

Town of Webster

Annual Town Meeting Guide

October 21, 2019



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SPECIAL TOWN MEETING ARTICLES

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ANNUAL TOWN MEETING

ARTICLE 1. GENERAL FUND PRIOR YEAR BILLS

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

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to transfer from the following funds \$10,510.46 to the Town Administrator Unpaid Bills account (0112352-579000) for the purpose of funding the payment of prior years' unpaid invoices.

Amount	Vendor	Account #	Account Description
\$5,827.05	Terraform G-1	0119252-521001	Public Buildings Electricity
\$3,521.82	Terraform G-2	0119252-521001	Public Buildings Electricity
\$822.50	CME	0142552-530006	Engineering Services
\$67.83	WB Mason	0154352-542000	Veterans Office Supplies
\$26.26	Verizon	0112352-534001	TA Telephone
\$245.00	Boston Document System	0112352-542000	TA Office Supplies
\$10,510.46			

Background: A 9/10ths vote is required. Most of these bills came in well past the end of the fiscal year, but the services were performed in the prior fiscal year. The Terraform invoices are for solar credits which are very difficult to predict as they are based on the amount of solar power generated at various solar fields across the state.

ARTICLE 2. SEWER ENTERPRISE FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Sewer Unpaid Bills (6046052-579000) 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 Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to transfer from the following funds \$17,895.42 to the Sewer Unpaid Bills (6245052-579000) account for the purpose of funding the payment of prior years' unpaid invoices.

Amount	Vendor	Account #	Account Description
\$13,914.74	Terraform	6045052-521001	Sewer Electricity
\$616.23	Terraform G-1	6045052-521001	Sewer Electricity
\$372.45	Terraform G-2	6045052-521001	Sewer Electricity
\$2,992.00	Woodard & Curran	6045052-530006	Sewer Engineering
\$17,895.42			

Background: A 9/10ths vote is required. Most of these bills came in well past the end of the fiscal year, but the services were performed in the prior fiscal year. The Terraform invoices are for solar credits which are very difficult to predict as they are based on the amount of solar power generated at various solar fields across the state.

ARTICLE 3. WATER ENTERPRISE FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Water Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to transfer from the following funds \$9,616.65 to the Water Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices.

Amount	Vendor	Account #	Account Description
\$2,605.76	Terraform	6246052-521001	Water Electricity
\$3,081.15	Terraform G-1	6246052-521001	Water Electricity
\$1,862.24	Terraform G-2	6246052-521001	Water Electricity
\$2,067.50	CME Engineering	6245052-530006	Water Engineering
\$9,616.65			

Background: A 9/10ths vote is required. Most of these bills came in well past the end of the fiscal year, but the services were performed in the prior fiscal year. The Terraform

invoices are for solar credits which are very difficult to predict as they are based on the amount of solar power generated at various solar fields across the state.

ARTICLE 4. ADJUST THE FY20 OPERATING BUDGET

To see if the Town will vote to raise and appropriate or transfer from any available funds in the Treasury, sums sufficient to adjust the FY20 Operating Budget; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to appropriate \$365,743 from additional State Aid funding through the Cherry Sheet and \$35,000 through the tax levy to fund the following:

Amount	Account #	Account Description
\$118,456	N/A	State Assessments
\$185,101	N/A	Education Appropriation
\$62,186	3001-104000	CH 90 Road Improvements
\$9,047	0191351-517002	Unemployment Compensation
\$21,317	0171052-592025	MS4 Stormwater Compliance Principal
\$4,636	0175152-592525	MS4 Stormwater Compliance Interest
TOTAL: \$400,743		

Background: The final FY20 State Budget included an additional \$365,743 in state aid revenue. However, \$118,456 is needed to cover the increased state assessment for a net state aid increase of \$247,287. Based on the ratio of the existing budget, \$62,186 will go towards town costs and \$185,101 will go towards school department costs. Please see the table below for a brief explanation of each. Additionally, \$35,000 was set aside in the original FY20 budget with a place holder for economic development purposes. The plan was to set this money aside for the October Town Meeting and if nothing else came up appropriate these monies to the Economic Development Fund. However, as explained below, other issues came up and there is still a balance in our Economic Development Fund. Additionally, we are part of a new State façade and empty storefront program that will provide funds for downtown businesses. This has reduced the need for monies from our Economic Development Fund.

