

Annual Town Meeting Warrant



Town Hall Fallon Auditorium
June 29, 2009
7:15 P.M.

TOWN OF CLINTON
COMMONWEALTH OF MASSACHUSETTS

WARRANT FOR ANNUAL TOWN MEETING

WORCESTER, SS.

To either of the Constables of the Town of Clinton in the County of Worcester.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town, qualified to vote in the elections and town affairs, to meet at the Town Hall in said Clinton on Monday, the twenty-ninth day of June 2009 at 7:15 P.M., then and there to act on the following articles:

ARTICLE 1

To receive the reports of the town officers and to act thereon.

ARTICLE 2

To see if the Town will vote to fix the salaries and compensation of all elective officials of the Town, as provided by Chapter 41, Section 108 of the M.G.L., as amended, said salaries and compensation to be effective from July 1, 2009 to June 30, 2010, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

ARTICLE 3

To see if the Town will vote to raise and appropriate from the current tax levy or transfer from available funds such sums of money as may be deemed necessary to defray town charges from July 1, 2009 to June 30, 2010, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer and Town Collector to enter into a compensating balance agreement for Fiscal Year 2010 pursuant to Chapter 44, Section 53F of the M.G.L., as amended, or act in any manner relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund or take from available funds the sum of \$4,800.00, or any other sum, said sum to be expended for social services in accordance with programs as approved by the Board of Selectmen, or act in any manner relating thereto.

ARTICLE 6

To see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund or take from available funds the sum of \$12,000.00, or any other sum, said sum to be expended as the Town of Clinton's share to the Wachusett Health Education Action Team (WHEAT, Inc.), which committee is a delegate agency of the Montachusett Opportunity Council, Inc., or act in any manner relating thereto.

ARTICLE 7

To see if the Town will vote to amend the Administrative By-Laws by adding the following new section, or act in any manner relating thereto.

Section 1- Authority

This By-law is adopted by the Town of Clinton under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This by-law also implements the Town's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2 - Purpose

The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town of Clinton or by the Massachusetts Department of Environmental Protection.

Section 3 - Definitions

Agriculture shall mean farming in all its branches and agriculture, as defined at M.G.L. c. 128, § 1A.

Outdoor watering shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.

Person shall mean any individual, corporation trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this by-law.

Water Users or Water Consumers shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

Section 4 - Declaration of a State of Water Supply Conservation

The Town of Clinton, through its Board of Selectmen authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists of such a degree that conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under Section 6 of this by-law before it may be enforced.

Section 5 - Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- a.) Odd/Even Day Outdoor Watering: Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- b.) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.
- c.) Outdoor Watering Ban: Outdoor watering is prohibited.
- d.) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e.) Swimming Pools: Filling and topping off of swimming pools is prohibited.
- f.) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.
- g.) Car washing: Car or vehicle washing is prohibited.

Section 6 - Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP

Notification of any provision, including any restriction, requirement or condition imposed by the Town of Clinton as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town of Clinton, or by such other means reasonably

calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 5 or in the Department declaration of emergency or Order

shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection at the same time that notification is given.

Section 7 - Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town of Clinton's declaration of its State of Water Supply Conservation.

Section 8 - State of Water Supply Emergency; Compliance with DEP Orders

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

Section 9 - Penalties

The Town, through its Board of Selectmen, Superintendent of Public Works, Building Inspector or Police Department may enforce this by-law. Any person violating this bylaw shall be liable to the Town of Clinton in the amount of \$ 50.00 for the first violation and \$ 100.00 for each subsequent violation. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws.

Section 10 - Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

Section 11 - Exemptions

The water use restrictions adopted under this by-law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a.) Commercial agriculture;
- b.) Water to sustain animal life;
- c.) Swimming pools used as a primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
- d.) Commercial car or vehicle washing facilities;

ARTICLE 8

To see if the Town will vote to amend the Town of Clinton Personnel Bylaw in the following sections, or act in any manner relating thereto.

