

Town of Webster

Town Meeting Guide

June 25, 2018

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Town Meeting Information

Thank you for taking an interest in the Town of Webster's Town Meeting. Town Meeting is part of a great tradition of democracy which has been taking place in Webster ever since its' townspeople came together to found Webster in 1832. Town Meeting is the legislative body of the Town, acting much like our legislative counterparts at the State and Federal level, to fund a budget and to establish bylaws. One important difference is that in Webster's Open Town Meeting form of government, every registered voter of the Town is a Legislator and has the opportunity to participate in, and vote on, every issue.

Procedures

Webster's Town Meeting is governed by State law, the Town's Bylaws, tradition, and the book "Town Meeting Time: A Handbook of Parliamentary Law". Voters don't need to read these documents in order to participate in Town Meeting as your elected Town Moderator is there to guide the Town through the meeting while adhering to all applicable rules and regulations. Always remember that if you are not clear on the issue being voted on or the topic being discussed, you can always step up to the nearest microphone and ask questions.

At the front of the room, standing at a podium, you will find:

- The Town Administrator: Webster's Chief Administrative and Financial Officer

Sitting at tables, also at the front of the room, are the following Boards/Committees (from left to right):

- The Board of Selectmen: The Governing Body of the Town
- The School Committee: Recommends the School Department Budget
- The Finance Committee: Makes recommendations on all articles involving Town finances

The people on the stage are (from left to right):

- Town Counsel: the Town's attorney
- The Moderator: Elected to preside over Town Meeting
- The Town Clerk: Officially records the votes taken at Town Meeting

Town Meeting Warrant

The Board of Selectmen post a Warrant before the Town Meeting. The

Warrant lists the agenda for what topics will be discussed and voted on at the Town Meeting. Each item on the agenda is called an "Article". An Article may be specific or broad. The booklet distributed at the Town Meeting includes both the Warrant that was posted by the Board of Selectmen as well as the Motions expected to be presented following the reading of each Article. Keep in mind that these may change.

Motions

While a Warrant Article generally describes what topics will be discussed, a Motion is a statement of a specific action that is proposed to be taken. For example, a Motion to appropriate (designate) funds would specify the dollar amount, the source of the funds, and what purpose the funds are for. The Motions that are expected to be presented are printed in this booklet, but the actual Motion that ends up being presented may differ. It's important to realize the difference between the Warrant Article and the Motion: the Warrant Article is the agenda item describing the subject matter to be voted on, and the Motion outlines the specific action to be voted on.

Amendments to Motions

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

Motions to Pass Over

A Motion to "Pass Over" is a proposal to take no action on the Warrant Article at the Town Meeting. The Town's practice has been to either make a "Motion to Pass Over" or a "Motion to Pass Over for More Information". The Town of Webster's General Bylaw, 253-14, prohibits an Article that received a favorable vote on a "Motion to Pass Over" from being re-considered prior to the next Annual Town Meeting. If the Motion to Pass Over is approved, then no action will be taken and the Town Meeting will move on to the next Article. If the motion is defeated, then the Town Meeting would ask for a Motion to take action as it relates to the Article being discussed.

Discussion

After a Motion is presented, the topic of the Article is then open for discussion, questions, and debate by everyone participating in the Town Meeting. In order to for this to take place, registered voters may

line up behind microphones stationed in each aisle if they have questions or would like to make comments. When recognized by the Moderator, the individual clearly states their name and address so that others in attendance know who is speaking. All comments should focus on the specific topic of the Article being discussed and not address a particular person or group other than the Moderator. Pursuant to rules accepted by Town Meeting (Annual Town Meeting: October, 2015), speakers are limited to 7 individuals in favor of the Article and 7 individuals against the article. Each speaker's time limit is 2 minutes. The Sponsor of the Article will be allowed 5 minutes to speak and their presentation does not count toward the 7 speaker limit. Town Meeting can extend a speaker's time for an additional 2 minutes by taking a 2/3 majority vote.

Ending the Discussion

If a voter has heard sufficient discussion and wants to end further debate, they can make a Motion to end the debate which is often referred to as "moving the question". A voter cannot both comment on an Article and then "move the question" during the same turn at the microphone: he/she can only do one or the other. A motion to "move the question" is not debatable and requires a 2/3 majority vote in order to pass. If the motion to "move the question" passes, then further debate on the Article ends and Town Meeting will vote on the Motion. If the Motion to "move the question" is defeated, then the debate of the Motion continues.

Reconsideration

If substantial new information becomes available that could alter the outcome of a vote after it has already been taken, a voter can make a "Motion to Reconsider" that earlier vote. The Moderator will not entertain a "Motion to Reconsider" on the basis of having different voters present in the room or because some voters are unhappy with the outcome of the original vote. If the "Motion to Reconsider" is accepted by the Moderator, it will be discussed by the Town Meeting. If the majority of the Town Meeting vote in favor of Reconsideration, then the original Motion that was previously voted upon will again be read to the voters. A "Motion to Reconsider" can only be made by an individual who earlier voted on the prevailing side. The Town of Webster General Bylaw 253-13 requires a 2/3 majority vote in order to Reconsider.

