



October 2017 Town Meeting Guide

DATE:

October 16, 2017

TIME:

Annual Town Meeting 7:00 PM

LOCATION:

Bartlett High School Auditorium, 52 Lake Parkway, Webster

TOWN OF WEBSTER

TABLE OF CONTENTS

Town Meeting Procedures2

SPECIAL TOWN MEETING ARTICLES

Article 1: Town Reports
Article 2: General Fund Unpaid Prior Year Bills
Article 3: Sewer Enterprise Fund Unpaid Prior Year Bills
Article 4: Water Enterprise Fund Unpaid Prior Year Bills.....
Article 5: Budget Transfers
Article 6: Budget Transfers
Article 7: Transfer to the Stabilization Fund
Article 8: Transfer to the Stabilization Fund
Article 9: Transfer to the Stabilization Fund
Article 10: Accept the fourth paragraph of M.G.L.c. 40 § 5B.....
Article 11: Dedicate Funds to Town Hall Stabilization Fund.....
Article 12: Appropriate Funds to Convert Streetlights to LED
Article 13: Adopt the Stretch Energy Code
Article 14: Aggregate Electrical Load of the Residents and Businesses
Article 15: Acquire Easement on Portions of Lake Parkway/Klebart Ave
Article 16: Accept Donation of 0 High Street
Article 17: Approve Funding for Snow Plow and Frame
Article 18: Fund Incorporation of Systems in the Sewer Department
Article 19: Approval of Contract for Waste Sludge.....
Article 20: Purchase new Engine to Replace Engine 5 and Ladder 2
Article 21: Removal of Underground Storage Tank at Fire Station
Article 22: Accept M.G.L.c. 48 § 42, 43 &44
Article 23: Adopt M.G.L.c 59 § 5 (54).....
Article 24: Purchase of a John Deere 3033R Compact Utility Tractor
Article 25: Repair Bartlett High School Administration Offices
Article 26: Amend Zoning Map for Old Worcester Road.....
Article 27: Recreational Moratorium on Recreational Marijuana.....
Article 28: CITIZEN’S PETITION: Amend Lake Rules and Regulations
Article 29: CITIZEN’S PETITION: Accept Dominique Drive
Article 30: Amend and Grant Conservation Restrictions

Town Meeting Procedure Information

Thank you for taking an interest in Webster's Town Meeting. Town Meeting is part of a great tradition of democracy which has been happening in Webster ever since its townspeople came together to decide to found the town 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 establish bylaws. One important difference from those legislatures 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*. But voters don't need to read those documents or be parliamentarians in order to participate in the meeting, as the moderator will handle the details. But if you're not clear on what is being voted on or what is being discussed, please feel free to ask.

At the podium:

- Town Administrator: chief administrative and financial officer

Boards/committees (from left to right):

- Board of Selectmen: the main executive body of the Town
- School Committee: recommends the school budget
- Finance Committee: makes spending recommendations

People on stage (from left to right):

- Town Counsel: the Town's attorney
- Moderator: presides over Town Meeting
- Town Clerk: records the official proceedings

Warrant

The Selectmen post the warrant before Town Meeting. The warrant lists the agenda for what topics will be discussed and voted upon at the meeting. Each item on the agenda is called an article. An article may be specific or broad, and its purpose is to inform the voters of what topics may come up at the meeting. The booklet distributed at the meeting includes both the text of the warrant that was posted as well as the specific motions expected to be presented.

Motions

While a warrant article describes generally what subjects will come up, a motion is a statement of a specific action that is proposed to be taken. For example, a motion to appropriate money would specify the dollar amount, source of funds, and for what purpose. The motions that are expected to be presented are printed in this booklet, but the actual motion 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

what subject matter may come up, and the motion describes the specific proposed action which will be voted upon.

Amendments

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

Motions to pass over

A particular motion that may come up is the motion to pass over, which is often referred to as "postponing indefinitely". This motion simply is a proposal to take no action on the warrant article at this meeting. The town's practice has been to utilize a "motion to pass over" or a "motion to pass over for more information". Webster by-law 253-14 prohibits an article from being taken back-up prior to the next annual town meeting, unless it is passed over for more information. If the motion is approved, then no action will be taken on the article and the meeting will move on to the next article. If the motion is defeated, then the meeting would entertain a "positive" motion to take a specific action as it relates to the article.

