

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEBSTER
ANNUAL TOWN MEETING WARRANT
October 16, 2017

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 16, 2017 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

ARTICLE 2: 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 Town Accountant – Selectmen & Finance Committee recommend approval

ARTICLE 3: 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 Town Accountant – Selectmen & Finance Committee recommend approval

ARTICLE 4: 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 Town Accountant – Selectmen & Finance Committee recommend approval

ARTICLE 5: To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, sums sufficient to the following accounts:

Selectmen Vacation Incentive
Selectmen Audit Services
Town Administrator Executive Secretary
Town Administrator Certification Stipend
Code Enforcement Conservation Agent
Public Buildings Maintenance Custodian
Fire Other Labor Part Time

Fire Vehicles
Inspectional Services Part Time Clerk
Recreation Director
Gas Inspector Salary
Debt Principal DPW Vehicles
Debt Principal Fire Air Paks

; or take any action thereon.

Sponsored by the Town Accountant - Selectmen & Finance Committee recommend approval

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, sums sufficient to the following accounts:

Insurances Health Insurance
Sewer Health Insurance
Water Health Insurance

; or take any action thereon.

Sponsored by the Town Accountant – Selectmen & Finance Committee recommend approval

ARTICLE 7: To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, the sum of \$45,000 to the Stabilization Fund; or take any action thereon.

Sponsored by the Town Accountant – Selectmen & Finance Committee recommend approval

ARTICLE 8: To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, the sum of \$250,000 to the Stabilization Fund; or take any action thereon.

Sponsored by the Town Accountant – Selectmen & Finance Committee recommend approval

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, the sum of \$150,000 to the Stabilization Fund; or take any action thereon.

Sponsored by the Town Accountant – Selectmen & Finance Committee recommend approval

ARTICLE 10: To see if the Town will vote to accept the fourth paragraph of M.G.L. c. 40, §5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under M.G.L. c. 40, § 5B, with such acceptance to be effective as of July 1, 2018; or take any action thereon.

Sponsored by the Town Accountant – Selectmen & Finance Committee recommend approval

ARTICLE 11: To see if the Town will vote to dedicate all or a percentage, which may not be less than 25 percent, of the landfill solar annual base rent payment revenue to the Town Hall Improvements Stabilization Fund established under M.G.L. c. 40, § 5B, with such dedication to be effective for fiscal year 2019, beginning on July 1, 2018; or take any action thereon.

Sponsored by the Town Accountant - Selectmen & Finance Committee recommend approval

ARTICLE 12: To see if the Town will vote to appropriate \$330,000 for the purpose of converting the existing streetlights to LED bulbs and for all incidental and related expenses; and to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority 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 Town Administrator – Selectmen & Finance Committee recommend approval

ARTICLE 13: To see if the Town will vote to adopt the “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2018, a copy of which is on file with the Town Clerk, and to amend the Town of Webster’s General Bylaws by inserting a new Chapter 329-3, entitled “Stretch Energy Code” as set forth below:

329-3 Stretch Energy Code

329-3-1. Adoption. The Town has adopted the provisions of 780 CMR Appendix 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as it may be amended from time to time, and incorporated said 780 CMR Appendix 115.AA into the Town’s General Bylaws by reference.

329-3-2. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise applicable to the relevant sections of the State Building Code for both new commercial and residential construction and existing commercial and residential buildings.

329-3-3. Applicability. The Stretch Code shall apply to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

329-3-4. Enforcement. The Stretch Code shall be enforced by the Building Commissioner or any Inspector of Buildings.

; or take any other action relative thereto.

Sponsored by the Town Administrator – Selectmen & Finance Committee recommend approval

ARTICLE 14: To see if the Town will vote to initiate the process to aggregate electrical load for its residents and businesses pursuant to Massachusetts General Laws Chapter 164, § 134, and grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities or regional governmental entities, retaining the right of individual residents and businesses to opt-out of the aggregation plan; or take any other action relative thereto.

Sponsored by the Town Administrator – Selectmen & Finance Committee recommend approval

ARTICLE 15: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, easements for the reconstruction of the road, sidewalk, drainage and general utility purposes on portions of properties in the vicinity of the Lake Parkway/Klebart Avenue Project; or take any action thereon.

Sponsored by the Town Administrator – Selectmen & Finance Committee recommend approval

ARTICLE 16: To see if the Town will vote to accept the donation, by gift, of approximately 1.13 acres of real property located at 0 High Street made up of the four parcels 1_T_4_0, 1_T_5_0, 1_T_6_0 and 1_T_7_0, described in a deed recorded with the Worcester South District Registry of Deeds in Book 35155, Page 201; or take any action thereon.

