

Special Town Meeting

WARRANT



Town of Hudson
Monday, November 21, 2022
Finance Committee
Report and Recommendations

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Finance Committee

To the people of Hudson, Greetings:

The Finance Committee has reviewed the warrant articles, and we have made our recommendations.

The Committee wanted to share some thoughts with respect to several of the Articles:

Articles 17 - 20: Traditionally, water and sewer revenues are dedicated to the water and sewer budgets. Although DPW does set separate budgets for water and sewer, we have not had a corresponding segregation of funds received from rate payers. The enterprise funds would segregate the water and sewer revenue streams and dedicate them specifically to the water and sewer budgets. This would ensure that water revenue would pay for the water budget and sewer revenue would fund the sewer budget, all without any risk of intermingling with the General Fund.

By establishing a stormwater bylaw, Article 20 would facilitate our compliance with EPA rules governing stormwater runoff. Currently, water that falls on our streets, lawns, and roofs, as well as any pollutants on them, drains into the Assabet River. Issues with the stormwater drainage system, such as culvert failures, previously have been funded by using excess capacity in the DPW budgets. The bylaw would facilitate permitting oversight and authorize a fee schedule. As with the water and sewer enterprise funds, the stormwater enterprise fund would ensure transparency in the budgeting and revenue process.

Article 29: This article would provide for the Town's acceptance of a road extension that would connect Silver Oak Road and Cedar Street. The Committee has passed over this Article pending more detailed explanation of the effect of the Article and the statutory authority for it.

The Finance Committee:

Robert Clark, Chairman

Sam Calandra, Vice Chair

Claudinor Salomão, Guy Beaudette,

Jillian Jagling, Steve Forti,

Eugenia Vineyard, Joseph McNealy

TOWN WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.

To any of the constables of the Town of Hudson in the County of Middlesex,
Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to
notify and warn the inhabitants of the Town of Hudson, qualified to vote in elections and on
Town affairs, to assemble in the Hudson High School, 69 Brigham Street, in said Town on

MONDAY, THE TWENTY-FIRST DAY OF
NOVEMBER, 2022

at 7:30 o'clock in the evening. Then and there to act on the following articles to wit:

ARTICLE 1 Funding Police Superior Officers Collective Bargaining Agreement

To see if the Town will vote to raise and appropriate \$38,537, said sum to fund Fiscal Year 2023 obligations of the contract between the Town and the Hudson Police Superior Officers' Association / MCOP, Local 433, said amount to be added to the Police Department Personnel budget; or take any other action relative thereto.

Executive Assistant
Select Board

Article 1: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 2 Funding AFSCME DPW Collective Bargaining Agreement

To see if the Town will vote to raise and appropriate \$69,718, said sum to fund Fiscal Year 2023 obligations of the contract between the Town and AFSCME AFL-CIO, State Council 93, Local 3625 – DPW Union, said amount to be added to the Public Works Department Personnel budget; or take any other action relative thereto.

Executive Assistant
Select Board

Article 2: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 3 Funding AFSCME-Clerical Collective Bargaining Agreement

To see if the Town will vote to raise and appropriate \$22,199, said sum to fund Fiscal Year 2023 obligations of the contract between the Town and AFSCME AFL-CIO, State Council 93, Local 3625 – Clerical Union, said amount to be added to the following line items; or take any other action relative thereto.

Department	Line Item	Amount
Finance	13	\$5,900
Inspections	36	\$1,498
Public Works	40	\$4,092
Council on Aging	44	\$3,803
Library	48	\$6,906
TOTAL		\$22,199

Executive Assistant
Select Board

Article 3: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 4 Unpaid Bill of Prior Years – AFC Urgent Care

To see if the Town will vote to raise and appropriate \$920.00 for the purposes of paying an unpaid bill of fiscal year 2021 in accordance with M.G.L. Chapter 44, Section 64 as follows:

AFC Urgent Care PERSONNEL EXPENSE \$920.00

or to take any other action relative thereto.

Executive Assistant
Select Board

Article 4: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 5 Unpaid Bill of Prior Year – Fort Meadow Commission

To see if the Town will vote to raise and appropriate \$181.10 for the purposes of paying an unpaid bill of fiscal year 2022 in accordance with M.G.L. Chapter 44, Section 64 as follows:

Carl Blatchley FORT MEADOW COMMISSION \$181.10

or to take any other action relative thereto

Executive Assistant
Select Board

Article 5: The Finance Committee unanimously recommends adoption of the subject matter of this Article.

ARTICLE 6 Amend Finance/IT Department Budget

To see if the Town will vote to amend the FY2023 Finance Department - Expenditure (line 14) by raising and appropriating an additional \$9,500 to fund additional expenses related to quarterly billing; or take any other action relative thereto.