Discussion

After a motion is presented, the floor is open for discussion, questions, and debate. In order to participate, speakers line up behind the microphones. When recognized by the moderator, they clearly state their names and addresses, so that others know who is speaking. Comments should be specifically about the issue before the voters, and not addressed to any particular person or group other than the moderator. Pursuant to rules accepted by Town Meeting (October 2015 ATM), the speakers are limited to 7 individuals for and 7 against the article. Each speaker is limited to 2 minutes. The sponsor or mover of the article shall have 5 minutes and shall not be counted in the 7 speaker limit. Town meeting can extend a speakers time for an additional 2 minutes by a 2/3 majority vote.

Ending discussion

If a voter has heard a sufficient amount of discussion and wants to close off and stop further debate, they can make a motion to end debate, which is often referred to as "moving the question". A voter cannot both make a comment and move to end debate during the same turn at the microphone; he or she can only do one or the other. A motion to end debate is not itself debatable, and requires a 2/3 majority vote in order to pass. If the motion to end debate passes, then discussion is over and the meeting will move to a vote on the main motion. If the motion to end debate is defeated, then the discussion of the main motion continues.

Reconsideration

If substantive new information is available such that the meeting could change its mind about a vote it has already taken, a voter can move to reconsider that vote. The

moderator will not entertain a motion to reconsider simply because there are now a different group of voters in the hall or because some people wish that the vote had gone the other way. If the motion to reconsider is accepted by the moderator, then it will be discussed, and if the majority votes in favor, then the original motion that was previously voted upon will again be before the voters. Reconsideration can only be raised by an individual who voted on the prevailing side. Webster by-law 253-13 requires a 2/3 vote in order to reconsider.

Voting

After a successful launch, we will again be using an electronic voting system. Rather than a voice vote or the raising of hands, each resident will be assigned an electronic voting remote when they register at the door. Voters simply need to press the appropriate button 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, and thus potentially greatly reduce the length of the meeting. The voting system will be tested and calibrated prior to the meeting to ensure that the vote will be accurate.

**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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: Allows the reports from the Board of Selectmen and Finance Committee to be heard.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to transfer \$7,129.64 to the Town Administrator Unpaid Bills account as follows:

\$51.45 FROM THE SELECTMEN OTHER EXPENSES ACCOUNT
\$295.00 FROM THE TOWN ADMINISTRATOR MEDICAL SERVICES ACCOUNT
\$19.59 FROM THE TOWN ADMINISTRATOR TELEPHONE ACCOUNT
\$2,050.61 FROM THE TOWN ADMINISTRATOR POSTAGE ACCOUNT
\$442.00 FROM THE PERSONNEL BOARD MEDICAL SERVICES ACCOUNT
\$35.00 FROM THE POLICE VEHICLE MAINTENANCE ACCOUNT
\$228.98 FROM THE POLICE OFFICE SUPPLIES ACCOUNT
\$7.01 FROM THE POLICE GASOLINE ACCOUNT
\$4,000.00 FROM THE VETERANS BENEFITS ACCOUNT

Background: If there are any bills from a prior fiscal year that were not encumbered, those bills must be approved by Town Meeting for payment. This is a 4/5 majority vote.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to transfer \$105.00 from the Sewer Office Supplies account to the Sewer Unpaid Bills account for the purpose of funding the payment of the following prior years' unpaid invoices.

Background: Again, if there are any bills from a prior fiscal year that were not encumbered, those bills must be approved by Town Meeting for payment. This article is specific for bills to be paid from the sewer enterprise fund. This is a 4/5 majority vote.

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

Board of Selectmen recommends approval

Recommended Motion: I move that the Town vote to transfer \$3,778.46 to the Water Unpaid Bills account as follows:

\$3,578.46 FROM THE WATER PROFESSIONAL SERVICES ACCOUNT
\$200.00 FROM THE WATER MEDICAL SERVICES ACCOUNT

Background: Again, if there are any bills from a prior fiscal year that were not encumbered, those bills must be approved by Town Meeting for payment. This article is specific for bills to be paid from the water enterprise fund. This is a 4/5 majority vote.