Amount	Account Description	Notes
\$118,456	State Assessments	Increased in final FY20 State Budget
\$185,101	Education Appropriation	Additional appropriation for School Department agreed to by Selectmen, Finance Committee and School Committee
\$62,186	CH 90 Road Improvements	To fund a long-standing deficit in the Ch 90 Road Fund account
\$9,047	Unemployment Compensation	Unemployment claims are running higher than last year's rate. We are contesting some of the claims and believe we will be reimbursed some. However, this will ensure we don't run short.
\$21,317	MS4 Stormwater Compliance Principal	In the past, this cost was budgeted in the Sewer Enterprise Fund; however, it is actually a General Fund expense that should have been budgeted for.
\$4,636	MS4 Stormwater Compliance Interest	Same as above.
TOTAL: \$400,743		

ARTICLE 5. APPROVE MOU FOR REIMBURSEMENT OF TITLE IV-E EXPENDITURES

To see if the Town will vote, pursuant to MGL c. 44, § 70, to authorize the Local Education Agency (Webster School District) to enter into a Memorandum of Understanding with the Department Head of the Executive Office of Health and Human Services, Department of Elementary and Secondary Education, and Department of Children and Families, with the approval of the Board of Selectmen, for the purposes of Title IV-E reimbursement; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

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

Background: Last fiscal year the state required the school department to begin busing foster children. This was a significant additional cost of approximately \$200,000. However,

the Town can now enter into a MOU with the state for a 25% reimbursement (with some exceptions) of those transportation cost increases.

ARTICLE 6. APPROPRIATION FOR HIGH SCHOOL BOILER REPLACEMENT

To see if the Town will vote to appropriate from Fund 5037 “Park Ave Elementary School” \$53,734 for the purpose of piping upgrades associated with replacing the boilers at Bartlett High School, including all costs incidental and related thereto, or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

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

Background: The Town received almost \$100,000 in a Green Communities grant to replace a boiler at the high school. The replacement of this boiler is vital as the current boiler is inoperable. The project, however, requires some prior plumbing and demolition work at a contracted cost of \$53,734.

ARTICLE 7. APPROPRIATION FOR A HIGHWAY DEPARTMENT WING PLOW

To see if the Town will vote to appropriate from Fund 3711 “Title V” \$41,800 for the purchase of a highway department wing plow, including all costs incidental and related thereto, or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

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

Background: As part of the Town’s vehicle replacement program, the Town has purchased a new dump truck. Funding is needed for the wing snow plow. There is a balance in our Title V account (now that the program has ceased operating) which will be used to fund the plow. The Title V account has \$109,735.53 available for repurposing.

ARTICLE 8. AMEND THE RECREATION REVOLVING FUND

To see if the Town will vote to rescind the Recreation Revolving Fund (Fund 3521) authorized under MGL Ch. 44 Section 53 D and vote to create a Recreation Revolving Fund (Fund 3521) under MGL Ch. 44 Section 53E ½ and allow the current balance to remain in the Recreation Revolving Fund, or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

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

Background: Revolving funds adopted under MGL 44 Section 53 D must have any end-of-year balance in excess of \$10,000 revert to the General Fund. This is not practical with the bulk of recreation revolving revenues coming in the spring, but the majority of the costs coming after the new fiscal year on July 1st. Revolving funds under MGL 44 Section 53E ½ can be rolled over from year to year.

ARTICLE 9. APPROPRIATE FROM VARIOUS ACCOUNT BALANCES TO FUND VARIOUS ACCOUNT DEFICITS

To see if the Town will vote to appropriate from the following surplus fund balances in the amount of \$63,360.89.

FUND	DESCRIPTION	AVAILABLE
3711	Title V	63,360.89

to fund the following deficit balances, or take any action thereon.

FUND	DESCRIPTION	AMOUNT
5036	Highway Replacement Vehicles	(52,600.00)
3525	Compost Facility	(10,000.00)
0002	Town Meeting Articles	(265.89)
3161	Open Space Plan	(495.00)

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

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

Background: As mentioned previously, there are funds available in our Title V account that are no longer needed. These funds are being repurposed to fund deficits in other accounts. The Title V account has \$109,735.53 available for repurposing.

