

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WEBSTER  
SPECIAL TOWN MEETING WARRANT  
December 8, 2014

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, December 8, 2014 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 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 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 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 recommend approval**

**ARTICLE 5:** To see if the Town will vote to raise and appropriate and/or transfer from any available funds in the Treasury, the sum of \$5,000 to the Town Hall Improvements Stabilization Fund; or take any action thereon.

**Sponsored by the Town Accountant – Selectmen recommend approval**

**ARTICLE 6:** To see if the Town will vote to raise and appropriate the sum of \$172,575 to the Police/Fire/Rescue Building Projects Debt – Principal Account for the purpose of funding the balance of the principal payment due on June 15, 2015; or take any action thereon.

**Sponsored by the Town Accountant – Selectmen recommend approval**

**ARTICLE 7:** To see if the Town will vote to raise and appropriate the sum of \$105,288 to the Police/Fire/Rescue Building Projects Debt – Interest Account for the purpose of funding the balance of the interest payment due on June 15, 2015; or take any action thereon.

**Sponsored by the Town Accountant – Selectmen recommend approval**

**ARTICLE 8:** To see if the Town will vote to amend the vote of the May 12, 2014 (June 16, 2014) Annual Town Meeting under Article 2 by transferring the sum of \$22,000 from the Town Treasurer Salary Account to the Town Treasurer Professional Services Account; or take any action thereon.

**Sponsored by the Town Administrator – Selectmen refer to Sponsor**

**ARTICLE 9:** To see if the Town will vote, pursuant to the provisions of G.L. c.43B, s.10, to amend the Town Charter to create an appointed Town Treasurer as follows:

Section 3-1(a) – delete the words “a town treasurer”;

Section 3-1(f) – delete the words “, or town treasurer”;

Section 3-8 – delete the text and title of said section in their entirety and insert in place thereof the word “Reserved”; and

Section 8-6(k)(3) – insert at the end of the list of Town Administrator appointments the words “a town treasurer to serve for a three year term”

Section 8-6(o) – insert a new paragraph to provide as follows:

As of the effective date of the Charter amendment approved at the December 8, 2014 Special Town Meeting, the elected office of Town Treasurer shall be abolished and the term of the incumbent terminated; provided further, however, that the elected incumbent holding office as of the effective date of such amendment shall be deemed to be the first appointee to the position and shall hold the office for a period of time equal to the remainder of the elected term or sooner vacating of office. Thereafter, any vacancy in said position shall be filled by the Town Administrator in accordance with the provisions of paragraph (b) of section 4-2 of said charter; or take any action thereon.

**Sponsored by the Town Administrator – Selectmen refer to Sponsor**

**ARTICLE 10:** To see if the Town will vote, pursuant to the provisions of G.L. c.43B, s.10, to amend the Town Charter to create an appointed Town Collector as follows:

Section 3-1(a) – delete the words “a town collector”;

Section 3-1(f) – delete the words “, town collector”;

Section 3-7 – delete the text and title of said section in their entirety and insert in place thereof the word “Reserved”; and

Section 8-6(k)(3) – insert at the end of the list of Town Administrator appointments the words “a town collector to serve for a three year term”

Section 8-6(o) – insert a new paragraph to provide as follows:

As of the effective date of the Charter amendment approved at the December 8, 2014 Special Town Meeting, the elected office of Town Collector shall be abolished and the term of the incumbent terminated; provided further, however, that the elected incumbent holding office as of the effective date of such amendment shall be deemed to be the first appointee to the position and shall hold the office for a period of time equal

to the remainder of the elected term or sooner vacating of office. Thereafter, any vacancy in said position shall be filled by the Town Administrator in accordance with the provisions of paragraph (b) of section 4-2 of said charter; or take any action thereon.  
**Sponsored by the Town Administrator – Selectmen refer to Sponsor**

**ARTICLE 11:** To see if the Town will vote to amend the Town’s Zoning Bylaw for Medical Marijuana Facilities by deleting the text shown below as a strike through, in its entirety, and inserting the bold text as follows:

ARTICLE X  
Medical Marijuana Facilities

**650-90. Special Requirements for Medical Marijuana Facilities**

D. Eligible Locations for Medical Marijuana Facilities.

~~(1) Medical Marijuana Facilities, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by Special Permit from the Webster Board of Selectmen in those areas defined in Article VI, Section 650-48, Article B of these Zoning Bylaws provided the facility meets the requirements of this Section 650-90.~~

**(1) Medical Marijuana Facilities, other than agricultural operations meeting exemption standards under Chapter 40A, Section 3, may be allowed by Special Permit granted by the Webster Board of Selectmen in Zoning District 4, provided the Medical Marijuana Facility shall not be sited within a radius of five hundred (500) feet of a school, daycare center, or any facility in which children commonly congregate. The 500-foot distance under this section is measured in a straight line from the nearest point of the facility in question to the nearest point of the building within which the Medical Marijuana Facility is located. The lot on which said Facility is located shall have a minimum lot size of ten (10) acres.**

E. General Requirements and Conditions for all Medical Marijuana Facilities.

~~(2) No Medical Marijuana Facility shall have a gross floor area of less than 2,500 square feet or in excess of 50,000 square feet.~~

**(2) No Medical Marijuana Facility shall have a gross floor area of less than 2,500 square feet or in excess of 25% of total area of the parcel upon which it is located.**

(4) The hours of operation of Medical Marijuana Facilities shall be set by the Special Permit Granting Authority, but in no event shall said Facilities be open between the hours of 8:00 PM and ~~8:00 AM~~ **6:00 AM**.

~~(5) No Medical Marijuana Facility shall be located on a lot which abuts a residential zoning district.~~

(5) Each permitted Medical Marijuana Facility shall be permitted for one or more of the uses in Article F. (2).

