

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEBSTER
ANNUAL TOWN MEETING WARRANT
October 17, 2016

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, October 17, 2016 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 transfer the sum of \$99.12 from the Town Administrator Employee Training Account and the sum of \$146.36 from the Fire Electricity Account for a total of \$245.48 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 Acting Town Administrator – Selectmen recommend approval

ARTICLE 3: To see if the Town will vote to transfer the sum of \$15,000.00 from the Senior Center Custodian Salary Account to the Recreation Director Salary Account; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval

ARTICLE 4: To see if the Town will vote to transfer the sum of \$5,000.00 from the General Liability Insurance Account to the Data Processing Professional Services Account; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval

ARTICLE 5: To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Wiring Inspector Salary Account; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen refer to Sponsor

ARTICLE 6: To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Plumbing Inspector Salary Account; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen refer to Sponsor

ARTICLE 7: To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Gas Inspector Salary Account; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen refer to Sponsor

ARTICLE 8: To see if the Town will vote to transfer the sum of \$100,000.00 from the Town Administrator Salary Reserve Account as follows:

\$2,129.13 to the Selectmen Executive Secretary Salary Account
\$134.00 to the Finance Committee Secretary Salary Account
\$3,340.80 to the Town Accountant Salary Account
\$493.29 to the Assistant Town Accountant Salary Account
\$438.48 to the Town Accountant Principal Clerk Salary Account
\$2,070.82 to the Chief Assessor Salary Account
\$1,432.82 to the Assistant Chief Assessor Salary Account
\$4,517.31 to the Police Chief Salary Account
\$2,129.13 to the Police Executive Secretary Salary Account
\$69,432.64 to the Police Patrolmen/Sergeants Salary Account
\$13,881.58 to the Police Holiday Pay Account

;or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval

ARTICLE 9: To see if the Town will vote to raise and appropriate the sum of \$25,223.02 as follows:

\$1,423.18 to the Assistant Chief Assessor Salary Account
\$392.91 to the Assessors Senior Clerk Salary Account
\$382.44 to the Assistant Town Treasurer Salary Account
\$2,300.91 to the Town Collector Salary Account
\$456.75 to the Assistant Town Collector Salary Account
\$383.67 to the Town Collector Senior Clerk Salary Account
\$649.16 to the MIS Director Salary Account
\$2,300.91 to the Town Clerk Salary Account
\$475.02 to the Assistant Town Clerk Salary Account
\$114.84 to the Town Office Building Custodian Salary Account
\$250.56 to the Police Custodian Salary Account
\$1,898.03 to the Fire Chief Salary Account
\$1,033.40 to the Deputy Fire Chief Salary Account
\$2,891.08 to the Building Commissioner Salary Account
\$378.98 to the Inspectional Services Senior Clerk Salary Account
\$2,897.14 to the Highway Superintendent Salary Account
\$563.76 to the DPW Administrative Assistant Salary Account
\$2,317.68 to the DPW General Labor Salary Account
\$347.13 to the Senior Center Clerk Salary Account
\$506.58 to the Veterans Services Director Salary Account
\$1,656.35 to the Library Director Salary Account
\$475.02 to the Adult Services Librarian Salary Account
\$456.75 to the Youth Services Librarian Salary Account
\$250.56 to the Library Custodian Salary Account
\$420.21 to the Library Senior Clerk Salary Account

; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval

ARTICLE 10: To see if the Town will vote to transfer the sum of \$23,721.87 from the Water Operations Manager Salary Account as follows:

\$649.15 to the Water MIS Director Salary Account
\$8,012.56 to the Water General Labor Salary Account
\$2,129.13 to the Water Administrative Assistant Salary Account
\$649.15 to the Sewer MIS Director Salary Account
\$2,168.31 to the Sewer Superintendent Salary Account
\$2,687.22 to the Sewer Operations Manager Salary Account
\$2,687.22 to the Sewer Chief of Maintenance Salary Account
\$2,610.00 to the Sewer General Labor Salary Account
\$2,129.13 to the Sewer Administrative Assistant Salary Account

; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval

ARTICLE 11: To see if the Town will vote pursuant to M.G.L. c. 30B, § 16, and c. 40, § 3, to authorize the Board of Selectmen to lease the Town property located at 116 School Street, Webster, for a period not to exceed thirty (30) years and for the specific public purpose of providing educational programs and care for children and families, on such terms and conditions as the Board of Selectmen deems necessary and proper; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval

ARTICLE 12: To see if the Town will vote to accept the provisions of M.G.L. c. 40, § 8J, for the purpose of establishing a Commission on Disability; or take any action thereon.