Executive Assistant
Select Board

Article 6: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 7 Authorization for Lease Purchase Finance Agreement for Police Body Cameras

To see if the Town will vote to authorize the Select Board to enter into a lease purchase financing agreement, pursuant to General Laws, Chapter 44, Section 21C, that may be financed by the issuance of debt under this chapter or otherwise authorized by law, including by raising and appropriating or transferring from available funds a sum of money for the first payment of such agreement, for a term up to the useful life of the property, for the purpose of acquiring and implementing body-worn cameras and less-lethal devices for

the Police Department, to be procured as determined by the Select Board; or take any other action relative thereto.

Executive Assistant
Select Board

Article 7: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 8 Body-Worn Cameras and Less-Lethal Devices

To see if the Town will vote to amend the FY2023 Police Department Expenses budget (line 33) by raising and appropriating the sum of \$24,687 for the first-year costs to acquire and implement via a lease purchase finance agreement body-worn cameras and less-lethal devices for Police Department personnel, including all other incidental and related expenses; or take any other action relative thereto.

Executive Assistant
Select Board

Article 8: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 9 Funding for Increased Staffing in the Inspection Department

To see if the Town will vote to amend the FY2023 Inspections Department Personnel budget (line 36) by raising and appropriating an additional \$22,891 to fund a second full-time administrative assistant at the Grade 11 rate on the AFSCME – Clerical Union FY2023 compensation schedule; or take any other action relative thereto.

Executive Assistant
Select Board

Article 9: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 10 Environmental Consulting Services – Hudson Portuguese Club

To see if the Town will vote to raise and appropriate \$23,500 to fund a contract for due diligence and environmental consulting services for the property located at 13 Port Street, known as the Hudson Portuguese Club; or take any other action relative thereto.

Executive Assistant
Select Board

Article 10: The Finance Committee recommends adoption of the subject matter of this article. Vote 5-1.

ARTICLE 11 Transfer of Funds from Assabet Valley Assessment to Hudson Public Schools

To see if the Town will vote to transfer \$192,909 from the FY2023 Assabet Valley assessment (line 56), said amount to be added to Hudson Public Schools expenses (line 58); or take any other action relative thereto.

Executive Assistant
Select Board

Article 11: The Finance Committee recommends adoption of the subject matter of this article. Vote 5-1.

ARTICLE 12 Transfer of Funds to Fire Department Feasibility Study Account

To see if the Town will vote to transfer \$1,202.42 from Fire Station #1 Repairs (Account #3089-100-2200-5894-049) to Fire Station Feasibility Study (Account #3910-100-2200-5790-049) to fund a deficit in the current appropriation; or take any other action relative thereto.

Executive Assistant
Select Board

Article 12: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 13 Transfer of Funds to Hire Full-Time Custodian

To see if the Town will vote to transfer \$32,000 from FY2023 Building Maintenance Expenses (line 11) to FY2023 Building Maintenance Personnel (line10) to fund the salary of a full-time custodian for Town Hall, the Library, the Senior Center, and the Police / DPW Administration Building; or take any other action relative thereto.

Executive Assistant
Select Board

Article 13: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 14 Fire Headquarters Borrowing Authorization

To see if the Town will vote to borrow and appropriate pursuant to M.G.L. Chapter 44, Section 7, clauses (1) and (7), as amended or any other enabling authority the sum of \$1,122,000 for the purposes of design services, repairing and renovating the Fire Headquarters, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes necessary thereto; or take any other action relative thereto.

Executive Assistant
Select Board

Article 14: The Finance Committee unanimously recommends adoption of the subject of this article.

ARTICLE 15 Lead Service Line Replacement Borrowing Authorization

To see if the Town will borrow and appropriate the sum of \$300,000 for the purpose of financing the planning of the Lead Service Line Inventory and Lead Service Line Replacement Plan development including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; and to meet this appropriation that the Treasurer with the approval of the Select Board is authorized to borrow \$300,000 and issue bonds or notes therefor under (Chapter 44 of the General Laws or any other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Select Board determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Select Board is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project; or to take any other action relative thereto.

Executive Assistant
Select Board

Article 15: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 16 Establish National OPIOID Settlement Stabilization Fund

To see if the Town will vote to establish a National Opioid Settlement Stabilization Fund and dedicate all settlement funds collected to the fund so established. The funds are to be used for Opioid Use Disorder Treatment, support for people in treatment, connections to care, harm reduction and criminal-justice programs as outlined in the National Opioid Settlement (abatement) agreement or to take any other action thereto.