Voting

After a successful trial period, we will continue using the electronic voting system. Rather than a voice vote or raising hands, each voter will be assigned an electronic voting device when they register at the door. Voters simply need to press a designated button, as instructed by the Moderator, for their vote to be recorded. Not only will this system be more accurate, but it also allows each vote to remain confidential. Additionally, the use of the electronic voting system will eliminate the need for any ballot votes, thus potentially reducing the length of Town Meeting. The electronic voting system will be tested prior to the Town Meeting to ensure that all votes will be accurate.

SPECIAL TOWN MEETING

ARTICLE 1: To see if the Town will vote to raise and appropriate, or transfer from any available funds in the Treasury, a sum sufficient to the Town Administrator's Unpaid Bills Account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to transfer \$659.29 to 0112352-579000 Town Administrator Unpaid Bills Account from 0121052-524003 Police Department Vehicle Maintenance Account.

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

C.A.P	\$16.39
MHQ	\$642.90

ARTICLE 2: To see if the Town will vote to amend Section XII TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS of the Town's Zoning By-law by adding the bolded text and deleting the strikethrough text as follows; or take any action thereon.

§650:92 Temporary Moratorium on Recreational Marijuana Establishments

A. Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) ~~requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses no later than April 1, 2018. The Cannabis Control Commission~~ issued regulations on March 23, 2018 regarding recreational (non-medical) use of Marijuana and has begun accepting applications for licensing of non-medical marijuana establishments.

Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1 and **935 CMR 500.00**, is not specifically addressed in the Zoning Bylaw. Regulations ~~to be promulgated~~ by the Cannabis Control Commission ~~may~~ provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner. **The Town already has considered and evaluated the impacts of marijuana cultivators and marijuana product manufacturers, which shall be excluded from this moratorium.**

B. Definition

"Recreational Marijuana Establishment" shall mean a "~~marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business~~ **as such terms are defined in 935 CMR 500.02, but for purposes of this moratorium shall not include a marijuana cultivator or marijuana product manufacturer.**"

C. Temporary Moratorium

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

Sponsored by the Board of Selectmen

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Warrant.

Background: This Article will exclude cultivation and manufacturing from the “adult use” marijuana moratorium that was voted on at the October, 2017 Town Meeting. Practically speaking, it will allow Curaleaf to expand their operation to adult use. No other grower/manufacturer is licensed in the Town of Webster and cannot be without Board of Selectmen approval. It still maintains a moratorium on adult use dispensaries, etc. Staff and Planning Board will present regulations for adult use marijuana dispensing at a future Town Meeting. Staff has reviewed the Curaleaf operations and are confident that adult use cultivation and manufacturing will not be any more detrimental to the Town than current operations. Curaleaf recently agreed to a Host Agreement payment of up to \$200,000 over the next several years. This is for the use of 50,000 sq ft. of space. The much discussed proposed Town of Charlton Host Agreement is for \$2 million for one to three million sq. ft. of cultivation, dispensing and research. This is a 2/3 majority vote.

ARTICLE 3: To see if the Town will amend the General By-laws to add the following By-law, and further by amending the Table of Contents to add a new Chapter _____, entitled Vacant and Foreclosing Properties; or take any action thereon.

Chapter __: Vacant and Foreclosing Properties

§ __ -1 Purpose and Intent

This Bylaw is adopted pursuant to Massachusetts General Laws chapter 40, section 21, and the powers granted to the Town by the State Home Rule Amendment as reasonable regulations designed to protect the health, safety, and welfare of the residents of Webster. As has been proved by examples within the Town of Webster and elsewhere, vacant and foreclosing properties are at greater risk of deterioration, pest infestation, fire, criminal trespass, and resulting public health violations and therefore pose a significant danger to the health, safety, and welfare of Webster citizens and require increased monitoring and inspection by Webster officials with implementing this bylaw, including but not limited to the costs associated with monitoring, inspecting, and when necessary taking legal action and/or remediating such vacant and foreclosing properties.

§ __ -2 Definitions

For purposes of this Bylaw the following words used herein, unless the context otherwise requires, shall have the following meanings:

- "Board of Health" shall mean the duly-elected Webster Board of Health.
- "Days" shall mean consecutive calendar days.

- "Foreclosing" shall mean the process by which a property, placed as security for a real estate loan, is taken into possession by the lender to satisfy the debt if the borrower defaults.
- "Initiation of the Foreclosure Process" shall mean taking possession of a residential, commercial, industrial, or mixed use property pursuant to M.G.L. chapter 244, section 1, publishing a first foreclosure notice of such a property pursuant to M.G.L. chapter 244, sec. 14, or commencing a foreclosure action on such a property in Land Court or Superior Court.
- "Mortgagee" shall mean the creditor and/or lender in a mortgage agreement, including but not limited to service companies and any agent, servant or employee of a mortgagee, or any successor-in-interest and/or assignee of a mortgagee's rights, interests, or obligations.
- "Owner" shall mean: every person, trust, partnership, corporation or other entity capable of owning legal or equitable title to real property or capable of possessing legal or equitable interest in real estate or an authorized agent of the person or entity holding legal or equitable interest to real property. This term shall include a mortgagee in possession and any person or entity designated by the owner to have legal control over the property, however, this Bylaw shall not apply to a condominium association created pursuant to M.G.L. chapter 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association.
- "Property" shall mean any real property, or portion thereof, located in the Town of Webster, including but not limited to all buildings or structures thereon.
- "Vacant property" shall mean residential, commercial, industrial, or mixed use real property that has not been lawfully occupied and maintained, actively marketed for rental, or under active construction for a continuous period of forty-five (45) days or more, or, notwithstanding the foregoing, any residential, commercial, or mixed use property in which more than half of the exterior windows or doors of a building are broken, boarded, or without a functioning locking mechanism.

