

HOUSE No. 5008

Substituted, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 3938) [Local Approval Received]. September 28, 2020.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act establishing the charter for the town of Webster.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The charter of the town of Webster, which is on file in the office of the
2 archivist of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is
3 hereby amended by striking out section 2-6 and inserting in place thereof the following section:-

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

6 (a) Availability - The town administrator, town treasurer/collector, town accountant, chief
7 assessor, the chairperson of each elected and appointed multiple member body created by law,
8 this charter or town by-law, the head of each department and the head of each division within
9 said departments, or their designees, shall attend all sessions of the town meeting for the purpose
10 of providing the town meeting with information pertinent to matters appearing in the warrant.

11 In the event the town administrator, town treasurer/collector, town Accountant, chief
12 assessor, chairperson of a multiple member body, department head or division head is to be

13 absent due to illness or other reasonable cause, such person shall designate a deputy to attend to
14 represent the office, multiple member body, department or division. If any person designated to
15 attend the town meeting pursuant to this section is not a voter or a resident of the town of
16 Webster, such person shall, notwithstanding, have a right to address the meeting for the purpose
17 of compliance with this section with the approval of the moderator.

18 (b) Participation - The town administrator, town treasurer/collector, town accountant,
19 chief assessor, the chairperson of a multiple member body, department head or division head
20 shall have a right to make a motion under any article in the warrant which relates specifically to
21 the operation of the agency such person represents, even if not a voter or a resident of the town
22 of Webster, but shall have no right to vote.

23 SECTION 2. Subsection (a) of section 3-1 said charter of the town of Webster is hereby
24 amended by striking out the first sentence and inserting in place thereof the following sentence:-

25 The town offices to be filled by ballot of the whole town shall be: a board of selectmen, a
26 school committee, a town moderator, a town clerk, 3 members of a board of health and 1/3 of the
27 members of the finance committee.

28 SECTION 3. Said charter of the town of Webster is hereby further amended by striking
29 out subsection (a) of section 3-6 and inserting in place thereof the following subsection:-

30 (a) There shall be a finance committee which shall consist of 9 members, 3 of the
31 members shall be elected by the voters, 3 of the members shall be appointed by the board of
32 selectmen and 3 of the members shall be appointed by the town moderator. All of the members
33 of the finance committee shall serve for terms of 3 years each, so arranged that the term of office
34 of an equal number of members shall expire each year.

35 SECTION 4. Section 3-10 of said charter of the town of Webster is hereby amended by
36 striking out subsection (a) and inserting in place thereof the following subsection:-

37 (a) There shall be a board of health which shall consist of 5 members, 3 of the members
38 shall be elected by the voters and 2 of the members shall be appointed by the town administrator
39 in accordance with section 4-2(b) of this charter. All of the members of the board of health shall
40 serve for terms of 3 years each, so arranged that the terms of office of an equal number of
41 members shall expire each year.

42 SECTION 5. Said charter of the town of Webster is hereby further amended by striking
43 out section 5-5 and inserting in place thereof the following section:-

44 Section 5-4 Water and Sewer Commission

45 (a) Composition, term of office - There shall be a water and sewer commission consisting
46 of 5 members appointed by the board of selectmen for terms of 3 years each so arranged that the
47 term of office of as nearly an equal number of members as is possible shall expire each year. In
48 addition, the director of public works and superintendents of the water and sewer departments
49 shall serve by virtue of their offices, shall each have a voice but no vote and shall not count
50 towards the quorum required hereunder. The town administrator may attend all meetings of the
51 water and sewer commission and shall have a voice but not vote.

52 (b) Powers and duties - The water and sewer commission shall be responsible for
53 advising the town on the adequacy of the public sewer system and the quantity and quality of the
54 public water supply. The commission may recommend that the town take by eminent domain or
55 acquire by purchase or otherwise, and hold the waters of any portion thereof, of any pond, brook,
56 spring, stream or groundwater sources within the town limits, not already appropriated for

57 purposes of public water supply, and any water or flowage rights connected therewith; and also
58 for said purpose they may recommend that the town may take by eminent domain, or acquire by
59 purchase or otherwise, and hold all lands, rights of way and other easements necessary for
60 collecting, storing, holding, purifying and treating such water and protecting and preserving the
61 purity thereof, as well as any other matters falling within its jurisdiction as set forth herein. The
62 commission shall grant abatements on a quarterly basis as well as set annual water and sewer
63 rates after a public hearing for which at least 2 weeks' notice is provided by posting on the town
64 website.

65 SECTION 6. Said charter of the town of Webster is hereby further amended by striking
66 out section 6-7 and inserting in place thereof the following section:-

67 SECTION 6-7: APPROVAL OF WARRANTS

68 The town administrator shall be the chief fiscal officer of the town. Warrants for the
69 payment of town funds prepared by the town accountant in accordance with the General Laws
70 shall be submitted to the town administrator. The approval of any such warrant by the town
71 administrator shall be sufficient authority to authorize payment by the town treasurer/collector,
72 but the board of selectmen shall approve all warrants in the event of the absence of the town
73 administrator or a vacancy in the office of town administrator.

74 SECTION 7. Chapter 8 of said charter of the town of Webster is hereby amended by
75 adding the following 3 paragraphs:-

76 Following the effective date of the amendments to the charter approved at the October
77 30, 2017 special town meeting, the finance committee shall be reduced from 15 members to 9
78 members as set forth herein; provided, however, that such reduction in membership shall not

79 prematurely terminate the term of any elected or appointed member, but instead shall be
80 accomplished by attrition. Of the members appointed by the board of selectmen, the first 2
81 vacancies shall not be filled and such positions shall thereupon be abolished. Of the members
82 appointed by the town moderator, the first 2 vacancies shall not be filled and such positions shall
83 thereupon be abolished. The first 2 elected positions expiring more than 64 days after the
84 effective date of this charter shall not appear on the ballot to be filled, and upon such expiration
85 of terms the elected positions shall be abolished. No person serving as an appointed or elected
86 member of the finance committee whose term expires and whose position is abolished as a result
87 of this section shall serve as a so-called “holdover.”

88 Following the effective date of the amendments to the charter approved at the October
89 30, 2017 special town meeting, the town administrator shall, in accordance with section 4-2(b),
90 appoint 2 members to the board of health: 1 for a 2-year term and 1 for a 3-year term.

91 Upon the effective date of the amendments to the charter approved at the October 30,
92 2017 special town meeting, the water and sewer advisory board shall be abolished and the terms
93 of any incumbent members thereof terminated. The board of selectmen shall forthwith make
94 appointments to the water and sewer commission. Initial appointments shall be made as follows:
95 2 for 3-year terms, 2 for 2-year terms; and 1 for a 1-year term. Thereafter, appointments shall be
96 made for 3 year terms in accordance with section 5-4(a). Notwithstanding any other provision of
97 section 5-4(b) to the contrary, the board of selectmen shall continue to be responsible for setting
98 water and sewer rates until 1 year following the effective date of this charter amendment.
99 Thereafter the water and sewer rates shall be set by the water and sewer commission in
100 accordance with section 5-4(b).