Executive Assistant
Select Board

Article 16: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 17 Establish a Water Enterprise Fund

To see if the Town will accept the provisions of M.G.L. Chapter 44, Section 53F ½ to establish a Water Enterprise Fund effective July 1, 2023, to account for the revenues and expenditures of the water operation or to take any other action relative thereto.

Executive Assistant
Select Board

Article 17: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 18 Establish a Sewer Enterprise Fund

To see if the Town will accept the provisions of M.G.L. Chapter 44, Section 53F ½ to establish a Sewer Enterprise Fund effective July 1, 2023, to account for the revenues and expenditures of the sewer operation or to take any other action relative thereto.

Executive Assistant
Select Board

Article 18: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 19 Establish a Stormwater Enterprise Fund

To see if the Town will accept the provisions of M.G.L. Chapter 44, Section 53F ½ to establish a Stormwater Enterprise Fund effective July 1, 2023, to account for the revenues and expenditures of stormwater operation or to take any other action relative thereto.

Executive Assistant
Select Board

Article 19: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 20 Amend General By-Laws - Stormwater Utility By-Laws

To see if the Town will vote to amend the Article VI of the General By-Laws of the Town of Hudson by adding a new Section number 52 "Stormwater Utility" to read as follows:

SECTION 1.0 GENERAL PROVISIONS

1.1. Title

This By-Law shall be known as the Stormwater Utility By-Law of the Town of Hudson, Massachusetts, hereinafter referred to as "this by-law."

1.2. Responsibility for Administration

The Select Board (the "Board") shall administer, implement, and enforce this by-law unless otherwise provided in this by-law. Any powers granted to, or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.

1.3. Purpose

The Select Board shall administer the stormwater management program of the Town. It shall be funded by revenue collected through the Stormwater Utility fee and such other revenue as may, from time to time, be appropriated. The stormwater management program is designed to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, to protect and manage water quality by controlling the

level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and by natural stormwater management systems and facilities, and to meet state and federal regulatory requirements under the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permit.

SECTION 2.0 AUTHORITY

This by-law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution (the Home Rule Amendment), Section 16 of Chapter 83 of the General Laws of the Commonwealth of Massachusetts and such other powers as granted to towns in the said General Laws.

SECTION 3.0 DEFINITIONS

The following words, terms and phrases, when used in this by-law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Credit* means a reduction in the amount of a Stormwater Utility fee charged to the owner of a particular property where that property owner owns, maintains and operates on-site or off-site stormwater management systems or facilities, or provides services or activities that reduce or mitigate the Town's cost of providing stormwater management services, in accordance with the Town's approved credit policy.

(2) *Developable* shall mean a parcel of land, as designated by the Board of Assessors or other local jurisdictional authority, that can be altered from its natural state to include impervious surface area.

(3) *Developed* means property altered from its natural state by construction or installation of greater than or equal to five hundred (500) square feet of impervious surfaces.

(4) *Drainage system* shall mean natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.

(5) *General Laws* means the General Laws of the Commonwealth of Massachusetts.

(6) *Impervious surface* includes any material or structure on below or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, sidewalks, paved parking lots, driveways, rooftops, buildings or structures, artificial turf, compacted gravel or soil traveled ways, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

(7) *Stormwater* is surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or surface water body. Stormwater includes stormwater runoff, snow melt runoff, and surface water runoff and drainage.

(8) *Stormwater management services* mean all services provided by the Town which relate to the:

- (a) Transfer, control, conveyance or movement of stormwater runoff through the Town;

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- (b) Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;
 - (c) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
 - (d) Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities; and
 - (e) Compliance with applicable State and Federal stormwater management regulations and permit requirements including, but not limited to, public education and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

(9) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, culverts and bridges, headwalls, storm sewers, outfalls and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

(10) *Stormwater Utility fee* means the periodic user fee imposed pursuant to this by-law by the Town of Hudson which will be dedicated to the provision of public stormwater management services.

(11) *Undevelopable land* is all land including crops, forest land, pasture, conservation or recreation as designated by the Assessor.

(12) *Undeveloped land* shall mean all land that is not altered from its natural state to an extent that results in greater than five hundred (500) square feet of impervious surface area.

**SECTION 4.0 STORMWATER UTILITY FEE AND ENTERPRISE FUND ESTABLISHED;
BILLING; DEPOSIT TO STORMWATER ENTERPRISE FUND**

- (a) Pursuant to Section 16 of Chapter 83 of the General Laws, the Town hereby establishes a charge for the use of the stormwater management services of the Town to be known as the Stormwater Utility fee. Stormwater charges shall be established such that they will provide sufficient funds, proportionately calculated and assessed, to construct, operate, maintain, and regulate the stormwater management systems and facilities in the Town of Hudson.
- (b) The Stormwater Utility fee is assessed to each developed parcel, whether occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.
- (c) The Town shall establish a dedicated Stormwater Enterprise Fund in the Town budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the stormwater program. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Enterprise Fund, which shall be separate from all other funds, and only expenses of the stormwater program shall be paid by the fund as provided in G.L. c.44,s. 53 F1/2.
- (d) Expenditure of funds may consider both stormwater quality and quantity management needs, and can be used as described in Section 7.0.