§ _ -3 Registration

- A. Within forty-five (45) days after a property becomes vacant or the initiation of the foreclosure process, whichever is earlier, each owner of such vacant or foreclosing property shall register said property with the Board of Health by providing that department, on a form created by the Board, with the status of said property. The owner shall include on said registration form the name, address and telephone number and email address of each owner or designated representative of the property; the street address of the property, and the Assessor's map and lot number for the property; the date in which the property became vacant; the approximate time the building is expected to remain vacant (if applicable); the specific nature of any contents still located in/on the property. Registration shall be accompanied by a registration fee or renewal fee as set forth below. The Board of Health shall annually issue a Certificate of

Building Closure upon payment of the requisite fee and completion of below provisions.

- B. If none of the owners are at an address within the Commonwealth of Massachusetts, then the registration shall also include the name, address, and telephone number of a person who resides within Massachusetts and is authorized to accept service of process on behalf of the owners, and who shall be designated as a responsible local agent, both for purposes of notification in the event of an emergency affecting public health, safety and welfare and of service of any and all notices issued pursuant to this Bylaw and other laws and regulations of the Commonwealth and the Town.
- C. The failure to register a vacant or foreclosing property in a timely fashion shall be a violation of this Bylaw.
- D. Subsequent to initial registration, it shall be the duty of the owner or agent in charge to notify the Board of Health of any change in the status of the building or the information provided within thirty (30) days of the occurrence of said change. Once the property is no longer vacant or is sold, the owner or designated representative must provide proof of sale or written notice of occupancy to the Board.

§ _ -4. Annual Registration Fees for Certificate of Building Closure

- A. The following fees are adopted pursuant to Massachusetts General Laws chapter 40, section 22F, adopted at the May 18, 2009, Webster Annual Town Meeting. Said fees are for the purpose of compensating the Town for the costs of implementing this bylaw, including but not limited to the costs associated with monitoring, inspecting, and when necessary taking legal action and/or remediating vacant and foreclosing properties in the Town.
- B. Within forty-five (45) days after a property becomes vacant or the initiation of the foreclosure process, whichever is earlier, each owner of such vacant or foreclosing property shall, in addition to registering said property, pay to the Board of Health a registration fee to cover the administrative costs of issuing the Certificate of Building Closure and monitoring such vacant or foreclosing property. Said initial fee paid shall be pro-rated based on the amounts set forth below to reflect the remaining portion of the initial year in which payment is made (e.g. if the property is registered on July 1 in any year, the fee for that calendar year shall be fifty per cent (50%) of the fee set forth below). On or before each December 31st thereafter, each owner of such vacant or foreclosing property shall pay to the Board of Health the applicable annual registration fee, as set forth below, to cover the administrative costs of monitoring such vacant or foreclosing property for the coming year. Payment of such annual registration fees following the initial fee shall not be pro-rated or

subject to partial refund. Said fees are for the purpose of compensating the Town for the costs of implementing this bylaw, including but not limited to the costs associated with monitoring, inspecting, and/or remediating vacant and foreclosing properties in the Town.

C. For properties that are less than one-half (1/2) acre in size, the annual registration fee shall be based on the duration of the vacancy as of December 31st of the year in which such fee is due according to the following schedule:

- Vacant less than one year: \$250.00
- Vacant one year or more, but less than two years: \$500.00
- Vacant two years or more, but less than three years: \$1,000.00
- Vacant three years or more: \$2,000.00

D. For properties that are one-half (1/2) acre or more in size, the annual registration fee shall be based on the duration of the vacancy as of December 31st of the year in which such fee is due, in accordance with the following schedule:

- Vacant less than one year: \$500.00
- Vacant one year or more, but less than two years: \$1,000.00
- Vacant two years or more, but less than three years: \$2,000.00
- Vacant three years or more: \$3,000.00

A failure to pay the registration fee in a timely manner shall be a violation of this Bylaw and the full fee shall be deemed an assessment resulting from that violation, resulting in a lien on the property to be collected in accordance with chapter 59 of the Massachusetts General Laws. In addition, failure to pay said fee could result in the denial, revocation, or suspension of other licenses or permits pursuant to Massachusetts General Law chapter 40, section 57, and the Town's "By-law Authorizing Denial or Revocation of Local License or Permit for Nonpayment of Local Taxes, Fees, or Other Charges in the Town of Webster" (adopted at the May 20, 2002, Webster Annual Town Meeting).

§ _ -5. Billing Statement

On or before November 15th of each calendar year, the Board of Health shall send a billing statement, setting forth the required registration fee, to each registered owner of a vacant or foreclosing property. Notwithstanding the foregoing, the registration fee set forth in section _ - 4 above shall be due and payable on or before December 31st of each year.