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

Board of Selectmen recommends approval

Recommended Motion: I move that the Town vote to make the following budget transfers.

| Transfer to: | Transfer from: | Amount: |
|--|--|--|
| Selectmen Audit Services | SWCCC Assessment | \$16,000.00 |
| Town Administrator Executive Secretary | Selectmen Executive Secretary Selectmen Sick Leave Incentive | \$8,425.87 |
| Town Administrator Certification Stipend | Selectmen Certification Stipend | \$2,000.00 |
| Code Enforcement Conservation Agent | Insurances Police/Fire Liability | \$5,066.00 |
| Public Buildings Maintenance Custodian | Police Custodian Insurances General Liability SWCCC Assessment | \$20,000.00 \$28,000.00 \$1,504.00 |
| Fire Other Labor Part Time | Insurances Police/Fire Liability | \$5,000.00 |
| Fire Vehicles | Fire Vehicle Maintenance | \$0.30 |
| Inspectional Services Part Time Clerk | Insurances Police/Fire Liability | \$2,500.00 |
| Gas Inspector Salary | SWCCC Assessment | \$1,200.00 |
| Debt Principal DPW Vehicles | Free Cash | \$52,600.00 |
| Debt Principal Fire Air Paks | Free Cash | \$60,400.00 |

Background: This article makes small adjustments to the FY18 Operating Budget. Please see the table below for explanations on each adjustment.

| | |
|--|--|
| Selectmen Vacation Incentive | Will be resolved via intradepartment transfer |
| Selectmen Audit Services | New auditing firm's contract is more than the original budget. SWCCC received additional state funding, so the local assessment decreased. |
| Town Administrator Executive Secretary | Transfer of an employee from another dept |

| | |
|--|---|
| Town Administrator Certification Stipend | Transfer of an employee from another dept |
| Code Enforcement Conservation Agent | Double counted \$5,000 from Wetland Trust |
| Public Buildings Maintenance Custodian | From 2.5 FTE to 3.0 FTE (same as FY16) |
| Fire Other Labor Part Time | New collective bargaining agreement |
| Fire Vehicles | Rounded down instead of up |
| Inspectional Services Part Time Clerk | Coverage for employee out on long-term illness |
| Recreation Director | Will be funded through rec revolving fund |
| Gas Inspector Salary | Inspector paid a cut of inspection fees. However, at times doing work other than inspections for which they need to be compensated i.e. nuisance/housing/safety inspections/response. |
| Debt Principal DPW Vehicles | Unbudgeted debt payment from FY16 |
| Debt Principal Fire Air Paks | Unbudgeted debt payment from FY16 |

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to appropriate funds as described in the table below:

| Account | Sum | Source |
|-----------------------------|-----------|-------------------------|
| Insurances Health Insurance | \$373,748 | Free Cash |
| Sewer Health Insurance | \$338 | Sewer Retained Earnings |
| Water Health Insurance | \$914 | Water Retained Earnings |

Background: All town employees are on a 75/25 contribution split for health insurance premiums, meaning the town pays 75% of the health insurance premium and the employee pays 25%. Retirees are on a 50/50 split. When averaged out, the town pays roughly 69% and employees/retirees pay the remaining 31%. In the past, the town underfunded its portion of the health insurance and now the health insurance fund needs to be brought back into balance.

Currently the amount needed to bring the ratio back to the 69/31 ratio and an appropriate funding level is a \$465,301 deposit by the town and a \$332,725 employee premium holiday. These amounts are an estimate based on the fund at

the end of FY2017 and are subject to change based on actual results for FY2018. We will be transferring \$375,000 to the trust now and monitoring claims for the remainder of the fiscal year and make other adjustments in May as may be necessary.

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

Board of Selectmen recommends approval

Recommended Motion: I move that the Town vote to appropriate from Free Cash \$45,000 to the Stabilization Fund.

Background: This deposit into the stabilization fund will be to offset the deduction from the stabilization fund of \$45,000 that was taken out to pay for the hoover craft purchased in October 2014.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to appropriate from Free Cash \$250,000 to the Stabilization Fund.

Background: This deposit into the stabilization fund will be to offset the deduction from the stabilization fund of \$250,000 that was taken out to pay for the settlement of the police contract in 2016.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to appropriate from Free Cash \$150,000 to the Stabilization Fund.

