

Annual Town Meeting Warrant & Budget



Town Hall Fallon Auditorium
June 20, 2005
7:00 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 twentieth day of June 2005 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, Section 108 of the M.G.L., as amended, said salaries and compensation to be effective from July 1, 2005 to June 30, 2006, 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 amend the Town of Clinton Personnel By-Law Salary Schedule by adding an additional three percent (3%) step increment to the salaries of employees on Step 7, said salaries and compensation to be effective from July 1, 2005 to June 30, 2006, and to raise and appropriate a sum of money therefore, or act in any manner relating thereto.

(Personnel Board)

(Finance Committee – Approved)

ARTICLE 4

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, 2005 to June 30, 2006, as those charges appear in the Finance Committee Report of Recommendations, or act in any manner relating thereto.

(Finance Committee – Approved)

ARTICLE 5

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 2006 pursuant to Chapter 44, Section 53F of the M.G.L., as amended, or act in any manner relating thereto.

(Finance Committee – Approved)

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 \$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 7

To see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund or take from available funds the sum of \$7,000.00, 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.

(Finance Committee – Approved)

ARTICLE 8

To see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund or take from available funds the sum of \$1,651.95, or any other sum, said sum to be expended by the Board of Selectmen for the purpose of paying the following unpaid bill, or act in any manner relating thereto.

Choice One	\$1,651.95
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(Finance Committee – Approved)

ARTICLE 9

To see if the Town will vote to raise and appropriate from the Ambulance Enterprise Fund the sum of \$2,860.60, or any other sum, said sum to be expended by the Fire Chief for the purpose of paying the following unpaid bills, or act in any manner relating thereto.

Clinton Hospital	\$1,160.54
UMASS Medical Center	\$ 677.87
Third Party Solutions	\$ 486.90

Health Alliance	\$ 291.94
UMASS Medical Group	\$ 213.57
Webster Radiological	\$ 29.78

(Fire Chief)

(Finance Committee – Approved)

ARTICLE 10

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$28,000.00, or any other sum, said sum to be expended by the Police Chief for the purchase of one (1) new police cruiser, or act in any manner relating thereto.

(Police Chief)

(Finance Committee – Approved)

ARTICLE 11

To see if the Town will vote to raise and appropriate, transfer from the Stabilization Fund or take from available funds the sum of \$42,000.00, or any other sum, said sum to be expended by the Board of Assessors to upgrade and maintain its CAMA system and to defray the cost of performing the state mandated property revaluation for the Fiscal Year 2006, or act in any manner relating thereto.

(Assessors)

(Finance Committee – Approved)

ARTICLE 12

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$31,700.00, or any other sum, said sum to be expended by the Parks & Recreation Commission for the purchase of a 2005 Ford F350 truck, or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee – Approved)

ARTICLE 13

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$50,000.00, or any other sum, said sum to be expended for the purchase and installation of a communications system for the Clinton Police Department, or act in any manner relating thereto.

(Police Chief)

(Finance Committee – Approved)

ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow, transfer from the Stabilization Fund or take from available funds the sum of \$15,000.00, or any other sum, said sum to be

expended by the Parks & Recreation Commission for repairs to Savage Field fencing and playing surfaces, or act in any manner relating thereto.

(Parks & Recreation)

(Finance Committee – Approved)

ARTICLE 15

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

FINANCE AND FISCAL PROCEDURES

Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless general law requires another period.

School Committee Budget

(a) Public Hearing - At least seven days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination and distribution to the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The School Committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) Submission to Board of Selectmen and Finance Committee - The budget as adopted by the School Committee shall be submitted to the Board of Selectmen and Finance Committee by February 15th. This date will give the boards in excess of sixty days, prior to town meeting, to consider the effect of the school department's requested appropriation upon the total town operating budget which is required to be submitted under this article.

All Other Elected and Appointed Officials' Budgets

The budgets as prepared by all other elected and appointed officials shall be submitted to the Board of Selectmen and Finance Committee by no later than February 1st.