§ _ -6 Appeal

Any owner assessed a registration fee under this Bylaw shall have the right to appeal the imposition of such fee to the Webster Board of Health upon the filing of an application in writing no later than fifteen days after mailing of the billing statement under appeal. The appeal request shall be accompanied by a non-refundable fifty dollar (\$50.00) filing fee. Such an appeal shall be limited solely to the issues of whether the property is vacant or foreclosing, how long the property has been vacant or foreclosing, and the size of the property. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the owner, the payment shall be due within ten (10) calendar days after issuance of the decision of the Board of Health.

§ _ -7 Maintenance/Securing Requirements

- A. Properties subject to this bylaw shall be maintained in accordance with the relevant sanitary codes, building codes, and state and local laws, bylaws and regulations. The owner or designated agent shall inspect and maintain the property on a monthly basis for the duration of the vacancy, said maintenance to include timely mowing of lawns and other vegetation control, pest control, protection from criminal trespass, and prevention of deterioration.
- B. All vacant property must be locked and/or otherwise adequately secured (including but not limited to the repair and/or boarding up of any broken doors and windows) so as to prevent unauthorized access into a building.
- C. The name and twenty-four (24) hour contact phone number of the local individual or entity responsible for maintenance shall be affixed to the property. This sign shall be posted on the front of the property.
- D. Adherence to this bylaw shall not relieve the owner of any other applicable obligations. The provisions of this bylaw are in addition to, and not in lieu of, any and all other applicable federal, state, and local laws and regulations.
- E. The Board of Health shall issue a Certificate of Building Closure upon payment of the requisite registration application fee and adequate completion of above provisions. The Certificate of Compliance will be subject to continued compliance with the above provisions and shall be valid for one year. Said certificate may be renewed, at the discretion of the Board, subject to re-inspection to confirm continued compliance with this Regulation and the payment of the appropriate renewal fee as set forth above.
- F. In addition to the remedies provided herein, the failure to maintain and secure vacant and foreclosing properties adequately may result in direct action by the

Town in accordance with M.G.L. chapter III, sections 122-125A, 127A-1271, 129, 130, and 131, M.G.L. chapter 139, section 1-3B, M.G.L. chapter 143, sections 6-14, M.G.L. chapter 148, section 5, and other applicable provisions of law and regulation, such actions including but not limited the following: removal, abatement, destruction, and/or prevention of conditions deemed to constitute nuisances, sources of filth or causes of sickness; demolition, removal, repair, and/or cleaning of any structure which fails to comply with standards of fitness for human habitation or other applicable laws or regulations so as to endanger or materially impair the health or well-being of the public; and, obtaining court-ordered warrants, injunctive relief, and orders of abatement. In accordance with applicable law and regulation, all costs incurred by the Town in taking such action shall constitute a debt to the Town and a lien upon the property in question.

§ _ -8. Inspections/Enforcement

- A. The Board of Health or its designees shall have the authority to inspect properties subject to this bylaw for compliance and to issue citations for any violations. The Board or its designees shall have the discretion to determine when and how such inspections are to be made, provided that such policies are reasonably calculated to ensure that this article is enforced.
- B. Any person or entity violating this bylaw may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw. If noncriminal disposition is elected, such person or entity shall be subject to a fine of up to three hundred dollars (\$300.00) for each offense. Each day a violation exists shall constitute a separate offense. Such fine or penalties shall be in addition to and not in lieu of any other fines, penalties, or remedies provided in applicable state and local law, bylaw and/or regulation for violation of such laws, by-laws and/or regulations. The Board of Health shall have the right to enforce this Bylaw pursuant to the non-criminal disposition procedures set forth in the Webster Non-criminal Disposition Bylaw and Massachusetts General Laws chapter 40, Section 21(D).
- C. The Board of Health may further enforce this regulation or enjoin violations of this Bylaw through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

§ _ -9 Interaction with Other Laws

This Bylaw is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning the maintenance of property and the abatement of nuisances.

Nothing in this Bylaw is intended to limit or restrict the authority of the Board of Selectmen, the Board of Health, the Building Commissioner, Conservation Commission, the Fire Chief, or any other board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction.

Notwithstanding the issuance of a Certificate of Building Closure, the Town expressly reserves the right to take any action deemed necessary for the protection or public health and safety, including but not limited to issuance of an order of demolition in accordance with applicable law.

§ _ -10 Severability

If any section, provision, paragraph, sentence, or clause of this Bylaw is declared invalid or unenforceable, the other provisions herein shall not be affected, but shall continue in full force and effect.

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Town Meeting Guide.

Background: In an effort to curb unmaintained and dilapidated vacant properties in Town, each vacant or foreclosed property would be required to register with the Board of Health within 90 days (after 45 days it is considered vacant; owners have another 45 days to register).

- Fee: Under ½ acre lot size:
 - Vacant less than one year: \$250
 - Vacant one year or more, but less than two years: \$500
 - Vacant two years or more, but less than three years: \$1,000
 - Vacant three years or more: \$2,000
- Fee: Over ½ acre lot size:
 - Vacant less than one year: \$250
 - Vacant one year or more, but less than two years: \$500
 - Vacant two years or more, but less than three years: \$1,000
 - Vacant three years or more: \$2,000

Property owners must maintain and secure the property as well as provide a 24-hour emergency contact. There is a \$300 fine for non-compliance. Any revenue generated from these fines and fees will be maintained in our nuisance property revolving fund, used to clean, maintain or demolish properties that have been abandoned or otherwise have no alternative for being maintained. If the property is actively being marketed or under construction it is not considered vacant.