Background: This deposit into the stabilization fund will be to offset the deduction from the stabilization fund of \$150,000 that was taken out to pay for roof repairs made to the fire headquarters that was approved at the May 2015 Town Meeting.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: This article will allow the town to set aside revenue for a specific stabilization fund (please see article 11)

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: The Town receives \$55,019.44 in base rent from the solar field that was constructed on the town's closed landfill on Cudworth Road. With the passage of this article, those funds will be deposited in the Town Hall Stabilization fund for future renovations to Town Hall.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: The Town will be purchasing its streetlights from National Grid and converting them to LEDs. The streetlight conversion project will:

1. Save money (Annual maintenance savings: \$80,993; Annual energy savings: \$86,781; TOTAL ANNUAL SAVINGS: \$167,781)
2. Save energy: Annual kWh savings of 434,244; 182 tons of annual carbon dioxide reduction
3. Improve safety
4. Improve drivability conditions
5. Improve aesthetics

The cost to purchase streetlights is \$1. The cost to retrofit the streetlights to LEDs is \$303,925 (after a 30% rebate through state program, roughly \$113,000). With an annual savings of \$167,781, the payback will be 1.8 years.

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
Board of Selectmen approves article as written**

Recommended Motion: I move that the Town vote to approve the article as read.

Background: The Green Communities Division of the Executive Office of Energy and Environmental affairs offers a program that provides communities with a one-time allocation of funds (approximately \$175,000 for a town the size of Webster) and eligibility for applying to an annual competitive grant cycle for communities that meet their five “green” criteria. The Town of Webster has completed or is nearing completion of four of the five criteria. The last requirement is for the town to adopt the “stretch code.” The purpose of the Stretch Energy Code is to provide a more energy efficient alternative to the Base Energy Code for new buildings. Towns can choose to adopt the stretch energy code by Town Meeting vote and it can be rescinded by Town Meeting vote.

On January 1, 2017, both the Base Energy Code as well as the Stretch Energy Code were updated. The difference between the two is now much smaller than in the past. Basically, new residential construction in a Stretch Code town needs to follow the Performance Path of the Base code rather than the Prescriptive Path. The updated Stretch Code applies to all new commercial buildings over 100,000 square feet and new commercial buildings over 40,000 square feet if they are specific high energy users such as Supermarkets, Laboratory buildings, Refrigerated warehouses. It is worth noting that all additions, renovations, and repairs to residential buildings are explicitly exempted from the updated Stretch Code. Also smaller new commercial buildings as well as additions, renovations and repairs of commercial buildings are exempt.

A key feature of the Stretch Energy Code is that it is performance based. It requires new homes to meet a HERS (Home Energy Rating System) index rating target, rather than requiring the installation of specific levels of energy efficiency for each building element (e.g. Windows, Wall insulation, roof insulation, furnace etc.). The HERS rating is a measure based on a home’s total expected energy use and overall efficiency. It is calculated by a certified HERS rater using accredited software, which uses information on the design of the energy systems in a home to calculate the annual energy needs of the home and give it a rating score.

One benefit of using HERS ratings for compliance with the Stretch Energy Code is that builders do not have to install specific energy efficiency measures, rather they have the flexibility to choose which energy efficiency measures to install, and how to design the home in order to meet the HERS rating target. It is also a way to ensure that homes are well built. As part of the HERS rating, the HERS rater tests the home for air leakage and inspects insulation installation, which helps ensure that the home performs as designed.

Basically, it requires that the performance path of the standard building code be followed in Stretch Code municipalities for new homes and for large new commercial buildings. Under the Stretch Code, the additional cost will be primarily for the services of the HERS Rater and more efficient heating systems. This is generally in the \$1,600 - \$3,000 range for residences with a \$1,300 - \$1,700 incentive available through the Mass Save Residential New Construction Program that mostly offsets the cost. There are also

typically annual energy bill savings that more than tip the balance to give homeowners a net savings every year.

Once adopted, the stretch energy code would take effect on January 1, 2018. Currently 207 communities, representing more than half of the state's population, have adopted the Stretch Energy Code. Nearby communities that have adopted it include Auburn, Charlton, Douglas, Dudley, Grafton, Leicester, Millbury, Northbridge, Southbridge, Sutton and Worcester. Most builders in the area are likely familiar with the stretch energy code. Many say that the trade-off feature of the Stretch Code makes it easier to build to than the standard building code. Please see the table below for green communities grant funds received by some nearby towns. The opportunities for Webster to apply for funding for energy efficiency projects is significant.

| Community | Year | Grants |
|------------------|-------------|---------------|
| Auburn | 2012 | \$ 720,998 |
| Dudley | 2012 | \$ 169,800 |
| Millbury | 2011 | \$ 662,282 |
| Sutton | 2010 | \$ 639,467 |

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: This article is to create a municipal aggregation program in Webster. Municipal aggregation is the process by which a municipality purchases electricity in bulk from a competitive supplier on behalf of the residents and businesses within the community.

