



# BOARD OF SELECTMEN POLICIES

Revised 2023

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## GENERAL GOVERNMENT POLICIES

### BOARD OF SELECTMEN HEARING PROCEDURES

1. The Chairperson will open the hearing by identifying the purpose of the hearing and the rules to be followed during the hearing.
2. If testimony at the hearing must be given under oath, a five-minute recess will be taken to permit speakers to register with the meeting recorder. When the hearing is reconvened, the chairperson will render the oath in front of all present.
3. The basic format of the hearing will be:
  - Arguments: Proponents
  - Questions: Board of Selectmen
  - Questions: Public
  - Arguments: Opponents
  - Questions: Board of Selectmen
  - Questions: Public
  - Recess: (five minutes)
  - Concluding statement/rebuttal: Proponents
  - Concluding statement/rebuttal: Opponents
4. No questions will be permitted until after the speaker has finished his or her presentation. Questions will be accepted first from board members and then from the public. All public questions will be addressed through the chairperson. Questioners will identify themselves to the chair, state their question, and specify to whom it is addressed. Any disagreement with answers is restricted to rebuttal statements.
5. At the completion of arguments, citizens may record themselves in agreement with the speaking side without making another presentation. (This provision is designed to reduce repetition).
6. Prior to the close of the hearing, the board will announce what its next action will be.

Reviewed June 12, 2023. Next review January 2026.

### SOCIAL MEDIA POLICY

The Town Administrator shall appoint a Communications Director to manage the design, upkeep and content of the Town's social media in compliance with this policy. The Town Administrator, at his discretion, may expand this policy to include additional social media as he/she deems appropriate in the future. In the event that there is a question about the nature of the content on the Town's social media, the Town Administrator will review it and issue a final determination about its future.

## **Purpose**

The purpose of this policy is to provide standards and procedures for the appropriate use of social media when conducting Town business. While this policy generally applies to the most popular sites, Facebook in particular, it is acknowledged that social media is an evolving communications tool and new resources may become available over time. The Town may utilize social media to communicate information related to the business of the Town directly to the public. The Town encourages the use of social media to further the goals of the Town, the missions of its departments and public bodies, and to contribute to its overall vibrancy while enhancing the spirit of its community.

Social media is not designed to be utilized in the same formal capacity as the Town's official government website. Social media, in general, does not post meeting agendas, meeting minutes, the Town Charter and Bylaws, or other documents which are located on the Town's official government website. Social media may provide links to the Town's official government website in order for the user to obtain these documents.

The critical, important, and current business of the Town will remain the priority of all social media. On a secondary basis, the Town encourages social media to utilize engaging, entertaining, and visually stimulating media such as graphics, photographs, fliers for local Town sponsored events, quotes, etc., in an effort to further the Town's goal of disseminating information and creating an atmosphere of community spirit. Social Media may also provide links to other websites that contain articles or information that may be of interest to Town residents.

The Town has an overriding interest in deciding what is published on behalf of the Town through social media and in establishing guidelines for the use of Town social media. That being said, the Information Technology Director/Webmaster will share all information he/she receives in electronic format (not including meeting minutes or meeting agendas) with the Communications Director in an effort to disperse pertinent, timely information pertaining to Town business via social media along with the Town website, thereby making it more accessible to our citizens.

## **Content**

The Communications Director will monitor and update the content on the Town's social media sites to ensure they comply with this policy. The Communications Director will also monitor/answer incoming messages to the social media pages(s) and monitor posts to the page(s) to ensure compliance to the Town's social media policy.

Content or comments containing any of the following information are not permitted on any type of Town social media site or the Town's official government website and are subject to editing, removal or restriction, by the Town Administrator:

- Comments completely unrelated to the topic or social medium thread being discussed;
- Comments in support of or opposition to political campaigns or ballot measures of any kind;

- Any commentary related to politics, political views, whether it be local, state, or national;
- Profane, obscene, or sexual language or content or links to such language or content;
- Content that promotes, fosters, or perpetuates discrimination on the basis of any category protected by state or federal law including race, creed, color, age, religion, gender, genetic information, national origin, physical or mental disability, gender identity, or sexual orientation;
- Pictures, cartoons, or other images that are disturbing or inappropriate in nature, depicting acts of violence, crime, drugs, sexual activity, profanity, or any other activity not in line with the purpose and tone of the Town's mission;
- Solicitations of commerce, including but not limited to advertising of any business or product for sale, unless having to do with Town-related activities;
- Conduct or encouragement of illegal activity;
- Information that may compromise the safety or security of an individual or an organization;
- Personal attacks, derogatory comments, insults, name-calling, or hurtful jokes;
- Threats to any person or organization;
- Anything containing religious content or references to religious organizations;
- Promotions of activities that do not directly involve or benefit the Town;
- Conduct that violates any federal, state, or local law;
- Content that violates a legal ownership interest of any other party (including copyright protections); and
- Any comments that reference second-hand information or assumption rather than proven fact.

The Town Administrator will make the final determination as to whether or not content is deemed to be in violation of this social media policy. If the Communications Director receives a request to post content and it is unclear whether or not it is in compliance with the Town's Social Media Policy, the document will be reviewed by the Town Administrator who will make the final determination.

The Communications Director will closely monitor incoming posts made by third parties to ensure that they do not violate this policy. At no time will third parties be allowed to provide anything other than comments to the Town's social media site(s) (no links to other sites, documents, business promotions, etc.).

Three individuals will have access to the Town's social media site(s): The Town Administrator, the Communications Director, and the Information Technology Director/Webmaster. The Communications Director will be the responsible party to manage all aspects of the Town's

social media with the IT Director/Webmaster providing back-up assistance only per request or in the event of his/her absence.

Reviewed June 12, 2023. Next review January 2026.

## **MINUTES POLICY**

Purpose: To ensure all boards and committees are consistent with the Open Meeting Law, G.L. c. 30A, §§ 18-25 and the Attorney General's regulations, 940 CMR 29.00, and that information regarding the outcome of board or committee meetings is readily available to the public.

Every multiple-member board, commission, committee, or subcommittee within town, however created, elected, appointed, or otherwise constituted, established to serve a public purpose is a "public body" and must conform to the Open Meeting Law. Among other obligations, that means that each public body must create, approve, and maintain meeting minutes.

Each public body shall nominate someone to be responsible for ensuring that accurate meeting minutes are created, typically a Secretary. Some public bodies will have staff members assigned to keep minutes. For those public bodies that do not have access to such a person, a member of the public body must create the minutes.

In accordance with state law, meeting minutes must include the following information:

- The date, time, and place of the meeting
- Identification of all members present and absent
- A record of all decisions made and actions taken
- A record of all votes
- A summary of the discussion on each subject. Note: a transcript is not required
- If any vote is taken in executive session or while a member participates remotely, the vote must be by roll call and the minutes must reflect the roll call vote
- If a member participates remotely, the name of the remote participant and the reason under 940 CMR 29.10(5) for the remote participation
- A list of the documents and other exhibits used at the meeting. These records must be maintained, but need not be physically attached to the minutes
- The results of any review of executive session minutes as to whether they will continue to be withheld from public disclosure or released to the public.

Minutes must be created and approved in a timely manner. In order to provide the public with timely information, minutes must be made available on the Town Website within 21 days of the

meeting, in draft form if necessary. Draft minutes should be clearly marked as such. The chair should approve, in draft form, the minutes so they may be posted within the 21 day time period. Draft minutes should be approved at the next scheduled meeting, but in no event later than two meetings. Approved minutes must be available online within five days of approval.

Open session and executive session minutes should be separate documents. Once approved, the secretary signs those minutes, which become part of the official records of the Town. The open session minutes are available to the public and should be posted on the Town website as noted above. Executive session minutes should be maintained in a confidential file and only posted on the Town website when the reason for the executive session no longer requires that the minutes be withheld from disclosure.

The public body or its chair or designee shall periodically review the minutes of executive sessions to determine if the minutes should still be exempt from public disclosure. The determination must be announced at the next meeting of the public body.

Minutes posted on the Town's website will be archived there for three (3) years. Minutes must be kept with the Town Clerk indefinitely.

Reviewed June 12, 2023. Next review January 2026.

## **USE OF TOWN STATIONERY**

A committee or board member must first receive approval from a majority of his or her respective board or committee prior to using its letterhead for any correspondence. As a general rule, correspondence from a committee or board should be written and distributed by staff. Any board or committee member must seek permission from the Town Administrator to print and use the Town Seal on business cards.

Reviewed June 12, 2023. Next review January 2026.

## **SPECIAL MUNICIPAL EMPLOYEES**

"Special municipal employee" status can be assigned to certain municipal positions by a vote of the board of selectmen. Several specific municipal positions are automatically designated as "special" under the law. Your position is eligible to be designated as a "special municipal employee" position provided that:

- you are not paid; or
- you hold a part-time position which allows you to work at another job during normal working hours; or
- you were not paid by the city or town for more than 800 working hours (approximately 20 weeks full-time) during the preceding 365 days.



It is the municipal position that is designated as having "special" status, not the individual. Therefore, all employees holding the same office or position must have the same classification as "special municipal employees."

The following positions are designated as "Special Municipal Employees":

- Town Election Workers
- Plumbing Inspector
- Assistant Plumbing Inspector
- Oil Burner Inspector
- Assistant Oil Burner Inspector
- Wiring Inspector
- Assistant Wiring Inspector
- Gas Inspector
- Assistant Gas Inspector
- Constables
- Intermittent/Auxiliary/Special Police Officers
- On-call Firefighters

Reviewed June 12, 2023. Next review January 2026.

## **TOWN COUNSEL ACCESS POLICY**

Request for utilization of town counsel service by any department, board or committee, shall be made to the Town Administrator. The Town Administrator shall be responsible for approving or denying such request in whole or in part. Requests for opinion and / or utilization of services of Town Counsel by the Board of Selectmen shall require a minimum of 3 out of 5 vote of the members of the Board but shall not require the approval of the Town Administrator.

Reviewed June 12, 2023. Next review January 2026.

## **FLAGS AT HALF STAFF POLICY**

It is the policy of the Board of Selectmen, as representing the citizens of the Town of Webster, and the official policies, opinions, and sympathies of the government of the Town, to adhere to both the Flags at Half Staff Policy as described herein and Massachusetts General Laws (Chapter 2, § 6A) with respect to flying flags at half-staff at buildings and grounds under its jurisdiction. The flags shall be flown at half-staff in recognition and/or sympathy of individuals or causes that affect the whole of the Town of Webster as determined by the Chairman of the Board of Selectmen or his/her designee.

This policy shall not prohibit other individuals or causes not specifically cited in either the Flags at Half Staff Policy or the M.G.L. from being honored by the lowering of flags at municipal buildings and/or grounds, but only that such lowering should not exceed the ordinary periods prescribed by law and custom for individuals or causes of comparable rank. The recognition or sympathies of schools or any other public or corporate entity can be signified by the chief executive officer(s) of those entities by lowering the flags on any building or properties under their jurisdiction.

