

Annual Town Meeting Warrant



Town Hall Fallon Auditorium
June 1, 2015
7:00 P.M.

TOWN OF CLINTON
COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR ANNUAL TOWN MEETING

WORCESTER, SS.

To the Constable 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 first day of June 2015 at 7:00 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, §108, of the Massachusetts General Laws, said salaries and compensation to be effective from July 1, 2015 to June 30, 2016, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

(Finance Committee - Approved)

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, 2015 to June 30, 2016, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 4

To see if the Town will vote to authorize the Town Treasurer and Town Collector to enter into a compensating balance agreement with a banking institution for Fiscal Year 2016 pursuant to Chapter 44, §53F, of the Massachusetts General Laws, or act in any manner relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate or transfer 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.

(Finance Committee - Approved)

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$15,000.00, 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 United Way of Tri-County, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 7

To see if the Town will vote to authorize or reauthorize the use of revolving funds containing receipts from the fees charged to users of the services provided by various boards, committees, departments or offices of the Town, in accordance with the provisions of Chapter 44, §53E ½, of the Massachusetts General Laws, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 8

To see if the Town will vote to appropriate from the Assessors Overlay Reserve Account the sum of \$15,000.00, or any other sum, said sum to be used to continue the Senior Tax Rebate Program for Fiscal Year 2016, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000.00, or any other sum, to the Health Insurance Trust Fund, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 10

To see if the Town will vote to amend the Administrative By-Laws of the Town of Clinton to add the following new article:

Article _____: Illegal Dumping

Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged, trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or other material of any kind on a public highway or within 20 yards of a public highway, or on any other public land, or in or upon coastal or inland waters, as defined in Section 1 of Chapter 131 of the Massachusetts General Law, or within 20 yards of such waters, or on property of another, or on lands dedicated for open space purposes, including lands subject to conservation restrictions and agricultural preservation restrictions as defined in Chapter 184 of the General Laws, shall be punished as follows:

(a) By the Police Department through criminal prosecution pursuant to Section 16 of Chapter 270 of the Massachusetts General Laws; or

(b) As an alternative to criminal prosecution, the Police Department may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, Sec. 21D, with a \$300 penalty for each offence and with each day on which a violation exists to be deemed a separate offense, or act in any manner relating thereto.

ARTICLE 11

To see if the Town will vote to amend the Administrative By-Laws of the Town of Clinton by adding the following new article:

Article _____: Peddling and Soliciting – Door-to-Door Solicitors

DEFINITIONS

For the purpose of this article, the following words as used herein shall be considered to have the meanings herein ascribed thereto:

License – the photo identification card issued to the licensee.

Person – any individual, firm, co-partnership, corporation, company, association or joint-stock association, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise excluded by this article.

Premises – a building or portion of a building used for residential purposes, including the real estate upon which any such building is located, provided that the predominant use of the real estate is for residential purposes.

Solicit or Solicitation – includes any one or more of the following activities:

- Seeking to sell or to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever.
- Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
- Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, organization, corporation, group or project except as otherwise excluded by this article.
- Seeking to distribute literature except as otherwise exempted.

APPLICATION FOR LICENSE

A.) Every person who engages in door-to-door solicitation for any purpose, except as otherwise excluded by this article, either as a principal or agent, shall, before commencing business in the Town of Clinton make written application under oath for a license to the Chief of Police.

B.) Required information

Said application form will require the following information:

1. The name, permanent address and telephone number, and temporary address, if any.
2. A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes.
3. The name, address and telephone number of the person, firm, association or corporation that the person represents or is employed by, or whose merchandise is being sold.
4. A brief description of the business he or she wishes to conduct and of the methods to be used in furtherance of said business.
5. The make, model and license number of any vehicle to be used by the applicant in the conduct of his/her business.
6. A statement as to whether the applicant has been convicted of any crime or ordinance violation related to any prior solicitation by the applicant within the last five years, the nature of the offense and the place of conviction.
7. A statement as to the period during which the applicant intends to carry on the solicitation.

Further, the Police Chief shall not issue a license unless the above required information has been provided by the applicant or an explanation has been given for the applicant's inability to provide any of the foregoing information.

Applicants shall present to the Chief for examination a driver's license or some other proof of identity as may be reasonably required.