ARTICLE 4: To see if the Town will vote to authorize unpaid registration fees under the Vacant and Foreclosing Properties By-law to constitute a lien on the property pursuant to G.L.c. 40, §58; or take any action thereon.

Sponsored by the Town Administrator

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

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Background: This section of the law must be adopted in order to allow the Town to lien a property for not paying the registration fees of the Vacant and Foreclosing Properties By-law.

ARTICLE 5: To see if the Town will amend the General By-laws by adding the following By-law and further by amending the Table of Contents to add a new chapter _____, entitled "A By-Law Relative to Nuisances on Property"; or take any action thereon.

A By-law Relative to Nuisances on Property

A. Purpose and Intent. It is the purpose and intent of this Bylaw to prevent future nuisances in the Town of Webster, which nuisances constitute a hazard of blight, or adversely affect property values. Nuisances, such as dilapidated buildings, overgrowth, debris, trash, stagnant pools of water, property having defective weather protection and vacant or abandoned buildings, cause and contribute to blight within neighborhoods and commercial areas of the town and adversely affect the property values for adjacent and surrounding property. Such nuisances on property also impair public health and safety. This Bylaw is intended to further the objectives of and to act in concert with any existing federal, state or local laws. Any person who allows a nuisance as defined and regulated by this Bylaw to exist on his or its property shall be in violation of this bylaw.

B. Property Standards. All property in the Town of Webster shall be maintained in the accordance with the following property standards:

- (1) General. All property, whether occupied or vacant, shall be maintained in good repair and a safe and sanitary condition as provided herein, so as to not cause or contribute to the creation of a hazardous or blighted area or to affect adversely the public health and safety or property value of adjacent or surrounding property.
- (2) Overgrowth. All property shall be maintained free of vegetation over twelve (12) inches high that is or may reasonably become infested with

rodents, vermin, or other animals, conceal pools of stagnant water, or create a fire safety hazard. All property shall be kept free of overgrown, decayed, dead, or hazardous trees, shrubs, or any other vegetation that poses a hazard to the health and safety of any person in the vicinity of the property, including any persons traveling on any portion of any public way, or any surrounding property.

- (3) Structures. All structures, including any buildings, fences, storage sheds, or any element thereof shall be maintained in a structurally sound condition and in good repair, including proper weather protection and waterproofing, and shall be maintained in a condition so as to not cause or contribute to the creation of a fire safety hazard. All property shall be maintained free of extensive peeling, flaking, or chipped paint. All property with siding shall be maintained in a weather resistant and watertight condition.
- (4) Accumulation of Trash, Rubbish or Debris. All property shall be maintained in a clean and sanitary manner and free from the accumulation of litter, rubbish, trash or other debris, except in closed receptacles intended for such use.
- (5) Pools of Stagnant Water. All property shall be maintained to prohibit the formation of stagnant pools of water, which may affect adversely the public health by attracting and harboring mosquitoes and other insects.

C. Removal of Nuisance. It shall be unlawful for the owner of any property in the Town to violate any one or number of the property standards contained in section (b) any such property in violation shall be deemed to be a public nuisance. The Health Agent, the Building Inspector or the Fire Chief shall declare the property a public health nuisance and order the property owner to remove the nuisance within ten (10) days after service of written notice of the violation. Such notice shall be served in accordance with G.L. c. 111, § 124. The notice shall contain the following information:

- (1) The street address and description of the property sufficient for identification of the property.
- (2) A statement that the property has been declared a public nuisance because of the presence of a nuisance on the property.
- (3) A concise description of the conditions on the property that have led to the determination that the property is a public nuisance.
- (4) A statement that the nuisance shall be removed from the property within ten days from service of the notice and that if the owner fails to remove

the nuisance within the time frame specified that the owner will be in violation of this by-law and subject to the penalties described therein.

D. Violations

- (1) If the owner fails to remove such nuisance within the time frame provided in section (c), the Town may enter the property and remove or caused to be removed the nuisance and the owner shall reimburse the Town for the expense incurred for such removal. The sum so expended may be recovered by the Town as provided in G.L. c. 111, § 125 or in an action of contract by the Town against the owner.
- (2) This Bylaw shall be enforced by the Health Agent, the Building Inspector, the Fire Chief and their assigns.
- (3) Violations of this Bylaw may also be enforced by civil process, criminal process or by non-criminal disposition as provided in General Laws, chapter 40, §21D. Each day during which a violation exists shall be deemed to be a separate offense and any person in violation after notice of this section shall be subject to the following fines:
 - First violation: \$50.00
 - Second violation: \$100.00
 - Third violation: \$200.00
 - Fourth and each subsequent violation: \$300.00
- (4) In addition to the penalties set forth above, the Health Agent, Building Inspector or the Fire Chief may seek an injunction from a court of competent jurisdiction to restrain any violation of this section.

This section shall not be enforced against the Town or the Commonwealth of Massachusetts, its authorities, departments, or agencies.

E. Definitions

The following words and phrases, when used in this by-law, shall have the following meanings:

- Nuisance: a failure to satisfy any one or more of the property standards set forth in section (B) above.
- Owner: any person who owns, possesses, manages, or controls any property and shall be sufficiently identified by the name and address appearing in the records of the Town Assessor and/or Worcester County Registry of Deeds.