The Chairman of the Board of Selectmen is authorized (as stated in the Bureau of the State House Policy Manual) to direct that flags be flown at half-staff upon the death of a prominent local official, or on occasions other than those specified which he/she considers proper as long as they are consistent with the policy set forth herein.

In all cases deemed appropriate to fly the flags at half-staff, no distinction shall be made between the flags of the

United States and that of the Commonwealth of Massachusetts. They shall be treated in the same manner.

#### PROCEDURE:

Flags shall be flown at half-staff per order of the President of the United States or the Governor of the Commonwealth of Massachusetts. The Chairman of the Board of Selectmen may elect to fly flags at half-staff as a sign of respect or sympathy for persons or causes other than those listed in the Flags at Half Staff Policy or the M.G.L., so long as the period of lowering is consistent with the intent of the policy and laws.

In the event that more than one death or other cause occur at the same time, the period of the flags being lowered shall not exceed the normal endpoint of the longest of the overlapping periods. The periods are not added together.

In the event that the flag of a foreign nation or any other state or organization is requested to be flown during a period when the United States and Massachusetts flags are at half-staff, those flags must also be flown at half-staff.

<b>Upon the death of:</b>	<b>Duration of flags to be displayed at half staff</b>
<ul style="list-style-type: none"><li>• Current member of the Board of Selectmen</li><li>• Current Webster Police Officer</li><li>• Current Webster Firefighter</li></ul>	From the day of death until sunset of the day of interment
<ul style="list-style-type: none"><li>• Former member of the Board of Selectmen</li><li>• Former State Senator representing Webster</li><li>• Former State Representative representing Webster</li><li>• Retired Police Chief</li><li>• Retired Fire Chief</li></ul>	From sunrise until sunset of the day of interment

<ul style="list-style-type: none"> <li>• Any current employee of the Town of Webster</li> <li>• Any resident currently serving as a member of any board, committee or commission</li> </ul>	
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Reviewed June 12, 2023. Next review January 2026.

### ELECTRONIC SIGN POLICY

The purpose of the electronic message board sign is to promote and market Town services, programs, events and resources. Content is limited to Town sponsored or co-sponsored events, services and resources, municipal department announcements, and community events.

Decisions on inclusion and wording of announcements shall be determined by the Town Administrator or, in his/her absence with the authorization of the Chairman of the Board of Selectmen. Requests must be sent in writing to the Town Administrator.

Community messages and town department messages will be incorporated into the Town’s rotating message.

The Town’s electronic message board sign shall adhere to Town of Webster digital sign regulations.

Messages that are displayed may promote special or signature events for other organizations (other than above), which benefit the community as a whole with the approval of the Town Administrator or his designee.

The sign is not available for the promotion of private businesses and/or events that, in the opinion of the Town, do not benefit the public.

Reviewed June 12, 2023. Next review January 2026.

### WITHOLDING OF PERMITS AND LICENSES FOR NON-PAYMENT

At the October 17, 1994 Annual Town Meeting, the Town voted to adopt MGL, Chapter 40, Section 57 which allows local licensing authorities and permit granting boards to withhold licenses and permits for non-payment of any local taxes, fees, assessments, betterments or other municipal charges.

Prior to issuing any licenses or permits, department heads should determine whether any charges are owed to the Town.

Reviewed June 12, 2023. Next review January 2026.

## LICENSING POLICIES

### BOARD OF SELECTMEN ALCOHOL POLICIES

#### ***NON-PROFIT SPECIAL ALCOHOL LICENSES***

In accordance with MGL, Chapter 138, S. 14, and the ABCC Rules & Regulations B. Section 14 (Special Licenses) the Board of Selectmen shall not issue a Special License to any persons, association, partnership or corporation already issued or in the process of being issued a license to sell alcoholic beverages as approved by the Commission. Special Licenses cannot cover any portion of a currently licensed premise.

Special Licenses may be issued by the Board of Selectmen for nonprofit organizations conducting any indoor or outdoor activity or enterprise. Application must be submitted to the Selectmen's Office no later than 37 days prior to the event. In the event that an application is submitted later than 37 days prior, and does not allow for action by the Board at a regularly scheduled meeting, that the Chair and Vice Chair are authorized to approve such license on its behalf.

#### ***SERVICE OF ALCOHOL TRAINING***

All licensees must have their employees who are involved in the service of alcohol trained by completing the TIPS Program or a substantially similar course or workshop.

Additionally, all package store licensees are required to have their employees complete a training course in the sale of alcohol that has been approved by the Alcohol Beverages Control Commission.

#### ***LIQUOR LAW VIOLATIONS***

First Offense: A verbal warning or suspension of license for up to a maximum of three (3) days.

Second Offense: Suspension of license for a minimum of seven (7) days.

Third Offense: Suspension of license for a minimum of thirty (30) days.

Fourth Offense: Revocation of license.

- Determining the number of offenses will be based on the last five years of continuous ownership.
- License suspensions will begin on a Thursday and run consecutive days and must be completed within 60 days of the date of the hearing.

Offenses & Penalties: The Selectmen must enforce the above regulations and all the regulations of the Alcohol Beverage Control Commission (ABCC).

Procedures: Upon receipt of an incident report from the Webster Police Department (WPD) of a liquor law violation, the Selectmen will notify the licensee by certified mail that a disciplinary hearing is being scheduled. Disciplinary hearings are held no later than 4 weeks after receiving notification from the WPD. The WPD is given notice of the date and time of the hearing and the officer(s) issuing the violations will be required to attend the hearing to offer testimony.

### ***HOURS OF OPERATION***

The hours of operation for all Restaurants, Bars, Taverns and Clubs are as follows:

- Monday - Saturday: 8:00 A.M. TO 1:00 A.M.
- Sunday: NOON TO 1:00 A.M.

#### **PACKAGE STORES:**

- Monday - Saturday: 8:00 a.m. to 11:00 p.m.
- Sundays: By Special Permit Only

All establishments operating in the Town of Webster must be closed to the public at 1:00 a.m. Employees or cleaning crews may remain on the premises after 1:00 a.m. No alcohol is to be served or sold after 1:00 a.m.

### ***BYOB (BRING YOUR OWN BOTTLE) POLICY***

#### **Policy Statement**

It shall be the policy of the Town of Webster to allow a patron, customer, or other person to bring wine and/or malt beverages on to the premises of a restaurant establishment operating with a Common Victualler License or to a location having sought and received a Town of Webster Entertainment License, solely for the purpose of personal consumption thereon, provided that the establishment has been issued a "BYOB Permit" in accordance with this policy. The principle goal of this policy is to promote responsible alcohol consumption at "BYOB" establishments.

The Town recognizes that an establishment operating under a BYOB Permit issued by the Board of Selectmen differs from establishments serving alcoholic beverages pursuant to a license issued under Chapter 138 of the Massachusetts General Laws. Establishments licensed under Chapter 138 are subject to specific statutory requirements, and are further subject to the rules and regulations of the Alcoholic Beverages Control Commission (ABCC). Establishments operating under a "BYOB Permit" are not subject to Chapter 138. The intent of this policy is to ensure that "BYOB" establishments that do not operate under the rules and regulations of the

ABCC will be subject to the same level of responsibility as licensed establishments with respect to the consumption of alcohol by their patrons.

The issuance of a BYOB Permit is permissive and shall be at the sole discretion of the Board of Selectmen.

### **General Provisions**

An establishment that wishes to apply for a BYOB Permit must have a Common Victualler License or an Entertainment License in good standing. Action on permit applications shall be taken at an open meeting held by the Board of Selectmen, following submission of a complete application.

All establishments that allow BYOB wine and malt consumption are subject to this policy and must have an active BYOB Permit in order to allow consumption of wine and malt beverages on the premises. An establishment holding a permit shall post a sign at the entry area indicating that it is a BYOB establishment and is subject to all applicable Town and state laws and regulations.

Wine and malt beverages consumed on site shall be limited to those alcoholic beverages allowed under a Wine and Malt License for establishments issued under Chapter 138 of the Massachusetts General Laws.

The hours during which wine and malt beverages may be consumed by patrons shall be determined by the Board of Selectmen. The Board may take into consideration recommendations from the Fire and Police Departments.

In accordance with Massachusetts General Laws, Chapter 138, Section 34, no BYOB beverages shall be consumed by any person under the age of 21. It will be the responsibility of the appointed manager to ensure that patrons who consume alcoholic beverages on the premises are 21 years of age or older.

BYOB beverages shall not be consumed by intoxicated persons. The establishment shall immediately report to the Webster Police Department any situation in which patrons consuming alcohol in the establishment appear to present a danger to themselves or others, either in the establishment or on the public ways, by virtue of the consumption of alcoholic beverages.

In the case of establishments with a Common Victualler License, only patrons who are seated in a designated supervised area and who have ordered food for consumption on the premises shall be allowed to consume wine and malt beverages. No wine and malt beverages shall be consumed by patrons in a waiting area.

No wine and malt beverages may be served or handled by employees. This includes opening, pouring, storing, refrigerating or resealing. The establishment's employees may provide bottle openers and glassware.

Partially consumed wine and malt beverage bottles or cans may not be taken from the premises by patrons. Remaining unused wine and malt beverages must be disposed of by the establishment's staff in an acceptable manner that meets all applicable state laws and

regulations. Unused wine and malt beverages may not be consumed by any other party, including the establishment's staff.

No staff under the age of 18 shall be allowed to clear from the tables or premises containers from which BYOB beverages were poured or consumed.

No establishment operating with a BYOB Permit shall charge patrons, either directly or indirectly, to consume wine and malt beverages on the premises including, but not limited to, a service fee, glass fee, table fee or corking fee.

Managers of establishments shall participate in a program designed to train in methods of observation and detection to avoid underage drinking and patrons of legal age becoming intoxicated and provide the Board of Selectmen with a copy of their Certificate within three (3) months of receiving their permit.

BYOB Permits shall not be transferable between persons, establishments or locations, except with the approval of the Board of Selectmen given at a public meeting; and then only if consistent with the public interest.

BYOB Permits shall expire on December 31st of the year of issue, and may, upon written request of the permit holder, be renewed for the following calendar year by vote of the Board of Selectmen. Without exception, all annual BYOB Permit holders are required to request renewal of their permits by November 30<sup>th</sup> of each year.

### **Enforcement**

Establishments operating with a BYOB Permit may be monitored for compliance with this policy, with and without notice, by agents of the Town of Webster.

If an establishment operating with a BYOB Permit is not doing so in a manner consistent with this policy, the Board of Selectmen may, after written notice to the permit holder and reasonable opportunity for a hearing, suspend, revoke, or refuse to renew a BYOB Permit.

The Board of Selectmen may suspend, revoke, or refuse to renew a BYOB Permit and/or the Common Victualler or Entertainment License held by the permit holder in the event the permit holder has committed multiple, willful, or repeated violations of this policy or any regulation promulgated by the Board of Selectmen pursuant to this policy.

