

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

TO ANY CONSTABLE IN THE TOWN OF WESTBOROUGH, IN THE COUNTY OF WORCESTER, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to meet in various precincts in Westborough on Tuesday, the 1st day of March, 2016 at 7:00 A.M. for the following purposes:

ARTICLE 1: Annual Town Election (Board of Selectmen)

To bring in their votes for:

- Two (2) Selectmen (3 years)
- One (1) Planning Board member (5 years)
- Two (2) School Committee members (3 years)
- One (1) Assabet Valley Regional Vocation School member (3 years)
- Three (3) Trustees of Public Library (3 years)
- One (1) Westborough Housing Authority member (5 years)

Polls will be open from 7 A.M. to 8 P.M. in the following places:

Precincts 1 – 5 Westborough High School, 90 West Main Street

And to act on the following articles at the adjourned session of said meeting on March 12, 2016, at 1:00 P.M. in the Westborough High School Auditorium and Gymnasium on West Main Street.

The Town Manager's Statements printed in italics are not part of the formal articles of the warrant. They constitute additional information offered for the benefit of the voters, true and correct as of the time of posting of the warrant, but subject to change as called for. They are not to be construed so as to broaden or limit the scope of the formal articles.

ARTICLE 2: Town Reports (Advisory Finance Committee)

To see if the Town will vote to hear the reports of the several town officers and committees, and to dissolve any committees established by Town Meeting that have fulfilled their mission, or take any other action thereon.

ARTICLE 3: Prior Years Bills (Town Manager)

To see if the Town will vote to transfer from available funds One Thousand Two Hundred Nineteen and 77/100 Dollars (\$1,219.77), or such other amount as the Town Meeting may approve, for the purpose of paying a prior year bill related to Verizon charges for the Police Department, or take any other action thereon.

Town Manager's Statement – This article would pay Verizon for charges for phone service for the

Police Department from FY15 that were received during FY16 too late to be paid as part of last year's budget. This article is a simple majority vote.

ARTICLE 4: Fiscal Year 2016 Budget Transfers (Town Manager)

To see if the Town will vote to transfer from free cash and appropriate Three Hundred Thousand Dollars to fund the Insurance Expense Account, or such other sum as Town Meeting may appropriate to fund additional insurance costs in FY2016, or take any other action thereon.

Town Manager's Statement – There are several factors that have affected the insurance budget this year causing a shortage in funding in this account. The health insurance budget is estimated to be approximately \$220,000 short this year. There are two reasons this occurred, there is an unusually high number of new enrollees in the Town's health insurance plan, we typically budget for 10 new enrollees per year and during FY16 we have had 49 new enrollees. Additionally, the senior plan experienced a 21.3% increase. The second item that is an issue in this budget is the workers compensation insurance which is approximately \$70,000 short due to high claims during the past three years. Total workers compensation insurance costs have increased from \$159,000 in FY14 to \$260,000 in FY16. This article is a simple majority vote.

ARTICLE 5: Amend Classification Plan (Assistant Town Manager)

To see if the Town will vote to amend the Classification Plan (Appendix 1 of the Personnel Policies and Employee Handbook) by making the following changes:

ADD THE FOLLOWING POSITIONS:

Department	Title	Grade	Hours Per Week	# of Personnel
Recreation	Clinic Director	R-7		15
Recreation	Assistant Waterfront Director	R-6		2
Recreation	Assistant Clinic Director	R-6		15
Recreation	Playground Supervisor	R-6		6
Recreation	Head Lifeguard	R-44		2
Recreation	Assistant Playground Supervisor	R-4		10
Recreation	Referee Middle and High School	Ref-2		
Conservation	Conservation Officer	N-16	40	1
Treasurer/Collector	Assistant Treasurer/Collector	N-16	40	1

CHANGE GRADES OF EXISTING POSITIONS IN VARIOUS DEPARTMENTS:

Department	Title	Existing Grade	Proposed Grade
Recreation	Coach	R-3	R-4
Fire	Firefighter Call	H-8	H-3
Fire	Firefighter Officer Call	H-8	H-3
Council on Aging	Substitute Mini Bus Driver	H-7, Step 1	H-2, Step 1

CHANGE NUMBER OF HOURS IN EXISTING POSITIONS IN VARIOUS DEPARTMENTS:

Department	Title	Existing Hours	Proposed Hours
Town Accountant	Assitant Town Accountant	35	40
Library	Circulation Supervisor	30	40
Library	Librarian II	20	40
MIS/GIS	MIS/GIS Administrator	10	19
Historical Commission	Historical Commission Administrative Assistant	19	4.5
Youth and Family Services	Youth Activities Coordinator	Not to Exceed 400 hours per year	Not to Exceed 500 hours per year

CHANGES NUMBER OF PERSONNEL IN VARIOUS DEPARTMENTS:

Department	Title	Hours/Week	Existing Personnel	Proposed Personnel
Fire	Fire Captain		4	5
Treasurer/Collector	Administrative Assistant	40	2	1

REMOVE THE FOLLOWING POSITIONS IN VARIOUS DEPARTMENTS:

Department	Title	Grade	# of Personnel
Library	Teen Services Librarian		
Planning Board	Assistant Town Planner/Conservation Officer	N-16	1
Recreation	Senior Program Director	R-7	15
Recreation	Assistant Senior Program Director	R-6	15
Recreation	Program Director	R-4	15
Recreation	Crossing Guard	R-3	2
Recreation	Special Skills Instructor	R-2	25
Recreation	Referee High School	Ref-3	
Recreation	Referee Middle School	Ref-2	25 Total
Veterans	Veterans Agent/Director of Veterans Services	Personal Rate	1
Veterans	Assistant Veterans Agent	Personal Rate	1

Or take any other action thereon.

Town Manager's Statement – This article adds seasonal position titles to the Recreation Department while removing some existing titles to create staffing that more accurately reflect the responsibilities of the seasonal employees. The article also removes the Assistant Town Planner/Conservation Officer and creates a separate Conservation Officer position as the conservation responsibilities including stormwater management requirements of the Assistant Town Planner/Conservation Officer have evolved and require a full time position. This change would remove the oversight of the position out of the Planning Department and would allow for the Conservation Officer to report to the Conservation Commission with daily administrative oversight from the Town Manager. The article further changes the grades of positions that were inadvertently left out of the changes made to the classification plan at the FY16 Town Meeting. Changes to hours of several positions are proposed in the FY17 budget. The Teen Services Librarian position is being removed and the existing Librarian II position would change from 20 to 40 hours to accommodate the Teen Services Librarian while make the title consistent with the union contract. Changes to the number of personnel in various departments include the addition of a fifth Fire Captain as recommended by the Fire Chief and the creation of an Assistant Treasurer/Collector that would replace one full time administrative assistant in the Treasurer's office. This article also removes the two Veterans positions as the Town has become part of a regional Veterans District and the employees are administered through the Town of Grafton. This article is a simple majority vote.

ARTICLE 6: Amend Wage and Salary Schedule (Personnel Board)

To see if the Town will vote to amend the Salary Administration Plan by replacing the current plan, Section 1-A; 1-B (Wage and Salary Schedule, Non-Union) and Section V (Special Rate Section) with the following new schedules effective July 1, 2016:

1-A WEEKLY SALARY RATE FY2017 NON-UNION

					(Effective 7/1/16)		
Grade	Minimum	2	3	4	5	6	Maximum
S-18	1533	1609	1690	1773	1864	1957	2057
S-17	1460	1533	1609	1690	1773	1864	1957
S-16	1392	1460	1533	1609	1690	1773	1864
S-15	1324	1392	1460	1533	1609	1690	1773
S-14	1259	1324	1392	1460	1533	1609	1690
S-13	1203	1259	1324	1392	1460	1533	1609
S-12	1143	1203	1259	1324	1392	1460	1533
S-11	1089	1143	1203	1259	1324	1392	1460
S-10	1038	1089	1143	1203	1259	1324	1392
S-9	989	1038	1089	1143	1203	1259	1324
S-8	942	989	1038	1089	1143	1203	1259
S-7	896	942	989	1038	1089	1143	1203
S-6	855	896	942	989	1038	1089	1143
S-5	771	809	850	894	936	985	1032
S-4	734	771	809	850	894	936	985
S-3	699	734	771	809	850	894	936

1-B HOURLY RATE FY2017 NON-UNION

					(Effective 7/1/16)		
Grade	Minimum	2	3	4	5	6	Maximum
H-7	22.39	23.54	24.74	25.96	27.23	28.58	30.07
H-6	21.38	22.39	23.54	24.74	25.96	27.23	28.58
H-5	19.28	20.23	21.26	22.35	23.41	24.63	25.79
H-4	18.35	19.28	20.23	21.26	22.35	23.41	24.63
H-3	17.47	18.35	19.28	20.23	21.26	22.35	23.41
H-2	16.63	17.47	18.35	19.28	20.23	21.26	22.35
H-1			Minimum Wage				

CHANGES TO GENERAL GROUP SALARY SCHEDULE:

	Existing	Proposed
Board Admin Asst (part time)	H-10	H-2
Registrar of Voters	\$125/year	\$200/year

CHANGES TO RECREATION SALARY SCHEDULE:

Existing Salary Schedule						
Water Safety Instructor, Coach, Crossing Guard	R3	\$12	\$12.50	\$13	\$13.50	\$14
Lifeguard	R2	\$10	\$10.50	\$11	\$11.50	\$12
Counselor	R1	\$8	\$8.50	\$9	\$9.50	\$10

Proposed Salary Schedule						
Water Safety Instructor	R3	\$13	\$13.25	\$13.50	\$13.75	\$14
Lifeguard	R2	\$12	\$12.25	\$12.50	\$12.75	\$13
Counselor	R1	\$11	\$11.25	\$11.50	\$11.75	\$12

Existing Salary Schedule (Per Game)				
Scorekeeper	Grade	Under 5 Years	5-9 years	10+ years
Elementary School	SK-1	\$14	\$17	\$20
Middle School	SK-2	\$17	\$20	\$23
High School	SK-3	\$20	\$23	\$26
Referee				
Elementary School	REF-1	\$35	\$40	\$45
Middle School	REF-2	\$45	\$50	\$55
High School	REF-3	\$50	\$55	\$65

Proposed Salary Schedule		
Scorekeeper	Per Game	# of Personnel
Elementary School	\$12	5
Middle School	\$14	5
High School	\$16	5
Referee		
Elementary School	\$40	15
Middle and High School	\$55	15

Or take any other action thereon.

Town Manager's Statement – This article would authorize a 2.0% Cost of Living Adjustment for non-union town staff. For the past three fiscal years, non-union town staff received a 2.0% Cost of Living Adjustment. The standard practice has been to grant the average wage increase of the union staff from

the previous year, which averaged 2.0% for FY16. The article also proposes changes to the salary schedule for seasonal recreation employees and updates the General Group salary schedule to reflect the classification plan amendment made at the FY16 ATM and the request by the Town Clerk to increase the stipend for the Registrar of Voters. This article is a simple majority vote.