In a municipal aggregation:

1. A municipality will procure competitive electric supply on behalf of participating customers
2. A municipality may join with other municipalities to procure competitive supply
3. Customer participation is voluntary. The municipality will provide customers an opportunity to opt-out of participating in a municipal aggregation

program. Customers who do not opt out will be automatically enrolled in the aggregation program, but may opt out at any time after that.

4. The electric utility company will continue to provide electric transmission and distribution service to participating customers.

Currently 123 communities in Massachusetts have implemented municipal aggregation programs. Recently, Grafton negotiated a 19-month contract with Public Power, LLC, for 9.104 ¢/kWh, which began in March 2017. At the time, the NGrid basic rate was 9.787 ¢/kWh. The current NGrid basic rate is 9.432 ¢/kWh. The NGrid rates change every six months and are typically lower in the summer months. As a result, the municipal aggregation price may not always be below the NGrid basic rate; however, the goal is to deliver savings when compared with the average of National Grid's changing prices.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: The Town is working with the Central Massachusetts Metropolitan Planning Organization (CMMPO) to participate in the Transportation Improvement Plan (TIP). One of the projects that is moving forward is the reconstruction and addition of bike lanes and sidewalks to Lake Parkway/Klebart Avenue. This estimated \$4.8 million project is scheduled to start sometime between 2020 and 2022. As part of the project, the Town will need to acquire construction and a few permanent easements. This article will allow the town to move forward with these acquisitions when necessary. The purchase of these easements is an eligible cost under the TIP program.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to authorize the Board of Selectmen 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 if they find the accepting of the donation to be in the best interest of the Town.

Background: Recently, the owner of 0 High Street offered to donate the 1.13 acres at this address to the Town. This area is located behind the old Aubuchon building. Recently, this has been a popular spot for the homeless to camp. The Board of Selectmen voted to create a committee to review the options for the site including, but not limited to, expanding downtown parking and/or developing a dog park. The goal is to use this property to either support or further attract patrons to the downtown area. If this project moves forward, the Town will assist those homeless living in the area to receive assistance from state and regional programs. By voting to authorize the Board of Selectmen to accept the donation contingent on its finding that it is in the Town's best interest, the Town has the opportunity to review potential uses and move forward if it desires without waiting for the next town meeting in May.

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
Board of Selectmen approves article as written

Recommended Motion: I move the Town vote to appropriate Free Cash 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.

Background: We are replacing a 20 year old Ford 6 Wheeler Truck this year through Ch. 90 funds at a cost of approximately \$270,000. Ch 90 funds can be used to fund the purchase of the truck, but not the plow. Our analysis shows that the optimal time to replace these vehicles is at 20 years. At that time, the annual life cycle costs begin to increasing. The town's FY18 Ch 90 appropriation is \$476,002.76 which is \$4,282.69 less than last year.

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
Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: The sludge disposal market is quite small and the options for disposing of the sludge are decreasing each year as environmental regulations are increasing. Two major sludge incinerators have closed in the past few years. It is in the Town's best

interest to have a long-term contract in place as future costs could increase dramatically if additional disposal options were to close. If the cost to dispose of sludge dramatically decreases, the town will have the ability to terminate the contract. The contract will have annual escalators based on pre-determined cost indices.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to appropriate \$962,102 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; 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.