In case of suspension, revocation, or refusal to renew a BYOB Permit, no abatement or refund of any part of the fee paid therefor shall be made.

If an establishment with a Common Victualler or Entertainment License allows patrons to carry in wine and malt beverages without a permit, allowing such activity will be considered to be a violation of their licenses.

### **Application Procedure**

The applicant shall complete a Town of Webster BYOB Permit Application Form.

The applicant must meet the requirements of any applicable Town and state laws and regulations; the applicant must not have ever been convicted of a violation of a federal or state narcotic drugs law.

A BYOB Permit shall not be granted to any applicant whose license for the sale of alcohol at an establishment issued under the provisions of Chapter 138 of the General Laws has been suspended or revoked; or to any person, firm, corporation, association or other combination of persons affiliated, directly or indirectly, with such applicant through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever.

The application must include the name and qualifications of the person who will be the on-site manager of the establishment. The appointed manager must be at least 21 years of age.

A copy of the BYOB Permit Application shall be forwarded to the Town of Webster Police, Fire and Inspectional Services Departments for review and recommendation.

The Board of Selectmen will conduct a public hearing on the application, after advertising the hearing in a local newspaper and notifying by certified mail the direct abutters, as well as churches and schools within 500 feet of the premises, at least 10 days prior to the date of the hearing.

At the public hearing, the Board of Selectmen will consider the input of any interested members of the public, as well as the recommendations of the Police, Fire and Inspectional Services Departments. The Board of Selectmen may continue the public hearing if it determines that additional information is necessary to act on the application.

Reviewed June 12, 2023. Next review January 2026.

## **CAR DEALER LICENSES**

1. All used car dealers wishing to renew their Class II Licenses for the ensuing year shall present their Used Car Log Book to the Selectmen's Office for inspection to validate that three (3) motor vehicles were sold in the preceding twelve months.
2. Licensees shall present an original bond in the amount of \$25,000.00 (or a notarized copy thereof) executed by a surety company authorized by the insurance department to transact business in the Commonwealth.
3. For purposes of the issuance of a Class I license by the Webster Board of Selectmen, a "Dealer" is any person who is engaged principally and substantially in the business of buying, selling, or exchanging motor vehicles or trailers or motor vehicle bodies who maintains a facility dedicated to carrying out said business and, except for a person who exchanges such vehicles on a wholesale business, is open to the public. No individual shall be deemed to be principally and substantially engaged in the business if it is operated on a part-time basis.
4. No Class II license shall be transferred. Each application not previously given to any individual shall be treated as a new license.
5. All Class II license holders are required to have "Dealer Plates" as a condition for the issuance of a Class II license.
6. The fee for a Class II license shall be approved by the board. In addition, the applicant shall be responsible for all fees involved in notification of abutters within a 200 foot



radius of the property boundaries by certified mail, return receipt requested. A minimum of two weeks notification of a public hearing to be held by the Board of Selectmen is required for notification purposes.

7. All Class II license holders are required to produce proof of workers' compensation and liability insurance when applicable.

Reviewed June 12, 2023. Next review January 2026.

## REGULATORY POLICIES

### RULES AND REGULATIONS FOR THE USE OF TOWN ATHLETIC FIELDS

The Recreation Director is responsible for scheduling the use of the Town's athletic fields and issuing permits for use of the following fields:

Berthold Field George Street Field May Street Field

Ray Street Field (Upper baseball, football, lower front & back) Slater Street Field

1. Applicants can obtain an Athletic Field Permit Application Form at Recreation Office 350 Main Street, Webster, MA 01570. Applications should be submitted to the Department of Public Works Office at least 30 days before the first practice or scheduled event.
2. Permits will be issued to Organizations on a first-come basis. An Organization is any entity which has applied for and been granted a Permit to use the field(s). The Applicant will be required to sign an Indemnification Agreement on behalf of the Organization holding the Town of Webster harmless in conjunction with the use of the field(s). The Indemnification Agreement is a part of the Athletic Field Permit Application Form.
3. In order for an Athletic Field Permit Application to be approved, ALL paper work must be complete and all fees must be paid when submitted. If there is any paper work missing, the incomplete Application will be sent back for resubmission when complete.
4. Athletic Field Permit fees, charges, and fines are as follows:

Application Fee	\$20.00	(new or change)
Field Light Deposit for Night Games	\$15.00	(per hour)
Field Light Deposit for Night Games	\$50.00	(1 night usage)
Recreation Charge	\$300.00	(full season)
Recreation Charge	\$50.00	(per day)
Recreation Charge (School field days)	\$100.00	(per day)
Weekend Tournaments 1 day	\$100.00	
Weekend Tournaments 2 day	\$150.00	
Weekend Tournaments 3 day	\$200.00	

Fine for Unauthorized Use of a Field	\$100.00	(per incident)
Fine for not securing fields/buildings	\$50.00	(per incident)
Fine for leaving lights on	\$200.00	(per incident)
Fine for leaving trash (tournaments)	\$100.00	(per incident)

Payment must be in the form of a check or money order from the Organization or Applicant. CASH IS NOT OPTIONAL.

- a. The Field Light Deposit is used to reimburse the Town for the cost of the electricity used by each organization. The Town's electric bill is prorated monthly based on the Monthly Usage of Lights Forms. Any credit remaining will be returned, and any debit will be invoiced to the Organization or Applicant at the end of the season.

Organizations requiring use of field lights must fill out a Monthly Usage of Lights Form and return to the Recreation Office at 350 Main Street, Webster, MA 01570 on or before the 27<sup>th</sup> of each month, so proper allocation of the cost of electricity can be determined. Field light charges will be calculated based on the Monthly Usage of Lights schedule. If the Monthly Usage of Lights schedule is submitted after the 27<sup>th</sup> of any month the Recreation Director, or his/her designee, will estimate the cost of the electricity used and assess an additional \$25.00 late charge. NO EXCEPTIONS.

- b. The Recreation Charge is used to reimburse the Town for the cost of lime, fertilizer, seed, bathroom supplies, minor repairs and replacement of field lights and accessories. All Field Light Deposits and Recreation Charges go into the Town's Recreation Utility and Maintenance Revolving Fund.
  - c. Any person(s) found playing an organized sport on Town fields, who has not obtained an Athletic Field Permit for said field in advance shall be fined \$100.00 for each such unauthorized use, and will be required to file an Athletic Field Permit Application and pay all fees for such use. Continued unauthorized use of Town fields may result in legal action to recover any fines, fees and charges, and/or denial of future Athletic Field Permits.
5. The coach or an appointed representative must have the approved Field Use Schedule in his/her possession during all practices, games and events. The Field Use Schedule may be modified to add rain dates, tournaments and scheduled events by submitting an Athletic Field Permit Application along with a Field Use Schedule indicating the dates being added and the \$10.00 Application Fee. Each time the schedule is modified another Athletic Field Permit Application, Field Use Schedule and Application Fee will be required to amend the Athletic Field Permit.
  6. Organizations shall be responsible to the Town and/or any third party for any property damage or bodily injury caused by it, any of its hired contractors, employees or agents. The Organization must notify all participants in writing that the Town of Webster will not be held liable for personal injuries or damage to participants' property.

- a. Unless otherwise approved by the Recreation Director, the Organization and any hired contractors shall certify that they are insured for workers' compensation, property damage, personal and product liability. The Organization and any hired contractors shall purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts indicated below:

General Liability

Bodily Injury Liability	\$1,000,000 per occurrence
Property Damage Liability	\$500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Participant Accident Liability

Accidental Death/Dismemberment Medical	\$1,000,000 per occurrence
(or combined single limit)	\$50,000 per occurrence

Automobile Liability

Bodily injury Liability	\$1,000,000 per occurrence
Property Damage Liability	\$500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Workers' Compensation Insurance

Coverage for all employees in accordance with Massachusetts General Laws

The Organization's Certificate of Insurance shall include the Town as an additional named insured and shall include a thirty (30) day notice of cancellation to the Town.

In lieu of furnishing insurance the Organization may, if approved by the Recreation Director, provide the Town with a copy of a signed Consent and Release Form for each participant, which shall include all players, coaches, officials, volunteers, cheerleaders, bat boys and anyone else associated with the athletic program who may be construed as a participant. Consent and Release Forms for Youth (persons under 18 years of age) must be signed by a parent or legal guardian. The Organization shall not allow anyone to participate in any practice, game, tournament or scheduled event who has not signed, or had his/her parent or legal guardian sign a Consent and Release Form.

If insurance is not provided, the Organization shall not provide transportation, have any employees or hired contractors, or sell any products.

7. Upon completion of every practice, game, tournament or scheduled event, the facility must be left in a clean and litter-free state. The Town of Webster asks that everyone dispose of all rubbish in the trash containers provided by the town. Any and all damage to said facility or grounds must be repaired to the satisfaction of the Town. Repairs to the facility performed by the Town will be charged to the Organization and if not paid, to the Applicant personally.

Organizations holding tournaments, or scheduled events that will attract 50 or more spectators will be required to furnish a dumpster, at their own expense, and remove all trash and debris from the facility within 24 hours after the event.

8. ALCOHOLIC BEVERAGES WILL NOT BE ALLOWED AT ANY TOWN FACILITY. Any organization violating these Rules and Regulations will be denied future requests for field permits.
9. Pursuant to MGL Chapter 62C, § 49A, and Section 140.4 of the Bylaws of the Town of Webster, the Applicant must certify under the pains and penalties of perjury that the Organization and the Applicant have complied with all laws of the Commonwealth of Massachusetts and the Town of Webster relating to taxes.

Reviewed September 11, 2023. Next review January 2026.

## **SMOKE FREE WORKPLACE POLICY**

Purpose: To protect visitors and employees from the health hazards caused by tobacco/second hand smoke and to ensure fire safety.

Policy: Webster Town Hall and all municipal buildings as listed below are smoke free environments.

1. Smoke free policy regulations apply equally to all visitors, volunteers and employees.
2. The designated smoking areas are 30 feet away from any operational door or window as follows:
  - a. Town Hall- Outside Easterly Entrance (facing the Library)
  - b. Library- Outside Lower Level Entrance
  - c. Senior Center- Outside Main Entrance
  - d. Sewer Plant- Outside Main Entrance
  - e. Highway Dept.- Outside Main Entrance
  - f. Police Dept.- Outside Main Entrance
  - g. Fire Dept.- Outside Main Entrance
3. All wastebaskets and ashtrays will be of non-combustible material in the designated smoking areas.
4. Employees can smoke outside Town owed buildings at only the designated areas as listed above.
5. The Town of Webster shall inform all new employees of the smoke free policy at the time of employment.
6. It is anticipated that this policy will be respected and accepted.
7. However, if an employee chooses to disregard this policy, it will be handled as with other infractions of the Town policy, with disciplinary action.

Reviewed September 11, 2023. Next review January 2026.