ARTICLE 7: Fiscal Year 2017 Operating Budgets (Advisory Finance Committee)

To see what sums the Town will vote to raise and appropriate for the support of the several offices, departments, boards and commissions of the Town of Westborough for Fiscal Year 2017 beginning July 1, 2016, and ending June 30, 2017, or take any other action thereon.

Town Manager's Statement – The Town budgets, including all expenses are estimated to increase/decrease as follows:

<u>Fund</u>	<u>FY16</u>	<u>FY17</u>	<u>\$ Increase</u>	<u>% Increase</u>
<i>General Fund</i>	\$ 81,288,417	\$ 84,039,678	\$ 2,751,261	3.4%
<i>Water Fund</i>	\$ 3,881,297	\$ 3,900,616	\$ 19,319	0.5%
<i>Sewer Fund</i>	\$ 1,791,233	\$ 2,049,249	\$ 258,016	14.4%
<i>Wastewater Treatment Plant</i>	\$ 4,092,236	\$ 4,208,018	\$ 115,782	2.8%
<i>Country Club</i>	\$ 401,385	\$ 401,487	\$ 102	0.0%
	\$ 91,454,568	\$ 94,599,048	\$ 3,144,480	3.4%

This article is a simple majority vote.

ARTICLE 8: Regularly Recurring Articles (Town Manager)

To see what action the Town may take on the following items, **A** through **F**, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

A. Revolving Funds (Fire, Youth & Family Services, LEPC, COA)

To see if the Town will vote to re-establish the following Revolving Funds as provided for in Massachusetts General Laws, Chapter 44, Section 53E½:

	<u>Revolving Fund</u>	<u>Purpose</u>	<u>Funds to be Deposited From</u>	<u>Authorized to Expend Funds</u>	<u>Maximum Expenditure</u>
A1	Fire Department	For Public CPR and First Aid Training by the Fire Department	Program Fees	Fire Chief	\$2,000
A2	Youth and Family Services	To Provide Youth Activities such as Hot Summer Nights and Babysitter training	Program Fees	Youth Commission	\$15,000
A3	Local Emergency Planning Committee	To address hazardous materials spills and provide the Fire Department the means to bill insurance companies and refurbish supplies used in HazMat spills	Insurance and other Proceeds for Services	Local Emergency Planning Committee	\$100,000
A4	Council on Aging	To Provide Programs for Seniors	Program Fees	Council on Aging	\$15,000

Or take any other action thereon.

Town Manager's Statement – This article is set up to provide the authorization for all revolving funds for the purposes as stated above. This article is a simple majority vote.

B. Reserve Funds (Advisory Finance Committee) To see if the Town will vote to raise and appropriate the sum of Two Hundred Fifty Thousand Dollars (\$250,000) or such other amount as the Town Meeting may approve, for the Finance Committee General Reserve Fund, transfer Fifty Thousand Dollars (\$50,000), or such other amount as the Town Meeting may approve, from Water retained earnings for the Water Enterprise Reserve Fund, transfer Fifty Thousand Dollars (\$50,000), or such other amount as the Town Meeting may approve, from Sewer retained earnings for the Sewer Enterprise Reserve Fund, and transfer Twenty Thousand Dollars (\$20,000) from Country Club retained earnings for the Country Club Enterprise Reserve Fund, or such other amounts as the Town Meeting may approve, in accordance with Section 6 of Chapter 40 of the Massachusetts General Laws, or take any other action thereon.

Town Manager's Statement – These accounts provide funding for unforeseen expenses during the year through various reserve funds. This article is a simple majority vote.

C. July 4th Celebration (Recreation Department) To see if the Town will vote to raise and appropriate the sum of Two Thousand Five Hundred Dollars (\$2,500) or such other amount as the Town Meeting may approve, for the annual July 4th celebration to be expended by the Westborough July 4th Committee under the direction of the Board of Selectmen, or take any other action thereon.

Town Manager's Statement – This article pays part of the cost for the annual July 4th celebration. This article is a simple majority vote.

D. Reconstruction and Improvement of Town Roads (Chapter 90) (DPW) To see if the Town will vote to transfer from available funds the sum of Seven Hundred Eighty Thousand Four Hundred and Three Dollars (\$780,403) or such other amount as the Town Meeting may approve, to construct, reconstruct, or improve the town roads, and further, to authorize the Board of Selectmen to apply for and accept a grant in this full amount, more or less, which is to be the State's contribution and/or reimbursement under chapter 90 of the Massachusetts General Laws for work done under this article, or to take any other action thereon.

Town Manager's Statement – This article allows the Town to borrow from itself thus avoiding interest costs to pay the upfront costs under the Chapter 90 funds (which is a reimbursable program) from Mass DOT for the purpose of repairing town roads. The Town undertakes an annual study that establishes the Town needs to be spending \$1.1 million to maintain streets in Town. This means the Town is approximately \$300,000 short of funding necessary maintenance on town streets. This article is a simple majority vote.

E. Healthcare Reimbursement Account (Town Manager) To see if the Town will vote to raise and appropriate the sum of Nineteen Thousand Dollars (\$19,000) or such other amount as the Town Meeting

may approve, to fund the Healthcare Reimbursement Account as agreed with the Town's Collective Bargaining Units, or take any other action thereon.

Town Manager's Statement – This article funds the Town's Healthcare Reimbursement Account by setting aside an estimated amount (based on use through January) to allow the Town to meet its obligation to the Collective Bargaining Units in exchange for various health insurance plan design changes. The Town funds the amount that was estimated to be used during the current fiscal year to replenish the fund. This article is a simple majority vote.

ARTICLE 9: Forbes Municipal Building Renovation (Municipal Building Committee)

To see if the Town will vote to appropriate a sum of money for the renovation of the Forbes Municipal Building; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

Town Manager's Statement – This article would fund the renovation of the Forbes Municipal Building, which is the third building that is part of the Town's plans to address both the Police and Fire Department space needs but also address the overall condition of the Town's municipal buildings. The Municipal Building Committee came forward with a recommendation to Fall Town Meeting in 2009 to fund \$30 million for a public safety complex. While this would have addressed the Police and Fire Department space needs, it would have left the Town Hall and Forbes Municipal Building with over 70% vacant space and many repair and update needs. Instead the Town went forward with a plan to build a stand-alone fire station (cost \$10,700,000); renovate Town Hall (cost \$7,500,000) and the third building, the Forbes Municipal Building estimated at \$15,000,000. This brings the total cost to meeting all of the Town's needs and updating all three buildings to approximately \$33,000,000. While the Selectmen had set a goal of maintaining debt at 7.0% of the General Fund operating budget, this project would exceed this threshold for one year, bringing total debt to 7.5%. This article requires a 2/3rd vote.

ARTICLE 10: Capital Improvement Plan (Town Manager/Capital Expenditure Planning Committee)

To see what action the Town may take on the following items, A through K, which may be voted as a block, or singly, or in any combination, but however voted, will be treated for accounting purposes as if each item were voted as a separate article:

A. CAT-IT Loader (Public Works)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Seventy Five Thousand Dollars (\$175,000) or such other amount as the Town Meeting may approve, for the purpose of replacing a 1987 CAT-IT Loader, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of a 1987 CAT IT Loader at \$175,000. The 1987 is showing signs of body rot and parts have become difficult to obtain and replacement parts and the cost of maintenance has increased. The amount of downtime for repairs has also increased. This vehicle has an estimated useful life of 7-10 years. This article is a simple majority vote.

B. Utility Truck (Public Works)

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of Sixty Thousand Dollars (\$60,000) or such other amount as Town Meeting may approve, for the purpose of replacing a 2002 2500 Utility Truck, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of a 2002 2500 Utility Truck used to maintain water services. This truck has 66,000 miles on it and is not equipped for snow removal. The vehicle has body rot and has become unreliable with more down time required to perform maintenance. It has been difficult to pass mandatory state inspections. This vehicle has an estimated useful life of 5 years according to GASB 34. This article is a simple majority vote.

C. Sewer Grinder Installation at Pump Station (Public Works)

To see if the Town will vote to transfer from Sewer Retained Earnings and appropriate the sum of Fifty Thousand Dollars (\$50,000) or such other amount as Town Meeting may approve, for the purpose of installing grinders in various pump stations over the next five years, or take any other action thereon.

Town Manager's Statement – This article would fund the planned installation of grinders in various sewer pump stations over the next five years. The FY17 appropriation would fund installation at the West Main Street Pump Station. Modern wastewater grinding systems installed directly at the pump station can effectively precondition solids, including non-dispersible, into smaller pieces so the wastewater and debris can pass through the pumps without clogging or damaging the pumps. This article is a simple majority vote.

D. Ambulance Replacement (Fire)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Fifty Thousand Dollars (\$50,000) and to transfer from Ambulance Reserved Receipts and appropriate the sum of Two Hundred Thousand Dollars (\$200,000) or such other amount as Town Meeting may approve, for the purpose of replacing the 2008 Horton ambulance, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of a 2008 Ambulance, the estimated life is 10 years based on the GASB 34 standards. Of the \$250,000 purchase price, \$200,000 is coming from ambulance billing receipts set aside for ambulance replacement and \$50,000 from General Fund Free Cash. This purchase was originally planned for FY16 but was put off due to the condition of the vehicle. However, in the past year, the vehicle has begun to require additional repairs which have increased in cost and frequency. This article is a simple majority vote.

E. 4 Wheel Drive Vehicle (Fire)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Fifty Thousand Dollars (\$50,000) or such other amount as Town Meeting may approve, for the purpose of replacing the 2005 Ford Explorer used by the Fire Department, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of a 2005 Ford Explorer used by the Fire Department. This vehicle was scheduled to be replaced in 2010. This article is a simple majority vote.

F. Cruiser Replacement (Police)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Eighty Eight Thousand Dollars (\$88,000) or such other amount as Town Meeting may approve, for the purpose of replacing three police cruisers, or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of three police cruisers. Those being replaced have high mileage, many idling hours and those costing the department the most to maintain. The department is on a regular replacement schedule which includes the mobile data terminals and radar units. This article is a simple majority vote.

G. Tennis Courts on West Street (Recreation)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Fifty Seven Thousand Dollars (\$57,000) or such other amount as Town Meeting may approve, for the purpose of refurbishing two tennis courts on West Street, or take any other action thereon.

Town Manager's Statement – This article would fund the refurbishing two tennis courts on West Street that have been closed which would provide the Town a total of five town-owned/managed tennis courts in Town. The Recreation Department had 168 participants in the summer clinics, adult and youth lessons. Some of these programs were filled with a waiting list. This article is a simple majority vote.