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- (e) The Director of Public Works under the general supervision of the Select Board, shall within forty-five (45) days after the close of each fiscal year, prepare an annual report of the change in cash balances which shall detail the cash receipts and disbursements for the year and which shall be submitted to the Executive Assistant and Select Board.

SECTION 5.0 RATES

- (a) The Select Board shall establish reasonable rates for the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a Stormwater Fee Schedule by vote of the Select Board. The schedule of said rates shall be on file in the office of the Town Clerk of the Town of Hudson.
- (b) The billing rate structure shall consist of the following based on the square feet of impervious area on a developed parcel, which is derived from a Town-wide analysis of impervious area where the median or typical single-family residential property has approximately 3,400 square feet of impervious area:

- (1) Single-family residential properties with 500 - 5,000 square feet = one billing unit
- (2) Single-family residential properties with 5,000 - 10,000 square feet = 1.5 billing units
- (3) Non-single-family residential properties = one billing unit per 3,400 square feet (minimum one billing unit)

Billing units for single-family residential properties with >10,000 square feet of impervious area are calculated as non-single-family residential properties.

- (c) Impervious area per parcel is determined by the Town of Hudson by utilizing available GIS data layers to calculate the area of building footprints, building structures, driveways, pathways, pools, sport courts, and parking areas. Any impervious areas within the town-owned right-of-way will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.

SECTION 6.0 SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES

- (a) The Town owns or otherwise has rights which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:
- (1) Within public road rights-of-way;
 - (2) On private property but within easements granted to, and accepted by, the Town of Hudson, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon; and
 - (3) On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities

located thereon.

- (b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

SECTION 7.0 PURPOSES OF THE STORMWATER UTILITY FUND

Receipts from the Stormwater Utility fee, to the extent consistent with G.L. c. 44, s. 53F1/2, shall be used for the following purposes:

- (a) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities;
- (b) All costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- (c) Payment on principal and interest on debt obligations;
- (d) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement or existing facilities;
- (e) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- (f) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- (g) Illicit discharge detection and elimination;
- (h) Monitoring, surveillance, and inspection of stormwater control devices;
- (i) Water quality monitoring and water quality programs;
- (j) Retrofitting developed areas for pollution control;
- (k) Inspection and enforcement activities;
- (l) Billing and related administrative costs; and
- (m) Other activities which are reasonably necessary, including costs related to regulatory compliance.

SECTION 8.0 STORMWATER UTILITY FEE EXEMPTIONS

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- (a) The Town of Hudson finds that all developed property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no developed public or private property located in the Town of Hudson shall be exempt from the Stormwater Utility fee charges. No exception, credit, offset, or other reduction in stormwater utility fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the cost of providing stormwater management services and facilities.
- (b) The Town establishes exemptions to the Stormwater Utility fee as follows:
- (1) Undevelopable land.
 - (2) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility fee charges.
 - (3) Public streets, highways, rights-of-way, and Town owned properties. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

SECTION 9.0 STORMWATER UTILITY FEE CREDITS

- (a) The Director of Public Works or his or her designee (the "Director") (or their designee) is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) to be developed, maintained and, from time to time, amended by the Board. The Credit Manual shall be implemented during the first year of the Stormwater Utility and shall be available for inspection by the public at the Department of Public Works.
- (b) The percentages for credits shall reflect the extent to which the subject properties reduce the peak rate of runoff from the property, or avoid other costs incurred by the stormwater management program in the delivery of services, and shall be approved by the Board (or their designee). The maximum possible credit for properties shall be detailed in the Credit Manual.
- (c) Any credit allowed against the Stormwater Utility fee is conditioned on continuing compliance with the Town's design and performance standards as stated in the Credit Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Board or Director may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this by-law.
- (d) In order to obtain a credit, the property owner must make application to the Town on forms provided by the Town for such purpose. The forms are to be fully completed in accordance with the procedures outlined in the Credit Manual.
- (e) When an application for a credit is deemed complete by the Director, the Director may either grant the credit in whole, grant the credit in part, or deny the credit. Credits

applied for by the property owner and granted in whole or in part, shall apply to all Stormwater Utility fees in accordance with the terms defined in the Credit Manual.