- Property: any land, building, structure of real property, including any fixtures attached hereto, or any personal property located within the town.
- Person: any individual, voluntary association of individuals, business entity, or organization whether incorporated or not.

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Town Meeting Guide.

Background: This new by-law would require that all nuisances be removed within 10 days after written notice. Nuisances are defined as overgrowth, dilapidated structures, accumulation of trash, pools of stagnant water and other general nuisances. Consequence for violations—"clean and lien" or fined as follows:

- First violation : \$50
- Second violation: \$100
- Third violation: \$200
- Fourth and subsequent violations: \$300

ARTICLE 6: To see if the Town will amend the General By-laws to prohibit consumption of marijuana or tetrahydrocannabinol in public ways and places by adding the following By-law and further by amending the Table of Contents to add a new chapter _____, entitled "Prohibition of Public Consumption of Marijuana"; or take any action thereon.

Prohibition of Public Consumption of Marijuana

Consumption of Marijuana or Tetrahydrocannabinol (THC): No person shall smoke, vaporize, inhale, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as may be amended) or marijuana products where smoking of tobacco is prohibited or any street, sidewalk, public way or any way to which the public has a right of access, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or any place to which members of the public have access as invitees or licensees; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public. Whoever is found in violation of this by-law shall, when requested by an official authorized to enforce this Bylaw, state their true name and address to such official.

This Bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by noncriminal disposition pursuant to G.L. c. 40, § 21D and G.L. c.94C, §32N, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this Bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

This Bylaw shall not alter or affect the jurisdiction of the Board of Health under the provisions of G.L c.111, §31 or any other applicable law, including, but not limited to, the regulation of combustion and inhalation of tobacco and non-tobacco products in workplaces and public spaces in the Town.

In the event that any provision, section or clause of this By-law is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of this bylaw.

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the warrant.

Background: This Article updates the existing "Prohibition of Public Consumption of Marijuana" by-law. The by-law prohibits the consumption of marijuana in public places, places where the public is invited or wherever the smoking of tobacco is prohibited. There is a \$300 fine per violation.

ARTICLE 7: To see if the Town will vote to appropriate \$122,710.16 for the purpose of improving the water distribution system and for all incidental and related expenses; and to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority and to issue bonds and notes therefor; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Warrant.

Background: This article will allow the Town to borrow \$122,710.16 for water distribution system improvements. However, the Town has already borrowed these funds for other projects. It will allow the Town to use the excess borrowing proceeds from other water borrowing projects to clean and reline water mains. This is in addition to the \$500,000 approved at the May, 2018 Town Meeting. MGL requires that excess proceeds from one borrowing be used for projects that may be borrowed for with a like or greater term. A 2/3rds vote is required.

ARTICLE 8: To see if the Town will vote to transfer the balances of the following funds to an account for improvements to the water distribution system; or take any action thereon.

Account	Project	Town Meeting	Balance
5018	Gore Road Well	ATM 6/11/1990 Article 10	\$74.58
6304	4621 Well Improvements II	ATM 5/9/2005 Article 18	\$85,871.75
6315	Ash Street Water	ATM 10/19/2009 Article 12	\$36,763.83

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Warrant.

Background: This Article closes out the balances of previously borrowed funds from water projects to fund the water distribution improvements approved in the previous Article.

ARTICLE 9: To see if the Town will vote to transfer the balances of the following funds to offset the deficit in the 6318 Rawson Road Water Main Account (STM 5/13/2013; Article 9) in the amount of \$119,338.25; or take any action thereon.

Account	Project	Town Meeting	Balance
6303	Cudworth Road	ATM 5/14/2007 Article 14	\$48,095.50
6313	Eastern Avenue Water	ATM 5/12/2008 Article 10	\$64.00
6316	Park Road Water Tank	ATM 5/14/2002 Article 10	\$12,587.50
6319	Well Study	STM 5/13/2013 Article 10	\$25,000.00
6320	SCADA Study	STM 5/13/2013 Article 12	\$10.00
6322	Well I Improvement Phase II	ATM 5/11/2015 Article 10	\$32,402.42
6323	SCADA Phase II	ATM 5/11/2015 Article 9	\$1,178.83
		TOTAL	\$119,338.25

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Warrant.

Background: This Article takes the balances of the Water Retained Earnings-funded projects to close the deficit in the Rawson Road Water Main Project Account. Any remaining balances from Water Retained Earnings funded projects will be closed and out roll to next year's Retained Earnings.

ARTICLE 10: To see if the Town will vote to transfer the balances of the following funds to an account for improvements to the SCADA system; or take any action thereon.

Account	Project	Town Meeting	Balance
6101	4613 WAWELA/SCENIC SEWER	ATM 10/21/2002 Article 9	\$163,637.15
6106	4604 KILLDEER ISLAND	STM 10/15/1990 Article 16	\$1,747.95
6107	46055 THIMPSON ROAD	STM 2/26/1990 Article 26	\$65,948.72
6109	4607 FACILITIES DESIGN SEWER	STM 2/26/1990 Article 26	\$94,794.61
6121	WORCESTER ROAD	ATM 5/8/2006 Article 36	\$129,597.37

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Warrant.