H. Repoint Mill Pond Masonry Column and Reconstruct Mechanical Equipment Column/Fencing (School Department)

To see if the Town will vote to transfer from Free Cash and appropriate the sum of Seventy Thousand Dollars (\$70,000) or such other amount as Town Meeting may approve, for the purpose of repointing columns and reconstructing a column and fencing at Mill Pond Intermediate School, or take any other action thereon.

Town Manager's Statement – This article would fund repointing of masonry columns at Mill Pond School and reconstruction of mechanical equipment columns and fencing. At the main entrance there are six masonry columns that are showing efflorescence. Joints in masonry are opening up at connections to steel pergola. Approximately 1000 square feet of column wall needs repointing and 12 linear feet of joints need mortar raked out and replaced with sealant and backer rod. The mechanical equipment area is fenced in and has 10 brick columns with concrete caps around the perimeter. Most of the columns have efflorescence visible towards the top. Five have major cracks. In lieu of repointing and reconstruction of the existing masonry the columns surrounding the mechanical equipment will be demolished and the fencing reconstructed. The columns were originally constructed for aesthetic purposes only. This article is a simple majority vote.

I. Capital Stabilization Fund

To see if the Town will vote to transfer from Free Cash and appropriate the sum of One Hundred Fifty Thousand (\$150,000) or such other amount as Town Meeting may approve, to the Capital Stabilization Fund, or take any other action thereon.

Town Manager's Statement – This request is to fund the capital stabilization fund which currently has a balance of \$177,903. Of this amount, \$115,000 has been allocated for the replacement of Rescue 1 in

FY18 and \$60,000 is reserved for the purpose of building a cemetery to be located on Nourse Street. This request would add \$90,000 to the Capital Stabilization Fund toward the purchase of the replacement for Rescue 1 and add \$60,000 for the purpose of building the proposed cemetery. This article requires a 2/3rd majority vote.

ARTICLE 11: Amend Zoning Bylaw: Mix Use District (MUD) (Planning Board)

To see if the Town will vote to amend the Town of Westborough's Bylaws by amending Article 2, District Regulations, Section 2300, Use Regulation Schedule, by amending the uses identified under the District Column for the MUD District as shown on the following three pages:

And by adding a new footnote (7) in Section 2300 regarding residential uses as follows:

(7) These uses are prohibited except when proposed as part of a Senior Living Overlay Project in conformance with Section 5300.

And by adding a new footnote (6) in Section 2300 regarding commercial uses as follows:

(6) Except as an accessory use to a permitted principal use, and then only by Special Permit.

2300. USE REGULATION SCHEDULE																	
DISTRICT																	
	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	AE	M-1	All Other	DPOD	MUD	
RESIDENTIAL USES: (1)																	
Single Family Dwelling:	N	Y	Y	SP	Y	Y	N	N	Y	N	N	SP	N	Y	SP	SP N (7)	
Two Family Dwelling:	N	S	Y	SP	SP	Y	N	N	Y	N	N	SP	N	S	SP	SP N (7)	
Conversion of existing structure to more than two-family dwellings:	N	N	S	SP	SP	S	N	N	SP	N	N	SP	N	N	SP	SP N (7)	
Boardinghouse:	N	S	S	SP	SP	S	N	S	SP	S	N	SP	N	S	SP	SP N	
Multi-family dwelling (See Section 4200)	N	N	Y	SP(5)	SP	N	N	N	N	N	N	N	N	N	SP	SP N (7)	
Open Space Communities (See Section 4300)	N	SP	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP N (7)	
Mobile Home:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Campground, mobile home park:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Mixed Use Residential/Commercial with Industrial Components (See Section 5000)	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	
Senior Living Overlay District (SLO) (See Section 5300) (6)	N	SP	SP	N	SP	SP	SP	SP	N	N	SP	N	SP	SP	SP	SP	
OPEN USES:																	
Farm: With pigs, animals raised for pelts (2)	N	N	S	SP	SP	S	N	S	S	S	N	SP	N	N	N	N	
Other (4):																	
Nursery, green houses (commercial):	S	N	Y	SP	SP	Y	N	Y	Y	Y	N	SP	N	N	SP	SP N	
Supervised camping:	S	N	N	SP	SP	Y	N	S	S	S	N	SP	N	N	N	N	
Cemetery:	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	N	N	
Drive-in theater, amusement park, race track or similar commercial outdoor recreation (3):	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Outdoor recreation other than the above operated by a governmental agency:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y	
Other: (4)																	
Sale of Christmas Trees:	S	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y	

- (1) Animal keeping may be subject to permit from the Board of Health
 (2) But no animals kept closer than 500 feet to any lot line.
 (3) Temporary carnival sponsored by a non-profit organization permitted upon approval by the Board of Selectmen.
 (4) As determined by the Zoning Enforcement Officer.
 (5) Multi-family dwellings are allowed in the Highway Business (BA) District upon grant of a Special Permit by the Planning Board in accordance with Section 5200.
 (6) In accordance with the requirements and restrictions of Section 5300.
 (7) **These uses are prohibited except when proposed as part of a Senior Living Overlay Project in conformance with Section 5300.**

2300. USE REGULATION SCHEDULE																	
DISTRICT																	
	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	AE	M-1	All Other	DPOD	MUD	
INSTITUTIONAL USES:																	
Religious , sectarian, denominational; or public educational uses, religious purposes:	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Other educational uses: (3)	S	N	N	Y	Y	S	N	S	S	S	Y	Y	Y	N	SP	SP	
Municipal use voted at Town Meeting (not more specifically cited in Section 2300):	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hospital, sanitarium, convalescent, nursing or rest home, congregate housing:	N	S	Y	SP	SP	S	N	S	Y	S	Y	SP	Y	S	SP	SP	SP
Patriotic, fraternal or social clubs, if not conducted for profit; other philanthropic institution or club:	N	N	S	SP	SP	S	N	S	S	S	Y	SP	Y	N	SP	SP	SP
COMMERCIAL USES:																	
Motor vehicle service station (See Section 3300):	N	N	N	S(1)	N	S(1)	N	S(1)	S	S(1)	N	S(1)	N	N	N	N	N
Animal kennel or hospital as Licensed under Chapter 140, Section 137a. General Laws:	N	N	S	SP	SP	Y	N	Y	N	Y	N	SP	N	N	N	N	N
Indoor recreation:	N	N	N	SP	SP	Y	N	Y	SP	Y	SP	SP	N	N	SP	SP	SP
Banks, office space:	N	N	N	SP	SP(4)	Y	Y	Y	SP	Y	SP	SP	N	N	SP	SP	SP
Restaurants:	N	N	N	SP	N	Y(2)	N	Y(2)	SP	Y(2)	SP	SP	N	N	SP	SP	SP
Hotel, motel, motor court:	N	N	N	SP	SP	Y	N	Y	SP	Y	SP	SP	N	N	SP	SP	SP
Other retail sales & services:	N	N	N	SP	SP(5)	Y	N	Y	SP	Y	SP	SP	N	N	SP	SP	SP N(6)
Display & sale of natural products, a portion of which are raised by the proprietor in Westborough.	N	S	S	Y	Y	Y	Y	Y	SP	Y	N	Y	N	S	SP	SP	SP

- (1) Special Permits to be issued by Board of Selectmen rather than Board of Appeals.
 (2) Except "S", if food is to be consumed on premises outside of a building, or to be sold packaged for take-out is incidental to service for on-premises consumption.
 (3) Shall not apply to land or structures for religious or educational purposes on land owned or leased by Commonwealth or any of its agencies subdivisions or bodies, politic or by a religious sect of denomination or by a non-profit educational corporation.
 (4) Small professional offices in residential style structure limited to a maximum of 4,000 square feet of gross floor area.
 (5) Limited to a maximum of 5,000 square feet of gross floor area.
 (6) **Except as an accessory use to a permitted principal use, and then only by Special Permit.**

2300: USE REGULATION SCHEDULE																	
DISTRICT																	
	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	AE	M-1	All Other	DPOD	MUD	
INDUSTRIAL USES:																	
Airport, heliport:	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	N	
Public/private utility with outside equipment or storage: (2)	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	
With none of above:	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	Y	N	S	SP	SP	
Earth Removal (See Section 4100) (1):	S	S	S	S	S	S	S	S	SP	S	N	S	N	S	SP	SP	
Trucking Terminal, bulk storage, Contractor's yard:	N	N	N	N	N	N	Y	Y	SP	Y	N	N	N	N	SP	SP N	
Manufacturing, Processing and Warehouse:	N	N	N	SP	N	N	Y	Y	Y	Y	N	SP	N	N	N	N	
ADULT ENTERTAINMENT USES:	N	N	N	SP	N	N	N	N	N	N	N	SP	N	N	N	N	
OTHER PRINCIPAL USES:																	

Other uses having externally observable attributes similar to one of above:	- as regulated above -															
All other uses:	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
ACCESSORY USES:																
Home occupations:	N	Y	Y	Y	S	Y	S	Y	Y	Y	N	Y	N	Y	SP	SP N
Customary accessory uses & structures (See Section 4400):	Shall incur the same regulations as the principal use listed in this Section.															
Agriculture, Horticulture or Floriculture:	Insofar as it can be established that the primary purpose of the use the land falls within the above mentioned categories, the regulations herein shall not apply, if same is deemed unreasonable, nor shall such use require a Special Permit. Expansion or reconstruction of existing structures up land primarily being used for agriculture, horticulture or floriculture, shall not be prohibited or unreasonably regulated except that all such activities may be limited to parcels of more than five (5) acres in areas not zoned for agriculture, horticulture, or floriculture. Land divided by a public or private way or a waterway shall be construed as one parcel.															
Medical Marijuana Treatment & Dispensing Facilities & Marijuana Cultivation	N	N	N	N	N	N	N	N	N	N	N	SP(3)	N	N	N	N

- (1) Special Permits to be issued by Planning Board rather than Board of Appeals.
(2) Except for Large-Scale Ground-Mounted Solar Photovoltaic Installations as defined and in accordance with Section 5600.
(3) Allowed by Special Permit issued by the Planning Board.

And by amending Section 2620, Non-Residential Building in Non-Residential Districts (BA, BB, IA, IB, DPOD, IC, ID, G2) by adding a new District Column MUD as shown below:

DISTRICTS

	BA(f)	BB	G2(f)	IA,IB	ID(j)	DPOD(g)	MUD (g)
Minimum lot area (sf):	15,000	10,000	15,000	15,000	15,000	10,000	10,000
Minimum lot frontage (ft) (a):	125	100	125	125	125	100	100
Minimum lot front yard (ft) (a,b,c,e):	25	25	25	25	25	10	10
Minimum side yard (ft) (d):	25	0	25	25	25	0	0
Minimum rear yard (ft) (d):	25	0	25	25	25	0	0
Maximum building height (ft):	60	35	45	60	95	60	60
Maximum building stories:	4	2 ½	2 ½	4	6	4	4
Maximum lot coverage %:	40	100	40	40	60	--(h)	--(h)
Min. distance between edge of curb cut & nearest side lot line or corner (ft):	20	--	20	--	----	--(h)	--(h)
Minimum open space (%):	60	--	60	60	40	--(h)	--(h)
Max. square foot floor area	---	---	(i)	---	----	---	--(h)

- (a) Corner and through lots shall observe frontage and front yard requirements for each portion of a lot that adjoins a public way.
(b) Increase to 75 feet abutting Turnpike Road.