## **DOGS AT MEMORIAL BEACH**

Dogs are not to be allowed onto Memorial Beach. Dogs are allowed on the walking tracks but they must be leashed, controlled and their waste properly disposed of.

Reviewed September 11, 2023. Next review January 2026.

## **PARKING VIOLATION FEES**

The parking violation fees are outlined below:

Overtime Parking .....	\$20
Parking more than 12" from curb .....	20
No Parking within marked space .....	20
Blocking Loading Zone .....	20
Blocking entrance to Public Bldgs. ....	20
Commercial Vehicles (overnight & Sundays) .....	25
Bus Stop .....	25
Obstructing at Excavation .....	25
Restriction/Prohibited Area .....	25
Double Parking .....	25
Interfering with free flow of traffic .....	25
Parking over 1 hour 2am and 6am .....	20
Winter Parking Ban .....	25
Within 5 feet of Driveway .....	20
Impeding Street Cleaning .....	20
Parking Over 24 Hours .....	25
Interfering with Snow Removal .....	25
Parking Within 10 feet of Hydrant .....	25
Parking Within 20 feet of Intersection .....	25
Wrong Direction Parking .....	25
Parking Within Handicapped Area .....	100
Parking on a Crosswalk .....	100
Parking on a Sidewalk .....	50

Obstructing a Fire Apparatus .....	50
Within Fire Lanes Established by WFD .....	50
Reviewed September 11, 2023. Next review January 2026	

## PROCEDURES FOR BASS TOURNAMENTS

The Town of Webster shall through a permitting process described below, allow fishing tournaments to be held at Memorial Beach. No bass tournaments are allowed to be held when bass are nesting.

1. Applicants may obtain a permit application located at the Recreation Office at Town Hall, 350 Main Street, Webster, MA 01570.
2. Applications must be submitted to the Recreation Office at least 30 days prior to the event.
3. Applicants must provide proof of liability insurance of not less than \$1,000,000. Liability insurance coverage must identify the Town of Webster, the organization conducting the tournament and the date of coverage.
4. All participants in the event must be notified in an appropriate manner so that the Town of Webster will not be held liable for personal injuries or damages to property and a copy of said notification shall be provided to the Town
5. The Superintendent of Highways, Parks & Cemeteries or a representative designated by the Board of Selectmen, must sign permit applications and send a copy to the Board of Selectmen, Police Chief and/or Harbor Master and the Veterans Agent.
6. Tournaments are 5-100 boats. No tournaments greater than 100 boats will be allowed.
7. Tournament fees are as follows: Permit- \$10, Gate Opening- \$100, Boat
8. Launch - \$20 per boat during the "ON" season (Memorial Day through Labor Day) and \$10 per boat during the "OFF" season, whether a person has a season pass or not. All fees must be in the form of a check from the organization made payable to the Town of Webster or a money order. Cash WILL NOT be accepted Gate and permit fees must be paid prior to permit approval. Boat launch fees may be paid the day of the event or mailed to the DPW within two days after the event.
9. Permits will be granted on a first-come basis. The Town reserves the right to reduce spawn tournaments to prevent over fishing, limit major tournaments (50-100 boats) during the "ON" season or deny any permit and if so, will respond in writing within Fourteen (14) days of receiving the request.
10. Requests to waive or reduce fees must be submitted in writing with the permit application All non-profit organizations with proof of such status, shall be considered for waved fees. All youth tournaments with proof of such status shall be considered for reduced fees.
11. Gate entrance is no earlier than 5 AM and tournaments must be completed by 5:00 PM

12. Boats are not allowed to leave Nipmuc Cove prior to 7 AM.
13. All tournament participants will park their vehicles in the designated parking area.
14. Major tournaments (40-100 boats) may be required to hire a Webster Police Officer (W.P.O.) or an Environmental Police Officer (E.P.O.) for the duration of the event. If an E.P.O. or W.P.O. is required under this permit, it is the responsibility of the applicant to make those arrangements. Please contact the Environmental Police communications center at (800) 632-8075 or the Webster Police Department at (508) 949-1212 to make arrangements.
15. If an event is reduced in size as to no longer require an E.P.O., the applicant must notify the DPW garage (508) 949-3862 and the Environmental Police at least Fourteen (14) days prior to the event.
16. The applicant or an appointed representative must display the permit in his/her vehicle windshield in a visible manner.
17. The applicant shall keep a written record of all participants in the event. Said record shall be produced at the time of the event.
18. The applicant or an appointed representative shall meet with the Superintendent of Highways, Parks & Cemeteries or his/her designee at the beginning of the event to go over rules & regulations and corroborate the number of participants.
19. Upon completion of said event, the facility must be left in a clean and litter free state. Any and all damage to said facility or grounds must be repaired to the satisfaction of the Town. Repairs to the facility performed by the Town shall be charged to the organization.

Any violation of the Policy and Procedure may result in denial of future permits.

Reviewed September 11, 2023. Next review January 2026.

## **PROCUREMENT POLICIES**

### **DESIGNER SELECTION PROCEDURES**

1. These procedures govern the selection of designers for any local building project subject to the state designer selection law, M.G.L. c. 7, §§38A ½-O. Any other local law governing the procurement of services will be inapplicable to these procurements.
2. The Board of Selectmen has the authority to conduct the designer selection process for the Town of Webster. The Board of Selectmen may delegate any duties described herein to the extent such delegation is permissible by law.
3. The Board of Selectmen shall designate the individual or group of individuals (hereinafter referred to as "the Committee") who will conduct the designer selection process. No member of the Committee shall participate in the selection of a designer for any project if the member, or any of the member's immediate family:

- a. has a direct or indirect financial interest in the award of the design contract to any applicant;
  - b. is currently employed by, or is a consultant to or under contract to, any applicant;
  - c. is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
  - d. has an ownership interest in, or is an officer or director of, any applicant.
- 4. A Request for Qualifications (RFQ) for each contract subject to these procedures shall be advertised in a newspaper of general circulation in the Town of Webster and in the Central Register published by the Secretary of the Commonwealth, at least two weeks before the deadline for filing applications.
- 5. The advertisement shall contain the following information:
  - a. a description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;
  - b. if there is a program for the building project, a statement of when and where the program will be available for inspection by the applicants;
  - c. when and where a briefing session (if any) will be held;
  - d. the qualifications required of applicants;
  - e. the categories of designers' consultants, if any, for which applicants must list names of consultants they may use;
  - f. whether the fee has been set or will be negotiated; if the fee has been set, the amount of the fee must be listed in the advertisement;
  - g. when and where the RFQ can be obtained and the applications must be delivered.
- 6. The RFQ shall include the current "Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction." The Application Form may be amended to include additional information on a project specific basis.
- 7. The Committee shall evaluate applicants based on the following criteria:
  - a. prior similar experience;
  - b. past performance on public and private projects;
  - c. financial stability;
  - d. identity and qualifications of the consultants who will work with the applicants on the project; and
  - e. any other criteria that the Committee considers relevant to the project.



8. The Committee shall select at least three finalists. Finalists may be required to appear for an interview or provide additional information to the Committee, provided that all finalists are afforded an equal opportunity to do so.
9. The Committee shall rank the finalists in order of qualification and transmit the list of ranked finalists to the Board of Selectmen. No person or firm, including applicants' listed consultants, debarred pursuant to M.G.L. c. 149, §44C shall be included as a finalist on the list.

The list must be accompanied by a written explanation of the reasons for selection including the recorded vote. The written explanation and recorded vote shall be public records and shall be maintained in the contract file.

10. If the fee was set prior to the selection process, the Board of Selectmen shall select a designer from the list of finalists. If the Board of Selectmen selects a designer other than the one ranked first by the Committee, the Board of Selectmen shall file a written justification for the selection with the Committee and maintain a copy in the contract file.
11. If the fee is to be negotiated, the Board of Selectmen shall review the list of finalists and may exclude any designer from the list if a written explanation of the exclusion is filed with the Committee and maintained in the contract file. The Board of Selectmen shall request a fee proposal from the first ranked designer remaining on the list and begin contract negotiations. If the Board of Selectmen is unable to negotiate a satisfactory fee with the first ranked designer, negotiations shall be terminated and undertaken with the remaining designers, one at a time, in the order in which they were ranked by the Committee until agreement is reached. In no event may a fee be negotiated which is higher than the maximum fee set by the Board of Selectmen prior to selection of finalists.
12. If the Board of Selectmen is unable to negotiate a satisfactory fee with any of the finalists, the Board of Selectmen shall recommend that the Committee select additional finalists.
13. The Board of Selectmen may allow a designer who conducted a feasibility study to continue with the design of a project. However, the Board of Selectmen may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's work to insure its reasonableness and its adequacy before allowing the designer to continue on the project, provided the Board of Selectmen otherwise complies with the statutory requirements for selecting a designer under Chapter 7 of the General Laws, including those set forth in M.G.L. c. 7, §38K(a)(I).
14. Every contract for design services shall include the following:
  - a. certification that the designer or construction manager has not given, offered, or agreed to give any person, corporation, or other entity any gift, contribution, or offer of employment as an inducement for, or in connection with, the award of the contract for design services;

- b. certification that no consultant to, or subcontractor for, the designer or construction manager has given, offered, or agreed to give any gift, contribution, or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
  - c. certification that no person, corporation, or other entity, other than a bona fide full time employee of the designer or construction manager, has been retained or hired by the designer or construction manager to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation, or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
  - d. certification that the designer has internal accounting controls as required by M.G.L. c. 30, §39R(c) and that the designer has filed and will continue to file an audited financial statement as required by M.G.L. c. 30, §39R (d).
15. The Town of Webster shall not enter into a contract for design services unless the designer has obtained professional liability insurance covering negligent errors, omissions, and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of the contract. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the Town of Webster may require, for the applicable period of limitations. A designer required by the Town of Webster to obtain all or a portion of such insurance coverage at its own expense shall furnish a certificate(s) of insurance coverage to the Town of Webster prior to the award of the contract.
16. Every contract for design services shall include a provision that the designer or its consultants shall not be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the individual responsible for administering the design contract.
17. In the event of an emergency that precludes the normal use of these designer selection procedures, the Board of Selectmen may elect to authorize expedited procedures to address the emergency. The Board of Selectmen shall document in writing the reasons for the emergency declaration, the proposed scope of work, the estimated cost of construction, the established fee for the needed design services, and any other relevant information.
- The Board of Selectmen may select three finalists from any standing list of designers who have applied for projects of a similar nature, or may otherwise select three designers to be considered as finalists for the project. The Board of Selectmen shall rank the finalists in order of qualification and select the designer for the emergency work.

18. The Town of Webster shall publish the name of any designer awarded a contract in the Central Register.

19. The following records shall be kept by the Town of Webster:

- a. all information supplied by or obtained about each applicant;
- b. all actions taken relating to the project; and
- c. any other records related to designer selection.

All records shall be available for inspection by the state Designer Selection Board and other authorized agencies.