Background: This Article closes out the balances of previously borrowed funds from Sewer projects to fund the SCADA system improvements that were approved in the October, 2017 Town Meeting.

ARTICLE 11: To see if the Town will vote to make the following transfers within the Sewer Enterprise Fund; or take any action thereon.

Amount	From Account	From Description	To Account	To Description
\$28,413.15	6116	AERATION REPAIR SEWER	6118	4620 JUNIPER/CRANBERRY
\$41,063.49	6115	4616 COPPER PROGRAM SEWER	6124	ODOR CONTROL SYSTEM
\$1,932.62	6117	SLUDGE PUMPS SEWER	6124	ODOR CONTROL SYSTEM
\$4,882.04	6133	WWTF CLARIFIERS	6136	WWTF HVAC

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Warrant.

Background: This Article transfers surplus balances to deficit balances for sewer projects that were funded through Retained Earnings appropriations. Any remaining balances from Sewer Retained Earnings funded projects will be closed and will roll out to next year's Retained Earnings.

ARTICLE 12: To see if the Town will vote to transfer the balances of the following funds to an account for the purchase of a replacement fire apparatus, including all costs incidental and related thereto; or take any action thereon.

Account	Project	Town Meeting	Balance
5021	ARMORY/SCHOOL DISPOSAL	ATM 10/15/2007 Article 10	9,168.20
5003	ROOF REPAIRS	STM 9/8/2003 Article 1	136,629.46
5042	FIRE HOVERCRAFT	ATM 10/20/2014 Article 12	4,649.85
5016	HAZMAT VEHICLE		3.00
5034	PARKS REPLACEMENT VEHICLE		0.04
5007	COURT OF HONOR PARK		116.54
5015	FIRE SUBSTATION		126.41
5019	LIBRARY OIL TANK/GAS SERVICE	ATM 10/16/2006 Article 3	309.00
5004	PUMP TRUCKS	STM 10/18/2004 Article 6	116.02
5009	REPLACEMENT VEHICLES	5/8/2006 Article 7	1,071.93
5048	FIRE TOWER TRUCK	STM5/11/2015 Article 19	15,854.65
5039	FIRE SCOTT AIR PAKS	STM 2/25/2013 Article 28	34,822.00

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Warrant.

Background: Transfers surplus balances from closed General Fund capital projects to an account to pay for a new fire truck.

ARTICLE 13: To see if the Town will vote to raise and appropriate, or borrow the funds needed, to purchase a new Engine and associated equipment to equip and replace Engine 5 and Ladder 2, including all costs incidental and related thereto (this is estimated at \$600,000); or take any action thereon.

Sponsored by the Fire Chief

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to appropriate \$197,130.90 from Free Cash to purchase a new Engine and associated equipment to equip and replace Engine 5 and Ladder 2, including all costs incidental and related thereto.

Background:

WHY IS IT NEEDED?

Engine 5 is 24 years old and is a front line response apparatus used to respond to motor vehicle accidents. The NFPA recommends apparatus used in the front line be retired after 25. It will take about 1 year for new truck to be manufactured.

The Engine cabin in Engine 5 is very small and is a tight fit for firefighters in full gear. More importantly, it is difficult for the driver to communicate with the firefighters. There is no heating and A/C in the cabin.

Engine 5 has an older brake system without anti-lock brakes, anti-sway controls and computer control systems to prevent accidents. Also, there are no airbags in the cabin.

The Fire Department maintains their equipment very well, but older engines require additional repairs. It is also increasingly difficult to find parts for older engines. Currently, the computer system needs to be replaced.

WHY NOW?

The Department has reviewed their current fleet and has determined it is most fiscally responsible to eliminate Engine 5 which can replace three of the other aging vehicles. The new fire apparatus will replace the existing Engine 5, Ladder 2 and the Tanker Truck. Engine 5 and Ladder 2 will be traded in immediately to offset the cost of the new apparatus. The Tanker Truck will continue to operate until the repairs/maintenance costs make it impracticable. The new apparatus will have a water tank large enough to respond to incidents that the current tanker truck responds to now (from 750 gallons to 1000 gallons). By replacing the three trucks with one truck, the Town will save over \$1 million in replacement costs plus thousands of dollars in ongoing maintenance costs. Under the new replacement schedule, with 7 apparatus, a new purchase will be required every 3.5 years. The last apparatus purchased was the tower truck, approved at the May, 2015 Town Meeting. The next truck to be replaced after Engine 5 will be Rescue 1, scheduled to be replaced in Fiscal Year 2022.

Not only is Engine 5 at the recommended NFPA replacement age, but it has also been well used. The truck has been operated for approximately 3,500 hours: roughly the equivalent of 125,000 miles.

If Engine 5 is not replaced now, the Town will have to continue using Engines 1 & 3 (both purchased in 2005) which will prematurely end their useful lives. All three

Engines would need to be replaced in three to five years. Purchasing a new truck will put Engines 1 & 3 on the back line, extending their useful lives.

REPLACEMENT ALTERNATIVES

When reviewing the fleet, the Fire Department analyzed whether or not to stick with a standard engine or purchase a multi-function apparatus. As mentioned above, we are proposing purchasing a multi-function apparatus with a 1,000 gallon tank that will eliminate the need to replace the tanker truck at the end of its useful life. The Town has previously refurbished three trucks with not much success. Refurbished vehicles don't meet NFPA standards and still use the same chassis, drive line, etc. It is not like getting a new apparatus. Refurbishing typically costs 35% of a new vehicle but only adds approximately seven years of useful life to the vehicle.