ARTICLE 10. PILOT WITH HUBBARD HEALTH REAL ESTATE, INC

To see if the Town will vote to authorize the Select Board to negotiate and enter into a Tax Agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to M.G. L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, and any other enabling authority, between the Town and Hubbard Health Real Estate, Inc., its affiliate or assignee, for a term of up to 10 years, and upon

such other terms and conditions as the Board shall deem in the best interest of the Town, for both real property and personal property associated with the Christopher Heights Housing Complex (Parcel ID 37-A-1-0); and, further, to authorize the Select Board to take all actions necessary to implement or amend such agreement; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

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

Background: A PILOT agreement with Christopher Heights expired recently. This article will give the Board of Selectmen the authority to negotiate a successor agreement if they so desire.

ARTICLE 11. PARC GRANT APPLICATION AND APPROPRIATION

To see if the Town will vote to (a) raise and appropriate, transfer from available funds and/or borrow the sum of \$650,000 and authorize the Treasurer, with the approval of the Selectmen, per M.G.L. Chapter 44, Section 7 and/or any enabling authority, to borrow said sum for the purpose of planning, designing, improving, renovating the Veterans Memorial Beach, including, without limitation all costs incidental or related thereto; provided, however, that no funds shall be expended until the Town of Webster has received a grant commitment or allocation for a portion of such costs under so-called PARC Grant Program (301 CMR 5.00) and/or under any federal and/or other state program for the foregoing project, and (b) authorize the Board of Selectmen and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants, under any federal and/or other state program in any way connected with the scope of this Article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the said project on behalf of the Town of Webster; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: The Finance Committee recommends favorable action on this article.

Recommended Motion: I move that the Town vote to borrow the sum of \$588,235 and authorize the Treasurer, with the approval of the Selectmen, per M.G.L. Chapter 44, Section 7 and/or any enabling authority, to borrow said sum for the purpose of planning, designing, improving, renovating the Veterans Memorial Beach, including, without limitation all costs incidental or related thereto; provided, however, that no funds shall be expended until the Town of Webster has received a grant commitment or allocation for a portion of such costs under so-called PARC Grant Program (301 CMR 5.00) and/or under any federal and/or other state program for the foregoing project, (b) transfer the care, custody and control of the

portions of the Veterans Memorial Beach parcels 76-C-1-0 and 76-C-2-0 from the Board of Selectmen for the purposes for which it is currently held, to the Parks and Recreation Commission of the Town of Webster for park and active recreation purposes per MGL Chapter 45, Section 3, and (c) authorize the Board of Selectmen and/or its designee to apply for and accept on behalf of the Town funds granted under the PARC Grant Program and/or any other funds, gifts, grants, under any federal and/or other state program in any way connected with the scope of this Article, and enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the said project on behalf of the Town of Webster.

Background: The Town has applied for funding through the PARC program for improvements to the Memorial Beach. The program will reimburse the Town 68% of its costs up to \$400,000. The Division of Conservation Services (DCS) has informed us that the grant money has been allocated to the Town of Webster. If the Town completes the remaining requirements, the Town will receive the funding. The first requirement is a Town Meeting vote that 1) agrees to initially fund the entire amount of which 68% will be reimbursed; 2) gives the Parks and Recreation Commission control of the beach for park and recreation purposes; and 3) authorizes the Town to enter into an agreement to receive the grant funding.

Second, accepting the grant requires that user fees charged be no more than double for non-residents as they are for Webster residents. Below is a table of the current fee schedule and the proposed fee if the grant is awarded and accepted. Proposed changes are bolded. The proposed rates are not finalized and would need to be voted on by the Board of Selectmen. The vast majority of the existing user fees already comply with DCS requirements. We want to ensure that rates are reasonable for Webster residents and also ensure the beach is not overrun by those outside our community. To meet this objective, we can and are proposing a reasonable annual beach access pass for Webster residents of \$25 (same as previous years), but we will not be offering an annual pass for non-residents. Paired with this, we have increased the weekend and holiday daily rate for non-residents. Over the past few seasons, the beach has been very crowded on the weekends and holidays. This fee increase for non-residents should assist in reducing the crowds; the fee could potentially be increased even more.