20. The Town of Webster shall evaluate designers' performance on contracts using the Designer Selection Board evaluation form(s) in accordance with M.G.L. c. 7, §38E(g), and file completed evaluations with the Board and any other agency named in M.G.L. c. 7, §38E(g).

21. Nothing in these Procedures shall be interpreted to require the establishment of a board or waive or reduce the requirements of any other applicable law or regulation.

22. For any local design or construction project that includes funding provided by the Commonwealth, in whole or in part (such as reimbursements, grants and the like), the Town of Webster shall incorporate minority owned business enterprise and women owned business enterprise participation goals. If applicable, the Town of Webster shall take steps to assure that it complies with all State Office of Minority and Women Business Assistance requirements.

Reviewed September 11, 2023. Next review January 2026.

## **RECYCLED PRODUCT PROCUREMENT POLICY**

In recognition of the need to make more efficient use of our natural resources, create markets for the materials collected in recycling programs, reduce solid waste volume and disposal costs, and set a good example for our citizens, the Town of Webster is committed to purchasing products which are environmentally preferable and/or made of recycled materials whenever such products meet quality requirements and are available at competitive prices and terms.

To the maximum extent practicable, the following standards should be adhered to:

- a) For all purchases of printing and writing paper for in-house use or custom printed materials by professional printers, including copier paper, offset paper, forms, stationery, envelopes, tablets, notepads, and file folders, the minimum content standards shall be no less than 30% post-consumer recycled materials to meet the current state and federal minimum standards.
- b) Town departments shall ensure that all contracts for printing require the inclusion of an imprint identifying the recycled content of the paper whenever practicable, along with the recycling symbol.

Reviewed September 11, 2023. Next review January 2026.

## **DISPOSITION OF SURPLUS PROPERTY VALUED (UNDER \$10,000.00)**

### **As required by Massachusetts Procurement Laws CHAPTER 30B**

The Town of Webster, through its Town Administrator, holds the option of disposing outright any supply or equipment that is broke, unusable or outdated with a value less than \$10,000. Surplus property with a value over \$10,000 shall be disposed in a manner consistent with MGL Chapter 30B and Town of Webster General Bylaws Chapter 73. It is the intent of this procedure to require the establishment of reasonable control over usage, scrap, surplus and obsolete material generation, handling, sale and disposal. This policy shall not apply to real property.

Equipment shall be declared scrap or surplus by department head. No tangible personal property owned by the Town of Webster, whether the same be controlled by any department or otherwise shall be sold, alienated or otherwise disposed of, except upon written recommendation of the department head, and with the approval and consent from the Town Administrator. Having been so declared and approved for disposal, the following procedure shall be followed:

1. The Town Administrator shall determine if the value of surplus property has enough value to justify selling or auctioning the equipment.
  - a. If the surplus property does not have enough residual value, the Town Administrator will determine the best option for disposing of the property including discarding as rubbish.
2. Arrange to have the equipment stripped of all usable parts (i.e. meters, motors, gauges, batteries, if not already completed)
3. Advertise the property for sale, preferably through an online auction, but through any means the Town Administrator determines to be the best. Describe purchasing method and ways to view surplus equipment.
4. Said advertisement shall be made in at least two of the following ways: newspaper of general circulation, town website, town social media sites, signage.
5. Have the equipment disposed of in a manner which is in the best interest of the Town of Webster.
6. As necessary, record all documents of sale.
7. Turnover deposits to the Treasurer/Collector's Office in a timely manner.

When purchasing a new vehicle, the Town Administrator may trade in the prior vehicle to the dealership as part of the purchase of a new vehicle if the estimated value of the prior vehicle is under \$10,000 and the Town Administrator determines that it is in the best interest of the Town.

The Town of Webster reserves the right to except and reject all bids / offers. All sales shall be made "as is", "where is" basis and are final.

Reviewed September 11, 2023. Next review January 2026.

## FUEL EFFICIENCY POLICY

### **DEFINITIONS:**

Combined city and highway MPG (EPA Combined fuel economy): Combined Fuel Economy means the fuel economy from driving a combination of 43 percent city and 57 Percent highway miles and is calculated as follows:

$$=1/((0.43/\text{City MPG})+(0.57/\text{highway MPG}))$$

Drive System: The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the drive field:

- AWD = All Wheel Drive: 4 -wheel drive automatically controlled by the vehicle power train system
- 4WD = 4-Wheel Drive: driver selectable 4-wheel drive with 2-wheel drive option
- 2WD = 2-Wheel Drive

Heavy-duty vehicle: A vehicle with a manufacturer's gross vehicle weight rating (GVWR) of more than 8,500 pound.

**POLICY STATEMENT:** In an effort to reduce the Town of Webster's fuel consumption and energy costs the Board of Selectmen hereby adopts a policy to purchase only fuel efficient vehicles to meet this goal.

**PURPOSE:** To establish a requirement that the Town of Webster purchase only fuel efficient vehicles for municipal/school use whenever such vehicles are commercially available and practicable.

**APPLICABILITY:** This policy applies to all Departments in the Town of Webster.

**GUIDELINES:** All departments/divisions shall purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.

The Town of Webster will maintain an annual vehicle inventory for all vehicles and a plan for replacing any non-exempt vehicles with vehicles that meet, at a minimum, the fuel efficiency ratings contained in the most recent guidance for Criterion 4 published by the MA Department of Energy Resources' Green Communities Division.

It is the responsibility of the Town of Webster to check the Green Communities Division's Guidance for Criterion 4 for updates prior to ordering replacement vehicles.

### **EXEMPTIONS:**

- Heavy-duty vehicles: examples include fire trucks, ambulances, and some public works trucks that meet the definition of heavy-duty vehicle.
- Police cruisers, passenger vans and cargo vans are exempt from this criterion since fuel efficient models are not currently available. However, we commit to purchasing fuel efficient police cruisers, passenger vans and cargo vans when they become commercially available. Police and fire department administrative vehicles are not exempt and must meet fuel efficiency requirements.

**FUEL EFFICIENT VEHICLE REPLACEMENT PLAN:** All non-exempt vehicles shall be replaced with fuel-efficient vehicles that adhere to the most recent Green Communities Criterion 4 Guidance. Vehicles shall be replaced when they are no longer operable. When replacing exempt vehicles, the function of the vehicle will be reviewed for potential replacement with a more fuel efficient vehicle.

Webster will review, on an annual basis, the Vehicle Inventory, along with the Green Communities Criterion 4 Guidance, to plan for new acquisitions as part of planning for the new fiscal year budget.

**QUESTIONS/ENFORCEMENT:** All other inquiries should be directed to the department responsible for fleet management or fleet procurement. This policy is enforced by the Town Administrator.

**ANTI-IDLING:** This applies to all Town vehicles operated by employees of the town of Webster.

**OBJECTIVES:**

1. To eliminate unnecessary idling of vehicles in order to reduce the community's exposure to exhaust from gasoline and diesel engines.
2. To educate and inform municipal employees and residents about the health and environmental effects of gasoline and diesel exhaust.

**PURPOSE:** Idling vehicles pollute the air and present several health and environmental hazards. Gasoline and diesel vehicles produce carbon monoxide, carbon dioxide, volatile organic compounds (VOCs) and oxides of nitrogen (NOx). Carbon monoxide causes respiratory distress and in high concentrations can be lethal; carbon dioxide is a primary contributor to global warming; and VOCs and NOx and form ozone, ground- level smog and impair lung function. In addition, diesel exhaust contains fine particulate matter, which the U.S. Environmental Protection Agency has designated as a likely carcinogen. The elderly, chronically ill and children are all particularly vulnerable to these health effects because their lung function is respectively decreased, impaired or still in development.

In addition, Massachusetts General Law (MGL Chapter 90, Section 16A) and the Massachusetts Department of Environmental Protection (DEP) idling reduction regulation (310 CMR 7.11(1)(b)) both prohibit unnecessary vehicle idling by stating that the engine must be shut down if the vehicle will be stopped for more than five minutes. Exemptions include: 1) the vehicle is being serviced and the idling is required to repair the vehicle; or 2) the vehicle is making deliveries and needs to keep its engine running (to power refrigerators, for example); and, 3) the vehicle's accessory equipment needs to be powered, such as a fork lift or a truck's rear dump bed, or a wheelchair lift in a bus or van. To provide additional protections for children, MGL Chapter 90, Section 16B further restricts unnecessary idling in school zones.

In order to reduce the health and environmental effects of vehicle exhaust, comply with the state's idling reduction regulation and law, and decrease our use of fuel by reducing unnecessary idling, the following actions shall be implemented to the maximum extent practicable: signs will be posted reminding Town employees to turn off their vehicles, the hazards of carbon dioxide, the importance of monitoring carbon monoxide levels inside their

vehicle, and the Massachusetts DEP regulations, as well as Massachusetts General Laws, which prohibit unnecessary idling.

Reviewed September 11, 2023. Next review January 2026.

## DEPARTMENT OF PUBLIC WORKS POLICIES

### ROADWAY OPENING PERMIT REGULATIONS

Town of Webster Department of Public Works

#### 1) Purpose

- a) The purpose of these regulations is to maintain the quality of community life by establishing a fair and reasonable method to protect the roadway's infrastructure in the Town of Webster. It is the intent of these regulations to allow qualified contractors to work in the streets of the town without compromising the aesthetics, safety, integrity, or longevity of the Town's ways.
- b) Compliance with these regulations is mandatory for all excavation within the Town of Webster right of ways. Requests for waivers from any part of these regulations shall be made in writing to the Highway Superintendent. Waivers will be considered on a per job basis only. A waiver may be granted if the contractor demonstrates to the Highway Superintendent, that the issuance of a waiver will not deviate from the intent of these regulations.
- c) Additionally, the Town hereby includes the Massachusetts Highway Department, Standard Specifications for Highways and Bridges Divisions II and III in entirety. Appropriate sections and definitions of Division I are also herein included.

#### 2) Definitions

- a) Road- Any way, highway, street, public, or private, which is or has historically been maintained by the Town of Webster Department of Public Works.
- b) Right of Way- Property between the street lines as defined by the street layout or the area within the traveled way.
- c) Excavate- Removal of any portion of an existing road, including, but not limited to, any pavement, curbing, sidewalks, or grass areas within the street right-of-way, or any of the material beneath it.
- d) Trench- Excavation usually made for installing, repairing, or replacing a utility device, conduit, pipe structure, or appurtenance.
- e) Curb cut- Access to a public way from private property for the purpose of vehicular or wheelchair access.

