

TOWN OF WEBSTER FINANCE COMMITTEE

Michael Finamore, Chairman
Sarah Sansom, Vice Chairman

Town Hall, 350 Main Street, Webster, Massachusetts 01570

MINUTES
October 1, 2015

Present: Jim Bazinet, Joe Beresik, Julie Dell'Anna, Mike Finamore, Earl Gabor, Carol Marchand, Bobby Phillips and Sarah Sansom

Absent: Stanley Lenky

The meeting was called to order at 6:30 PM on Thursday, October 1, 2015 by Chairman Finamore in the Selectmen's meeting room in the Town Hall. Chairman Finamore announced that this was the first time in 10 years that the Finance Committee meeting will be "live" so people in the Town are able to watch.

Chairman Finamore asked for a moment of silence for the 10 students who were reportedly killed and 20 injured at an Oregon Community College.

Mr. Beresik thanked members of the Finance Committee for their cards, expressions of sympathy and donations in memory of his wife. Chairman Finamore extended condolences to Mr. Beresik on the recent loss of his mother, not long after the passing of his wife.

Minutes

Motion was made by Sarah Sansom and seconded to approve the minutes of the September 3, 2015 meeting. Vote: Yes-6; Abstain-1; motion carried.

Correspondence

Memorandum received from the Association of Town Finance Committees announcing the upcoming Annual Meeting scheduled for Saturday, October 17 at the Sturbridge Host Hotel from 9:00 AM – 3:00 PM. Vice Chairman Sansom expressed interest in attending. ***Motion was made and seconded to pay the registration fee of \$45 for Vice Chairman Sansom to attend. Vote was unanimous; motion carried.*** The Secretary will send the registration form to Town Accountant Pamela Regis to process payment.

Transfers – None

Before discussion on the warrant articles, Vice Chairman Sansom noted she and Mr. Gabor visited the Town Hall and met the department heads and shared contact information. They also met with Town Accountant and Interim T/A Pamela Regis prior to tonight's meeting. Mr. Beresik asked that it be noted in the minutes that the Town Accountant and Interim Town Administrator, Pamela Regis, was not present at this meeting.

Chairman Finamore stated that presently paper ballots and/or show of hands is the method used for voting at Town meetings, but the Town is looking into electronic voting. There will be 30 test phones for electronic voting at the Town meeting on October 19th.

Warrant Articles

ARTICLE 1: To hear and act upon the report and recommendations of the Town Meeting Review Committee.

Sponsored by the Town Meeting Review Committee – Selectmen recommend approval; Finance Committee recommend approval

ARTICLE 2: 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; 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 Town Administrator Unpaid Bills Account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

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

ARTICLE 4: 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 Acting Town Administrator – Selectmen recommend approval; Finance Committee passing over for more information

ARTICLE 5: 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 Acting Town Administrator – Selectmen recommend approval; Finance Committee passing over for more information

ARTICLE 6: To see if the Town will vote to transfer the sum of \$8,720.00 from the Town Treasurer Salary Account to the Town Treasurer Professional Services Account; or take any action thereon.

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

ARTICLE 7: To see if the Town will vote to transfer the sum of \$6,985.00 from the Fire Department Uniforms Account to the Fire Department Clothing Allowance Account; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee recommends approval *Mr. Beresik stated he is not sure about firemen, but each year police officers (contractual) who work a regular shift, gets a check upfront to purchase a uniform, no receipts needed. .*

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 \$1,000.00 to the ADA Committee Other Expenses Account; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee recommends approval *The ADA coordinator, (new position) is Secretary to the Board of Selectmen, receives a stipend. Expenses are educational materials.*

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, a sum sufficient to the Unused Sick Leave Payment Account for the purpose of funding the payment of unused sick leave to Paul A. Congdon pursuant to the provisions of Article 22 of the collective bargaining agreement between the Town of Webster and SEIU Local 888 DPW Chapter; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee refer to sponsor *Because the number of days and amount not provided, not approved.*

ARTICLE 10: To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, a sum sufficient to the Earned Vacation Payment Account for the purpose of funding the payment of accrued vacation leave to Paul A. Congdon; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee passing over for more information *Because the number of days and amount not provided (his salary x960 hours max), not approved.*