MANUFACTURER OPTIONS

The Town has received price quotes from three well-known manufacturers. The first was from Pierce with a price of \$616,626. Pierce is known for providing quality vehicles with longer than average life spans. The second was from Seagrave at a price of \$640,000. Seagrave is, again, a quality vehicle but they are also known as being high-end. The third quote we received was from E-One who came in with a price of \$600,000. E-One is known for having an excellent reputation and offer competitive pricing. Not only did they come in with the lowest price, but several of our other town-owned trucks are from E-one. Additionally, they have a large service center nearby.

PURCHASE

The E-One vehicle purchase has been negotiated through the Metropolitan Area Planning Council (MAPC). MAPC negotiated a favorable rate to due to "bulk" pricing for municipalities. This meets all State purchasing requirements.

FUNDING

To purchase an Engine 5 replacement, we have three main funding sources: the FY19 operating budget includes \$200,000 towards the purchase; Article 12 of the June 25th Special Town Meeting would repurpose \$202,869.10 from completed capital projects for the fire truck (these funds can only be used for a project that may be borrowed for with a borrowing life the same or greater than the original purpose); and the balance of \$197,130.90 would come from Free Cash. There is currently a balance of \$324,836 in Free Cash. The Town will not be borrowing any money for this purchase.

ARTICLE 14: To see if the Town will vote to amend the Town Charter as passed at the October 30, 2017 Special Town Meeting and approved at the May 7, 2018

Town election, to combine the positions of Town Treasurer and Town Collector into a single Town Treasurer/Collector position as follows:

SECTION 2-6: AVAILABILITY OF TOWN OFFICIALS AT TOWN MEETINGS; PARTICIPATION IN PROCEEDINGS

- (a) Availability – The Town Administrator, Town Treasurer/Collector, Town Accountant, Chief Assessor, the Chairperson of each elected and appointed multiple member body created by law, this Charter, or Town by-law, the head of each department, and the head of each division within said departments, or their designees, shall attend all sessions of the Town Meeting for the purpose of providing the Town Meeting with information pertinent to matters appearing in the warrant.

In the event the Town Administrator, Town Treasurer/Collector, Town Accountant, Chief Assessor, Chairperson of a multiple member body, Department Head or Division Head is to be absent due to illness or other reasonable cause, such person shall designate a deputy to attend to represent the office, multiple member body, department, or division. If any person designated to attend the Town Meeting under this section is not a voter or a resident of the Town of Webster, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section with the approval of the Moderator.

- (b) Participation – The Town Administrator, Town Treasurer/Collector, Town Accountant, Chief Assessor, the Chairperson of a multiple member body, Department Head or Division Head shall have a right to make a motion under any article in the warrant which relates specifically to the operation of the agency such person represents, even if not a voter or a resident of the Town of Webster, but shall have no right to vote.

SECTION 6-7: APPROVAL OF WARRANTS

The Town Administrator shall be the Chief Fiscal Officer of the Town. Warrants for the payment of Town funds prepared by the Town Accountant in accordance with the provisions of the general laws shall be submitted to the Town Administrator. The approval of any such warrant by the Town Administrator shall be sufficient authority to authorize payment by the Town Treasurer/Collector, but the Board of Selectmen shall approve all warrants in the event of the absence of the Town Administrator or a vacancy in the office of Town Administrator; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Board of Selectmen and Finance Committee recommend favorable action on this article.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Warrant.

Background: This Article will combine the Town Treasurer and Town Collector positions into one Town Treasurer/Collector position. 2/3 of MA municipalities have a combined Town Treasurer/Collector. Our Collector retired in May, 2018. The Town Administrator appointed the current Town Treasurer as Acting Collector. A permanent Town Treasurer/Collector will be appointed when the Treasurer's term ends in May, 2019.

ARTICLE 15: To see if the Town will vote to amend the Town of Webster Zoning Map referenced in Section 650-13 of the code of the Town of Webster to re-zone a 240,145 square foot (5.513 acres) parcel of land from the current zoning of Single Family Residential (SFR) District to a zone of Business without Sewer (B5) District identified as said Real Estate in the Town of Webster located on Old Worcester Road in the county of Worcester in the Commonwealth of Massachusetts as shown on the map entitled "Proposed Old Worcester Road Zoning Map Amendment – Webster, Massachusetts" dated July 6, 2017, and as shown on as Lot 2 on the Plan entitled "Plan of Property Surveyed for the Roman Catholic Bishop of Springfield, Old Worcester Road, Webster, Massachusetts" dated June 14, 2017, prepared by Jarvis Land Survey, Inc. 29 Grafton Circle, Shrewsbury, MA 01545 and on file with the Town Clerk's Office.

Citizen's Petition

Background: This would re-zone a portion of St. Joseph's Cemetery from Single Family Residential (SFR) to Business without Sewer (B5) as shown on the maps below. At the May, 2018, Town Meeting, this area was proposed to be zoned as Industrial but failed on the recommendation of the Planning Board that Industrial zoning in the area would be spot zoning and illegal.