SECTION 10.0 STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTIONS AND ABATEMENTS

- (a) Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed six years of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.
- (b) Stormwater Utility bills shall be committed to the Treasurer/Collector or Director of Public Works (or their designee) for collection. The Treasurer/Collector shall notify the Board (or their designee) of the amounts collected, and shall keep records of all paid and unpaid Stormwater Utility bills.
- (c) In any case of nonpayment of a Stormwater Utility bill for thirty (30) days after the same is due, the Treasurer/Collector shall send a notice to the delinquent, and shall inform the Board (or their designee) in writing that such notice has been sent.
- (d) In accordance with Sections 16A through 16F of Chapter 83 of the General Laws, charges for the Stormwater Utility fee, together with interest thereon and costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General Laws, and thereafter, unless so dissolved, shall continue as provided in Section 37 of Chapter 60 of the said General Laws.
- (e) In addition to the method of collection specified in Sections 16A through 16F of the General Laws, the overdue charge may be collected through any other lawful means.
- (f) In the event that a property owner believes the Stormwater Utility fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Director of Public Works for an abatement. The Director of Public Works shall have sixty (60) days to consider the request for abatement and render a written decision which may deny the abatement, grant the abatement in full or grant the abatement in part.

SECTION 11.0 APPEALS AND HEARINGS

In the event that a property owner is aggrieved by a written decision of the Director denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have thirty (30) days from the date of the written decision to file an appeal to the Board. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal, the Board shall make available all documents constituting the record upon which the particular decision was made. The Board shall set a date for hearing which shall be within ninety (90) days

of the date of the filing of the appeal and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than ten (10) days prior to the hearing date. The Board shall render a written decision within thirty (30) days of the conclusion of the hearing affirming the action or reversing the action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the credit to be applied prospectively against future charges unless the property owner has paid the full amount of the Stormwater Utility fee as charged and has also requested an abatement.

SECTION 12.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

SECTION 13.0 EFFECTIVE DATE

To be inserted upon by-law approval of the Attorney General.
Or take any other action relative thereto.

Executive Assistant
Director of Public Works
Select Board

Article 20: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 21 Amend Departmental Revolving Fund By-Law – Curbside Revolving

To see if the Town will vote to amend Section 2 (5) of Article III of the general by-laws of the town by adding a new Authorized Revolving Fund for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½, or take any other action relative thereto.

To amend the general by-laws of the Town of Hudson by amending Article III, Section 2, subsection 5, so as to modify the following Authorized Revolving Fund authorized under Article 10 of the November 18, 2019, Town Meeting:

Revolving Fund	Department, Board Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements /Reports	Fiscal Years
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Curbside Pick-Up and Recycling	Department of Public Works	Fees Received from users fees for curbside pick-up and recycling	Expenses related to the administration and operation of Curbside Pick-Up and Recycling program including toter purchase and/or lease payments, debt payments, billing-related expenses, hauling fees and part-time staffing.			Fiscal Year 2023 and subsequent years
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Executive Assistant, Director of Public Works, Finance Director, Select Board

Article 21: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 22 Appropriation from Receipts Reserved – Transportation Network

To see if the Town will vote to transfer \$1,753.90 from the Receipts Reserved for Appropriation from the Transportation Network Companies in accordance with Chapter 187 of the Acts of 2016, Amending Chapter 6, Section 172, subsection (a) of the Massachusetts General Laws, for the purposes of reducing the property tax levy, or take any other action relative thereto.

Executive Assistant
Select Board

Article 22: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 23 Senior Tax Credit Program

To see if the Town will vote to raise and appropriate the sum of \$6,500 for the purpose of compensating senior citizens for services rendered to the Town pursuant to an agreement for service to be formulated and approved by the Select Board. Said sum to be spent under the direction of the Director of the Hudson Senior Center and the Select Board; or take any other action relative thereto.

Executive Assistant
Senior Center Director
Select Board

Article 23: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 24 Appropriate Funds for Security Camera System Replacement Fire HQ

To see if the Town will vote to appropriate \$34,266.48 for the purchase and installation of new security cameras at Fire Department Headquarters, and to meet said appropriation by transferring \$16,266.48 from Capital Plan Fire Headquarters Server (Account #3798-100-2200-5890-049), and by transferring \$18,000 from Public Safety Radio System (Account #3826-310-5864-049); or take any other action relative thereto.