- Part 1.3-2 Application
Current wording:
All employees of the Town of Clinton.
Proposed change:
All **non-union** employees of the Town of Clinton, **except elected officials**.
- Part 4.2-4 Disciplinary Procedures
(d) Discharge
Current wording (first sentence):
An employee may be discharged for unsatisfactory job performance, violation of town regulation, or after the exhausting of other disciplinary procedures.
Proposed change:
An employee may be discharged for unsatisfactory job performance, violation of town regulationss, or after the exhausting of other disciplinary procedures.
- Part 4.3-3 Grievance Procedure
(a) First Step
Current wording (third sentence):
Generally grievances should be filed within (30) days of the incident.
Proposed change:
Generally grievances should be filed within **thirty** (30) days of the incident.
- Part 5.4-4 Military Leave Policy
5.3-4 Termination of Employment
Current wording (first sentence):
... in any twelve month period ...
Proposed change:
... in any twelve **(12)** month period ...

ARTICLE 9

To see if the Town will vote to amend Article 1, Section 1 of the Administrative By-Laws of the Town of Clinton by changing the date for the Annual Town Meeting from "the last Monday of April" to "the first Monday of June" and by changing the date for the annual election of Town Officers from "the first Monday in May" to "the second Monday in June", or act in any manner relating thereto.

AMENDED SECTION 1

All business of the annual meeting, except the election of such officers and the determination of such matters as by law are required to be elected or determined at such a meeting, the raising and appropriating of money in anticipation of payment of taxes and the fixing of salaries of town officers and proposed changes or additions to the existing by-laws, shall be considered at the Annual Town Meeting, which shall be held on the first Monday of June at seven o'clock P.M. (Note: The Selectmen may "delay" the Town Meeting under provisions of M.G.L. c39 s9)

The annual election of Town Officers shall be held on the second Monday in June each year. The polls shall be open at seven o'clock in the forenoon and shall remain open until eight o'clock in the evening, when they shall be closed, and the polls shall be closed, and it shall be so stated in the Warrant calling said election meeting.

On matters requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared by the Moderator is questioned by seven (7) or more voters as provided in Chapter 39, Section 15 of the M.G.L.

ARTICLE 10

To see if the Town will vote to impose a twenty-five dollar (\$25.00) fee for any check returned to the Town of Clinton for insufficient funds as authorized by Chapter 44 §69 of the General Laws, effective July 1, 2009, or act in any manner relating thereto.

(Town Treasurer)

ARTICLE 11

To see if the Town will vote to charge a fee of ten dollars (\$10.00) for each written demand issued by the Town Collector to be added to and collected as part of the tax as authorized by Chapter 60 §15 of the General Laws, effective July 1, 2009, or act in any manner relating thereto.

(Town Collector)

ARTICLE 12

To see if the Town will vote to accept the provisions of Chapter 40 §22F of the General Laws to allow municipal boards or officers to fix reasonable fees for the issuance of licenses, permits or certificates and for services rendered pursuant to statute or regulation, or act in any manner relating thereto.

(Town Collector)

ARTICLE 13

To see if the Town will vote to amend Article 1, Section 2 of the Administrative By-Laws of the Town of Clinton by deleting the requirement that Warrants for Town Meeting be served by publication in at least three (3) issues of the newspapers published in the town, or act in any manner relating thereto.

AMENDED SECTION 2.

Warrants for Town Meeting shall be served by publication in a local newspaper at least seven (7) days before the date of the Meeting.

(Town Clerk)

ARTICLE 14

To see if the Town will vote to amend Article 1, Section 13 of the Administrative By-Laws of the Town of Clinton by changing the quorum requirement for Town Meeting and Special Town Meeting, or act in any manner relating thereto.

AMENDED SECTION 13.

Quorum. There shall be a quorum of 200 voters at a Town Meeting. At a special Town Meeting there shall be a quorum of 150 voters.

(Town Clerk)

ARTICLE 15

We the undersigned registered voters of the Town of Clinton, submit this Citizens Petition to have the following article included on the Warrant of the next Town Meeting:

To see if the Town will vote to amend Article XII, Section 1 of the Administrative Bylaws to include the Chairman of the Finance Committee in the membership of the Law Committee as stated below, or act in any manner relating thereto.

Article XII: Duties of the Law Committee and Town Solicitor

Section 1. The Chairman of the Selectmen, Assessors, School Committee, Finance Committee, Board of Health, Police Chief, Superintendent of the D.P.W. and Town Treasurer shall comprise the Law Committee.