You'll notice that a new rate of \$15 was created for Webster residents to use the beach on the weekend. This new fee was required in order to increase the weekend rate for non-residents and decrease weekend crowds. However, this resident weekend rate can easily be avoided if a resident purchases an annual pass for a few dollars more.

The fees for non-resident rooftop boats decreased. This is inconsequential as there were only three of these passes sold.

Lastly, we are proposing that the Webster resident rate for the annual boat access fee be increased to \$100 and the non-resident annual boat access fee be \$200 (the rate it was in 2017). It is possible to not offer a non-resident annual boat access pass (and consequently the resident annual boat access fee would not have to increase). However, in 2018 an annual boat access pass was not offered to non-residents. The thought was that this would generate more revenue as non-residents would have to pay the daily fee each time they visited the boat ramp. This did not come to fruition and it cost the Town approximately \$18,000 in revenue.

Again, these rates are proposed; however, we feel that we have struck a good balance between making the beach reasonably accessible to residents, while controlling outside crowds.

Service	2019 & 2020 Fee	2021 Fee
Walk in / Bicycle	Birth - 17 Free 18+ \$1 Daily	Birth - 17 Free 18+ \$1 Daily
Resident Motor Vehicle	\$5 Daily \$25 Annual \$20 Sr. (60-64) Annual Free Sr. (65+) Annual	\$5 Weekdays \$15 Weekends \$25 Annual \$20 Sr. (60-64) Annual Free Sr. (65+) Annual
Resident Motor Vehicle With Rooftop Non-Motorized Watercraft	\$10 Daily \$40 Annual	\$10 Daily \$40 Annual
Resident Motor Vehicle With Watercraft	\$25 Daily \$75 Annual	\$25 Daily \$100 Annual
Non-Resident Motor Vehicle With Rooftop Non-Motorized Watercraft	\$15 Daily \$150 Annual	\$15 Weekdays \$20 Weekends \$80 Annual
Non-Resident Motor Vehicle	\$10 Weekdays \$25 Weekends & Holidays \$100 Annual	\$10 Weekdays \$30 Weekends & Holidays Annual Not Available
Non-Resident Motor Vehicle With Watercraft	\$40 Weekdays \$50 Weekends & Holidays \$250 Annual	\$40 Weekdays \$50 Weekends & Holidays \$200 Annual
Coach Buses	\$120 Daily	\$120 Daily
School Buses	\$90 Daily	\$90 Daily
Disabled	Free Handicap License Plate/Placard or Disabled Veteran License Plate Required	Free Handicap License Plate/Placard or Disabled Veteran License Plate Required
Active Duty Military/Veterans	Free ID Required	Free ID Required

Third, we are agreeing that the property will remain for park and outdoor recreation purposes unless approval of the Secretary DCR is given. The existing deed already restricts the property to “park purposes, playground and bathing beach.”

The grant application was prepared based on the recommendations of the past two beach committees. The Town is in the process of procuring a landscape architect/engineer to design the improvements. Residents will have the ability to share their thoughts with the design firm near the beginning of the design process.

Also, I’d like to also be clear that this PARC grant is entirely separate from any earlier proposals regarding the State-operated boat launch at Lakeside. The State has in the past offered to close the State-operated launch at Lakeside and provide funds for infrastructure improvements to the Webster Memorial Beach in exchange for the Memorial Beach being the State designated access point to Webster Lake. Again, that is not the case with this PARC grant. The grant was applied for and awarded based on the well-prepared application and excellent quality of the project.

ARTICLE 12. ACCEPT DONATION OF PARCEL FOR CONSERVATION PURPOSES

To see if the Town will vote to accept the donation of 0 South Shore Road (59-E-4-0) under the control of the Conservation Commission and make the property expressly subject to the provisions of Article 97 of the Constitution of the Commonwealth of Massachusetts; or take any action thereon.

Sponsored by the Conservation Commission

Recommendation: The Finance Committee recommends favorable action on this article.