Executive Assistant
Select Board

Article 24: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 25 Authorize Select Board to Petition the General Court to Amend Special Legislation to Pursue Five (5) Additional Alcohol Pouring Licenses in the C-1 Zoning District

To see if the Town will vote to authorize the Select Board to petition the General Court to amend chapter 57 of the Acts of 2019, An Act Authorizing the town of Hudson to Grant 5 Additional Licenses for the Sale of All Alcoholic Beverages to be Drunk on the Premises by striking the three-year deadline to issue the initial licenses contained in subsection (e) of Section 1 thereof and inserting in place thereof a six year deadline as follows:

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

SECTION 1. Section 1 of chapter 57 of the Acts of 2019 is hereby amended by striking out subsection (e), and inserting in place thereof the following new subsection:-

(e) All licenses granted pursuant to this act shall be issued not later than six years after the effective date of this act; provided, however, that a license originally granted within that time period may be granted to a new applicant pursuant to subsection (c) or (d) any time thereafter.

SECTION 2. This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition. The Select Board is further authorized to accomplish the general purpose objectives of this Petition or take any other action relative thereto.

Or take any other action relative thereto.

Executive Assistant
Select Board

Article 25: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 26 Community Preservation Appropriation of Funds

To see if the Town will vote to appropriate from **Community Preservation** available funds the following amounts recommended by the Community Preservation Committee for community preservation projects in fiscal year 2023, with each item to be considered a separate appropriation:

\$ 5,070 From Historic Preservation Reserve to Historic Commission for Historic Signs;

\$ 15,000 From Historic Preservation Reserve to Hudson Fire Department for Restoration of a Historical 1886 Picture and Frame

Or take any other action relative thereto.

Community Preservation Committee

Article 26: The Finance Committee unanimously recommends adoption of the subject matter of this article.

Note: The Fire Department request was originally for \$10,000 that was estimated by the restoration company, but the CPC increased the amount in case of any contingencies. The Fire Department will turn back any remaining balance after the project is complete.

ARTICLE 27 Waste Water Treatment Plant Phase II Borrowing Authorization

To see if the Town will vote to borrow and appropriate pursuant to G.L., Chapter 44, Section 7, clauses (1) and (7), as amended or any other enabling Authority a sum of money for the purposes of engineering services, replacement, rehabilitation, and installation of various equipment and facility upgrades within the waste water treatment and pump stations, and to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes necessary thereto; and to amend the authorization for like purpose previously approved under Article 11 at the June 22, 2020 Annual Town Meeting; or take any other action relative thereto.

Executive Assistant
Select Board

Article 27: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 28 Water Meter Replacement Borrowing Authorization

To see if the Town will vote to borrow and appropriate pursuant to G.L., Chapter 44, Section 7, clauses (6) and (7A), as amended or any other enabling Authority the sum of \$2,500,000 for the purpose of purchasing and installing water meters and related software and ollection equipment, and to authorize the Treasurer, with the approval of the Select Board, to issue any Bonds or notes necessary thereto; and to amend the authorization for like purpose previously approved under Article 7 at the June 22, 2020 Annual Town Meeting; or take any other action relative thereto.

Executive Assistant
Select Board

Article 28: The Finance Committee unanimously recommends adoption of the subject matter of this article.

ARTICLE 29 Roadway Acceptance–Silver Oak Road & Cedar Street Extension & Easements

To see if the Town will vote to accept a layout of Silver Oak Road and Cedar Street Extension as Town ways, together with easements as shown on Plan entitled “Acceptance

Plan of Silver Oak Road and Cedar Street Extension and Easements Hudson, Massachusetts," prepared by Thomas D. DiPersio, Jr and Associates, Inc., Professional Civil Engineers and Land Surveyors, 641 Concord Road, Marlborough, Massachusetts, 01752. Scale 1" = 40', a copy of which has been duly filed in the office of the Town Clerk of Hudson, MA. Said road being more particularly described as follows:

Silver Oak Road

Beginning at a point on the southerly side of Cox Street, approximately 352 feet from Elm Street,

Thence by a curve to the right having a radius of 25.00 feet and an arc length of 30.26 feet to a point of tangency
 Thence S. 34° 10' 03" E. 65.69 feet to a point of curvature;
 Thence by a curve to the right having a radius of 975.00 feet and an arc length of 389.44 feet to a point of tangency;
 Thence S. 11° 16' 57" E. 170.64 feet to a point;
 Thence by a curve to the right having a radius of 25.00 feet and an arc length of 23.55 feet to a point of curvature;
 Thence by a curve to the left having a radius of 60.00 feet and an arc length of 301.53 feet to a point of curvature;
 Thence by a curve to the right having a radius of 25.00 feet and an arc length of 23.55 feet to a point of tangency;
 Thence N. 11° 16' 57" W. 170.64 feet to a point of curvature;
 Thence by a curve to the left having a radius of 1,205.00 feet and an arc length of 409.41 feet to a point of tangency;
 Thence N. 34° 10' 03" W. 170.64 feet to a point of curvature;
 Thence by a curve to the right having a radius of 25.00 feet and an arc length of 42.53 feet to a point on the southerly side of Cox Street;
 Thence westerly along the southern side of Cox Street, along a curve to the right with a radius of 526.21 feet and an arc length of 94.17 feet to a point;
 Thence S. 73° 34' 00" W. 2.80 feet to the point of beginning.