- (c) But not less than 50 feet measured from the street centerline.
- (d) (1) Decrease to zero (0) feet where abutting a railroad right-of-way. (2) A one hundred (100) foot buffer strip shall be maintained where abutting a Residential District; seventy-five (75) feet of this to remain undisturbed, except for the planting of additional natural vegetative screening.
- (3) In the G2 District, a fifty (50) foot buffer strip shall be maintained where abutting a Residential District, forty (40) feet of this to remain undisturbed, except for the planting of additional natural vegetative screening.
- (e) No building need provide a yard greater than that existing on any abutting parcel on the same street.
- (f) With Special Permit issued by the Special Permit Granting Authority.
- (g) With Special Permit issued by the Special Permit Granting Authority.
- (h) Determined by the sole discretion of the Special Permit Granting Authority during Special Permit process.
- (i) Newly constructed professional offices shall be in a residential style structure and be limited to a maximum of 4,000 sq. ft. gross floor area; Newly constructed retail sales and services shall be limited to a maximum of 5,000 sq. ft. gross floor area.
- (j) The Industrial D District (ID) is an overlay district. The maximum dimensional schedule shall be allowed only by Special Permit by the Planning Board. Otherwise, the underlying requirements of the Industrial B District (IB) are applicable.

Or take any action thereon.

Town Manager's Statement - The intent of this Mixed Use District is to permit greater flexibility and more creative and imaginative design for the development of retail, office, restaurant, residential and open space than is generally possible under conventional zoning provisions. It is further intended to promote and facilitate redevelopment of certain portions of the former Westborough State Hospital and other State owned properties while providing a harmonious variety of uses, a higher level of amenities, and stimulus to the economic development of the community and vitality to the district. The recommended zoning changes come from numerous public meetings and discussions of the State Hospital Reuse Committee. The following specific changes are being made:

- *Remove the use by special permit for Single Family Dwellings and make this not permitted.*
- *Remove the use by special permit for a two-family dwelling and make this not permitted.*
- *Remove the use by special permit for a boarding house and make this not permitted.*
- *Remove the use by special permit for an open space community and make this not permitted.*
- *Remove the use by special permit for nursery and greenhouses and make this not permitted.*
- *Remove the use by special permit for other retail sales and services and make this not permitted.*
- *Remove the use by special permit for trucking terminals, bulk storage or contractor's yards and make these uses not permitted.*
- *Remove the use by special permit for home occupations and make this not permitted.*

The uses that would be allowed in the Mixed Use District if this article is approved are:

- *Senior Living Project by special permit.*
- *Outdoor Recreation operated other than by a governmental entity by right.*
- *Sale of Christmas Trees by right.*
- *Religious, sectarian, denominational or public educational uses and religious purposes by right.*
- *Other educational uses by special permit.*
- *Municipal Use by right.*
- *Hospital, sanatorium, convalescent, nursing or rest home or congregate housing by special permit.*
- *Patriotic, fraternal or social clubs or other philanthropic clubs by special permit.*
- *Indoor recreation by special permit.*

- *Banks or office space by special permit.*
- *Restaurants by special permit.*
- *Hotel by special permit.*
- *Retail sales as an accessory use by special permit (i.e. If there is a corporate office and a small staples store inside a large building).*
- *Display and sale of natural products that are raised locally by special permit.*
- *Industrial uses without an airport, heliport, or utility with outside storage by special permit.*
- *Earth Removal by special permit.*

This article requires a 2/3rd majority vote.

ARTICLE 12: Amend Zoning Bylaw: Senior Living Overlay District (SLO) (Westborough State Hospital Re-Use Committee/Planning Board)

To see if the Town will vote to amend the Zoning Bylaws of the Town of Westborough by amending Article 4. Special Regulations, Section 5300, Senior Living Overlay District (SLO); by amending Article 5. Definitions; by Amending Article 2. District Regulations, Section 2600, Dimensional Regulations Schedule; and by amending the Westborough Zoning Map, as follows:

By amending Article 4. Special Regulations, Section 5300, Senior Living Overlay District (SLO); Subsection 5340. Establishment of District, by deleting the language shown and by inserting new language shown in **bold** in the Subsection as follows:

5340. Establishment of District. The Senior Living Overlay district shall include **all land within the Mixed-Use District (MUD)** and all property located within five thousand (5,000) feet of the intersection of the centerlines of Milk, Main, Brigham and South Streets, except that the district shall extend to six thousand five hundred (6,500) feet along East Main Street, provided that the land has frontage located within the SLO on one of said streets. ~~and further complies~~ **SLO proposals shall comply** with the dimensional standards of Section 5360. The provisions of Section 2140 (split lots) shall not apply. The SLO shall not apply to any parcel of land located within a Highway Business (BA) district.

So that the final definition reads as follows:

5340. Establishment of District. The Senior Living Overlay district shall include all land within the Mixed-Use District (MUD) and all property located within five thousand (5,000) feet of the intersection of the centerlines of Milk, Main, Brigham and South Streets, except that the district shall extend to six thousand five hundred (6,500) feet along East Main Street, provided that the land has frontage located within the SLO on one of said streets. SLO proposals shall comply with the dimensional standards of Section 5360. The provisions of Section 2140 (split lots) shall not apply. The SLO shall not apply to any parcel of land located within a Highway Business (BA) district.

And by amending Article 4. Special Regulations, Section 5300, Senior Living Overlay District (SLO); Subsection 5390. Performance Standards, by inserting the new language shown in **bold** in the current first paragraph of this Subsection:

5390. Performance Standards. Projects in the Downtown Business district (BB) shall require a positive recommendation of the Design Review Board in accordance with Section 1245. Projects in the SLO, but outside of the Downtown Business district shall comply with sub-sections 1245. D. 2-5, **except that these requirements shall not apply to SLO projects in the Mixed-Use District (MUD). For SLO proposals in the MUD District, the SPGA shall require the Design Review Board to provide a recommendation to the SPGA on the SLO proposal during the plan review process as provided in subsections 1245 D. 1 and 3. a-c and f-h of this bylaw.**

Subdivision Rules & Regulations shall be used as a guideline; however, the Board may waive any of these standards based on a persuasive argument by the applicant that such compliance does not serve the best interests of the project or the public good.

And by amending Article 5. Definitions by deleting the language shown and by inserting new language as shown in **bold** in the current definition for “Independent Senior Housing”:

Independent Senior Housing shall mean a building or series of buildings containing independent dwelling units intended to provide housing for persons not requiring health or other services, and designed and occupied by individuals or families in which at least one household member is ~~60~~ **55** years of age or older **and in which no resident (as opposed to a visitor) is 18 years of age or younger.**

So that the final definition reads as follows:

Independent Senior Housing shall mean a building or series of buildings containing independent dwelling units intended to provide housing for persons not requiring health or other services, and designed and occupied by individuals or families in which at least one household member is 55 years of age or older and in which no resident (as opposed to a visitor) is 18 years of age or younger.

And by amending Article 2. District Regulations, Section 2600, Dimensional Regulations Schedule, Subsection 2610 for the Senior Living Overlay (SLO), minimum lot area, by deleting the language shown:

Minimum lot area: ~~2 acres~~

And by inserting in its place the following new language as shown:

Minimum lot area: **5 acres**

And by amending the Town Zoning Map to add the Senior Living Overlay District (SLO) to the Mixed-Use District (MUD).

or take any action thereon.

Town Manager’s Statement – The purpose of this article is to promote and facilitate additional options for the redevelopment of certain portions of the former Westborough State Hospital and other State owned properties, known as the Mixed-Use District (MUD). It will provide opportunities for senior

housing in a setting with open space and recreational activities nearby. It furthers the Town's plan to provide a diverse and creative reuse of the State Hospital property. This zoning change is recommended by the State Hospital Reuse Committee and the Planning Board. This article requires a 2/3rd majority vote.

ARTICLE 13: Transfer of a Portion of the former Westborough State Hospital Land to the Conservation Commission (Westborough State Hospital Re-Use Committee)

To see if the Town will vote to transfer the care, custody and control from the Board of Selectmen for general municipal purposes to the Conservation Commission for conservation purposes, a portion of the Town-owned parcel of land located at 0 Lyman Street, identified by the Assessors as Parcel 38-1F-0, and acquired by the Town pursuant to the deed recorded with the Worcester Registry of Deeds in Book 54592, Page 147, and Book 53078, Page 273 which portion consists of approximately 19.2 acres/sf and is shown as "Parcels A1, A2, A3 and E" on a plan entitled "Proposed State Hospital Land Subdivision," dated December 1, 2015, prepared by Westborough GIS, on file with the Town Clerk and further to dedicate and designate said portion to conservation purposes under the provisions of G.L. c.40, §8C and Article 97 of the Massachusetts Constitution; or take any other action relative thereto.

Town Manager's Statement – The Westborough State Hospital Re-Use Committee has been meeting for the past two years and reviewed which parcels of land the Town is proposed to keep for recreation, disposition and which parcels should be transferred from the Board of Selectmen's authority to the Conservation Commission. These four parcels consist of the land along Lake Chauncy (parcels A1, A2 & A3) as well as parcel E which is designated as land with rare/endangered species habitat and cannot be developed. The remaining parcel B is recommended to be retained for a future municipal use and parcel C is recommended to be retained for recreational purposes. Parcel D is recommended to be the disposition parcel in the next article for purposes of redevelopment. This article requires a 2/3rd majority vote.

ARTICLE 14: Westborough State Hospital Disposition Parcel (Westborough State Hospital Re-Use Committee)

To see if the Town will vote to authorize the Board of Selectmen to sell, in accordance with all applicable Commonwealth of Massachusetts bidding laws, that property shown as "Parcel D" on a plan entitled "Proposed State Hospital Land Subdivision," dated December 1, 2015, prepared by Westborough GIS, on file with the Town Clerk, said property being approximately 36.5 acres, including any improvements, or take any other action thereon.

Town Manager's Statement – As discussed in the previous articles, the Westborough State Hospital RE-use Committee is recommending that certain portions of the former State Hospital be transferred to the Conservation Commission, certain portions be retained for recreation and other future municipal uses and that the remainder be sold for redevelopment. Parcel D is the portion being recommended for redevelopment and is the area of the State Hospital property that presently has buildings on it. The Town will go through a competitive bidding process that will include a rating system that takes into consideration the quality of the proposed redevelopment projects (similar to the process used to sell the Nathan Fisher House). This article requires a 2/3rd majority vote.