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

Background: The owner of 0 South Shore Road (59-E-4-0; .17 acres of wetland) has offered to donate the parcel to the Conservation Commission. The Commission would like to accept and conserve it under Article 97.

ARTICLE 13. ACCEPT PORTION OF DOMINIQUE DRIVE

To see if the Town will vote to accept Dominique Drive from STA 0+00 to STA 3+00.

Citizen’s Petition

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

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

Background: This is a private road built as part of the subdivision development. The road has been inspected, and as necessary, improved. The road has met the requirements to be accepted as a public way.

ARTICLE 14. SPECIAL ACT FOR ADDITIONAL ALL ALCOHOL LICENSE FOR THE ROSE ROOM

To see if the Town will vote to have the Board of Selectmen petition the State Legislature for a special act, or take any other action relative thereto, as follows:

“An Act Authorizing the town of Webster to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises.

Section 1. Notwithstanding section 17 of chapter 138 of the general laws or any other general or special law to the contrary, the licensing authority of the Town of Webster may grant a license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to The Rose Room, at 4 East Main Street in Webster, Massachusetts. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other person, organization or location but it may grant the license to a new applicant at the same location if the applicant files a letter from the department of revenue indicating that the license is in good standing with the department and all applicable taxes have been paid. Upon the issuance of the license authorized in this act, The Rose Room, shall return to the licensing authority the license it currently holds for BYOB (Beer and Wine) to be drunk on the premises.

If the license granted under this act is cancelled, revoked or no longer in use it shall be returned physically with all of the legal rights, privileges and restrictions pertaining thereto to the licensing authority and the licensing authority may then grant the license to a new applicant at the same location under the same terms and conditions as specified in this act.

Citizen’s Petition

Recommendation: The Finance Committee recommends favorable action on this article.

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

Background: The Rose Room Restaurant is petitioning for an all alcohol liquor license.

ARTICLE 15. ZONING CHANGE FROM LAKE RESIDENTIAL TO BUSINESS 5

To see if the Town will vote to allow a zoning change for lots 42, 43, 44, 45, 46 Map 60 Zoned Lake Residential to Business (5) to allow for nine residential condo units; or take any action thereon.

Citizen's Petition

Recommendation: No recommendation was given.

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

Background: A petition for rezoning five lots on Browns Brook Road to business. The owner's stated intent is to build nine condo units on the properties. After conferring with legal counsel, this article will be passed over as the citizen's petition was lacking.

ARTICLE 16. PAVING OF A PORTION OF LOVELAND ROAD

To see if the Town will vote to allow the residents of Loveland Road to pave from number 23 through number 37. Said improvements would be paid for by the residents of the affected addresses either through a one-time payment or a betterment.

Citizen's Petition

Recommendation: No recommendation was given.

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

Background: A citizen has petitioned to have a portion of Loveland Road paved through the process created by by-law at our December 2019 Special Town Meeting. However, the efficacy of that Town Meeting is under review as the posting requirements were not strictly adhered to. The Town is exploring alternatives to remedy the situation. If the process is allowed to stand, a majority of the neighbors (in excess of the required 2/3rds) would like to pave the road and in some cases enter into a betterment for the cost of the improvements if not possible to be made upfront. Per legal counsel, the Town can vote on this article tonight, but the Town cannot take action on paving the roadway until the Attorney General's office approves the Private Ways Paving By-law.

ARTICLE 17. APPROPRIATE FUNDS FOR THE PAVEMENT OF LOVELAND ROAD

To see if the Town will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen per M.G.L. Chapter 44, Section 7, and/or any other enabling authority, to borrow the sum of \$33,000 for the purpose of paving Loveland Road, a private road, said borrowing to be covered through the assessment of betterments to the abutting property owners; or take any action thereon.

Sponsored by the Town Administrator

Recommendation: No recommendation was given..

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

Background: This article would provide for the ability to borrow funds to complete the project of Article 16 above if approved. Any abutters to Loveland Road that did not pay for the paving costs up front would be assigned a betterment to pay back the costs over a five year period. The borrowing would only be for those that will be assigned a betterment and will likely be far less the project quoted price of \$33,000.