Said Silver Oak Road being 44,534.35 square feet in area.

Extension of Cedar Street

Beginning at a point on the northwesterly corner of Cedar Street at land now or formerly of Resendes and Frias,

Thence N. 21° 20' 37" E. 73.67 feet to a point of curvature;
 Thence by a curve to the right having a radius of 60.00 feet and an arc length of 270.51 feet to a point of tangency;
 Thence N. 80° 20' 03" W. 32.82 feet to a point on the northeasterly corner of Cedar Street;
 Thence across the end of Cedar Street N. 80° 20' 03" W 40.85 feet to the point of beginning.

Said Extension of Cedar Street being 12,535.60 square feet in area.

Executive Assistant
 Select Board

Article 29: The Finance Committee has deferred action on this Article.

ARTICLE 30 Amend Zoning By-Laws: Site Plan Approval

To see if the Town will vote to amend Section 7.1.7 Site Plan Approval of the Zoning by-laws to add the following section:

Section 7.17.12 Appeal

The Planning Board's decision may be appealed to a court of competent jurisdiction as set forth in M.G.L. c.40A, §17;

Or take any other action relative thereto.

Select Board

Article 30: The Finance Committee unanimously recommends the adoption of the subject matter of this article.

ARTICLE 31 Amend General By-Laws: Town Meeting Quorum

To see if the Town will vote to amend the By-Laws of the Town of Hudson by striking from Article II, section 10 the words “one hundred fifty” and substituting the words “seventy five” so that section 10 reads as follows:

Section 10. The presence of seventy five voters at a town meeting for the transaction of business shall be required to constitute a quorum, except for a motion to adjourn, for which no quorum shall be required;

Or take any other action relative thereto.

Executive Assistant
Select Board

Article 31: The Finance Committee unanimously recommends the adoption of the subject matter of this article.

ARTICLE 32 Petitioned Zoning Article – Medical Marijuana Overlay District

Petitioned Article: Amend Section 5.11.5 Paragraph 10 of the Use Regulations of the Zoning By-laws for the Medical Marijuana Treatment Centers Overlay District to:

The hours of operation of the Medical Marijuana Treatment Centers shall be set by the Special Permit Granting Authority, but in no event shall said Centers be open and/or operating between the hours of 10:00 PM and 8:00 AM.

Or take any other action relative thereto.

David Kane

Article 32: The Finance Committee recommends adoption of the subject matter of this article. Vote 5-1.

ARTICLE 33 Petitioned Zoning Article – Amend Retirement Overlay District

Petitioned Article: Amend Section 5.8.1.2 (d) of the Allowed Uses of the Zoning By-laws for the Retirement Community Overlay District to

Section 5.8.1.2 (d) if the Zoning By-laws shall be amended by deleting said section in its entirety and replacing with the following new section:

Section 5.8.1.2 (d): No dwelling shall contain less than 1,000 sq. ft. of living area or more than 2,400 sq. ft. of living area, excluding the floor area of any portion of a finished basement. At least 66% of the living area in each unit shall be located on the first floor, excluding the floor area of any portion of a finished basement.

Or take any action relative thereto.

Toll Northeast V Corporation

Article 33: The Finance Committee recommends adoption of the subject matter of this article. Vote 5-1.


And you are directed to serve this warrant by posting up copies attested by you in the following places: one at the Post Office, one at the Town House, one at the Office of the Town Clerk, and in six other public places in said Town, Fourteen days at least before the time of holding said meeting and by publication in a newspaper published in said Town.

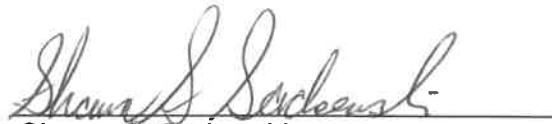
Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk on or before time of holding said meeting.

Given under our hands this 26th day of September signed by the Select Board in the year Two Thousand and Twenty-Two.


Scott R. Duplisea, Chairman


Michael D. Burks, Vice Chairman


James D. Quinn, Clerk


Shawn S. Sadowski


Judy Congdon

INTRODUCTION TO TOWN MEETING

The Town Meeting is a deliberative assembly, charged with considering a number of questions of varying complexity in a reasonable period of time, and with full regard to the rights of the majority.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of 150 registered voters or more, the Moderator and the Town Clerk. The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is his responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT: All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Select Board. The Finance Committee reviews the warrant, making recommendations on items of business to be presented. In accordance with the By-Laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes otherwise, after reasons have been stated. The Moderator has full discretion to decide whether or not the motion to change the order of articles will be entertained.