Sponsored by the ADA Committee – Selectmen recommend approval

ARTICLE 13: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to release from that certain conservation restriction conveyed to the Town and recorded with the Worcester District Registry of Deeds in Book 36251, Page 160, which restriction is currently held in the care, custody and control of the Conservation Commission, a portion of the land now subject to that restriction located at 35 Sunny Avenue and known as Assessors Parcel ID 44-A-5-0, said portion consisting of two parcels of land together having an area of 0.25 acres, more or less, and approximately depicted as "Area To Be Taken Out of Restriction Area, 3368.263 Sq. Ft., 0.08 Acres, Lot A" and "Area To Be Taken Out of Restriction Area, 7578.967 Sq. Ft., 0.17 Acres, Lot B" on that plan entitled: "Preliminary Co[n]servation Site Plan Lot B, Konkel Avenue, Webster, Massachusetts, Applicant(s)/Owner(s) CJP Construction, Inc., Charlton Street, Dudley, MA," dated 5/7/09, prepared by HS&T Group, Inc., a copy of which has been placed on file with the Town Clerk; and, to the extent necessary, for such permission as may be required by the provisions of Article 97 of the Amendments to the Massachusetts Constitution, all as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments:

AN ACT RELATIVE TO A CERTAIN CONSERVATION RESTRICTION IN THE TOWN OF WEBSTER

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

SECTION 1. The town of Webster, acting by and through its board of selectmen and conservation commission, may amend the conservation restriction granted to the town by CJP Construction, Inc. in an instrument recorded with the Worcester registry of deeds in book 36251, page 160 by releasing therefrom two parcels of land together having an area of 0.25 acres, more or less, and approximately depicted as "Area To Be Taken Out of Restriction Area, 3368.263 Sq. Ft., 0.08 Acres, Lot A" and "Area To Be Taken Out of Restriction Area, 7578.967 Sq. Ft., 0.17 Acres, Lot B" on that plan entitled: "Preliminary Co[n]servation Site Plan Lot B, Konkil Avenue, Webster, Massachusetts, Applicant(s)/Owner(s) CJP Construction, Inc., Charlton Street, Dudley, MA," dated 5/7/09, prepared by HS&T Group, Inc.

SECTION 2. As consideration for the amendment to the conservation restriction authorized in section 1, the owner of the land described in section 1 shall grant a conservation restriction to the town of Webster on two parcels of land together having an area of approximately 0.75 acres, more or less, and approximately depicted as "Area To Be Added To The Conservation Restriction Area, 11,341 S.F., .26 Acres" and "Area To Be Added To The Conservation Restriction Area, 21,500 S.F., .49 Acres" on the above-described plan.

SECTION 3. This act shall take effect upon its passage.

And further, to transfer the Town's interest in that portion of 35 Sunny Avenue described above, from the Conservation Commission for the purposes for which is it held, to the Board of Selectmen and the Conservation Commission for the purpose of releasing and conveying such interest, and to authorize the Board of Selectmen and the Conservation Commission to release and convey such interest in land upon such terms and for such consideration as they deem appropriate, which consideration may include the acquisition of a conservation restriction in two parcels of land together having an area of approximately 0.75 acres, more or less, and approximately depicted as "Area To Be Added To The Conservation Restriction Area, 11,341 S.F., .26 Acres" and "Area To Be Added To The Conservation Restriction Area, 21,500 S.F., .49 Acres" on the above-described plan, said lands being a portion of Assessors Parcel ID 40-D-13-46 and Assessors Parcel ID 40-D-13-33, with such restriction to be held in the care, custody and control of the Conservation Commission, and to authorize the Board of Selectmen and the Conservation Commission to acquire such interests in land by purchase, gift, or eminent domain, and to enter into all agreements and execute any and all instruments as may be necessary in the name of the Town to effect the abovesaid disposition and acquisition and to secure the permanent protection of such lands for conservation purposes; or take any action thereon.