ARTICLE 11: To see if the Town will vote to transfer the sum of \$17,940.78 from the Police Patrolmen/Sergeants Salary Account to the Unused Sick Leave Payment Account for the purpose of funding the payment of unused sick leave to Donald A. Southall pursuant to the provisions of Article 24 of the collective bargaining agreement between the Town of Webster and IBPO Local 428; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee recommends approval

ARTICLE 12: To see if the Town will vote to transfer the sum of \$934.91 from the Police Patrolmen/Sergeants Salary Account to the Earned Vacation Payment Account for the purpose of funding the payment of accrued vacation leave to Donald A. Southall; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee recommends approval

ARTICLE 13: To see if the Town will vote to raise and appropriate and/or transfer from any available funds in the Treasury, the sum of \$55,000.00 to the Town Hall Improvements Stabilization Fund; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee recommends approval *This is the first payment and monies transferred from solar.*

ARTICLE 14: To see if the Town will vote to transfer a sum sufficient from the Stabilization Fund for the purpose of funding the prior fiscal years' incremental cost items contained in the Memorandum of Agreement between the Town of Webster and IBPO Local 428 for the period from July 1, 2012 to June 30, 2016; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 15: To see if the Town will vote to transfer the sum of \$35,000.00 from the Stabilization Fund for the purpose of funding the addition of a modern military nurse bronze statue to the Court of Honor, including all costs incidental or related thereto; or take any action thereon.

Sponsored by the Trustees of Soldiers Monuments – Selectmen recommend approval; Finance Committee refer to sponsor *Question raised if stabilization fund can be used for this? The estimated cost is between \$55,000-60,000 as there is no mold in existence. Question asked why this had not been included in the original Court of Honor.*

ARTICLE 16: To see if the Town will vote to raise and appropriate, borrow or transfer from any available funds in the Treasury, a sum sufficient for the purpose of funding the design, piloting and permitting required to construct a Water Filtration Plant; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee passing over for more information *Chairman Finamore called the Water Superintendent to see what the cost might be and was told it can go as high as \$8m, and the taxpayers would bear the cost.*

ARTICLE 17: To see if the Town will vote to transfer from the board or officer with custody of the property described below for the purpose for which it is currently held to the Board of Selectmen for the purpose of conveyance pursuant to the provisions of M.G.L. Chapter 30B § 16, and to authorize the Board of Selectmen to convey, the property located at 0 Sunny Avenue, shown on Assessor's Map 51-F-6-0, and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 18: To see if the Town will vote to transfer from the board or officer with custody of the property described below for the purpose for which it is currently held to the Board of Selectmen for the purpose of conveyance pursuant to the provisions of M.G.L. Chapter 30B § 16, and to authorize the Board of Selectmen to convey, the property located at 405 School Street, shown on Assessor's Map 2-K-1-0, and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 19: To see if the Town will vote to transfer from the board or officer with custody of the property described below for the purpose for which it is currently held to the Board of Selectmen for the purpose of conveyance pursuant to the provisions of M.G.L. Chapter 30B § 16, and to authorize the Board of Selectmen to convey, the property located at 91 North Main Street, shown on Assessor's Map 15-B-6-0, and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 20: To see if the Town will vote to transfer from the board or officer with custody of the property described below for the purpose for which it is currently held to the Board of Selectmen for the purpose of conveyance pursuant to the provisions of M.G.L. Chapter 30B § 16, and to authorize the Board of Selectmen to convey, the property located at 21 Mechanic Street, shown on Assessor's Map 1-N-1-0, and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 21: To see if the Town will vote to transfer from the board or officer with custody of the property described below for the purpose for which it is currently held to the Board of Selectmen for the purpose of conveyance pursuant to the provisions of M.G.L. Chapter 30B § 16, and to authorize