PHOTOGRAPH REQUIRED

The applicant shall permit the Police Department of the Town of Clinton to photograph said applicant for identification purposes.

ISSUANCE OF LICENSE; FEE

No later than ten (10) calendar days after filing of such application, the Chief of Police, or his designee, shall issue the applicant a license in the form of a photo identification card showing the name and address of the licensee and authorizing him or her to solicit for the purposes described in his or her application subject to the by-laws of the Town of Clinton and the laws of the Commonwealth of Massachusetts. Failure by the Chief of Police to act on an application within ten (10) calendar days shall constitute approval of said application.

The fee for such license shall be \$25, and said license shall expire one year from the date of issue, or on the day of its surrender or revocation, or on the filing of an affidavit of its loss to the Police Department on a form approved by the Town Solicitor.

An applicant who has been a resident of the Town of Clinton for at least six months shall be exempt from the fee.

Grounds for disapproval of an application shall include but are not limited to the following:

1. Applicant has a conviction in any state or federal court of the United States or any court of a territory of the United States for any of the following named offenses committed within the last seven (7) years: burglary, breaking and entering, larceny, robbery, receiving stolen property, assault, fraud, sexual misconduct as specified in Chapter 265, Sections 13B and 22 through 24, and Chapter 272, Section 53A, of the General Laws, unlawfully carrying weapons, or the attempt of any such offense;
2. Applicant is a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such person have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes; or
3. The failure to include any of the information requested in the application.

IDENTIFICATION CARD TO BE NONTRANSFERABLE; DISPLAY

The photo identification card shall be nontransferable and shall entitle the licensee for the period indicated therein and for the purposes specified therein to solicit in the Town of Clinton, provided that the licensee shall have in his/her possession at all times while soliciting and shall further conspicuously display the photo identification card.

NOTIFICATION OF CHANGES TO POLICE

If while the application is pending or during the term of any license granted thereon there is a change in fact, policy or method that would alter the information given in the application, the applicant or licensee, as the case may be, shall notify the Police Department in writing within 24 hours of such change.

LICENSE NOT TO CONSTITUTE ENDORSEMENT

Said license does not constitute an endorsement by the Town of Clinton nor by any of its departments or officers of the purpose or of the person conducting the solicitation.

POSTED PREMISES

No person shall engage in solicitation upon any premises without a prior invitation from the occupant thereof if such premises is posted against such solicitation by means of a notice prominently displayed upon which is printed the legend "no solicitors" or words of similar import. For the purposes of this section, the premises shall be deemed posted against solicitation if there is exhibited, on or near the main entrance to the premises or on or near the

main door to any residence located thereon, a sign at least three inches by four inches in size which bears the above legend in letters at least 1/3 inch in length.

PROHIBITED ACTIVITIES

- There shall be no solicitation upon the premises, other than upon prior invitation of the occupant of any such premises, prior to 12:00 noon or after 7:00 p.m. local time of any day, and it is hereby declared unlawful and shall constitute a nuisance for any person, whether licensed under this article or not, to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the solicitation as herein defined prior to 12:00 noon or after 7:00 p.m. of any day or at any time on a Sunday or national holiday.
- No person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, fail to identify himself and the purpose of the solicitation.
- No person engaged in solicitation shall misrepresent the purpose of his solicitation or use any false, deceptive or misleading representation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call.
- No person engaged in making a solicitation as defined in § 468-14 shall violate any of the provisions of Chapter 93A of the General Laws of Massachusetts, said chapter being entitled "Regulation of Business Practices for Consumers' Protection," the current provisions of which are hereby adopted and by reference made a part hereof.

CONSTITUTION OF NUISANCE

The practice of any individual or group going in and upon private residences in the Town, not having been requested or invited to do so by the owner(s) or occupants of said private residences, for the purposes of soliciting after the owner has requested the individual to depart from the premises, either orally or in writing, is declared to constitute a nuisance under this article.

REVOCAION OF LICENSE

Any license issued under the provisions of this article may be revoked by the Chief of Police of the Town of Clinton after notice and hearing for any of the following causes:

- Fraud, misrepresentation or false statement contained in the application for license;
- Fraud, misrepresentation or false statement made in the course of carrying on his/her business as solicitor;
- Any violation of this article;
- Conviction of any crime or misdemeanor involving moral turpitude; or
- Conducting the business of soliciting in an unlawful manner or in such a manner as to

constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

NOTICE OF REVOCATION HEARING

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing.