Sponsored by the Town Administrator – Selectmen recommend approval; Finance Committee recommend passing over for more information

ARTICLE 17: To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds in the Treasury, the sum of \$40,840 for the purpose of financing the purchase of one (1) snow plow and frame with wing for the Highway Department; or take any action thereon.

Sponsored by the Highway Superintendent – Selectmen & Finance Committee recommend approval

ARTICLE 18: To see if the Town will vote to authorize the Town Administrator to enter into a contract for disposal of waste sludge from the Town's Wastewater Treatment Facility with an initial term of 10 years and the option to renew for two additional 5-year terms for a total contract term not to exceed 20 years; or take any action thereon.

Sponsored by the Town Administrator – Selectmen & Finance Committee recommend approval

ARTICLE 19: To see if the Town will vote to appropriate a sum sufficient for the purpose of incorporating the sewer pump stations into the SCADA (Supervisory Control and Data Acquisition) System and for all incidental and related expenses. To meet said appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority; or take any action thereon.

Sponsored by the Sewer Superintendent – Selectmen & Finance Committee recommend approval

ARTICLE 20: To see if the Town will vote to appropriate \$575,000 for the purpose of purchasing a new fire engine, including associated equipment and all related incidental costs, to replace Engine 5 and Ladder 2, and that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority and issues bonds and notes therefore; 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 Fire Chief – Selectmen recommend approval; Finance Committee recommends passing over for more information

ARTICLE 21: To see if the Town will vote to raise and appropriate, or transfer from any available funds in the Treasury, or borrow a sum of money to fund the removal of the underground fuel storage tank at the fire station including all incidental and related costs; the present estimated cost being \$48,000.00; or take any action thereon.

Sponsored by the Fire Chief – Selectmen & Finance Committee recommend approval

ARTICLE 22: To see if the Town will vote to accept the provisions of M.G.L. Chapter 48, Sections 42, 43, and 44, establishing a Fire Department under the control of the officer known as the Chief of the Fire Department; or take any action thereon.

Sponsored by the Fire Chief – Selectmen & Finance Committee recommend approval

ARTICLE 23: To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, §5, clause 54, which will allow the Town to establish a minimum fair cash value

not in excess of \$4,000 required for personal property accounts to be taxed, which minimum value may be modified by future vote of the Town Meeting; or take any action thereon.

Sponsored by the Town Assessor – Selectmen & Finance Committee recommend approval

ARTICLE 24: To see if the Town will vote to appropriate the sum of \$34,593.72 to purchase and equip a John Deere 3033R Compact Utility Tractor with a Mower and Snow Blower, with the funding to come from Free Cash; or take any action thereon.

Sponsored by the School Department – Selectmen & Finance Committee recommend approval

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from any available funds in the Treasury, or borrow the sum of \$132,852 for the purpose of renovating, constructing improvements, remodeling, reconstructing, making extraordinary repairs to the Bartlett High School for use as School Administration Offices, including but not limited to costs for planning, design, site preparation, construction, furnishing and equipping, as well as all other costs incidental or related thereto; or take any action thereon.

Sponsored by the School Department – Selectmen recommend approval; Finance Committee recommends passing over for more information

ARTICLE 26: To see if the Town will vote to amend the Town of Webster Zoning Map referenced in Section 650-13 of the code of the Town of Webster to re-zone an 87,472 square foot (2.008 acres) parcel of land from the current zoning of Single Family Residential (SFR) District to a zone of Business without Sewer (B-5) District identified as said real estate in the Town of Webster located on Old Worcester Road in the County of Worcester in the Commonwealth of Massachusetts as shown on the map entitled "Proposed Old Worcester Road Zoning Map Amendment – Webster, Massachusetts" dated July 6, 2017, and as shown on as Lot 1 on the Plan entitled "Plan of Property Surveyed for the Roman Catholic Bishop of Springfield, Old Worcester Road, Webster Massachusetts" dated June 14, 2017, prepared by Jarvis Land Survey, Inc. 29 Grafton Circle, Shrewsbury, MA 01545 and shown on a plan on file with the Town Clerk's Office; or take any action thereon.