the Board of Selectmen to convey, the property located at 22-24 Pearl Street, shown on Assessor's Map 15-B-21-0, and to further authorize the Board of Selectmen to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 22: To see if the Town will vote to discontinue as a public way Richard Avenue as shown on drawing entitled "Plan & Profile of Richard Ave." dated February 1960, which was accepted as such on March 11, 1960, which way to be discontinued now lies in its entirety within the K-Mart Plaza, and to transfer the discontinued way from the Board of Selectmen for public way purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and to authorize the Board of Selectmen to convey any right, title and interest held by the Town in said discontinued way on such terms and conditions as the Board deems appropriate; or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to convey to Rachel D. Trant and Dean W. Ciocci, title owners of the real property located at and near 14 Kenneth Avenue, Webster, and their heirs, successors and assigns, a "Release of Easement" releasing the Town's interest in those portions of the drainage easement located on said 14 Kenneth Avenue shown as Lot 5 on a plan entitled "Proposed Subdivision Land in Webster Mass. owned by Henry A. & Dora M. Racicot", recorded in the Worcester District Registry of Deeds at Plan Book 391, Plan 77, which lie under those portions of the house and deck currently located on said easement area which are shown on a plan recorded in the Worcester District Registry of Deeds at Plan Book 871, Plan 8, said conveyance to be on such terms and conditions as the Board of Selectmen deems appropriate and necessary, and to execute any instruments and take all actions necessary to carry out this vote; or take any action thereon.

Sponsored by the Acting Town Administrator – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to grant a perpetual utility easement to Massachusetts Electric Company for the installation, construction, reconstruction, repair, maintenance, addition to and operation of underground and above ground equipment for the transmission of high voltage and low voltage electricity and intelligence in, on, over, under, across and through a portion of Town-owned land on the westerly side of Cudworth Road shown on Assessor's Map 87 as Lot B-1; or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to grant a perpetual utility easement to Massachusetts Electric Company for the installation, construction, reconstruction, repair, maintenance, addition to and operation of underground and above ground equipment for the transmission of high voltage and low voltage electricity and intelligence in, on, over, under, across and through a portion of Town-owned land on the southerly side of Harry's Way shown on Assessor's Map 23 as Lot A-6; or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 26: To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for payments in lieu of taxes (“PILOT”) pursuant to M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, on such terms and conditions as the Board of Selectmen may deem in the best interest of the Town, for both real property and personal property attributable to a solar photovoltaic facility located (or to be located) on privately owned land located at 0 Thompson Road (Parcels 37/A/1/0 and 36/B/2/0), and to do all things necessary to implement such agreement; or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor (please note Chairman Finamore recused himself from voting) This is currently in a land court.

ARTICLE 27: To see if the Town will vote to amend the Webster Zoning Bylaw by adding an article of solar use for residential and commercial purposes as follows:

ARTICLE X
650-91. Solar Use Bylaw

- A. Statement of purpose: The purpose of the solar bylaw is to promote and regulate the use of residential and commercial solar photovoltaic facilities within the Town of Webster and encourage their location and use in a manner which minimizes negative visual and environmental impacts on scenic, natural and historic resources, and to the residents of Webster.
- B. Definitions
1. **Solar Photovoltaic Installation:** An active solar energy system that converts solar energy directly into electricity.
 2. **Small Scale Photovoltaic Installation:** A solar photovoltaic installation with a rated nameplate of up to 250kW DC.
 3. **Large Scale Solar Photovoltaic Installation:** A solar photovoltaic installation that has a minimum nameplate capacity of 250kW DC.
 4. **Ground Mounted Solar Photovoltaic Installation:** A solar photovoltaic system that is structurally mounted on the land and is not roof-mounted.
- C. Uses
1. Small scale solar photovoltaic installations shall be allowed as an accessory use in all zoning districts.
 2. Small scale solar photovoltaic installations shall not be allowed as a primary use in any zoning district.
 3. Large scale solar photovoltaic installations shall be allowed in all zones by special permit by the Planning Board, acting in their capacity as the Special Permit Granting Authority. The Planning Board shall review the special permit application for conformance with the Special Permit Criteria under these bylaws as well as Massachusetts General Law.
- D. Design Standards

1. Lighting. Lighting shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off to eliminate light pollution.
2. Signage. Signs shall comply with the local bylaw, provided that for large scale solar photovoltaic facilities one (1) additional sign no more than two (2) square feet in area shall be required to identify the owner and provide a 24-hour emergency contact telephone number. Solar photovoltaic installations shall not be used for displaying any advertising. Signage shall only be for identification of the manufacturer or operator of the solar photovoltaic installation.
3. Utility Connections. All utility connections from a large scale solar photovoltaic installation shall be underground, provided however that the Planning Board may waive this requirement as part of its special permit review based on its soil conditions, shape, and topography of the site and/or any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
4. Appurtenant Structures. All appurtenant structures to large scale solar photovoltaic installations, including but not limited to, equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view from abutting properties and public ways by vegetation and/or joined or clustered to avoid adverse visual impacts on abutting properties or public ways.