- f) Contractor- A person, company, corporation, partnership, firm, association, society, organization, District, Federal, State or local agency or department, commission, public or private utility or other legal entity.
  - g) Permit- Written permission from the administering agency, the Department of Public Works.
  - h) Highway Superintendent - The Highway Superintendent of the Town of Webster, or his/her authorized representative.
  - i) Warranty- All work within a Town of Webster right of way will be guaranteed by the contractor for a period of three (3) years against surface deficiencies, settlements or any structural failure.
  - j) Temporary Patch- Cold Patch or Concrete Patch
  - k) Safety Equipment- Cones, barrels, warning signs, barricades, or other device to provide adequate notification to motorists and pedestrians. The use and specification of such devices is defined in the Federal Highway Administration's "Manual for Uniform Traffic Control Devices".
- 3) Permit Requirements and Obligations
- a) Permit Process
    - i) An application for permit must be filed with the Town of Webster before a "Road Opening Permit" is issued. Permit Applications are available between the hours of 7:00AM and 3:00 PM, Monday through Friday, in the Department of Public Works office at 23 Cudworth Road, Webster. Each application form shall be completely filled out, signed, and returned to the Department of Public Works. An explanation of the application and sketch shall be made in a space provided on the application form or a separate sheet in duplicate, which the Applicant shall attach to the application. Such diagrams or sketches shall show the location of the work to be done in relation to the outstanding features of the road, such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures, and utility poles by number, and the character and extent of the work. When applications are made for permits involving work of major scope, complete plans and specification must be submitted in duplicate with the application. Said plans should be detailed so that the exact location of the various parts of the work, the risk, or injury to road users, and probability of damage to trees, highway structures, and private property, can be ascertained.
- The Applicant will be required to disclose the methods and materials proposed to be used on unusual or complex projects. In the event the contractor discovers that additional work or repairs not designated in the original permit must be done in the same location, the contractor must apply to the Department of Public Works for authorization to perform additional work in the same manner as the first permit.



No other department of the Town of Webster, Worcester County, the Commonwealth of Massachusetts, or the Government of the United States shall be exempt from the permit process.

- ii) Permits are required for work in any public right of ways including sidewalks and driveway construction or repair within the right of way.
- iii) The permit fees consist of an annual vendor certification approval of \$10, which is valid for one year, a road opening permit fee of \$100 for the first fourteen (14) feet, \$200 for openings greater than fourteen (14) feet plus an additional \$3 per foot for any opening greater than fourteen (14) feet.
- iv) Completed applications for permits will be approved or denied within five (5) business days of receiving all required bonds, insurance certificates, fees, and Dig Safe information. Should the Highway Superintendent or his/her designee not act on the permit within the five days, the permit shall be considered to be approved and valid until such time as the permit is revoked, expires or upon the completion of the work. The contractor shall also be responsible for notifying all non-participating utilities not covered by Dig Safe. The contractor may pick up the approved permit at the Department of Public Works between the hours of 7:00 AM and 3:00PM or at the contractor's request, the permit will be mailed to the contractor for an additional fee of \$5. The contractor shall make adequate provisions and allow sufficient time for the approval process.
- v) The contractor shall not render any road impassable without the written permission of the Highway Superintendent and the Town of Webster Police Department. It is the responsibility of the contractor to notify the Town of Webster Police Department to determine if a police detail is necessary. Evidence of said determination by the Town of Webster Police Department must be provided at the time of application. Failure to notify emergency services of an impassible road shall be grounds for the revocation of the permit.
- vi) The cost of all police details shall be the responsibility of the contractor. Prior to any road being rendered impassable, the contractor shall notify all Police, Fire, and Ambulance services that may be affected. It is also the responsibility of the contractor to coordinate with the school bus company for rendering a road impassable. The contractor shall sufficiently address the concerns of emergency personnel such that public safety is not compromised by the contractor's actions.
- vii) The contractor may commence work when he/she has the approved permit in hand and after receiving approval of the Town of Webster Police Department. The approved permit shall be at the site of the work at all times. The Department of Public Works and the Emergency services should be kept informed daily of the progress of the work.
- viii) The Department of Public Works shall provide inspection as it deems necessary.

#### 4) Subsurface Utilities

- i) Any utility company with facilities within the Town of Webster's right of way shall be obligated for the proper maintenance, repair, and replacement of said facility. If the failure of any utility located within or outside the Town right of way causes damage to public or private property, the owner of said utility shall be responsible for the repair/restoration of any damage caused.
- ii) If contractor damages or suspects an existing utility has been damaged directly or indirectly by the contractor's actions, the contractor shall notify the Department of Public Works and the owner of the damaged utility. The contractor shall not continue work until authorized by the Highway Superintendent or his/her representative.
- iii) The method of repair to a damaged utility must meet with the approval of the Highway Superintendent and the owner of the utility. The method of repair will be decided on a case-by-case basis at the time of damage; in no case shall the method of repair compromise the structural integrity, capacity, or longevity of the utility without the expressed written consent of the Highway Superintendent.

#### 5) Backfill of Excavation

- i) The contractor shall backfill all excavations with the native material if suitable. If, in the opinion of the Highway Superintendent, the native material is unsuitable, the contractor will bring in suitable fill at the cost of the contractor. All backfill material shall be compacted to not less than 92% of the maximum dry density.
- ii) The Highway Superintendent may require soil testing to determine gradation, compaction, and other parameters relevant to the proper construction of the roadway. Should the Town require said testing, the expense shall be borne entirely by the contractor

#### 6) Time for completion

- i) The approved road-opening permit will be valid for a period of sixty (60) days unless otherwise stipulated.

#### 7) Winter Moratorium

- i) No work will be allowed in any road, way, place, alley, sidewalk, park, square, plaza, or any other similar public or private property owned or controlled by the Town and/or dedicated to public use between November 15 and April 1, except in the case of an emergency. Emergency work necessary for the protection of life or property may be conducted with the written approval of the Highway Superintendent or his/her representative.

#### 8) New Surface Moratorium

- i) Excavation will not be allowed in right of ways that have been newly surfaced or resurfaced for a period of five (5) years, except for emergency work (see section I 0). Extenuating circumstances may be approved by the Board of Selectmen only after consultation with the Highway Superintendent.

- ii) In the event an excavation is allowed during the 5-year moratorium, the contractor shall conduct his work as directed by the Highway Superintendent. The completed work shall provide a life expectancy comparable to the surrounding work. Possible special provisions to allow for proper stabilization and surfacing include but are not limited to, the use of infrared technology on joints and Control Density Fill within the excavation.
- iii) Applicable procedures and testing results may be required by the Highway Superintendent. Said testing shall be conducted by a testing agent approved by the Highway Superintendent.
- iv) All work allowed must be bonded, guaranteed and maintained for a period of not less than the remainder of the duration of the moratorium on the road.

#### 9) Bonding

- i) The contractor shall provide a bond to be held by the Town for the duration of the warranty period. The bond shall be issued in such a manner, as it may not be cancelled without the written approval of the Highway Superintendent.
- ii) The amount of the bond shall be defined separately for each permit in the event of the failure of the contractor to complete the work or make required repairs to restoration for damages involving the work or encroachment authorized by the permit.
- iii) The bond shall be released to the contractor upon the expiration of the warranty period. The warranty period shall be for a period of two years following the completion of the work. During the warranty period, the contractor shall be responsible for the restoration, repair, and maintenance of his/her work.

#### 10) Insurance

- i) The contractor shall provide Contractor's Public Liability Insurance providing for a limit of not less than \$500,000 for all damages arising out of bodily injuries to or death of one person, and, subject to that limit for each person, a total limit of \$1,000,000 for all damages arising out of bodily injuries to or death of two or more persons in any one accident and regular Contractor's Property Damage Liability providing for a limit of not less than \$500,000 for all damages arising out of injury to or destruction of property in any one accident, and, subject to that limit per accident, a total or aggregate limit of \$1,000,000 for all damages arising out of injury to or destruction of property during the policy period.
- ii) All insurance policies shall contain suitable stipulations providing for blasting operations if and when required. Should blasting be required, all of the necessary permits for the use of explosives shall be obtained from the Fire Chief.

#### 11) Warranty of Work

- i) To allow the most reasonable method to insure the quality of work, the contractor has two options available to adjust the duration of the warranty period and the

responsibility of the contractor during the warranty period. The options are as follows:

(a) Standard Construction Methods

- (i) Prior to execution of the work, the contractor shall saw cut the pavement over the area of proposed excavation. As requested by the Highway Superintendent, the pavement and gravel base material shall become the property of the Town and be transported to a designated area at the contractor's expense. Should the Highway Superintendent reject the material, the contractor shall remove the material from the site at the contractor's expense. At no time shall bituminous material be returned to the trench.
- (ii) After excavation, the contractor shall backfill using the material removed from the trench. All material shall be compacted in six (6) inch lifts with mechanical compaction equipment. The method used to compact this material shall produce a rate of compaction of 92% of the maximum dry density of the material. This material should be placed to within twenty-two (22) inches of the surrounding finished surface. Eighteen (18) inches of gravel shall be placed in six (6) inch lifts and compacted to 95% of the maximum dry density of the material. This shall be followed by two and one-half (2 Y.) of type I base and one and one-half (1 Y.) of type I top. Both courses shall comply with the Massachusetts Standard Specifications For Highways and Bridges. In the event hot mix asphalt cannot be used in the repair, the contractor shall place sixteen (16) inches of gravel in six (6) inch lifts and six (6) inches of concrete patch, which will be removed as soon as weather conditions allow. At which time the contractor shall complete the work in conformance with the above. The contractor shall maintain the trench patch and maintain the required bond for two (2) years after completion of the work.

ii) Use of Control Density Fill

- (a) Instead of using standard backfill methods, the contractor may use control density fill as specified in section M4.08.0 of the Massachusetts Standard Specification For Highways and Bridges, to within twenty-two (22) inches of the surrounding finished surface. Construction of the last twenty-two (22) inches shall conform to section 11.a.i above. After the construction, using Control Density Fill is approved by the Highway Superintendent, and the work is completed and approved, the warranty period shall be waived and the bond released.

## 12) Emergencies

- i) Work completed under the classification of Emergency, because of threat of personal injury or property damage, shall be allowed to commence prior to attaining the permit providing notification to the Town of Webster Police Department has

been achieved. The contractor shall contact the Department of Public Works within twenty-four (24) hours to apply for a permit. Should the Highway Superintendent find that the situation surrounding the work does not constitute an emergency, the contractor shall be assessed a fine of \$1,000 and \$200 per day until such time as the work is complete and the permit fee paid.

- ii) See section 4 and 5.

### 13) Exemptions

- i) The Town of Webster Department of Public Works is exempt from the application process. Fees and bonds may be reduced or waived for other public agencies at the discretion of the Board of Selectmen. However, the application process and all construction specifications and warranty periods shall apply.