Budget Finance Subcommittee

On an annual basis, the Finance Committee and Board of Selectmen shall create and appoint a temporary budget subcommittee consisting of two members of each board to work together in resolving budget issues. The meetings of the subcommittee shall be informal and at the will of the members. The subcommittee shall exercise no statutory powers and shall act as a liaison between the boards in resolving budgetary conflicts. The subcommittee shall disband at the conclusion of the fiscal year.

Submission of Budget and Budget Message

Within the time fixed by by-law, before the Town Meeting is to convene in its annual session, the Board of Selectmen, through its Town Administrator, shall prepare a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The Board of Selectmen shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination and distribution to the public.

Budget Message

The budget message of the Board of Selectmen shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the Board of Selectmen deem reasonable.

The Budget

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year, except as may otherwise be required by general law or this by-law. In the presentation of the budget, the Board of Selectmen shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best financial control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt service, for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a)** Proposed expenditures for current operations during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures;
- (b)** Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure;
- (c)** Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- (d)** General long-term debt group of accounts and a statement of general long-term debt that shall include: inside and outside debt limit, date of bond, maturity year, rate of interest, amount of original issue, bonds outstanding at end of current fiscal year, and bonds outstanding at end of proposed budget year.
- (e)** All encumbered funds for prior fiscal years.

Budget Presentation to Finance Committee

Within the time fixed by by-law, before the Town Meeting is to convene in its annual session, the Board of Selectmen shall present their final version of the budget in sufficient time for the Finance Committee to conduct their public hearings on the proposed budget and make recommendation to Town Meeting.

Finance Committee Action on the Budget

(a) Review - The Finance Committee shall consider, in open public meetings, the detailed expenditures proposed for each town agency simultaneous with the Board of Selectmen's review and may confer with representatives of each such agency in connection with its review and consideration. The Finance Committee may require the Board of Selectmen, or any other town agency, to furnish it with such additional information, as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

(b) Public Hearing - Forthwith upon its receipt of the proposed operating budget from the Board of Selectmen and subsequent review of all town agencies and departments budgets, the Finance Committee shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

(c) Action by Town Meeting - The Finance Committee shall file a report containing its recommendations for the action to be taken by the Town Meeting on each line item in the proposed operating budget, which report shall be available at the Town Clerks office at least seven days before the date on which the Town Meeting acts on the proposed budget. When the amendments that have been submitted subsequent to their initial filing are before the Town Meeting for action, the budget shall first be subject to amendments, if any, proposed by the Finance Committee before any other amendments shall be proposed.

The budget to be acted upon by any Annual or Special Town Meeting shall be the budget proposed by the Finance Committee.

The annual town warrant shall contain only one column of proposed revenue and expenditures, being the Finance Committee report of recommendations.

The responsibility of requesting and collecting all annual budgetary information shall rest with the Board of Selectmen.

ARTICLE 16

To see if the Town will vote to amend the Clinton Zoning By-law, by adopting a new Section 8300 entitled "Neighborhood Services Overlay District (NSOD)," which would add a new overlay district to the Clinton Zoning Map, and to adopt such related provisions applicable to said overlay district to be included by amending applicable provisions of the Zoning By-Law as are set forth hereinafter, or act in any manner relating thereto:

A) Amend "**Section 2200. OVERLAY DISTRICTS.**" by inserting after "Wireless Communications WCOD", the following: "Neighborhood Services Overlay District NSOD".

B) Amend “**Section 2300. MAP.**” by inserting the following in line 2 after “June 18, 2001,” the following: “as further amended pursuant to Section 2320,”.

C) Amend the Zoning Map of the Town of Clinton, dated June 18, 2001, by the addition of an overlay zoning district entitled “Neighborhood Services Overlay District,” and to include within said district the parcels of real estate as described in the records of the Clinton Assessors and shown on the Town of Clinton Assessors Map 119 as parcels 2760, 3486, 4326, 4335 and 4343, the boundaries of said district being further described on a plan on file with the Clinton Town Clerk.