ARTICLE 15: CSX Mitigation Receipts Reserve Account Amendment (Town Manager)

To see if the Town will vote to transfer from Article 16 of the March 17, 2015 Annual Town Meeting, E. Main Street Traffic Light and/or Railroad Bridge Painting in the CSX Mitigation Receipts Reserve Account the sum of One Hundred Twenty Five Thousand Dollars (\$125,000) for the purpose of Street Light Installation in the downtown area, or take any other action thereon.

Town Manager's Statement – The original appropriation was amended in 2015 to provide sufficient funding for the repainting of the E. Main Street Bridge project which came in well under the estimate. The Town is in the process of installing new “period style” street lights in the downtown area. Originally, the Town's Public Works Department was going to do the majority of the work, however, since the project started the Town has found that the underground wiring is not usable and needs to be completely replaced. This is work that the Town does not have the equipment or staff to undertake and the new conduit and wiring was not an expense that was anticipated. The goal with this project was to undertake it without any tax funds; most of the project has been funded through mitigation funds from Toll Brothers. This appropriation from the CSX Mitigation Funds would pay the remaining cost. This article is a simple majority vote.

ARTICLE 16: Accepting MGL Ch. 121B, §3 – Housing Authority (Town Manager)

To see if the Town will vote to accept MGL Ch. 121B, §3, in relation to establishing a Housing Authority in the Town of Westborough, or take any other action thereon.

Town Manager's Statement – The Town should have adopted this statute at the time of the creation of the Housing Authority, instead of inserting it into the Town Charter. The Charter Articles below seek to remove it from the Charter, therefore, for the continuation of the Housing Authority the Town needs to adopt the Statute.

ARTICLE 17: Accepting MGL Ch. 40, §8E – Youth Commission (Town Manager)

To see if the Town will vote to accept MGL Ch. 40, §8E, in relation to establishing a Youth Commission in the Town of Westborough, or take any other action thereon.

Town Manager's Statement – When the Charter Committee was reviewing the Charter, it was identified that the Town Meeting never adopted this Statute which is required in order to establish a Youth Commission (the Town has one, but has never adopted the Statute).

ARTICLE 18: Re-Organizing the Town Charter (Charter Review Committee)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below to amend the Town Charter to made editorial and organizational changes; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto:

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF WESTBOROUGH

A. Capitalization

Section 1. Notwithstanding the provisions of section 10 of chapter 43B of the General Laws, or of any other general or special law to the contrary, the charter of the Town of Westborough is hereby amended by capitalizing the words, “Town”, “Bylaws”, “Board of Selectmen”, “Charter”, “Town Meeting”, “Article”, “Town Manager” and “Open Town Meeting”, substantially as follows:

Section 3-1(a)(b) & (c) – Capitalize the words, “Town” & “Bylaws”

Section 3-2(c)(d) & (e) – Capitalize the words, “Board of Selectmen” “Charter”, “Town” & “Town Meeting”

Section 3-3(a) – Capitalize the word, “Town”

Section 3-4(c) – Capitalize the words, “Bylaws” & “Charter”

Section 3-6(b) & (c) – Capitalize the words, “Charter”, “Bylaw” & “Town Meeting”

Section 3-7(b) – Capitalize the words, “Charter”, “Bylaw” & “Town Meeting”

Section 3-9(b) – Capitalize the word, “Town”

Section 4-1 – Capitalize the words, “Town”, “Board of Selectmen” & “Bylaw”

Section 4-2(a) & (b) – Capitalize the word, “Town”, “Charter”, “Bylaws”, “Article” & “Open”

Section 4-3 – Capitalize the word, “Town”

Section 5-1(a) & (c) – Capitalize the words, “Town”, “Charter”, & “Bylaw”

Section 5-1(d) – Capitalize the words, “Town Meeting”

Section 5-2(a) – Capitalize the words, “Charter”, “Town”, & “Bylaws”

Section 5-3(a) – Capitalize the words, “Town Meeting”

Section 5-3 5-3(b) & (e) – Capitalize the words, “Town”, “Board of Selectmen”, “Bylaw”, “Town Manager” & “Charter”

Section 5-4 – Capitalize the words, “Town”, “Charter”, “Town Meeting” & “Bylaws”

Section 5-6 – Capitalize the word, “Town”

Section 6-4(b) – Capitalize the word, “Town”

Section 6-6 – Capitalize the words, “Town Meeting”

Town Manager’s Statement – This Article would provide consistency throughout the Charter on the capitalization of the terms above. The current Charter has these words both in uppercase and lower case. This Article is a simple majority vote.

B. Deletions of Footnotes/References

Section 2. Said Charter is hereby further amended by removing footnotes one through six and deleting all ATM references, substantially as follows:

Section 2-2 – Delete reference to ~~“ATM 2008”~~

Section 3-2(a) – Delete ~~footnote 1~~

Section 4 – Delete ~~footnotes 2 and 3~~

Section 5-6 – Delete reference to ~~“ATM 2008”~~

Section 6-2 – Delete ~~footnote 4~~

Section 6-6 – Delete ~~footnote 5~~

Section 6-7 – Delete reference to ~~“ATM 2008”~~

Section 7-12 – Delete ~~“ATM 2008”~~

Section 9-1 – Delete ~~“Approved ATM March 22, 1983. Effective April 20, 1983”~~

Section 10 – Delete ~~footnote 6~~

Town Manager’s Statement – This Article would delete a number of footnotes that are not necessary to appear in the Town Charter. For historical reference, there is a Town Charter Change Log as an appendix to the Charter.

C. Board of Selectmen

Section 3. The following sections of said Charter, which relate to the Board of Selectmen, shall be amended as follows:

Amend Section 3-2(d) by inserting the bold text and deleting the strikethrough text as follows:

(d) Appointments ~~—The Board of Selectmen shall appoint the following: key personnel pursuant to subsection (a) of section 5-2; other personnel of the town, as defined in section 5-2; town boards, commissions or committees for which section 5-2 of this Charter has designated the Selectmen as appointing authority;~~ **“As chief executive officers of the Town, the Board of Selectmen shall be the appointing authority for and shall appoint, for fixed overlapping terms, the members of the following boards, commissions and committees,** and any other members of any other town boards, commissions, or committees, special or standing, permanent or ad hoc as may from time to time be established by the board or by town meeting unless another appointing authority is designated in the town meeting or this charter.

Relocate from 5-2(a) and 5-2(b) the bold text by inserting it in Section 3-2(d) after the first paragraph:

**Zoning Board of Appeals;
Conservation Commission;
Recreation Commission;
Country Club Operating Committee;
Representative to the Capital Expenditure Planning Committee;
Council on Aging;
Emergency Planning Committee;
Historical Commission;
Housing Partnership Committee;
Massachusetts Bay Transportation Authority Advisory Board;
Open Space Preservation Committee;
Central Massachusetts Regional Planning Commission - Westborough members;
Westborough members of the Westborough/Shrewsbury Wastewater Treatment Plant Board;
Water Resources Management Committee;
Trustees of Soldiers' Memorials;
Veterans Advisory Board;
Representative to the Walkup-Robinson Fund Committee;
Sandra Pond/Conservation Area Wardens;
Youth Commission, known as Westborough Youth and Family Service;
Westborough Cultural Council; and
Westborough TV, Inc, independent nonprofit town representatives.**

Those members of the Insurance Advisory Committee to be appointed by the town shall be appointed by the Board of Selectmen, in accordance with section 3 of chapter 32B of the General Laws.

The Board of Selectmen shall also appoint the following department heads, known as "key personnel" for terms not to exceed 3 years, except for the Fire Chief who shall be appointed for an indefinite term:

**Town Manager, as defined in section 4-1;
Town Counsel;
Police Chief;**

**Fire Chief; and
Department of Public Works Manager, to be known as the DPW Manager.**

For the purposes of this section, the term key personnel shall be used to determine the appointing authority and the appointment process and shall have no effect on compensation, benefits, privileges, term, renewals of term, job description, responsibilities, authority, duties or performance.

**The Board of Selectmen shall also appoint the following:
Police Officers upon nomination by the Police Chief;
Police Dispatchers upon nomination by the Police Chief;
Election Officials for fixed terms, upon nomination by the Town Clerk; and
Registrars of Voters for fixed overlapping terms, upon nomination by the Town Clerk.**

The Board of Selectmen, in consultation with the Town Manager, shall appoint the Animal Control Officer for a fixed term and shall nominate for appointment, in accordance with section 151 of chapter 140 of the General Laws, the Animal Inspector.

And delete the following language from 5-2(b):

“Housing Authority. The Housing Authority shall appoint its department head who shall be the Director of the Housing Authority. The Housing Authority may appoint other employees of the Housing Authority or may, in writing, delegate such appointments to the Director of the Housing Authority.”

Town Manager’s Statement – This Article would simply move the above text regarding the appointing authority of the Board of Selectmen from Article 5 of the Town Charter to Article 3. Currently the Article 3 of the Charter requires that a reader go to Article 5 to see who the Board of Selectmen appoints. This article makes no substantive changes in the appointing authority, only moves it for clarification and ease of use. This article is simple majority vote.

D. Planning Board

Section 4. The following sections of said Charter, which relate to the Planning Board, shall be amended as follows:

Amend Section 3-6 (to be renumbered as Section 3-5) by deleting the strikethrough text and by relocating the bold text from Section 5-2(b) to Section 3-5(c) as follows:

“(c) Appointments – **In accordance with its planning function, the Planning Board shall appoint the following: Planning Board personnel, as defined in section 5-2 of this charter and town boards, commissions or committees for which section 5-2 of this charter has explicitly designated the Planning Board as the appointing authority be the appointing authority for the Design Review Board. The Planning Board shall appoint its department head who shall be the Town Planner. The Planning Board may, in writing, appoint other employees of the Planning Department or, with express written consent, may delegate such appointments to the Town Planner.**”

And delete the following language from Section 5-2(a): “In accordance with its planning functions, the Planning Board shall be the appointing authority ~~for the Design Review Board.~~”

Town Manager's Statement – This Article is similar to the previous article where it simply moves the appointing authority, in this case the Planning Board from Article 5 to Article 3 for clarity and ease of use. There is no substantive change in the Planning Board's appointing authority. This article is a simple majority vote.

E. Town Clerk

Section 5. The following sections of said Charter, which relate to the Town Clerk, shall be amended as follows:

Amend Section 3-7 (to be renumbered as Section 3-6) by relocating the bold text from Section 5-2(b) to new Section 3-6(c) as follows:

“(c) Town Clerk – The Town Clerk shall act as a department head and shall appoint all employees in the Town Clerk's department. The Town Clerk shall nominate candidates for Election Officials and Registrars of Voters to the Board of Selectmen.”