### 14) First Right of Refusal

- i) The Town of Webster Department of Public Works shall have first right of refusal of all material excavated from town right of ways. This includes, but is not limited to Town trees, granite curbing or edging, all pavement and gravel base removed from existing ways. At the direction of the Highway Superintendent, all pavement and gravel shall be brought to an approved Town location and neatly stockpiled. Any material not claimed by the Town, or used in the backfill, shall be removed by the contractor at the contractor's expense.
- ii) The contractor shall insure that no hazardous material be delivered to the Town. Hazardous material delivered to the Town will be viewed as illegal dumping and removed at the contractor's expense to a suitable hazardous waste site.
- iii) With the exception of an in-place reclamation project, or the use of processed gravel or recycled asphalt pavement, no excavated bituminous material shall be returned to the trench.
- iv) Unless the gravel base material has been removed per section 8.1.1.a), the contractor will stockpile (off the road) gravel found in the roadbed and place it in six (6) inch compacted lifts, at the top of the trench as a base material whenever possible.

### 15) Additional Specifications

- i) All pavement to be removed, including curbing and sidewalks, shall be saw-cut prior to excavation.
- ii) Unless otherwise directed by the Highway Superintendent, all excavated material shall be loaded directly into trucks, not stacked on the pavement or shoulder so as to minimize damage to the remaining pavement and existing shoulder, minimize dust, and facilitate the safe flow of traffic during construction.
- iii) Any water encountered during excavation shall be discharged into an approved sediment control system prior to release to existing gutter, swale, or other drainage structure. It is the contractor's responsibility to get approval from the Board of

- Health, Conservation Commission, Planning Board, Zoning Board, and any other governmental body that may have jurisdiction.
- iv) Excavated material shall be used as backfill to minimize differential frost action in the road sub-grade. Exceptions to this will be made when the excavated material is too wet to be used as backfill, or contains excessive unstable organic material. Application of this section shall be at the discretion of the Highway Superintendent.
  - v) Unless the contractor is using the method describe in section 8.1.2, all backfill shall be compacted with equipment that is specifically designed for that purpose. Lifts of fill compacted with hand directed or operated equipment shall not exceed six (6) inches in thickness. Lifts compacted with self-propelled heavy equipment shall not exceed twelve (12) inches in thickness.
  - vi) Gravel sub-grade shall match the thickness of the gravel existing adjacent to the excavation, but in no case shall it be less than eighteen inches in thickness.
  - vii) All gravel used for road base material shall comply with standards set forth in the Massachusetts Highway Department, Standard Specifications For Highways, and Bridges.
  - viii) The placement of temporary pavement is required immediately after completion of backfill and compaction. Cold patch is not a suitable long-term temporary pavement and must be replaced with concrete patch or hot mix type I asphalt.
  - ix) The existing pavement shall be cut back one (1) foot prior to the placement of permanent pavement. The pavement shall be mechanically cut in lines perpendicular or parallel to the direction of travel of the street.
  - x) The edges of the existing pavement cut to receive permanent pavement shall have asphalt emulsion applied to the vertical surfaces prior to paving.
  - xi) All permanent pavement shall conform to the Massachusetts Highway Department, Standard Specifications For Highways, and Bridges specifications for Type I hot mix asphalt base and top as specified previously.
  - xii) All temporary and permanent repairs to the right of ways shall be constructed to match existing grades, and graded to drain in the same manner as the original pavement or as directed by the Highway Superintendent.
  - xiii) All work performed is subject to inspection by the Highway Superintendent or his/her representative at all times. The schedule of inspection shall be at the discretion of the Highway Superintendent. Excavations shall not be back-filled without prior notification of the Highway Superintendent or his/her representative.
  - xiv) All work within the right of way shall comply with current Federal and State Americans with Disabilities Act regulations (42USC section 1201 et seq.).
  - xv) Excavations shall not be left unattended. At the end of every day, the excavation shall be backfilled and covered with temporary pavement, cold patch, or concrete. Road plates will not be allowed except in emergency situations and at the discretion

of the Highway Superintendent. Machinery shall not be left in the road without the consent of the Highway Superintendent.

xvi) The contractor shall be responsible to observe all applicable OSHA Regulations.

#### 16) Revocation of Permit

- i) The Highway Superintendent may revoke the permit at any time for failure to comply with these regulations.
- ii) If a permit is revoked, the work will cease and the road shall be repaired as called for in these regulations. No work shall continue until the Highway Superintendent is certain the situation that caused the revocation has been rectified.
- iii) If while the work is suspended, the work is left unattended, or becomes an unsafe condition, there shall be a fine of \$200 per day levied against the contractor and the Department of Public Works will complete the work. The Town may pull the contractor's bond, if the Highway Superintendent believes that it is in the Town's best interest.
- iv) A reinstatement fee of \$200 shall be required before the contractor can continue work.

Reviewed September 11, 2023. Next review January 2026.

## **PRIVATE ROADS POLICY**

### **Title and Authority**

This policy shall be known as the Town of Webster's Policy on the Maintenance of Private Roads. It has been authored by the Town Administrator and adopted by the Board of Selectmen.

This policy outlines the process for the Highway Department's maintenance of private roads in the Town of Webster. In no way does past practice precede the adoption date of this policy.

### **MGL Ch. 23 § 553**

Massachusetts General Law Chapter 23 Section 553 States "...a city or Town is obligated to keep its ways in repair and reasonably safe. However....this duty does not extend to a way opened and dedicated to public use, which has not become a public way, unless it has been laid out and established as prescribed by statute."

Per statute, no private roads can be maintained using public funds. If it is determined by the Highway Superintendent that there are costs associated with the maintenance to be performed, residents will be informed if a betterment charge would be assessed before the maintenance is to be performed.

### **Minor Temporary Repairs of Private Ways**

At the discretion of the Highway Superintendent, depending on issues such as staffing, time, equipment, prioritizing, the Town may make temporary repairs on private ways which have

been open to public use for six years or more. This is not a guarantee and past practice does not ensure future service by the Town as the Highway Department is limited in resource and public ways are the first priority. Such temporary repairs may include regrading private roads, oiling oiled roads, and filling potholes. Temporary repairs made to private roads remain the Town's responsibility for six (6) years.

Maintenance will not include brush cutting, tree removal, drainage installation or any assistance with drainage-related issues, curbing, alteration to the original construction of the road and sidewalks, or surfacing/resurfacing.

### **Liability**

The Town shall not be liable for bodily injury, death or damage to property caused by any defect or want of repair in a private way including damage to mailboxes, grass, bushes, etc.

### **Making a Private Way into a Public Way**

The Planning Department at the Webster Town Hall has a Roadway Acceptance Process that must be followed in order to change a private road to a public road. Property owners/residents are responsible for assuming all the costs and work associated with the tasks required to have the road prepared for public acceptance. What road you live on will define the process that you will need to follow.

### **Snow Removal and De-Icing of Private Ways**

Massachusetts General Law Chapter 40 Section 6C says that the Selectmen can authorize money for snow removal of private ways open for public use and within the Town limits. This authorization will not constitute the temporary repair of a way if the authorization of money is accepted by the Town.

Reviewed September 11, 2023. Next review January 2026.

## **BOARD OF SELECTMEN DAMAGE TO PRIVATE PROPERTY POLICY**

The Town of Webster is not responsible for damage to private property that is located within the public right of way. In many cases the right of way extends 10 feet or more on either side of a paved or gravel road, and is often confused by property owners as their own property. Some homeowners often cultivate extensions of their lawns, place mailboxes, erect fences or stone walls in these areas, which improve the overall appearance of the street, but are obstructive to good maintenance being conducted on the roadway.

A snow windrow must be pushed back as far as possible for many reasons such as:

- Traffic safety
- Space for future snow storage generated from additional snow events
- Prevention of melting snow water from running onto the pavement and causing hazardous icing conditions
- To permit maximum possible view of oncoming traffic from the roadway



Mailboxes located within road limits exist by sufferance only with the responsibility assumed by the owner. It is not possible for the Town to replace or repair any type of structure erected by an abutting land owner within the public right of way that has been damaged as a result of highway maintenance, construction work or snow operations.

Reviewed September 11, 2023. Next review January 2026.

## **COMPLETE STREETS POLICY**

### **VISION & PURPOSE**

The Town of Webster's Complete Streets Policy aims to accommodate the full range of users of the Town's roadways, walkways, trails, and transit systems by creating a transportation network that meets the needs of individuals utilizing a variety of transportation modes. The Town of Webster will, to the maximum extent practical, design, construct, maintain, and operate streets to accommodate all users.

Through the implementation of Complete Streets principles, people of all ages, abilities and income levels will be able to efficiently and safely travel between home, school, work, recreation facilities, and commercial venues. Demonstrated benefits of Complete Streets include cleaner air, promotion of physical exercise, improved access to retail and employment centers, and reduced personal transportation costs.

### **CORE COMMITMENT**

The Town of Webster recognizes that users of various modes of transportation, including but not limited to, pedestrians, cyclists, motorists, transit riders, safety personnel, and freight and commercial haulers are legitimate users of roadways and deserve safe facilities. "All Users" includes users of all ages, abilities and income levels.

The Town recognizes that all transportation projects - including planning, programming, design, right-of-way acquisition, construction, reconstruction, operation, and maintenance are potential opportunities to apply Complete Street design principles. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets to create a comprehensive and integrated network of facilities for people of all ages and abilities.

Complete Streets design recommendations shall be incorporated into all publicly and privately funded projects to the maximum extent practical and where appropriate. Applicable projects shall include:

- All transportation infrastructure and street design projects requiring funding or approval by the Town of Webster;
- All transportation infrastructure and street design projects funded by the State and Federal government, including, but not limited to, Chapter 90, Transportation Improvement Program (TIP), Mass Works Infrastructure Program, Community Development Block Grants (CDBG), or other state and federal funds;
- Private developments and related roadway design and construction components;

- The design, construction and maintenance of State-owned roadways within Webster's Town boundaries, subject to and as may be modified by MassDOT guidelines, standards and requirements.

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

1. Corridors providing primary access to one or more significant destinations such as parks and recreation areas, schools, shopping/commercial areas, public transportation, or employment centers; and
2. Corridors providing important continuity and connectivity links to existing pedestrian or bicycle networks.

The Superintendent of the Highway Department will use best judgement regarding the desirability and feasibility of applying Complete Streets principles for routine roadway maintenance projects, such as repaving, restriping, and so forth.

## **EXEMPTIONS**

Transportation infrastructure projects, including, but not limited to, roadway reconstruction, roadway reconfiguration, or subdivisions may be excluded upon approval of the Complete Streets Committee, the Planning Board, and the Board of Selectmen, where documentation and data indicate that any of the following apply:

1. The existing right-of-way does not allow for the accommodation of all users. In this case, alternatives may be explored such as obtaining additional right-of-way, use of revised travel lane configurations, paved shoulders, or signage;
2. The application of Complete Streets principles is unnecessary, or inappropriate, because it would be contrary to public safety and increase the risk of injury or death;
3. Roadways where specific users are prohibited by law, such as interstate freeways, pedestrian malls, and transportation facilities that are limited to non-motorized modes such as rail trails and hiking trails. An effort will be made, in these cases, for accommodation elsewhere;
4. Cost or impacts of accommodation are excessively disproportionate to the need or probable future use; and
5. Other local policies, regulations, or requirements contradict or preclude implementation of Complete Streets principles.