D) Amend “**Section 8100. Special Districts**” by adding a new Section 8300 as follows:

8300. NEIGHBORHOOD SERVICES OVERLAY DISTRICT (NSOD)

8310. Purpose. The purpose of the Neighborhood Services Overlay District (“NSOD”) is to provide for the inclusion of certain appropriately sited non-residential uses in a planned residential community which, due to its size, location and features, warrants that such commercial uses and services be made available within the boundaries of the residential development on a scale commensurate with the development. The NSOD is designed to enhance the planned residential community by permitting the establishment of certain accessory non-residential uses to be located within the boundaries of the planned development upon the grant of a Special Permit. In addition, the NSOD is intended to permit, upon the grant of a Special Permit, the establishment of certain limited commercial uses within the planned community in order to promote integration of the planned development into the community at large. Consistent with this purpose, any non-residential, commercial or business uses permitted upon the grant of a Special Permit as provided for herein may be made available for use by the general public.

The regulations of this section relating to use, signage and parking shall apply only to the non-residential uses permitted in the NSOD and not any other uses that are permitted in the underlying zoning district.

8320. Establishment of Neighborhood Services Overlay District. The NSOD is hereby established as an overlay district. The boundaries of the NSOD are as shown on the official Zoning Map for the Town of Clinton which are incorporated into and made a part of the Zoning By-Law.

8330. Permitted Uses in the Neighborhood Services Overlay District. Land in the NSOD may be used in conformity with all provisions of the Zoning By Law which are applicable to the underlying district(s). In addition, the following uses as otherwise provided for and defined by the Zoning By Law may be permitted within a NSOD upon the issuance of a Special Permit from the Planning Board, which shall be the Special Permit Granting Authority for all non-residential uses permitted by the provisions of this Section:

8331. Retail store and services (Section 3130(C)(11));

8332. Personal services establishment (Section 3130(C)(12));

8333. Restaurant (Section 3130(C)(17) and Fast Food Restaurants (Section 3130(C)(18)) but excluding ‘drive up’ or ‘drive through’ service;

8334. Business or professional office (Section 3130(C)(19));

8335. Medical Office Building or Clinic (Section 3130(C)(20));

8336. Indoor Commercial Recreation (Section 3103(C)(22)).

In determining whether to grant a NSOD Special Permit, the Planning Board shall evaluate and apply the criteria as set forth in Sections 9321 through 9326 of the By Law and shall further give consideration to whether the proposed use will enhance the amenities of the neighborhood and the Town by providing appropriate neighborhood services to the residents of the planned residential development located within the NSOD.

8340. Qualifications for a Neighborhood Services Overlay District. The following qualifications shall apply to all Neighborhood Services Overlay Districts and no land shall be made subject to the NSOD Overlay District unless the following criteria are met:

8341. Tract Qualifications. The property eligible for a NSOD Overlay shall be one or more contiguous parcels which are subject to one or more permits and approvals from the Planning Board and/or the Zoning Board of Appeals (and parcels accessory thereto) authorizing the construction of more than 400 residential dwelling units in more than one (1) building and that the tract, at the time the permits were granted allowing 400 or more residential dwelling units, consisted of not less than 25 acres.

8342. Use Limitations. The gross square footage of all of the uses permitted only in the NSOD as enumerated above shall not exceed ten (10%) percent of the product of the number of residential dwelling units permitted to be constructed upon the parcel multiplied by 1,500 square feet.

8350. Dimensional and Parking Requirements. The provisions of Section 4000 and 5000 shall not be applicable to land located in the NSOD. The location of structures, minimum dimensional requirements, off-street parking requirements, relationship of non-residential uses to residential uses, shall be determined by the Planning Board pursuant to the grant of the Special Permit for uses allowed within the NSOD.