APPEALS

Any person aggrieved by the action of the Chief of Police in the revocation of a license shall have the right of appeal to the Board of Selectmen. Such appeal shall be taken by filing with the Board of Selectmen, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board of Selectmen shall set a time and place for a hearing on such appeal, and prior to that time, notice of the revocation and the right to a hearing shall be given to the licensee in writing. The decision and order of the Board of Selectmen on such an appeal shall be final and conclusive.

EXEMPTIONS

- A. The provisions of this article shall not apply to children 14 years old or younger who solicit under the supervision of an adult who shall be at least 18 years old and to whom the provisions of this article shall apply.
- B. The provisions of this article shall not apply to any person delivering newspapers, fuel, dairy products or bakery or other foodstuffs to regular customers on established routes in the Town of Clinton.
- C. The provisions of this article shall not apply to route salesmen or other persons having established customers to whom they make periodic deliveries and who may from time to time call upon prospective customers along their regular service route to solicit an order for future periodic route deliveries.
- D. The provisions of this article shall not apply to any person who has an established place of business where the goods being sold are offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by said person.
- E. The provisions of this article shall not apply to any person engaged in the following activities:
 - The solicitation of funds for charitable purposes by any organization or association from its members.
 - The solicitation of funds to support non-profit youth athletic and educational organizations.
 - The solicitation of funds for charitable purposes by a person when such solicitation occurs on premises owned or controlled by the person soliciting funds or with the permission of the person who owns or controls the premises.

- The solicitation of support or votes for any political candidate or public issue in any general or special election or for presentation to any legislative or governmental body.
- Individuals or groups spreading the teachings of their religious beliefs.

VIOLATIONS AND PENALTIES

Any person who solicits within the Town of Clinton without a license as described herein shall be fined not less than \$25 nor more than \$100 for each and every day said person solicits without a license.

Any person who files an application for a license containing false and fraudulent misstatements shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$200.

Any person who violates any of the other provisions of this article, upon conviction thereof, shall be fined not less than \$50 nor more than \$200, or act in any manner relating thereto.

ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000.00, or any other sum, to the Stabilization Fund, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 13

To see if the Town will vote to raise and appropriate and transfer from the Water/Sewer Enterprise Fund the sum of \$1,676.56, or any other sum, said sum to be expended by the Department of Public Works for the following unpaid bills, or act in any manner relating thereto.

National Grid	\$ 1,676.56
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(Public Works)	(Finance Committee - Approved)
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ARTICLE 14

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,436.48, or any other sum, said sum to be expended by the Board of Selectmen for the following unpaid bills, or act in any manner relating thereto.

National Grid	\$10,436.48
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(Finance Committee - Approved)

ARTICLE 15

To see if the Town will vote to raise and appropriate the sum of \$1,070,000, said sum to be used to supplement the School Department (\$1,000,000); Council on Aging (\$28,000); Bigelow Public Library (\$21,000) and Parks & Recreation (\$21,000) departmental budgets for Fiscal Year 2016 contingent upon the passage of a Proposition 2½ referendum question under Chapter 59, §21C, of the Massachusetts General Laws, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 16

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$150,000.00, or any other sum, said sum to be expended by the Clinton Public Schools for the purchase of textbooks and technology; or act in any manner relating thereto.

(School Committee)

(Finance Committee - Approved)

ARTICLE 17

To see if the Town will vote to appropriate, pursuant to Chapter 44, §20, of the Massachusetts General Laws, the remaining balance from the Middle School Asbestos Abatement Project, authorized under Article 21 of the 2014 Annual Town Meeting, to the Phase I Middle School HVAC Project; or act in any manner relating thereto.