E. Safety and Environmental Standards

1. Emergency Services. The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation. All means of shutting down the solar photovoltaic installation and said person shall be clearly marked.
2. Land Clearing, Soil Erosion, and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large scale ground mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations and bylaws.

F. Monitoring and Maintenance

1. Solar Photovoltaic Installation Conditions. The large scale solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, vegetation maintenance, fence repair, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the large scale solar photovoltaic installation and any access road(s), unless accepted as a public way.

2. Modifications. All material modifications to a small scale solar photovoltaic installation made after issuance of the building permit shall require approval by the Building Commissioner. All material modifications to a large scale solar photovoltaic installation made after issuance of the building permit shall require approval from the Planning Board and Building Commissioner.
3. Removal Requirements. Any large scale ground mounted solar photovoltaic installation which has reached the end of its useful life or has been discontinued consistent with Section G of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board and Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a) Physical removal of all large scale ground mounted solar photovoltaic installations, structures, equipment, security barriers, and transmission lines from the site.
 - b) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board and Building Commissioner may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

G. Discontinuance

Absent notice of a proposed date of discontinued operations or written notice of extenuating circumstances, the large scale ground mounted solar photovoltaic installation shall be considered discontinued when it fails to operate for more than one (1) year without the written consent of the Planning Board. Upon written request from the Building Commissioner addressed to the contact address provided and maintained by the owner and operator as required above, the owner or operator shall provide evidence to the Building Commissioner demonstrating continued use of the installation. Failure to provide such evidence within thirty (30) days of such written request shall be conclusive evidence that the installation has been discontinued. If the owner or operator of the large scale ground mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this bylaw within 150 days of discontinuance or the proposed date of discontinued operations, the Town may take appropriate enforcement action including pursuing all available civil or criminal penalties.

H. Financial Surety

Owners or operators of large scale ground mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and restoration of the site, in an amount and form determined to be acceptable by the Planning Board, but in no event to exceed 125 percent of the prevailing wage cost of removal, site restoration, and compliance with the additional requirements set forth herein. Such surety shall remain in force for so long as the project is in existence, and the owner shall annually provide the Planning Board and Building Commissioner with proof that the surety continues in effect. Surety shall include obligee notification clause. Lapse of surety shall be a violation of this

bylaw and the Town may take appropriate enforcement action. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. It shall be a condition of every special permit that the Planning Board may, at intervals of no less than five (5) years, request the owner or operator to provide an updated estimate of the cost of removal, and to increase the amount of security accordingly.

I. Contents of Application.

In addition to the requirements of Article VII for Site Plan Review, Special Permit applications for a large scale solar photovoltaic facility shall include:

1. A site plan showing:

- a) Access roads for the project site;
- b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and structures;
- c) Elevations and/or photo simulations of the proposed facility from the nearest public way and possibly other locations at the discretion of the Planning Board;
- d) Drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- e) One (1) or three (3) line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- f) A stormwater management plan;
- g) An erosion and sedimentation control plan;
- h) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- i) The name, address, and contact information for proposed system installer;
- j) The name, address, telephone number, email address, and signature of the project proponent, as well as co-proponents and/or property owners, if any;
- k) The name, address, telephone number, email address, and signature of any agents representing the project proponent.

2. Documentation of actual or prospective access and control of the project site;

3. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures;

4. A decommissioning plan in compliance with Section F(3);
5. Proof of liability insurance;
6. Description of financial surety as required by Section H;
7. Evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

J. Review of Application.

Notice of application to the Planning Board shall be filed by the applicant with the Town Clerk, who shall date stamp it and forward a copy of the notice to the Planning Board. Upon receipt of an application, the Town Planner shall review it for completeness.