Town Manager's Statement – This Article is similar to the previous article where it simply moves the appointing authority, in this case the Town Clerk from Article 5 to Article 3 for clarity and ease of use. There is no substantive change in the Town Clerk's appointing authority. This article is a simple majority vote.

F. Treasurer / Collector

Section 6. The following sections of said Charter, which relate to the Treasurer/Collector, shall be amended as follows:

Amend Section 3-8 by deleting the following reference entirely:

~~Section 3-8 Treasurer/Collector – deleted in 1999 by Town Meeting and the Legislature. 7/8/99~~

Town Manager's Statement – This Article removes an unnecessary reference in the Town Charter. This article is a simple majority vote.

G. Board of Library Trustees

Section 7. The following sections of said Charter, which relate to the Board of Library Trustees, shall be amended as follows:

Amend Section 3-9 (to be renumbered as Section 3-7) by deleting the strikethrough text and by relocating the bold text from Section 5-2(b) to Section 3-7(c) as follows:

“(c) Appointments – The Board of Library Trustees shall appoint library personnel as provided in subsection (b) of section 5-2: its department head who shall be the Library Director. The Board of Library Trustees may appoint other employees of the Town's Library Department or may, in writing, delegate such appointments to the Library Director.”

Town Manager's Statement – This Article is similar to the previous article where it simply moves the appointing authority, in this case the Library Board of Trustees from Article 5 to Article 3 for clarity and ease of use. There is no substantive change in the Library Board of Trustees' appointing authority. This article is a simple majority vote.

H. Town Manager

Section 8. The following sections of said Charter, which relate to the Town Manager, shall be amended as follows:

Amend Section 4-2(a) by converting the numbering bulleted numbers (i), (ii) and (iii) to (1), (2) and (3) and further to amend the renumbered Section 4-2(a)(1) by deleting the strikethrough text and adding the bold text as follows:

~~(1) Town Boards, commissions and committees and other town personnel for which section 5-2 of this charter has explicitly designated the Town Manager as appointing authority.~~ **(1) The Town Manager, with the concurrence of the Board of Selectmen, shall appoint, for fixed terms, the following positions:**

By relocating the bold text from Section 5-2(d) and (e) to after the first paragraph of Section 4-2(a)(1) as follows:

**Assistant Town Managers;
Chief Assessor;
Town Accountant;
Treasurer/Collector;
Commissioners of Trust Funds; and
Veterans Agent, Director of Veterans Services, Burial Agent and Graves Officer.
Personnel Board**

The Town Manager shall appoint for fixed terms the following positions:

**Building Commissioner;
Zoning Enforcement Officer;
Building Inspectors;
MIS/GIS Director;
Wiring Inspector;
Plumbing and Gas Inspector;
Affirmative Action Officer;
Sexual Harassment Officer;
Constables;
Fence Viewer;
Insect and Pest Control Officer;
Measurer of Wood;
Municipal Hearing Officer;
Sealer of Weights and Measures; and
Weight Masters at Tate and Lyle.**

As the Chief Administrative Officer of the Town, the Town Manager shall appoint for fixed overlapping terms, the members of the following Boards, Commissions and Committees:

**Board of Assessors;
Board of Health; and
Municipal Building Committee.**

The determination of whether a particular Board, Commission, or Committee not specifically listed in this subsection is primarily related to the administration of the Town shall be determined by the Board of Selectmen.”

And delete the Section heading for 5-2(e) “Town Manager: Appointing Administrative Boards, Commissions and Committees”

Amend Section 4-2(a)(3) by deleting the strikethrough text and adding the bold text as follows:

- (3) “Members of any advisory committee formed by the Town Manager as allowed in the town's organization plan, as described in section ~~5-2~~ **5-3(e)**.”

Town Manager’s Statement – This Article is similar to those above where no substantive change is being made, this Article simply moves the Town Manager’s Appointing Authority from Article 5 to Article 4 (the Town Manager Article). This Article is a simple majority vote.

I. Title Change

Section 8. Section 5-2 of said Charter, shall be amended by renaming said Section

“Elected Official’s Policy Setting Authority”.

Or take any other action thereon.

Town Manger’s Statement – This Article changes the title of Section 5-2 so that it more accurately reflects the wording of this section of the Charter. This Article is a simple majority vote.

ARTICLE 19 – Charter Amendment – Conflicts with State Law

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below to amend the Town Charter to made editorial, organizational, and minor substantive changes; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto:

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF WESTBOROUGH

A. Budget/Capital Warrants

Section 1. Notwithstanding the provisions of section 10 of chapter 43B of the General Laws, or of any other general or special law to the contrary, Section 6-7 of the charter of the Town of Westborough is hereby amended by deleting the strikethrough text and adding the bold text as follows:

“Statements summarizing the budget and the capital improvements program and related warrant articles as adopted by the Town Meeting shall be made available at the Office of the Town Manager for examination by the public not more than ~~twenty (20)~~ **ten (10)** days following their adoption.”

Town Manager’s Statement – This Article seeks to be consistent with the spirit of the public records law MGL Ch. 66, §10(b).

B. Rules and Regulations

Section 2. Section 7-5 of said Charter is hereby further amended by deleting the strikethrough text and adding the bold text as follows:

~~A copy of~~ All rules and regulations **become effective upon adoption** ~~adopted~~ by a Town agency (**Board or Committee**) **having jurisdiction and** shall be filed in the Office of the Town Clerk and made available for review by any person who requests such information. ~~Such rules and regulations shall not become effective until ten (10) days following the date they are so filed.~~

Town Manager's Statement – This Article makes changes to the timing on the adoption of regulations to clarify that regulations become effective upon the date of adoption not 10 days after they are filed with the Town Clerk. This Article is a simple majority vote.

C. Meetings

Section 3. Section 7-7(a) and (b) of said Charter shall be amended by deleting the strikethrough text and adding the bold text as follows:

- “(a) Meetings - All multiple-member bodies of the Town, whether elected or appointed or otherwise constituted, shall meet regularly at such times and places within the Town as they may prescribe. Special meetings of any multiple-member body shall be held on the call of the respective chairman or by one-third of the members thereof by suitable written notice delivered to the residence or place of business of each member at least ~~twenty-four (24)~~ **forty eight (48)** hours in advance of the time set. A copy of the said notice shall also be posted on the Town bulletin board(s). Special meetings of any multiple-member body shall also be called within one (1) week after the date of the filing with the Town Clerk of a petition signed by at least fifty (50) voters and which states the purpose or purposes for which the meeting is to be called.

All meetings of all multiple-member bodies shall be open and public; however, the multiple-member body may meet for the purpose of discussing in a closed or executive session limited to its own membership, but including the Town Manager or the Superintendent of Schools as appropriate, ~~except when his conduct of office is to be discussed~~, any matter which would tend to defame or prejudice the character or reputation of any person which would affect the public security, or which might have direct fiscal effect on the Town, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action on the matter is not taken until the multiple-member body has come back into formal session; provided, however, that if the taking of such votes would defeat the lawful purpose of such executive session they may be taken in the said executive session and may remain secret so long as their publication would defeat the lawful purpose of such executive session, but no longer.

- (b) Agenda - Except in a case of a special emergency, at least ~~twenty-four (24)~~ **forty eight (48)** hours before any meeting of a multiple-member body is to be held, a rough agenda shall be posted on the Town Hall bulletin board. The multiple-member body may change agenda at free will by majority vote.”

Or take any other action thereon.

Town Manager's Statement – This Article would correct the Town Charter so that it is consistent with the 48 hour posting requirements of the Open Meeting Law, MGL Ch. 30A, §20. This Article is a simple majority vote.

ARTICLE 20: Charter Amendments – Changes to the Town Charter

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below to amend the Town Charter to made editorial, organizational, and minor substantive

changes; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto:

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF WESTBOROUGH

A. Time of Meeting

Section 1. Notwithstanding the provisions of section 10 of chapter 43B of the General Laws, or of any other general or special law to the contrary, Section 2-3 of the charter of the Town of Westborough is hereby amended by deleting the strikethrough text and adding the bold text as follows:

“The ~~regular Annual~~ Town Meetings of the Town of Westborough shall be held on such dates as may from time to time be set forth in the Bylaws of the Town for the transaction of business relating to the prudential affairs of the Town, ~~shall be held on such date as may from time to time be fixed in the Bylaws of the Town.”~~

Town Manager’s Statement – This Article would address both Town Meetings (Annual and Fall) since the Town has two set Town Meetings in the bylaws. This Article is a simple majority vote.

B. Absences

Section 2. Section 2-4 of said Charter is hereby further amended by deleting the strikethrough text and adding the bold text as follows:

~~“If a is to be absent due to illness or other reasonable cause,~~ **“In the event any Town officer or department head is to be absent due to illness or other reasonable cause,** the Town officer or department head shall designate a deputy to attend the Town Meeting.”

Town Manager’s Statement – This Article would correct a paragraph in which wording is missing from the text.

C. Warrants

Section 3. Section 2-8 of said Charter shall be amended by deleting the strikethrough text and adding the bold text as follows:

All articles which are to be acted upon by the Annual Town Meeting shall be presented in writing to the Board of Selectmen not less than thirty (30) days prior to the Annual Town Meeting. These articles shall then be filed with the Town Clerk three (3) days after the above closing date. The Board of Selectmen shall issue warrants calling into session the Town Meeting at such regular intervals as may be established by Bylaw. The Board of Selectmen shall place on the said warrants all subjects in accordance with the General Laws or Statutes which are requested of them, in writing, by all boards and individuals. ~~A copy of each warrant shall forthwith be posted on the Town bulletin board(s) and a copy mailed to the place of residence of the Town Moderator. Additional copies of all warrants shall be available for distribution in the Office of the Town Clerk before the date on which the Town Meeting is to convene and that complies with the General Laws. Articles for Special Town Meetings shall follow the procedures in accordance with the General Laws.”~~ **A copy of each warrant shall forthwith be posted on the Town Clerk’s web site and the Town of Westborough web site and any other location chosen by the Town Clerk. The Board of Selectmen shall have a copy mailed to the place of residence of the Town Moderator. Additional copies of all warrants shall be available for distribution in the Office of the Town Clerk before**

the date on which the Town Meeting is to convene and that complies with the General Laws. Articles for Special Town Meetings shall follow the procedures in accordance with the General Laws.”

Town Manager’s Statement – This Article authorizes the Town Clerk to post the Town Meeting warrants on the Town website and also to post as required by the General Laws. This Article is a simple majority vote.

D. DPW Director

Section 4. The following sections of said Charter, which relate to the Department of Public Works Director, shall be amended as follows:

Amend Section 3-2(d) Board of Selectmen Appointments by replacing the term “Department of Public Works Manager” with “Department of Public Works (DPW) Director”

Amend the last terms in Section 5-3(b), second paragraph from “Department of Public Works Manager” to “Director of Department of Public Works”.