(School Committee)

(Finance Committee - Approved)

ARTICLE 18

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$75,000.00, or any other sum, said sum to be expended by the Permanent Building Committee for the completion of Phase I of the HVAC project at the Clinton Middle School; or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 19

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$646,196.52, or any other sum, said sum to be expended by the Parks and Recreation Commission for the Phase I Savage Field Renovation Project, located on property dedicated to active recreation and managed pursuant to Chapter 45, Section 14, of the Massachusetts General Laws, and to fund this appropriation by authorizing the Town Treasurer, with the approval of the Board of Selectmen, to borrow up to said amount and to issue bonds and notes therefore in accordance with Chapter 44

of the Massachusetts General Laws, or any other enabling authority, such appropriation and debt authorization to be contingent upon the passage of a debt exclusion override of Proposition 2 ½ so-called by the voters of the Town of Clinton; and further to authorize the Parks and Recreation Commission to execute any documents and take any action necessary to apply for and obtain grants or other funding, including but not limited to the Massachusetts Parkland Acquisitions and Renovations for Communities (PARC) grant program, for the purpose of this article; or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee – Disapproved)

ARTICLE 20

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$9,800.00, or any other sum, said sum to be expended by the Parks and Recreation Commission for the purchase of a new ride-on mower and mulcher, or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee - Approved)

ARTICLE 21

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$6,344.00, or any other sum, said sum to be expended by the Parks and Recreation Commission for the removal of an oak tree and a sugar maple tree in Central Park, or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee - Approved)

ARTICLE 22

To see if the Town will vote to raise and appropriate, borrow, or transfer from the Rubbish Enterprise Fund the sum of \$150,000.00, or any other sum, said sum to be expended by the Department of Public Works for the purchase of recycling containers; or act in any manner relating thereto.

(Public Works)

(Finance Committee - Approved)

ARTICLE 23

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$60,000.00, or any other sum, said sum to be expended by the Bigelow Free Public Library for the replacement of the roof with de-icing and for general building repairs, or act in any manner relating thereto.

(Library Board of Trustees)

(Finance Committee - Approved)

ARTICLE 24

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$6,500.00, or any other sum, said sum to be expended by Clinton Emergency Management Agency for the purchase and installation of fencing for the property located at 359 High Street, or act in any manner relating thereto.

(CEMA)

(Finance Committee - Approved)

ARTICLE 25

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$25,000.00, or any other sum, said sum to be expended by the Board of Selectmen for the removal of bump-outs on High Street, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 26

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or transfer from available funds the sum of \$150,000.00, or any other sum, said sum to be expended by Police Chief for building modifications, equipment and equipment installation costs necessary for the consolidation of police and fire dispatching operations at the Clinton Police Station, or act in any manner relating thereto.

(Finance Committee - Approved)

ARTICLE 27

To see if the Town will vote to accept the provisions of Chapter 71 §37M, of the Massachusetts General Laws so that it may consolidate administrative functions, including but not limited to financial, personnel and maintenance functions of the School Committee with those of the Town, or act in any manner relating thereto.

ARTICLE 28

To see if the Town will vote to ratify a tax agreement between the Board of Selectmen and Solar MA Project Management LLC, Series I, subsidiary of Seaboard Solar Holdings LLC, with respect to personal property located at 100 Adams Road in Clinton, or act in any manner relating thereto.

ARTICLE 29

To see if the Town will vote to ratify a tax agreement between the Board of Selectmen and Solar MA Project Management LLC, Series I, subsidiary of Seaboard Solar Holdings LLC, with respect to personal property located at 111 Adams Road in Clinton, or act in any manner relating thereto.

ARTICLE 30

To see if the Town will vote to accept the private way known as West Ledge Road as a public way in the Town of Clinton, as shown on a plan entitled "Acceptance Plan of West Ledge Road in Clinton, MA" on file in the Office of the Town Clerk and available for public inspection during regular Town Hall business hours, or act in any manner related thereto.

ARTICLE 31

To see if the Town will vote to amend Section 11 of Article I of the Administrative By-Laws by striking from Section 11 the last sentence that reads "*There can be no reconsideration of a vote once reconsidered, and when reconsideration has once been refused by the meeting the Moderator shall not entertain a subsequent motion to reconsider.*"

(Citizens 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 eleventh day of May in the year of our Lord, two thousand and fifteen.

BOARD OF SELECTMEN

David J. Sargent, Chairman
Marc S. Iacobucci, Vice-Chairman
William F. Connolly, Jr., Clerk
James J. LeBlanc
Michael J. Dziokonski

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 The Item, a newspaper published in the said Town, as hereby directed.

Kevin R. Haley
Constable for the Town of Clinton