Notwithstanding the foregoing, any building containing a use permitted only in the NSOD upon the issuance of a Special Permit shall be constructed upon land owned by an association of homeowners within the residential development created pursuant to Massachusetts General Laws Chapter 183A or otherwise created by an instrument duly recorded at the Worcester District Registry of Deeds.

8360. Sign Requirements. For the commercial or business uses allowed in the NSOD, the following provisions relative to signs shall apply and shall supersede the provisions of Section 5300 of the Zoning By Law:

8361. Attached signs. One sign may be attached to any wall of a building in which a NSOD use is occupying, not to exceed an equivalent to ten (10) percent of the front wall area of said building or 32 square feet, whichever is smaller. Each NSOD in a multi tenant building shall be entitled to one wall sign that meets the dimensional requirements of this Section.

8362. Directory Sign. A freestanding directory sign, such as a sign representing multi tenants, may be located in general proximity to the NSOD uses but need not

be located on the parcel of land being occupied by the NSOD uses. Such a freestanding sign may not exceed 32 square feet of sign area when measured on one side of the sign.

8363. Illumination. No signs in the NSOD shall be internally illuminated.

8364. Special Permit. As part of the grant of a Special Permit within the NSOD the Planning board may waive or modify the provisions of this Section regarding signs and may, as a specific part of the Special Permit, allow other or different signs upon a determination that such a deviation will not result in a substantial detriment to the residential development or the surrounding uses and are appropriate given the location and nature of the NSOD use.

(Citizen Petition)

ARTICLE 17

To see if the Town will vote to transfer jurisdiction and control of the ballfields and recreation complex on Ash Street from the Parks & Recreation Commission to the School Committee, or act in any manner relating thereto.

(Parks & Recreation)

ARTICLE 18

To see if the Town will vote to accept the provisions of Section 89B of Chapter 32 of the Massachusetts General Laws to allow the town to pay a survivor benefit to a call firefighter killed in the line of duty, or act in any manner relating thereto.

ARTICLE 19

To see if the Town will vote to accept the provisions of Section 100G¼ of Chapter 41 of the Massachusetts General Laws to allow the town to pay up to \$5,000.00 toward funeral expenses of a firefighter killed in the line of duty, or act in any manner relating thereto.

ARTICLE 20

To see if the Town will vote to accept the provisions of Section 2B of Chapter 32B of the Massachusetts General Laws to allow call firefighters to join the municipal group health insurance plan in which the participant would bear 100% of the premium, or act in any manner relating thereto.

ARTICLE 21

A voter petition to see if the Town will vote to accept the private way known as Oxbow Circle as a public way in the Town of Clinton, or act in any manner relating thereto.

(Citizens Petition)

ARTICLE 22

A voter petition to see if the Town will vote to accept the private way known as Woodruff Road (from Hillside Avenue to Nathan Drive) as a public way in the Town of Clinton, or act in any manner relating thereto.

(Citizens Petition)

ARTICLE 23

A voter petition to see if the Town will vote to accept the private way known as Nathan Drive as a public way in the Town of Clinton, or act in any manner relating thereto.

(Citizens Petition)

ARTICLE 24

In conformance with Article I, Section 9 of the Administrative By-Laws of the Town of Clinton, to authorize the Town Moderator to appoint an "Administrative By-Law Review Committee", which will make recommendations to the 2006 Annual Town Meeting for modifications or amendments to the town's Administrative By-Law. This Administrative By-Law Review Committee shall be composed of no fewer than five and no more than seven members. All registered voters shall be eligible to serve on this Board, which shall be appointed within 21 days of the adoption of this warrant article.

(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 first day of June in the year of our Lord, two thousand and five.

BOARD OF SELECTMEN

Mark Elworthy, Chairman

Philip Bazydlo, Vice-Chairman

Robert Pasquale, Jr., Clerk

Steven Mendoza

Joseph Notaro, Jr.

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