## **BEST MANAGEMENT PRACTICES**

Complete Streets principles include the development and implementation of projects in a manner that is context-sensitive: that takes into account the physical, economic and social setting of the site within the broader context of the Town of Webster. This context-sensitive approach enables a balance to be reached between stakeholder/community values and project needs. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical,

and natural resources within the community while improving or maintaining safety, mobility and the overall condition of the Town's transportation network.

The Town recognizes that Complete Streets principles may be implemented as part of a single, comprehensive project or incrementally through a series of smaller improvements or maintenance activities over time.

## **DESIGN STANDARDS**

The Town will use the latest design guidance, standards, and policy recommendations available to implement this Complete Streets Policy, including:

- The Massachusetts Department of Transportation Project Design and Development Guidebook
- The Massachusetts Department of Transportation – Separated Bike Lane Design Guide
- The Massachusetts Department of Transportation – Municipal Guide for Walkability
- The latest edition of The American Association of State Highway Transportation Officials (AASHTO): A Policy on Geometric Design of Highway and Streets
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Design Controls
- The Architectural Access Board (AAB) 521CMR Rules and Regulations
- The American Planning Association's Complete Streets: Best Policy and Implementation Practices
- Documents and plans created for the Town of Webster such as the Webster Master Plan, Webster Open Space and Recreation Plan, Town of Webster Zoning By-laws, and the Town of Webster Rules and Regulations Governing the Subdivision of Land

## **IMPLEMENTATION**

The Town of Webster shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation design project and program as an opportunity to improve the transportation network for all users, and shall work in coordination with other departments, agencies and jurisdictions to achieve Complete Streets.

A Complete Streets Committee comprised of stakeholders, including members of relevant Town departments and committees, will be created to implement this initiative. The Complete Streets Committee will be a multi-disciplinary team that includes representation from: The Board of Selectmen, Highway Department, Department of Planning and Economic Development, the ADA Commission, and other members as deemed appropriate. The focus of this Committee will be to ensure the implementation of the Complete Streets Policy and, where necessary, recommending revisions to existing practices that present barriers to implementation. The Committee will update and solicit feedback from the public on potential projects to engender buy-in and ensure that perspectives from the community are considered and incorporated, where feasible.

The Town shall review and develop proposed revisions to all appropriate planning documents (i.e. Master Plan, Open Spaces and Recreation Plan), zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all street projects.

The Town shall conduct a needs assessment to determine and appropriately plan for future financial/capital costs associated with implementation of this Policy.

The Town shall maintain a comprehensive map and inventory of pedestrian and bicycle facility infrastructure, prioritizing those projects that eliminate gaps in the sidewalk, bikeway and trail network.

The Town shall take into account the Complete Streets Policy when prioritizing Capital Improvement Projects.

The Town shall train pertinent municipal staff and decision-makers on the content of the Complete Streets Policy and best practices for implementing this Policy through attendance at conferences, seminars, workshops, and other appropriate means.

Municipal departments will coordinate efforts to promote the most responsible and efficient use of resources for activities within the public way.

The Town will allocate funding through municipal appropriation and pursue appropriate alternative sources of funding and grants for implementation of this Complete Streets Policy.

## **EVALUATION**

Complete Streets implementation and effectiveness shall be evaluated for success and opportunities for improvement. The Complete Streets Committee will develop metrics to periodically gauge the success and effectiveness of this Policy. The frequency of assessment, and metrics for analyzing the success of this policy, will be determined by the Complete Streets Committee. These metrics may include, but are not limited to, the total number of new bicycle lanes, the linear feet of new AAS-compliant pedestrian accommodation, number of retrofitted pedestrian facilities or amenities, number of intersection improvements made to improve Level of Service (LOS) and safety for vehicles, pedestrians and bicyclists, rate of crashes by mode, number of AAS-compliant parking spaces installed, and/or number of trips by mode.

Reviewed September 11, 2023. Next review January 2026.

## **PUBLIC STREET LAYOUT AND ACCEPTANCE POLICY**

1. Authority: In accordance with MGL Ch. 82, §§17-32 and Town of Webster: Subdivision Rules and Regulations, the Board of Selectmen & Planning Board adopts this Public Street layout and Acceptance Policy.
2. Purpose: This policy is a result of historic problematic issues related to the proper layout and acceptance of public ways within the Town of Webster. The purpose of this policy is intended for new roads that were designed, approved, and built, via the subdivision approval process, and not for existing private ways. Nothing herein shall be construed to

modify or amend requirements and responsibilities pursuant to the Planning Board's Rules and Regulations.

3. Preliminary Requirements: As appropriate, the Planning Board process for subdivision road construction and oversight shall be completed prior to petitioning the Board of Selectmen for Road layout and Acceptance of a subdivision road.
4. Layout: The "laying out" process establishes the metes and bounds and physical location of the way. It does not, by itself, constitute either the acquisition of an interest in the underlying land or acceptance of the way as a public way. The laying out process is, however, an essential prerequisite to the formal vote of acceptance by Town Meeting.
  - a. Petition Process: The laying out of a public way may be initiated by the Board of Selectmen, or through petition to the Selectmen/Road Commissioners by the Planning Board or by one or more inhabitants of the Town of Webster (MGICH.82, §§17 and 21). In accordance with Town of Webster General Bylaws Ch.253, the petition shall be submitted prior to October 1st in order for consideration for the Spring Annual Town Meeting

The layout petition shall include the following comprehensive documentation in order to be considered for layout and acceptance:

- i. A copy of Planning Board meeting minutes showing a vote supporting the petition for road layout and acceptance as a public way;
- ii. Letter from Town Counsel indicating that all necessary legal documents (i.e. Metes and bounds legal description, deeds, easements, title certification, assents of mortgagees, subordination agreements with the lender, etc.) are acceptable as to form;
- iii. An original title certification for all roads, ways and easements being petitioned along with a letter from Town Counsel indicating the document is acceptable as to form;
- iv. Signed and notarized originals of the approved legal documents (i.e. deeds, easements, title certification, etc.) in proper form ready to be recorded at the Registry of Deeds. These documents will be held by the Selectmen until Town Meeting approval, and then the acquisition process will commence;
- v. A certified list of abutters from the Town Assessor's Office of all property owners having frontage along the way that is proposed to be accepted as well as any land owners of the way to be laid out and any other owners of property that contain easements associated with the way (i.e. slope, drainage, utility, sightline, etc.);
- vi. A metes and bounds legal description of the way including a metes and bounds legal description of all easements related to the way;

- vii. A certification from the Tax Collector showing that real estate taxes are paid in full through the current date;
  - viii. Two (2) Mylar plots of the full size (24x36) layout plans (at a scale of 1 inch= 40 feet) and seven (7) paper plots ( 11 x17 sheets) showing all metes and bounds of the proposed public way as well as any associated easements. These layout plans shall show information and notes as is required for recording at the Worcester County Registry of Deeds. One Mylar copy is to be provided at the time of the layout meeting for signature. All plans must be stamped and signed by a Professional Land Surveyor and/or Professional Engineer (Civil) registered in the Commonwealth of Massachusetts as appropriate.
  - ix. One ( 1) full size as-built plan (at a scale of 1 inch = 40 feet) for Public Works Department, ( 1) full size as-built plan (at a scale of 1 inch = 40 feet) for Planning Board; Seven (7) 11 x17 as-built plan copies: One ( 1 ) for Town Clerk, One (1) for Town Counsel, Two (2) for Selectmen's office, One (1) for the Public Works, One (1) for Planning Board, and One (1) for Conservation Commission. All plans must be stamped and signed by a Professional Engineer (Civil) registered in the Commonwealth of Massachusetts. As-Built Plans shall be created using Computer Aided Drafting and Design software and shall comply with Mass Geographic Information System "Standard for Digital Plan Submission to Municipalities," or successor standard. The As-Built Plan shall be referenced to Massachusetts State Plane Coordinate NAD83 format.
  - x. The Owner/Developer must submit a fee in the amount of Two Thousand Five Hundred Dollars (\$2,500) for each private way to be deposited in a revolving fund to reimburse the town for any legal and engineering costs associated with the road layout and road taking and recording of same. After recording any monies remaining in the project account will be returned to the Owner/Developer.
  - xi. In addition to the application fee, the Owner/Developer is responsible for the cost of publication of the legal notice and the cost of postage for mailing the notice.
- b. Notification of Layout Public Meeting: At least seven (7) days prior to laying out the way, notice of the meeting at which the layout will be considered must be given to owners of any land or easements to be taken for the roadway, including any slope, drainage, or other easements.

Notification shall be by U.S. Mail and shall be posted in a public place in the Town. The notice shall contain a metes and bounds description of the proposed layout and a description, by reference to assessors map and parcel numbers, of all land or easements as well as the time and place of the layout meeting and shall also advise of the time and place the layout plans may be viewed. The

Board of Selectmen/Road Commissioners shall be responsible for providing notice of this public meeting.

- c. Action: Once the meeting has been held concerning the layout, the Board of Selectmen may vote to adopt the layout as shown on the metes and bounds plan. The layout description, as voted, including any plan, must then be filed with the Town Clerk (c. 82 § 23), who must record such decision in a book kept for this purpose within 10 days (c. 82 §32). These documents must be filed with the Town Clerk's Office at least seven (7) days prior to the Town Meeting. Recording of this information at the Registry of Deeds is not required.
5. Acceptance: "Acceptance" is the procedure whereby Town Meeting votes to recognize and accept responsibility for the street layout adopted by the Board of Selectmen. In order for acceptance to occur, the Board of Selectmen shall have voted positively to layout the way as a public way and all of the backup documentation required under Section 4.1 herein shall have been submitted and approved in final form prior to warrants closing for the Spring Annual Town Meeting.
6. Acquisition: If the Town will be acquiring the land or an easement in the way or any necessary easements associated with the way, such as slope or drainage easements, the Board of Selectmen must within 20 days after the termination of the Town Meeting authorize the "Acceptance" of the road/infrastructure/easements/deeds by recording the conveyance by the following:
  - a. Acquire the land by gift or purchase, or
  - b. Adopt an order of taking under MGL c. 79, or
  - c. Institute proceedings for a taking under MGL c. 80A (c. 82, §24).

If an order of taking is adopted under MGL c. 79, that order must be recorded in the Worcester County Registry of Deeds within 30 days of such adoption (c. 79, §3).
7. Waiver: The Board of Selectmen may waive any part of this policy as regards to the timing and/or deadlines provided that all statutory requirements are complied with for the purposes of public street layout and acceptance and inclusion on a town meeting warrant pursuant to M.G.L. chapter 39 and the Town of Webster General By-laws.

Reviewed January 13, 2020. Next review January 2022.

## **APPENDIX**

*COMMITTEE HANDBOOK (SEE ATTACHED)*

*PERSONNEL POLICIES (SEE ATTACHED)*

*FINANCIAL POLICIES (SEE ATTACHED)*