The Planning Board, acting as the Special Permit Granting Authority, may waive specific submission requirements as determined within this bylaw and where deemed unnecessary by a super majority of the Board.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 28: To see if the Town will vote to delete undefined Zoning District B/I from the Zoning Map and change the Zoning District designation of the following parcels:

Parcel B-1, Map 87;
Parcel B-2, Map 87;
Parcel B-3, Map 87;

from District B/I to District 6, Industrial, and change the Zoning District designation of the following parcels:

Parcel B-1, Map 78;
Parcel B-1-1A, Map 78;
Parcel B-1-2, Map 78;
Parcel B-1-1, Map 78;
Parcel B-1-1.1, Map 78;

from District B/I to District 5, Business Districts (without sewer); or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 29: To see if the Town will vote to change the Zoning District designation of the following parcels:

Parcel A-1, Map 57;
Parcel A-3-2, Map 57;
Parcel A-3-1, Map 57;
Parcel A-3, Map 57;

Parcel A-4, Map 57;

Parcel A-5, Map 57;

Parcel A-6, Map 57;

from District 7, Lake Residential to District 5, Business Districts (without sewer); or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 30: To see if the Town will vote to change the Zoning District designation of parcel C-1 on Assessor's Map 17 from District 1, Single-Family Residential to District 6, Industrial; or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 31: To see if the Town will vote to change the Zoning District designation of parcel D-1 on Assessor's Map 86 from District 6, Industrial to District 5, Business Districts (without sewer); or take any action thereon.

Sponsored by the Town Engineer/Planner – Selectmen recommend approval; Finance Committee refer to sponsor

ARTICLE 32: 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, and the land described in a deed from the Town of Webster to Webster Fish & Game Association, Inc., dated November 1950, recorded with said Registry of Deeds in Book 3298, Page 74, shown as Parcel 2 on Webster Assessor's Map No. 79, and all rights the Town may have to enforce a restriction or charitable trust if created by said deeds, in consideration of the grant to the Town by Webster Fish and Game Association, Inc. of a restriction that will encumber said Parcels 2 and 3, 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; Finance Committee refer to sponsor

ARTICLE 33: To see if the town will vote to rescind the actions of the October 15, 2001 Town Meeting approving Article 36, to create the non-civil service position of Deputy Chief of Police within the Webster Police Department and further, to abolish said position of Deputy Chief of Police, effective December 31, 2015, or take any action thereon.

Sponsored by the Chairman of the Finance Committee – Selectmen do not recommend approval; Finance Committee recommend approval (Chairman Finamore recused himself from voting) *It was noted the previous T/A added a Deputy Chief and one Lieutenant; two officers taken off*

the street and moved into offices. In checking what other towns similar to Webster have, only Southbridge has a Deputy Chief; Sturbridge, Oxford, Dudley, Uxbridge do not have a Deputy Chief. The Deputy Chief in Webster will be retiring on 12/31, Line in the budget is zero.

ARTICLE 34: 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 by extending the B-5 (Business without Sewer) zoning district to include two parcels of land which are currently zones L.R. (Lake Residential) identified as said real estate in the Town of Webster on the westerly side of the Webster-Douglas Highway, also known as Gore Road, and located at 122 Gore Road (Parcel ID 75-C-19-0) and 0 Gore Road (Parcel ID 75-C-20-0) in the County of Worcester in the Commonwealth of Massachusetts. Said parcels of land are currently assessed to Kenneth R. Bonneau; or take any action thereon.

CITIZEN'S PETITION – Selectmen refer to Sponsor; Finance Committee refer to sponsor
Chairman Finamore did not vote.

ARTICLE 35: To see if the Town will vote to amend Chapter 650 Zoning Bylaw of the Town of Webster Article IV – District Regulations Section 650-14 District 1 Sing Fam. Residential by adding the following permitted use to Section A – Uses Permitted:

- (8) The keeping of 6 laying hens or fewer for personal use. Hens must be confined at all times and not permitted to run at large.