Background: The Town of Webster recently completed SCADA upgrades of the municipal water system's three remote sites and the waste water treatment plant. The upgrade to more modern and comprehensive SCADA systems has benefited the Town through increased efficiency and adherence to regulatory compliance requirements, while allowing staff to operate and monitor the process locally from, both, the new SCADA computers and local operator interface terminals located in critical facility areas. In addition, SCADA allows the staff to connect remotely (using secure remote access software) to address alarms and system controls during all times of the day and in all weather conditions. Status information is now viewed on the dedicated SCADA computers in real time and all data is logged onto the local computers' hard drives for backup. Regulatory reporting is now semi-automatic with only lab and weather data being entered in manually. System alarms are logged and displayed on the SCADA computers as well as dialed out using WIN911 alarm handling software during unattended hours. Standardization of the SCADA equipment to one manufacturer has eliminated the interface challenges when multiple manufacturers' equipment is scattered throughout the system. The updated SCADA system, as well as the improved SCADA communication throughout the Town water system facilities, has enhanced the operations and maintenance of the Town of Webster's wastewater treatment plant and remote water sites.

The second phase of the SCADA upgrades is currently being proposed. The project will install radio communications between all the wastewater pump stations to the wastewater treatment plant via the Park Road water tank. This will be necessary as the local phone company will soon be phasing out copper wire communications. In addition, the currently proposed phase of the SCADA system upgrade includes all the operational benefits that applied to the wastewater treatment plant including remote operational control, enhanced alarm monitoring, and historical data collection by radio directly from the waste water treatment plant's main SCADA computer. The ability to monitor station flows, wet well levels, pump status, as well as real-time alarms for each station will be a major improvement. The largest pump stations handling the most wastewater are 40+ years old and the more numerous and smaller pump stations servicing primarily the Webster Lake area neighborhoods are 20+ years old. None of these stations has had a controls upgrade during their service lives and while the individual stations are well maintained the control systems are obsolete and require extensive maintenance and labor to keep them running satisfactorily. The wastewater pump stations are a primary piece of municipal infrastructure and the ability of monitoring these assets and responding to problems quickly is critical in avoiding system disruptions or environmental impacts to the town's natural resources. The engineer's estimate is \$962,102 for the SCADA upgrades.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: The Fire Chief is proposing to purchase one new fire apparatus to replace the existing Engine 5, Ladder 2 and Tanker truck. Engine 5 and Ladder 2 will be traded in immediately to offset the cost of the new apparatus. The Tanker will continue to operate until the repairs/maintenance costs make it impracticable. The new apparatus will have a water tank large enough to respond to incidents that the current tanker responds to now. By replacing the three trucks with one truck, the town will save over a million dollars in replacement costs plus thousands of dollars in ongoing maintenance costs. If approved, Engine 5 and Ladder 2 will be 24 and 25 years old respectively when they are replaced. NFPA guidelines recommend that vehicles be removed from front-line service at 15 years and taken out of service at 20 years. The town recently approved a

new Tower Truck in May 2015, but with the nine trucks currently in the fleet it requires the town to purchase a new truck every two to three years to replace vehicles at 25 years of age. Reducing the number to seven apparatus will extend this replacement schedule—the Fire Chief’s proposed replacement schedule will now include a new purchase every three to four years.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to appropriate \$48,000 from Free Cash to fund the removal of the underground fuel storage tank at the fire station including all incidental and related costs.

Background: When the Town remodeled the Fire Station Headquarters there was not enough money available to remove the underground storage tank. The DEP required removal of the storage tank by July 2017. Now that that date has passed, we run the risk of being fined if it is not removed.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: Currently the Fire Department’s administrative power lies with the Board of Fire Engineers (current make up is the chief and his two deputies). If approved, this would eliminate the Board of Fire Engineers and put administrative responsibilities directly with the Fire Chief. Practically speaking, this will adjust the structure to be in line with current practice and provide continuity to the department going forward.

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 Assessor

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: The current tax bill for personal property valued at \$4,000 is \$74.40 (tax rate is \$18.60 per \$1,000 valuation). The costs for preparing, mailing, collecting and following up on such small tax bills is not worth the value received. Additionally, many of these small tax bills are ignored and very difficult to collect on. This article will eliminate all tax bills to personal property valued at \$4,000 or less. The town will not receive less revenue; the value of these taxes will be dispersed among the rest of the taxpayers adding a small fraction of a cent onto the tax rate.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: Bartlett High School is in need of a new tractor to handle lawn mowing and snow removal on campus. The current equipment is in constant need of repair and can no longer operate effectively.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to appropriate from Free Cash \$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.

Background: The Webster Public Schools feel the Filmer Administration Building is no longer suitable to house the District Administration Offices. There is not enough room to handle the current needs and the condition of the building would require a substantial investment that the Town is not willing to provide. This would also satisfy an agreement with the Massachusetts School Building Authority in granting approval for the new elementary school.