PARTICIPATION: All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from the Meeting. Each individual who speaks to the Meeting should make an effort to be as brief as possible out of consideration for others attending the Meeting and the need to give adequate time to all matters coming before it.

CLASSIFIED MOTIONS: Pursuant to section 8 of article II of the By-Laws of the Town of Hudson, when a question comes before Town Meeting certain motions shall be received and have precedence in the following order:

PRIVILEGED MOTIONS: These are motions that have no connection with the main motion before the Town Meeting, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business before the Town Meeting.

TO ADJOURN (decided without debate); TO FIX THE TIME FOR ADJOURNMENT; SUBSIDIARY MOTIONS: These are motions that are used to modify or dispose of the main motion being considered. Their existence as motions depend on the main motion to which they are subordinate; **TO LAY ON THE TABLE (decided without debate);**

FOR THE PREVIOUS QUESTION (decided without debate); TO COMMIT; TO AMEND; TO POSTPONE INDEFINITELY

All motions may be withdrawn by the maker if no objection is made.

INFORMATION ON MOTIONS: A motion is the means of bringing a proposal or question before the Meeting for consideration. When put forward it is a motion; after is seconded and acknowledged by the Moderator, it becomes the question or proposal; and if it is approved by the Meeting, it becomes a resolution. Generally, no motion shall be entertained unless the subject is contained within a warrant article. The Moderator shall determine whether a motion is within the "scope of the article," that is, whether the warrant gives adequate notice that the action proposed by the motion might be taken at the Meeting. Articles only give notice and do not initiate action; motions do. Motions may be withdrawn; articles may not be.

Some motions avoid a final determination by the Meeting. A motion to commit or refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to lie on the table which only temporarily delays a vote.

Pursuant to article II, section 3 of the Town of Hudson By-Laws, no vote of Town Meeting shall be reconsidered except upon notice by an individual who voted with the majority thereon given within one hour of

such vote at the same or succeeding session. If the individual who gives notice does not immediately make such motion, then a motion to reconsider may be made by another individual voter who voted with the majority.

Pursuant to section 4 of article II, no article in the Warrant shall be again taken into consideration after disposed of unless ordered by a vote of two-thirds of the voters present and voting. Pursuant to section 5 of article II, no voter shall speak more than twice upon any question without obtaining leave of Town Meeting neither except to correct an error or explain a point, nor until all other individuals who have not spoken and so desire have been given the opportunity to speak. Pursuant to section 6 of article II, all motions must be reduced to writing before being submitted to the Town Meeting if required by the Moderator.

Pursuant to section 9 of article II, a motion to receive the report of a committee shall put the report before Town Meeting but not discharge the committee. A vote to accept or adopt such report with or without amendment shall discharge the committee.

Pursuant to section 10 of article II, a 150-voter quorum is required to conduct business at Town Meeting. However, no quorum is needed for a motion to adjourn.

Pursuant to section 11 of article II, articles in a warrant shall be considered in order, except that the Moderator upon request and for reasons stated, may entertain a motion to consider an article out of regular order.

Pursuant to section 12 of article II and in addition to the authority already specified above, the Moderator may administer the oath of office to a town officer chosen at Town Meeting. If a vote declared by the Moderator is immediately questioned by seven or more voters, then the Moderator must verify the vote by polling voters or dividing the Town Meeting. If a two-thirds vote of Town Meeting is required by State Statute, the count shall be taken and the vote recorded by the Town Clerk. However, if the vote is declared to be unanimous, a count is not needed and the Town Clerk shall record the vote as unanimous unless immediately questioned by seven or more voters.

TOWN FINANCE TERMINOLOGY

The following terms are used from time to time in the Annual Report and Town Meeting. In order to provide everyone with a better understanding of the meaning, the following definitions are offered:

SURPLUS REVENUE: (Sometimes referred to as Excess and Deficiency Account). This fund is the amount by which the Cash, Accounts Receivable, and other assets exceed the liabilities and reserves.

AVAILABLE FUNDS: (Often called "Free Cash") This fund represents the amount of money remaining after deducting from the Surplus Revenue all uncollected taxes for prior years, taxes in litigation and court judgments. This fund is certified annually by the State Bureau of Accounts and may be used to defray town costs by a vote of the Town Meeting.

OVERLAY: The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements and exemptions granted and to avoid fractions in the tax rate.

RESERVE FUND: This is a fund established by the voters at the annual town meeting and may consist of direct appropriations or transfers. Transfers from the Reserve Fund are initiated by the Executive Assistant and require the approval of the Finance Committee. The use of the Reserve Fund is restricted to "extraordinary or unforeseen expenditures".