(Citizen Petition)

ARTICLE 16

We the undersigned registered voters of the Town of Clinton submit this Citizens Petition to have the following article included on the Warrant of the next Town Meeting:

To see if the Town will vote to add a new section to Article III of the Administrative Bylaws of the Town of Clinton Massachusetts. This section shall include:

PROCEDURE FOR PUBLIC COMMENT AND QUESTIONS

TOWN OF CLINTON BOARD OF SELECTMEN PUBLIC COMMENT POLICY.

Whereas, Public comment shall be a requirement of all regular meetings of the Clinton Board of Selectmen in order to promote open, participatory and reasonable political process in Clinton. Further, the Board of Selectmen shall adhere to the following Public Comment Policy.

Whereas the Open Meeting Law Guidelines of the Commonwealth of Massachusetts do not specifically require that the public be allowed to speak at meetings of the Board of Selectmen.

Whereas, the Selectmen have, for years, provided an informal forum for town residents to speak during a Public Comment portion of meetings of the Board of Selectmen. For a short time, this was at the beginning of the meeting so citizens could present information germane to the agenda of that meeting. Now citizens are not allowed to speak until a particular subject has been voted upon.

Whereas, the Board of Selectmen shall adhere to this orderly procedure for receiving information from town residents on matters of interest to the town, and from other persons on matters of interest to the Selectmen.

The Selectmen hereby shall adhere to the following procedures:

1. At each regular meeting the Board of Selectmen shall have set aside a period of time for public comment at the beginning of each meeting. This period shall not exceed thirty minutes, except upon a concurring vote of a simple majority of the Selectmen to extend that time period. Special meetings of the Board of Selectmen convened to address a very specific issue may not necessarily contain a Public Comment period.
2. Persons speaking during the Public Comment portion of a meeting shall be limited to ten minutes, except upon a concurring vote of a simple majority of the Selectmen to extend that period. Any extension of an individual's speaking period shall also extend the total Public Comment period an equal amount of time.
3. The following persons may speak during the Public Comment portion of a meeting:
 - a. Any residents of the Town of Clinton may speak on any subject not otherwise prohibited by these procedures.
 - b. Non-resident taxpayers and non-resident business owners may speak on matters relating to the property upon which they pay taxes or the business they own, unless otherwise prohibited by these procedures.
 - c. All other persons may speak only after a concurring vote of a simple majority of the Selectmen. The person shall then be permitted to speak on a particular subject. This does not apply to persons already on the formal agenda that are present at the request of the Board of Selectmen.
4. During other portions of the meeting individuals may speak either upon a concurring vote of a simple majority of the Selectmen or at the discretion of the Chairman that the person shall be permitted to speak on a particular subject.

(Citizen Petition)

ARTICLE 17

We the citizens of Clinton hereby request that the Town will vote to change "The Administrative By-Laws of the Town of Clinton, Massachusetts", Article I, Section 13,

From:

Quorum, There shall be quorum of 250 voters at a Town Meeting. At a Special Town Meeting there shall be quorum of 200 voters.

To:

Quorum, There shall be quorum of zero (0) voters at a Town Meeting. At a Special Town Meeting there shall be quorum of one hundred (100) voters.

(Citizen Petition)

ARTICLE 18

We the citizens of Clinton hereby request that the Town will vote to borrow an amount not to exceed \$55,000 for the following activities relating to the determination the future site of alternative energy infrastructure equipment:

1. Seasonal wind data collection at several sites in the local area,
2. Seasonal wind data analysis for the collected data,
3. Site recommendations based on the data collected,
4. A preliminary report to the public for the data collected and the analysis,
5. Or actions in any manner relating thereto.

The data collection and analysis will be completed and a report issued in the fall of 2010.

(Citizen Petition)

HEREOF FAIL NOT, and make due return of this warrant with your doing thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

GIVE UNDER OUR HANDS, THIS tenth day of June in the year of our Lord, two thousand and nine.

BOARD OF SELECTMEN

Mary Rose Dickhaut, Chairman
James J. LeBlanc, Vice-Chairman
William F. Connolly, Jr., Clerk
Kevin R. Haley
Kathleen A. Sheridan

WORCESTER, SS.

By virtue of this Warrant, I have this day notified and warned the inhabitants of the Town of Clinton aforesaid, qualified to vote in elections and town affairs, to meet at the time and place for the purpose within named, by publishing in three (3) editions of The Item, a newspaper published in the said Town, as hereby directed.

James P. Farragher
Constable for the Town of Clinton