In 2014 a plan was proposed to renovate a section of Bartlett High School for the Districts Administration Offices. In doing so the District received the approval from the Bay Path Vocational School Administration and School Committee to assist with the renovation. The District felt this is a win-win deal, with the students getting valuable hands on training and the Town benefiting in several ways:

- The entire District Administration would be housed in one location on school grounds.
- The cost of the project is dramatically reduced with the vocational school assisting.
- The burden of maintaining and upgrading the Filmer Building (Built in 1899) would be eliminated.
- The Filmer Administration Building could be sold with the proceeds targeted towards the renovation costs.
- The Filmer Building would generate tax revenue that could also assist in paying renovation costs.
- The Mass State Building Authority (MSBA) in granting the approval of the New Park Ave Elementary School was influenced by the fact that the District would utilize the excess capacity at Bartlett for this purpose. This would satisfy that agreement.

On May 12, 2014, Town Meeting voted to borrow \$854,800 for the new school administration offices. Much of the work was and is being done by students at Bay Path at a significant costs savings. During the course of the project there have been some unanticipated expenses that occurred (asbestos abatement). Some of the competitive bids for contracted work came in significantly over the original estimates (HVAC System). Additionally, the scope of work that Bay Path students would be able to complete was modified, thus increasing the overall cost of the project (Dry Wall). The additional funds will allow the school department to complete the project by the end of 2017, move into the new space and allow the process of selling Filmer to begin immediately.

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
Board of Selectmen approves article as written**

Recommended Motion: I move that the Town vote to approve the article as read.

Background: This article will remove just over 2 acres from Single Family Residential (SFR) District to a zone of Business without Sewer (B-5) currently part of the St. Joseph's cemetery. This will allow the neighboring business, Webster Sheet Metal Fabrication, Inc to expand to their business.

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

Board of Selectmen approves article as written

Recommended Motion: I move that the Town vote to approve the article as read.

Background: About 80 cities and towns, with many more in the process, have adopted a local moratorium in order to have time to study the issues of zoning and siting and come back later with recommendations. Moratoriums are also intended to give cities and towns adequate time to review the expected changes to the law and the regulations that will follow. On Dec. 15, it became legal for Massachusetts residents age 21 or older to possess, grow, use and "gift" certain amounts of marijuana, but the sale and distribution of recreational marijuana does not become legal until a new Cannabis Control Commission issues regulations regarding implementation of the law.

The ballot question set a deadline of Sept. 15, 2017, for the regulations, but the Legislature in late December enacted a six-month extension, which the governor signed on Dec. 30. So the Cannabis Control Commission now has until March 15, 2018, to issue regulations. No community has a moratorium that extends beyond Dec. 31, 2018.

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

Board of Selectmen refers to sponsor

Recommended Motion: I move that the Town refers to sponsor

Petitioner Recommends the Following Motion: I move that 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 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 Registry of Motor Vehicles Registry 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, nothing

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.

Background from Petitioner: This article seeks to prohibit non-residents from launching personal water craft at Memorial Beach. Over the last 5 years the number of jet skis on the lake on any given good weather day, particularly weekends, has seen an astronomical increase. At times, the lake, particularly North and Middle Pond, appear overrun with jet skis, causing serious safety hazards to other vessel operators. Due to their size and speed, jet skis are often very difficult to spot until they are nearly on top of you. Observations of many of the jet skis and jet ski trailers parked at Memorial Beach show that they display out of state registration plates and/or decals leaving no doubt that they are non-residents. Many of these jet skis that can be clearly identified as non-resident operate with complete disregard for boating rules and regulations and can be seen coming and going from Memorial Beach with varying operators taking turns at operating the machines. By human nature, people typically show less regard for property that is not their own, and it appears similar occurs with non-resident use of Memorial Beach and its access to the lake.

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

CITIZEN'S PETITION

Board of Selectmen refers to sponsor

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

Background: The Town has a defined process for accepting roads through the planning board. This citizen's petition did not follow that process.

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, 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.

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

Board of Selectmen recommends approval

Recommended Motion: I move that the Town vote to approve the article as read.

Background: To remove approximately .25 acres from a conservation restriction area and put approximately .75 acres back into the conservation restriction.