Amend Article 8 by replacing all references to term “Manager” with “Director” and further by replacing the term “Manager of Public Works” in the fourth paragraph with “Director of the Department of Public Works”.

Town Manager’s Statement – This Article would change the title of the DPW Manager to DPW Director which is the standard title for this position. This Article is a simple majority vote.

E. Residency Requirement

Section 5. The following sections of said Charter, which relate to the residency requirements, shall be amended as follows:

Delete the second paragraph of Section 4-1 Appointment, Qualifications, Term in its entirety.

Add a new last paragraph to Section 3-2(d) as follows:

Residency - The Town Manager, Police Chief, Fire Chief and DPW Director need not be residents of the Town or the Commonwealth at the time of his appointment but shall establish residence in the Town of Westborough within one (1) year following the date of appointment. Failure to establish such residence shall be deemed to be a resignation from the specific office. This residency requirement shall not apply to any employee of the Town employed at the time of adoption of this section of the Charter.

Town Manager’s Statement – This Article would delete the existing residency requirement for the Town Manager that requires the Town Manager to live in Westborough or an abutting Town and replace it with a residency requirement that would require the Town Manager, Police Chief, Fire Chief and DPW Director to reside in Westborough. The new residency requirement would not apply to any town employee presently employed, only new employees. This Article is a simple majority vote.

F. Investigations

Section 6. Section 3-2(e) of said Charter, shall be amended by deleting the strikethrough text as follows:

- (e) Investigations - The Board of Selectmen may investigate or may authorize the Town Manager to investigate the affairs of the town and the conduct of any town department, office or agency, including any doubtful claims against the town. ~~A report of the results of any such investigation shall be placed on file in the office of the board of selectmen and a report summarizing the results of such investigation shall be printed in the next annual town report.~~

Town Manager's Statement – This section of the Charter requires the Town to publish a report of investigations, most of which would be confidential personnel records which could create a liability for the Town, therefore the recommendation from the Charter Review Committee is to remove the reporting requirement. This Article is a simple majority vote.

G. Housing Authority

Section 7. Section 3-5 of said Charter shall be amended by deleting it in its entirety.

Town Manager's Statement – This Article would delete the references to the Housing Authority in the Town Charter since it is an independent statutory Authority. State Officials and Town Counsel both recommended that the references be removed. This Article is a simple majority vote.

H. Renumbering

Section 8. Article 3 of said Charter shall be amended by renumbering the following sections:

<u>From</u>	<u>To</u>
3-6	3-5
3-7	3-6
3-9	3-7

Town Manager's Statement – With the removal of the old reference to the Treasurer/Collector and the Housing Authority under the Elected Officials Article (Article 3) of the Town Charter, the specific sections above of the Town Charter need to be renumbered to be in sequential order.

I. Appointing Authority of Appointed Boards

Section 9. The first paragraph of Section 5-2(c) of said Charter shall be amended by deleting the strikethrough text and adding the bold text as follows:

“The department head of any board, commission, or committee appointed by the Board of Selectmen or Town Manager, if one exists, ~~appoint the department head and any assistants to the department head with the concurrence of the Town Manager.~~ shall be appointed by the Town Manager.”

Town Manager's Statement – This Article would change the appointing authority of department heads that have appointed boards or committees that they work for from the appointed board to the Town Manager. This is consistent with the Selectmen's mission statement for the Charter Review Committee to centralize management under the Town Manager and also improves daily administration and oversight. This Article would affect the Recreation Director, Council on Aging Director, Youth and Family Services Director and Health Director. This Article is a simple majority vote.

J. Police Chief Appointing Authority

Section 10. Section 5-2(b) of said Charter shall be amended by deleting the strikethrough text from each section as follows:

The Board of Selectmen shall also appoint the following:

~~Police Officers upon nomination by the Police Chief;~~

~~Police Dispatchers upon nomination by the Police Chief;~~

Amend Section 5-2(d) fourth paragraph by deleting the strikethrough text and adding the bold text as follows:

~~“The Police Chief shall nominate candidates for the positions of Police Officers and Police Dispatchers to the Board of Selectmen. The Police Chief shall appoint all other employees of the Police Department.” And replace this with the following: “~~**The Police Chief shall appoint all employees of the Police Department.**~~”~~

Town Manager’s Statement – This Article would change the appointing authority of Police Officers and Dispatchers from the Board of Selectmen to the Police Chief. This Article is a simple majority vote.

K. Department of Public Works Manager

Section 11. Section 5-2(d) of said Charter shall be amended by deleting the strikethrough text and adding the bold text to as follows:

Department of Public Works Director, to be known as the DPW ~~Manager~~ **Director**.

Town Manager’s Statement – This Article addresses another section of the Charter related to the title change of the DPW Manager to DPW Director. This Article is a simple majority vote.

L. Organizational Plan

Section 12. Section 5-3 of said Charter shall be amended by deleting it in its entirety.

M. Key Personnel

Section 13. Section 5-3(a) of said Charter shall be amended by deleting the strikethrough text and adding the bold text as follows:

Section 5-3(a) Determination of Key Personnel

The addition or deletion of positions from the list of key personnel specified in subsection ~~(b) of section 5-2~~ **(d) of section 3-2** may be enacted by the **Town Meeting** adoption of a warrant article that modifies said subsection ~~(b-d)~~.

Town Manager’s Statement – This Article changes the references of this section to coincide with the changes above in order to provide correct section references. This Article is a simple majority vote.

N. Town Wide Management Team

Section 14. Section 5-3(c) of said Charter shall be amended by deleting the strikethrough text and adding the bold text as follows:

~~“As chief administrative officer of the town, the Town Manager shall lead the town-wide management team consisting of the town's key personnel and the head of each town department.~~

The Town Manager shall be responsible for leading and directing the Town Wide Management Team (The Team) consisting of the Town's key personnel and heads of Town departments. The Team shall specifically consist of the Chief of Police, the Fire Chief, the Director of Public Works, and Town Counsel, and such other department heads or officials as may be designated by the Town Manager from time to time.

~~Notwithstanding the manner of their appointment, the head of each town department shall be considered a member of the Town Manager's management team for the purpose of assuring common town personnel, financial, administrative and technology use practices, and for the purpose of fostering effective communications among town departments.~~

Notwithstanding the manner of their appointment or who their respective appointing authority may be, the Chief of Police, Fire Chief, Director of Public Works, Town Counsel and all other department heads, except for the Library Director and the Town Planner, shall report directly to the Town Manager, who shall be responsible for the day-to-day oversight, coordination, and supervision of the administration and operations of each Town Department, other than the Public Library or the Planning Board.

Each department head shall be responsible for the delivery of service and the manner and method of such delivery within their respective department to the residents of the Town.

~~The Town Manager shall participate in the performance review process of the town's key personnel and shall provide evaluative comments to the Chairman of the Board of Selectmen during this process. The Town Manager shall provide evaluative comments to the appointing authority of each department head for use in the respective performance review process.”~~

The Town Manager shall conduct the performance reviews of the Town's key personnel and of each department head and shall provide evaluative reports to the Chairman of the Board of Selectmen for those department heads appointed by the Board of Selectmen. The Town Manager shall provide evaluative reports to other appointing authorities of a department head not appointed by the Board of Selectmen for use in the performance review process.

Town Manager's Statement – This Article would centralize daily administration under the Town Manager and have all department heads (except the Library Director and Town Planner) regardless of their appointing authority report to the Town Manager and the Town Manager would undertake performance evaluations of all department heads, provide copies of the Police Chief, Fire Chief, Town Counsel and DPW Director the Chair of the Board of Selectmen and would provide comments to the Library Board and Planning Board for their use in their evaluation of the Library Director and Town Planner. This Article requires a simple majority vote.

O. Precedence of Appointing Authority

Section 15. Section 5-3(d) of said Charter shall be amended by deleting the strikethrough text as follows:

Section 5-3(d) Town Appointment Processes

~~**Precedence of Appointing Authority.** Notwithstanding any appointment process provided for in this charter, if a state statute prescribes an appointing authority or appointing process or if the town has accepted a statute covering any appointments or positions mentioned in this charter and that statute prescribes an appointment process for that appointment or position, the state appointing process shall control.~~

Filling vacancies: Key Personnel and Department Heads. A vacancy in a key personnel or department head position shall be filled in the manner prescribed for its initial appointment, but the appointing authority may appoint an acting key personnel or department head for not more than 4 three-month periods for a maximum of 1 year. In the event the appointment of the permanent position requires the concurrence of another body or officer, that body or officer shall concur with the appointment of any acting key personnel or department head. Any such temporary appointment by the appointing authority shall cease upon the filling of the vacancy by the prescribed method.

Town Manager's Statement – This Article establishes that the appointing authority described in the Town Charter takes precedence over any contradictory statutory appointing authority. The current Charter contains the verbiage above recommended to be deleted which would have the statutory appointing authority take precedence over the locally determined process in the Charter. This Article is a simple majority vote.

P. Submission of Budget and Budget Message

Section 16. Section 6-2 of said Charter shall be amended by adding the bold text as follows:

Section 6-2 Submission of Budget and Budget Message

No less than ten (10) days before the end of the calendar year, or not less than ninety (90) days prior to the date of the start of the Annual Town Meeting, whichever is later, the Town Manager shall submit to the Board of Selectmen and file with the Advisory Finance Committee and Capital Expenditures Planning Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. **The proposed budget shall be available on the Town Clerk's web site, the Town of Westborough web site and any other locations chosen by the Town Clerk within seven (7) days of submission. Additional copies shall be available in the Office of the Town Clerk.**

Town Manager's Statement – This Article would require that the budget be posted on the Town's website within 7 days of submission (which is December 21st of each year as per the Charter) of the budget so that it would be available for public review. This Article is a simple majority vote.

Q. Action on the Budget

Section 17. Section 6-5 of said Charter shall be amended by deleting the strikethrough text and adding the bold text as follows:

Section 6-5 Action on the Budget

The Board of Selectmen, the Advisory Finance Committee, and the Capital Expenditures Planning Committee shall ~~jointly hold one or more public hearings on the proposed budget not less than fourteen (14) days prior to the Town Meeting session at which it is to be submitted for adoption.~~ **a joint meeting to include a public hearing on the proposed budget not later than the first scheduled Selectmen's meeting in January of the year the budget is to be considered at Town Meeting.** Copies of the proposed budget, the current capital improvement program provided for in Section 6-6, and the recommendations of the Advisory Finance Committee, if any, shall be made available for distribution to the public at or prior to the public hearing.

Town Manager's Statement – This Article would clarify the date of the public hearing on the budget and that it was a joint public meeting of the Board of Selectmen, Advisory Finance Committee and Capital Expenditures Planning Committee that would occur at the first Selectmen's meeting in January. This mirrors the actual practice over the past several years. This Article is a simple majority vote.