Sponsored by the Director of Planning and Economic Development – Selectmen & Finance Committee recommend approval

ARTICLE 27: To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section XII, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS,

1. ZBL new Article XII entitled Temporary Moratorium on Recreational Marijuana Establishments as follows:

§650:92 Temporary Moratorium on Recreational Marijuana Establishments

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses no later than April 1, 2018.

Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

B. Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues at the regularly scheduled Spring Annual Town Meeting.

; or take any action thereon.

Sponsored by the Board of Selectmen – Selectmen recommend approval

ARTICLE 28: To see if the Town will vote to amend the Town of Webster Waterways and Boating: Lake Rules and Regulations By-Laws, Chapter 635 by adding a new section 635-33.5 as follows:

Personal Watercraft – Launching Restrictions

Personal Watercrafts, or jet skis, shall be prohibited from being launched at the Town of Webster Memorial Beach Boat Ramp by individuals who are not residents of the Town of Webster.

Any personal watercraft launched at the Town of Webster Memorial Beach Boat Ramp shall be registered with the Massachusetts Environmental Police utilizing a Webster Address or shall be towed into Memorial Beach by a vehicle registered with the Massachusetts of Motor Vehicles utilizing a Webster address. Proper documentation shall be provided upon request of an employee of the Town of Webster Parks and Recreation Department.

Personal watercraft not meeting the above listed requirements shall not be allowed entrance into Memorial Beach Park.

Nothing in this section shall restrict a seasonal resident of Webster Lake, with proper documentation of property ownership, from launching a Personal Watercraft at the Town of Webster Memorial Beach Boat Ramp. Further, noting in this section shall prohibit the use of any Personal Watercraft on Webster Lake nor shall it prohibit the lawful launching of any Personal Watercraft at any other public or private boat launch located within the Town of Webster.

; or take any action thereon.

CITIZEN'S PETITION – Selectmen Defer; Finance Committee Defer

ARTICLE 29: To see if Town will vote to accept Dominique Drive from STA 0+00 to 3+00; or take any action thereon.

CITIZENS PETITION – Selectmen Defer; Finance Committee recommends passing over for more information

ARTICLE 30: 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, Konkell 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, Konkell 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 it is 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 – Board of Selectmen & Finance Committee
recommend approval**

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 Eleventh Day of September in the year of our Lord Two Thousand and Seventeen.

TOWN OF WEBSTER BOARD OF SELECTMEN:

Andrew M. Jolda, Chairman

Randall V. Becker, Vice Chairman

Mark G. Dowgiewicz, Secretary

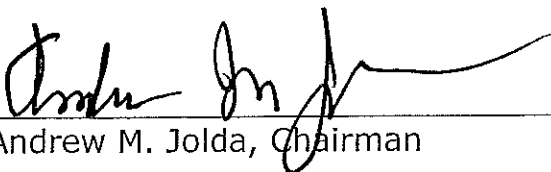
Donald D. Bourque, Selectman

Robert J. Miller, Selectman

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.

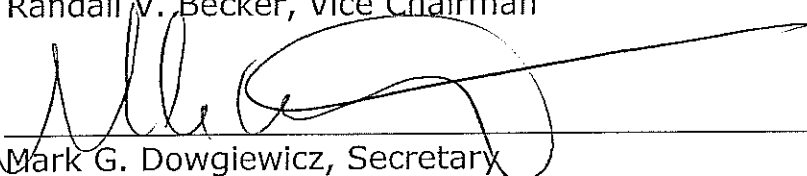
Thereof fail not and make due return of your doings thereon to the Town Clerk at the time and place of holding said meeting. Given under our hands this Eleventh Day of September in the year of our Lord Two Thousand and Seventeen.

TOWN OF WEBSTER BOARD OF SELECTMEN:

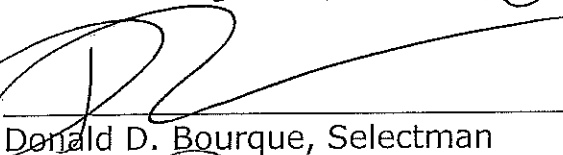


Andrew M. Jolda, Chairman

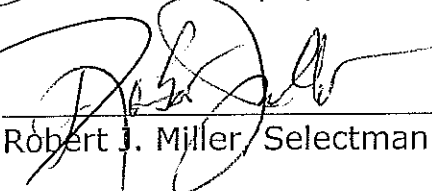
Randall V. Becker, Vice Chairman



Mark G. Dowgiewicz, Secretary



Donald D. Bourque, Selectman



Robert J. Miller, Selectman