charge or fee for storage, care of safekeeping of any goods, articles or thing pawned with him (MGL c. 140, § 78).

§ 494-8 Items to remain on licensed premises; title lending prohibited.

[Added 5-12-2003 ATM, Art. 3]

All pawned items must be maintained on the licensed premises. The practice of title lending is expressly prohibited.

§ 494-9 Firearms, rifles, shotguns and machine guns.

[Added 5-12-2003 ATM, Art. 3; amended 5-11-2009 ATM, Art. 26]

No pawnbroker shall loan money secured by deposit or pledge of firearm, rifle, shotgun or machine gun (MGL c. 140, § 131B). No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns, or machine guns.

Amend to incorporate the following new sections:

§ 494-10 Holding Period Before Sale.

- (a) No secondhand article shall be sold, encumbered by sales contract, or otherwise disposed of, or altered in its appearance, within thirty (30) days of purchase by a pawn broker, and no secondhand article shall be sold, encumbered by sales contract, or otherwise disposed of, or altered in its appearance, within ten (10) days of purchase by a secondhand or junk dealer unless the dealer is granted permission, in writing, from the Chief of Police or his designee, but in any case, not within forty-eight (48) hours from the time of purchase. With respect to any secondhand article for which permission is granted by the Chief of Police pursuant to this subparagraph, the person buying or otherwise receiving said article shall complete a transaction record upon a form approved by the Town Administrator which provides the information required pursuant to §494 3-(A) as applicable to a person buying or receiving a secondhand article.
- (b) All items purchased shall remain on the premises during the waiting period; items shall not be placed on the sales floor until the waiting period has expired, unless the item is clearly marked with the corresponding transaction number and the sales release date based on the time frame as specified in subparagraph (a) above.
- (c) The following are exempt from the holding period required of this Section: Auction purchases, estate purchases from an executor or administrator where the purchase is accompanied by written proof of said position.

§ 494-11 Notification to police regarding possible stolen property.

- (a) Secondhand articles, junk and old metal dealers shall immediately notify the Webster Police Department upon receiving an article which is questionable as to its status of being stolen or not, and shall make such article available for identification by an officer of the Police Department.

§ 494-12 Enforcement and Penalties.

The provisions of this section may be enforced by any police officer of the Town of Webster, by any means available including, but not limited to, disposition pursuant to MGL Chapter 40, Sections 21 and 21D.

Each day a violation continues shall be a separate violation/ offense subject to another fine. The enforcement of this bylaw by non-criminal

disposition as described herein shall be added to the list of bylaws so enforced and designated in these bylaws.

- (a) First offense within a 24-month period - \$50.00
- (b) Second offense within a 24-month period - \$100.00
- (c) Third and subsequent offenses within a 24-month period - \$300.00

If any provision of this article is held invalid by any court or body of competent jurisdiction, it shall not affect the validity or application of the remainder of the article.

;or take any action thereon.

Sponsored by the Police Department - Selectmen recommend approval

ARTICLE 10: To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as Chapter 6, Section 172 B 1/2, to create a by-law enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople,
- Manager of Alcoholic Beverage License
- Owner or Operator of Public Conveyance
- Dealer of Second-hand Articles
- Pawn Dealers,
- Hackney Drivers, and,
- Ice Cream Truck Vendors

and to adopt appropriate policies and procedures to effectuate the purposes of this by-law, or take any other action relative thereof.

Criminal History Check Authorization

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople (Licensing Authority; Board of Selectmen)
- Manager of Alcoholic Beverage License (Licensing Authority; Board of Selectmen)
- Owner or Operator of Public Conveyance (Licensing Authority; Board of Selectmen)
- Dealer of Second-hand Articles (Licensing Authority; Board of Selectmen)
- Pawn Dealers (Licensing Authority; Board of Selectmen)
- Hackney Drivers (Licensing Authority; Board of Selectmen)
- Ice Cream Truck Vendors (Licensing Authority; Board of Selectmen)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's

criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

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

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal history will not be disseminated to unauthorized entities.

Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

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

Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

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

Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.

A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town to be expended by the Police Department to help offset costs associated with the administration of the fingerprinting system, subject to Town Meeting appropriation or deposited in a revolving account if and when one is established for that purpose.

Effective Date

This by-law shall take effect upon approval by the Attorney General, so long as the requirements of G.L. c. 40 sec. 32 are satisfied.

; or take any action thereon

Sponsored by the Police Department - Selectmen recommend approval

ARTICLE 11: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the licensing authority to issue an all alcoholic beverages license to Golub Corporation d/b/a Price Chopper Supermarkets as set forth below; provided, however, that the General Court shall be authorized to make editorial changes of form only to said bill unless the Board of Selectmen shall be authorized to approve such changes only insofar as they are within the public purposes of this petition.

The proposed ACT:

AN ACT AUTHORIZING THE TOWN OF WEBSTER TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

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

Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Webster may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises to the Price Chopper Supermarket located at East Village Square Mall, 2 Worcester Road in the town of Webster pursuant to section 15 of said chapter 138.

The licensing authority shall not approve the transfer of the license to any other location but the license may be granted to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with said department and that all applicable taxes have been paid.

If the license granted under this act is 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 and under the same conditions as specified in this act.

Sponsored by Citizen's Petition – Selectmen refer to sponsor

ARTICLE 12: To see if the Town will vote to transfer from the board or officer with custody of the property described below, for the purpose of conveyance pursuant to the provisions of M.G.L. c 30B s. 16, and to authorize the Board of Selectmen to convey, the property located at 0 East Main Street, shown on Assessor's Map 77 Lot 22.1 and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

The property is more fully bounded and described in a deed from Cranston Print Works to the Town of Webster recorded in the Worcester County Registry of Deed Book 5423 page 162 and is described as follows:
BEGINNING at a stake in the southerly side line of the 1957 Chapter "90" layout of the

Gore Road 152.31 feet N 83° 38' 15" E of a Worcester County Highway Bound opposite Station 73 + 53.79;

THENCE N 83° 38' 15" E by said southerly side line of the Gore Road 80 feet to a stake;

THENCE S 6° 21' 45" E a distance of 80 feet to a stake;

THENCE N 89° 14' 15" W 80.62 feet to a stake;

THENCE N 6° 21' 45" W 70 feet to the point of beginning.

Sponsored by Citizen's Petition – Webster Lake Preservation Trust, LLC – Selectmen refer to sponsor

ARTICLE 13: To see if the town will vote to raise and appropriate or transfer from any available funds in the treasury a sum sufficient to purchase printed signs indicating an annual or special town meeting or annual or special election. Said signs will be placed in high traffic areas three (3) weeks before any meeting or election so as to alert and remind the townspeople of their right and obligation to attend said meetings.

The authority to purchase, place and remove said signs will be with the Town Administrator and Selectmen.

Board of Selectmen will submit a request to the MASS DOT to permit said signs on state property for the duration of the notice period. Signs may be placed on private property with the approval of the property owner. All signs must be removed within four (4) days after the meeting or election.

This article is not intended to conflict with or replace any state law or town by law regarding postings of stated meetings or take any other action thereon.

Sponsored by Citizen's Petition – Selectmen refer to sponsor

And you are directed to serve this warrant by publishing attested copies thereof in a newspaper published within the Town of Webster at least seven (7) days preceding the meeting and by posting attested copies thereof with the Town Clerk and filing in the Public Library.

Thereof fail not and make due return of your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands this Twenty-Second Day of April in the year of our Lord Two Thousand and Thirteen.

WEBSTER BOARD OF SELECTMEN

Donald D. Bourque, Chairman

Deborah A. Keefe, Vice Chairman

Jeffrey P. Duggan

Mark G. Dowgiewicz

Robert J. Miller