CITIZEN'S PETITION – Selectmen refer to Sponsor; Finance Committee refer to sponsor

ARTICLE 36: To see if the Town will vote to amend the Personnel By-Laws, as adopted in March 1969, including all amendments from 1970-1984, by adding for all non-union and elected personnel annual cost-of-living increases. These cost-of-living increases would automatically be provided at a level equal to or higher than the average percentage of such cost-of-living increases (as contrasted with increases in base pay and merit increases) granted to the Town of WEBSTER bargaining units represented by unions whose wage increases have been approved in time for inclusion in the Finance Committee's annual budget report and submitted to the Annual Town Meeting; or take any action thereon.

CITIZEN'S PETITION – Selectmen refer to Sponsor; Finance Committee pass over *It was noted that what the clerical union received the non-union employees received.*

ARTICLE 37: To see if the Town will vote to exclude Webster residents from any parking fees, use fees or any other so called fees or charges for the entrance and use of Memorial Beach. Proof of residency will be the vehicle registration and/or a MA driver's license. Separate stickers will be printed and not combined with any other town fees such as recycling or compost stickers. In addition, any eligible veteran from the Town of Dudley will be exempt from parking fees, use fees or any other so called fees or charges by presenting proper military and residency papers as requested or take any other action thereon.

CITIZEN'S PETITION – Selectmen refer to Sponsor; Finance Committee refer to sponsor *Mr. Gabor noted a Town Beach Advisory Committee has been formed and are looking at the fees. The committee would like to know how much was collected and where that money goes; looking for the Town Accountant to provide that information. . Mr. Beresik recused himself from voting.*

ARTICLE 38: TO SEE IF THE TOWN WILL VOTE TO ACCEPT THE FOLLOWING BYLAW

Chapter 488-2 Memorial Beach

Daily parking fees and/or entrance fees are waived for vehicles displaying a handicap license plate or placard or disabled veterans license plate from any state, a current town of Webster beach sticker, or the operator of said vehicle presents an current active duty military identification card.

OR TAKE ANY ACTION THEREON;

CITIZEN'S PETITION – Selectmen refer to Sponsor; Finance Committee refer to sponsor

ARTICLE 39: To see if the Town will vote to amend the Town's By-Laws, Chapter 571 by adding a new section 571-17 entitled "Winter Parking Ban" as follows:

During the period beginning on December 1 and ending on April of each year when a snow emergency has been declared by the Town, parking shall be allowed only on the odd-numbered side of any Town way on odd-numbered days and on even-numbered side of any Town way on even-numbered days. No vehicle shall be parked or left unattended except in accordance with this regulation.

Or take any action there on.

CITIZEN'S PETITION – Selectmen refer to Sponsor; Finance Committee refer to sponsor

ARTICLE 40: To see if the Town will vote to amend the Town's Personnel By-Laws, Chapter 217-3 by adding a new section 217-3.1 as follows:

Police Department – Residency – Chief of Police

Every person employed by the Town of Webster Police Department, who holds the rank of Chief of Police, or any other equivalent title meaning the Chief of Police or head of the Police Department, shall be required to be a resident of the Town of Webster, and shall not cease to be a resident of the Town of Webster for the duration of his or her time holding said rank.

Every person who accepts promotion or appointment to the rank of Chief of Police, if not already a resident of the Town of Webster shall have not more than one year to obtain residency within the Town of Webster. If residency is not obtained within one year of hire or promotion to said rank, it will be considered voluntary demotion from his or her rank of Chief of Police.

To the extent permissible by law, no contract for employment or collective bargaining agreement hereafter entered into by the Town of Webster shall contain any provision contrary to this by-law with respect to the residency of any person hired or promoted to the position of Chief of Police after the effective date of this by-law.

The requirements of this by-law shall not be waived by the Town Administrator nor the Board of Selectmen. If the incumbent Chief of Police does not currently reside within the Town of Webster on the effective date of this by-law, said incumbent shall be exempt from the provisions hereof, until such time as the person herein exempted, changes his or her place of residency.

In construing this bylaw, residence shall be the actual principal residence of the individual, where he or she normally eats and sleeps and maintains his or her normal personal and household effects. This bylaw shall be deemed to affect both Civil Service and non-Civil Service Chiefs of the Town of Webster Police Department.

Or take any action there on.