Sponsored by the Board of Selectmen – Selectmen recommend approval

ARTICLE 14: To see if Town will vote to accept Dominique Drive as a town road. Starting at Regina Ave. from station 0+00 to station 3+00 going 300 feet in a southerly direction

CITIZEN'S PETITION – Selectmen refer to Sponsor

ARTICLE 15: Chapter 314: Wildlife Feeding (Animals and Waterfowl)

§ 314-1 Purpose

§ 314-2 Definitions

§ 314-3 Prohibited activity

§ 314-4 Exceptions

§ 314-5 Penalties

§ 314-1 Purpose. The intent of this bylaw is to protect the health, safety, and welfare of the community. It has been established that feeding waterfowl and other wild animals increases the potential for damage to public and private land and property. Feeding may elevate the potential for the spread of diseases in people. Feeding of gulls especially endangers water quality and drinking water supplies, according to the Massachusetts Department of Conservation and Recreation, Division of Water Supply Protection. In addition, it is the intent of this bylaw to protect the welfare of wild animals and waterfowl as feeding can interrupt their normal feeding patterns, can cause nutritional problems, threaten their health and promote the spread of diseases.

§ 314-2 Definitions. As used in this and subsequent sections,

Wildlife shall mean any undomesticated and unrestrained animal or fowl, including but not limited to bears, coyotes, foxes, raccoons, skunks and other animals or fowl (including gulls and geese) causing public safety threats or nuisances.

Feeding shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, shucked, or unshucked corn, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, honey, molasses, or any other feed or nutritive substances, in any manner or form, so as to constitute for such wildlife a lure, attraction, or enticement to, on, or over any such areas where such feed items have been place, exposed, deposited, distributed, or scattered.

Designated enforcement authority shall mean Webster Animal Control Officer, Police Officers, Natural Resources Officers, agents of the Board of Health, Environmental Police Officers, and other enforcement officers of the Division of Law Enforcement, and by the Deputy Environmental Police Officers.

§ 314-3 Prohibited activity.

No person shall feed any wildlife on public or private property within the town of Webster. Whenever the Webster Animal Control Officer or any designated enforcement authority becomes aware that wildlife has been found feeding on any substance, as defined above, and the landowner or person committing the act has been notified of the occurrence by any person authorized to enforce this By-Law, and wildlife is thereafter found feeding on any such

substance after any act of the commission or omission by the landowner or other person, such feeding shall be prima facie evidence that the feeding was with the knowledge or consent of the landowner or other person.

§ 314-4 Exceptions.

- A. Nothing in this By-Law shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in M.G.L. ch. 128 § 1A on property owned or leased by him, or the feeding of waterfowl or any other birds by propagators licensed under M.G.L. ch. 131 § 23 when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licensees or waterfowl lawfully kept as a pet by such person.
- B. Regardless of, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification to the Selectmen thereof by first class mail.
- C. Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.
- D. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring of wildlife (i.e, capturing and tagging wildlife for scientific projects and study).
- E. Any individual, company, or corporation that is engaged in lawful agricultural pursuits, including but not limited to growing crops, crop-bearing plants or raising livestock.
- F. This section shall not be interpreted so as to prohibit bird feeders. However, if a bird feeder is determined to be the cause of a public safety threat or nuisance, the bird feeder(s) and seed debris will be required to be removed within 48 hours.
- G. This section shall not be interpreted so as to prohibit the feeding of pets, provided that if food intended for pets is determined to be the source of wildlife feeding, the landowner or person responsible for the premises will be required to take steps to render such pet food inaccessible to wildlife, including the requirement that pet food be removed. If any wildlife gains access to pet food, the condition allowing access must be corrected or the pet food removed within 48 hours.
- H. This section shall not be interpreted so as to prohibit or discourage the trap-neuter-return program, supported by the MSPCA, in the handling of feral cats.

- I. This section shall not be interpreted so as to prohibit the storage of refuse, food product, pet food, or other material or nutritive substance on any premises in a manner which does not constitute a lure, attraction or enticement of wildlife on property within the Town of Webster, provided that if such storage is determined to be the source of a wildlife feeding problem, the landowner or person responsible for the premises will be required to take steps to render such storage area inaccessible to wildlife and the area near the storage be kept free from such debris. If any wildlife gains access to a storage area, the condition allowing access must be corrected or the stored material removed within 48 hours.

§ 314-5 Penalties.

Any violation of this section may be enforced by the Animal Control Officer or any designated enforcement authority through non-criminal disposition in accordance with the following schedule of fines:

First offense: warning

Second offense: \$50 fine

Third offense: \$100 fine

Fourth and subsequent offense: \$150 fine

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 Sixth Day of September in the year of our Lord Two Thousand and Sixteen.

WEBSTER BOARD OF SELECTMEN

Donald D. Bourque, Chairman

Randall V. Becker, Vice Chairman

Andrew M. Jolda

Mark G. Dowgiewicz

Robert J. Miller