I. A special permit granted under this Section shall have a term limited to the ~~duration of the applicant's ownership~~ duration of the applicant's ownership of, or leasehold interest in, the premises.

~~J. The Board shall require the Property owner to post a bond or other form of security at the time of construction to cover costs for the removal of the Medical Marijuana Facility in the event the Town must remove the facility. The value of the bond or other form of security shall be based upon the ability to completely remove all items listed in K. (2) and properly clean the Facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Planning Board with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the Town to remove the Facility at prevailing wages.~~

; or take any action thereon.

**Sponsored by the Town Engineer/Planner – Selectmen refer to Sponsor**

**ARTICLE 12:** To see if the Town will vote to amend the Town's Zoning Bylaw by deleting the text of Article 650-21 D., shown below as a strike through, in its entirety, and inserting in place thereof the following bold text:

**650-21. District 7 Lake Residential.**

~~D. No structure shall be located nearer than 10 feet to the other side or Lake lines except Boat Houses and Wharves.~~

**D. No structure shall be located nearer than 10 feet from the side lot lines. No structure shall be located nearer than 10 feet from the rear lot line except where the rear lot line is coincidental with the lake line.**

In those instances boat houses, docks, and wharves may be located directly on the coincidental lake line/rear lot line.

; or take any action thereon.

**Sponsored by the Town Administrator – Selectmen refer to Sponsor**

**ARTICLE 13:** To see if the Town will vote to amend the General Bylaws, Chapter 14, Appointed Boards, Committees and Commissions, Article I, Appointments by the Board of Selectmen, Section 14-4, Planning Board, by deleting said section shown below as a strike through, in its entirety and inserting in place thereof the following bold text:

ARTICLE I  
Planning Board

**14-4. Planning Board**

~~There shall be a five (5) member Planning Board which shall be appointed for three year terms, by the Board of Selectmen, and perform its duties pursuant to MGL c. 41, § 81B, and as later amended.~~

**There shall be a five (5) member Planning Board, with two (2) associate members, appointed by the Board of Selectmen for three-year terms, and which board shall perform its duties pursuant to MGL c. 41, § 81B, and as later amended.**

; or take any action thereon.

**Sponsored by the Planning Board – Selectmen recommend approval**

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money for the preparation of detailed plans, specifications, bid documents, the acquisition of any easements, if necessary, and the construction, renovation and expansion of the Chester C. Corbin Public Library building at 2 Lake Street, to include remodeling, reconstructing or repairs to, and equipping and furnishing of said building; and also including the costs of temporary operating quarters; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$12,000,000 under M.G.L. c.44 s.7 (3) and/or (3A) or any other enabling authority; provided that the amount of the authorized borrowing shall be reduced by the amount of any federal or state aid received for the project prior to the issuance of bonds or notes under the vote; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. c.59 s.21C (Proposition 2½); and further to authorize the Chester C. Corbin Public Library Planning and Building Committee, appointed pursuant to the vote of the December 8, 2014 Special Town Meeting under Article 15, to oversee said project subject to the limitations set forth therein requiring final approval of the Board of

Selectmen with respect to the payment of all charges incurred by the Town in the course of the project; or take any action thereon.

**Sponsored by the Library Board of Trustees – Selectmen recommend approval**

**ARTICLE 15:** To see if the Town will vote to form a Chester C. Corbin Public Library Planning and Building Committee, composed of seven (7) members appointed by the Board of Selectmen including one (1) member of the Board of Selectmen, one (1) Library Trustee, the Town Administrator, the Library Director, one (1) School representative selected by the School Committee, two (2) citizens at large appointed by the Board of Selectmen at the Library Trustees' request; and the Town Accountant as an ex-officio non-voting member; authorized and directed to oversee to completion the renovation and expansion of the Chester C. Corbin Public Library, including overseeing the payment of all charges incurred by the Town in the course of the project; or take any action thereon.

**Sponsored by the Library Board of Trustees – Selectmen recommend approval**

**ARTICLE 16:** To see if the Town will vote to transfer from the Board of Selectmen for the purpose for which it is currently held to the Board of Selectmen for such purposes and also for the purpose of conveyance, and to authorize the Board of Selectmen to release, with respect to the land described in a deed from Hector Patenaude to Webster Fish & Game Association, Inc., dated September 15, 1976, and recorded with the Worcester District Registry of Deeds in Book 6026, Page 69, shown as Parcel 3 on Webster Assessor's Map No. 79, the right of reversion held by the Town with regard to the land described in said deed and all rights the Town may have to enforce a restriction or charitable trust if created by said deed, in consideration of the grant to the Town by Webster Fish & Game Association, Inc. of a restriction that will encumber said Parcel 3 and the land described in the deed from the Town to Webster Fish & Game Association, Inc., dated November 1, 1950, recorded with said Registry of Deeds in Book 3298, Page 74, shown as Parcel 2 on Webster Assessor's Map No. 79, the new restriction on said Parcels 2 and 3 to be enforceable for at least 99 years, to provide that neither parcel shall be subdivided, that neither parcel shall be used for residential development, and that neither parcel shall be used for any purpose that is not in conformance with the Zoning Bylaw of the Town, as it may be amended, without variance, and to authorize the Selectmen to accept such restriction and grant such release on such terms and conditions, and any other such terms to which the parties may agree; or take any action thereon.

**Sponsored by the Board of Selectmen – Selectmen 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 fourteen (14) 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 Seventeenth Day of November in the year of our Lord Two Thousand and Fourteen.

**WEBSTER BOARD OF SELECTMEN**

Robert J. Miller, Chairman

Donald D. Bourque, Vice Chairman

Mark G. Dowgiewicz

Andrew M. Jolda

William A. Starzec