CITIZEN'S PETITION – Selectmen refer to Sponsor; Finance Committee refer to sponsor

ARTICLE 41: To see if the Town of Webster will vote to amend the Town's By-Laws, by adding a new section:

Police conduct oversight system established.

For the purpose of (1) assuring that police services are delivered in a lawful and nondiscriminatory manner, (2) providing to the public meaningful participatory oversight of the police and their interactions with the citizenry and (3) investigating complaints of misconduct on the part of members of the Webster Police Department and making findings regarding the merits of such complaints, there is hereby created a five member police Oversight Review Board, with duties and authority as described in this by-law.

- **Scope of authority, Police Oversight Review Committee.**

The Police Oversight Review Committee shall consist of five (5) volunteer members comprised of: 1) One member appointed by the Board of Selectmen, 2) One member appointed by the Finance Committee, 3) One member appointed by the School Committee, 4) One Member appointed by the Webster Police Union and 5) One member elected at the May Town elections. All members must be residents of the Town of Webster and not current members of the Webster Police Department. Each member shall be elected or appointed for a term of three years. The Committee shall have authority to review the disciplinary actions taken by the Webster Police Department or Town of Webster against any member of the department.

- **Complaint filing, and investigation.**

- a) The Committee shall receive complaints from both the public and police department members, requesting that the Committee investigate the findings of any internal affairs complaint filed against a member of the department, including the level of discipline, or lack of discipline issued by the department or Town.
- b) The Committee shall endeavor to complete any reviews as promptly and efficiently as possible, but in no circumstance shall the investigation by the Committee exceed 180 days. The Committee shall also have the power to refer any complaint to another law enforcement agency on the state or federal level.
- c) Information from investigations shall be shared only with members of the Committee, unless otherwise specifically authorized by law.

- **Requirement of cooperation by the Webster Police Department and all other town employees and officials.**

The Webster Police Department and all other Town of Webster employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information and for access to data and records for the purpose of enabling the Police Oversight Review Committee to carry out their responsibilities under this by-law. The failure by any official or employee of the Webster Police Department or by any other Town of Webster employee or official to comply with such requests for information or access shall be deemed an act of misconduct.

- **Disciplinary Decision.**

Upon conclusion of the review process, the Police Oversight Review Committee shall forward the Committee's decision to the Chief of Police, Town Administrator, the individual who is the subject of the complaint, and the complainant. The Committee shall either 1) affirm the findings and discipline, 2) Overturn the findings and discipline or 3) Affirm the findings and modify the discipline. Said decision shall be binding on the police department and Town. All decision of the Committee shall be supported by a majority vote of the members. All decisions rendered by the Committee shall be made in accordance with current standards of "just cause" and a "preponderance of the evidence". For purposes of this by-law, "Just Cause" and "Preponderance of the Evidence" shall have their legally defined and accepted meanings, as may be amended by judicial decision.

- **Civil Service and Contractual Rights**

Nothing in this bylaw shall limit or prevent an employee from exercising any rights he or she may have under an employment contract or the general laws.

Or take any action thereon.

CITIZEN'S PETITION – Selectmen refer to Sponsor; Finance Committee refer to sponsor

Budget

The financial report through September 30 will be posted on the Town website. The new code red system will have unlimited emergency alert, phone/text nationwide; approximate cost to the Town is \$8,000.

New Business

Mr. Beresik noted that the Senior Center on School Street is currently vacant, with the new one scheduled to open on Monday. Question was asked if there were plans for the building; and it was mentioned that it may be considered for use by Quinsigamond Community College. Mr. Beresik mentioned that the library has been shut down for a number of consecutive days due to lack of help and the Town has voted to spend \$11.5m on a new library. Mr. Gabor

Old Business - None

Items Unknown at Time of Posting – None

Next Meeting

The next meeting of the Finance Committee will be held on Monday, October 19th at 6:00 PM at BHS. Mr. Beresik asked the Secretary if she would secure a separate meeting room for the Finance Committee to meet, prior to the Town Meeting.

The next regular monthly meeting of the Finance Committee will be held on Thursday, November 5, 2015 at 6:30 PM in the Selectmen's meeting room in the Town Hall.

There being no further business, meeting adjourned at 8:30 PM.

Christine Jackel, Secretary

Michael Finamore, Chairman - Accepted