R. Capital Improvement Program

Section 18. Section 6-6(d) of said Charter shall be amended by deleting it in its entirety.

Town Manager's Statement – This Article would delete the requirement that an estimate of the annual operating cost of operating and maintaining each facility and piece of major equipment be included in the Capital Improvement Plan. Given the number of buildings and pieces of equipment used by the Town, this would require additional staffing and the value wasn't considered worth the additional cost. This Article is a simple majority vote.

S. Removals and Suspensions

Section 19. Section 7-8 of said Charter shall be amended by deleting the strikethrough text and adding the bold text as follows:

Section 7-8 Removals and Suspensions

~~"Any Town employee, except the Town Manager, involved in administrative or technical operation of the Town, not subject to Chapter 31 of the General Laws, whether appointed for a fixed or an indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term "good cause" shall include, but not be limited to, the following: incapacity other than temporary illness; inefficiency; insubordination; and conduct unbecoming the office. In the case of appointed members of town boards, commissions and committees, the term "good cause" shall include, but not be limited to, failure to attend 4 or more consecutive meetings of the member's board, commission or committee.~~

"Any permanent Town employee, except for the Town Manager and department heads, may be suspended or removed from office by the appointing authority after the probationary period for good cause. During the probationary period an employee may be suspended or removed for any reason or no reason, with or without good cause. The term "good cause" shall include, but not be limited to, the following: incapacity other than temporary illness; inefficiency; insubordination; and conduct unbecoming the office.

~~Any appointed officer or employee of the Town may be suspended from office by the appointing authority if such action is deemed by them necessary to protect the interests of the Town. However, no suspension shall be for more than fifteen (15) days. Suspension may be coterminous with removal and shall not interfere with the right of the officer or employee under the removal procedure given below.~~

Any appointed officer or employee of the Town may be suspended from office by the appointing authority if such action is deemed by them necessary to protect the interests of the Town.

~~The appointing authority, when removing any such officer or employee, shall act in accordance with the following procedure:~~

- ~~(a) — A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by registered mail to the last known address of the person sought to be removed.~~
- ~~(b) — Within five (5) days following delivery of such notice the officer or employee may request a public hearing before the Personnel Board at which he may be represented by counsel, shall be entitled to present evidence, call witness, and to question any witness appearing at the hearing.~~
- ~~(c) — Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer or employee fails to request a public hearing between six (6) and fifteen (15) days following delivery of the notice of the~~

~~intent to remove, the appointing authority shall take final action, either removing the officer or employee or notifying him that the notice is rescinded.~~

The appointing authority, when removing any such officer or employee, shall act in accordance with policies established by the Town. This section shall not apply to any member of a collective bargaining unit.

Nothing in this Section shall be construed as granting a right to such a hearing when a person who has been appointed for a fixed term is not reappointed when his original term expires.”

Town Manager’s Statement – This section clarifies the process for discipline and suspension as recommended by Town Counsel and provides improved flexibility when making disciplinary decisions for Town management. This Article is a simple majority vote.

T. Personnel Board

Section 20. Section 5-2(d)(1) of said Charter shall be amended by deleting the term “Personnel Board”.

Town Manager’s Statement – This Article would eliminate the Personnel Board which would result in all human resources issues going through the Assistant Town Manager/Human Resources Director. There is an accompanying article after the Charter articles that amends Article 13 of the General Bylaws (which also relates to the Personnel Board). This Article is a simple majority vote.

U. Animal Control Officer

Section 21. The following sections of said Charter shall be amended as follows:

Delete the following paragraph from section 5-2(b):

~~The Board of Selectmen, in consultation with the Town Manager, shall appoint the Animal Control Officer for a fixed term and shall nominate for appointment, in accordance with section 151 of chapter 140 of the General Laws, the Animal Inspector.~~

Add the term “Animal Control Officer” to section 4-2(a)(1) as (7) under appointments requiring Board of Selectmen concurrence on appointments (directly under Veterans Agent).

Or take any other action thereon.

Town Manager’s Statement – This Article would change the appointing authority for the Animal Control Officer from the Board of Selectmen to the Town Manager. This Article is a simple majority vote.

ARTICLE 21: General Bylaw Amendment – Personnel Board (Town Manager)

To see if the Town will vote to amend the General Bylaws, Article 13 by striking the current Article 13 in its entirety and replacing it with the following:

ARTICLE 13 Human Resources Management

Subject to the approval of the Board of Selectmen, the Town Manager shall adopt rules and regulations

establishing a human resource management system. The human resource management system shall make use of modern concepts of personnel management and shall include, but not be limited to, the following elements: a method of administration; personnel policies indicating the rights, obligations and benefits of employees; a classification plan; a compensation plan; establishing probationary periods; a method of recruiting and selecting employees based on merit and adherence to the principles of equal employment opportunity; a centralized recordkeeping system; a performance evaluation process; disciplinary and grievance procedures; a professional development and training program and any other elements that may, from time to time, be deemed necessary. All town employees shall be subject to the rules and regulations adopted under this section except employees of the school department. If there is a conflict between the rules and regulations adopted under this section and an existing collective bargaining or employment agreement, the collective bargaining or employment agreement shall prevail over the rules and regulations adopted under this section.

Or take any other action thereon.

Town Manager's Statement – This article establishes a professional human resources management process. The current Article 13 authorizes the Town Manager to appoint a Personnel Board that reviews Personnel Policies drafted by the Assistant Town Manager/HR Director, recommending a non-union wage increase, develop/maintain a classification system, reviewing and approving education benefits and sick-leave buyback and that they meet as deemed necessary. During 2015 the Personnel Board met twice. The current classification plan approved at Town Meeting in 2015 was undertaken by the Assistant Town Manager/HR Director as was the current updated position descriptions of all town employees. This article is a simple majority vote.

ARTICLE 22: eClinical Works Tax Increment Financing Agreement (Town Manager)

To see if the Town will vote to (a) approve a TIF Plan and Tax Increment Financing (TIF) Agreement between eClinicalWorks LLC and the Town of Westborough, both on file with the Board of Selectmen and Town Clerk and incorporated herein by reference, for a period of fifteen years which term shall begin on July 1, 2017, or such later time pending approval from the relevant agencies of the Commonwealth of Massachusetts, for property located at 900 West Park Drive (Map 36, Lot 23), including designation of a TIF Zone as described in the TIF Plan, with real estate exemption percentages as follows: Year 1, 50%; Year 2, 40%; Year 3, 30%; Year 4, 20%; Years 5-15, 10% and personal property exemption as follows: Year 1, 25%; Year 2, 20%; Year 3, 15%; Year 4, 10%; Year 5, 5% Years 5-15, 0%; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents pursuant to the provisions of MGL Ch. 40, § 59; (c) authorize the Board of Selectmen to submit all such necessary or required documents to the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts for approval and designation of the 900 West Park Drive Economic Opportunity Area, TIF Zone, TIF Plan and Certified Project; and (d) take such other and further action as may be necessary or appropriate to carry out the purposes of this vote; or take any other action thereon.

Town Manager Statement – This article authorizes the Board of Selectmen to create an Economic Opportunity Area at 900 West Park Drive and to offer and execute a Tax Increment Financing Plan/Agreement with eClinicalWorks at 900 West Park Drive. The company is planning to add a

minimum of 400 employees to the existing 1,350 employees in Westborough. The Company is currently located in Westborough and has bought a building that has been vacant for approximately 10 years. eClinicalWorks develops software solutions for electronic medical billing and other health related software. The Tax Increment Financing arrangement only applies to the incremental increase in value of the property, so there is no tax loss; only a temporary reduction in how much of a tax increase would be applied to the increase in value of the property. The Town's involvement also allows for opportunity for state investment tax credits for eClinicalWorks. This article is a simple majority vote.

ARTICLE 23: Cumberland Farms Tax Increment Financing Agreement (Town Manager)

To see if the Town will vote to (a) approve a TIF Plan and Tax Increment Financing (TIF) Agreement between Cumberland Farms, Inc. and the Town of Westborough, both on file with the Board of Selectmen and Town Clerk and incorporated herein by reference, for a period of fifteen years which term shall begin on July 1, 2018, or such later time pending approval from the relevant agencies of the Commonwealth of Massachusetts, for property located at 165 Flanders Road (Map 31, Lot 7), including designation of a TIF Zone as described in the TIF Plan, with real estate exemption percentages as follows: Year 1, 50%; Year 2, 40%; Year 3, 30%; Year 4, 20%; Years 5-15, 10% and personal property exemption as follows: Year 1, 25%; Year 2, 20%; Year 3, 15%; Year 4, 10%; Year 5, 5% Years 5-15, 0%; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents pursuant to the provisions of MGL Ch. 40, § 59; (c) authorize the Board of Selectmen to submit all such necessary or required documents to the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts for approval and designation of the 165 Flanders Road Economic Opportunity Area, TIF Zone, TIF Plan and Certified Project; and (d) take such other and further action as may be necessary or appropriate to carry out the purposes of this vote; or take any other action thereon.

Town Manager Statement – This article authorizes the Board of Selectmen to create an Economic Opportunity Area at 165 Flanders Road and to offer and execute a Tax Increment Financing Plan/Agreement with Cumberland Farms at 165 Flanders Road. The company is planning to move its corporate headquarters to Westborough to the property that they have operated their distribution facility out of for years and that they improved a few years ago. They will add approximately 250 employees in addition to the 375 currently on site. The Tax Increment Financing arrangement only applies to the incremental increase in value of the property, so there is no tax loss; only a temporary reduction in how much of a tax increase would be applied to the increase in value of the property. The Town's involvement also allows for opportunity for state investment tax credits for Cumberland Farms. This article is a simple majority vote.

ARTICLE 24: Pre-K to 3rd Grade School Building Committee Architectural Funding (Pre-K to 3rd Grade School Building Committee)

To see if the Town will vote to appropriate the sum of Two Hundred Fifty Thousand Dollars (\$250,000) or such other amount as Town Meeting may approve, for the purpose of undertaking design studies and development cost estimates for the Pre-K to 3rd Grade School Building Committee; and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action thereon.

Town Manager's Statement – This article would provide funding for the design of potential solutions for the Pre-K to 3rd Grade School Building Committee. This includes reviewing student population studies,

developing estimates for a Pre-K addition/permanent modular structure at Hastings Elementary School and analyzing other future needs in these grades. This article is a simple majority vote.

ARTICLE 25: Country Club Improvements (Country Club Operating Committee)

To see if the Town will vote to transfer from Country Club retained earnings and appropriate the sum of Thirteen Thousand Five Hundred Dollars (\$13,500) or such other sum as Town Meeting may approve, for the purpose of purchasing equipment and making improvements at the Country Club golf course and that any unexpended funds be returned to said account, or take any other action thereon.

Town Manager's Statement – This article would provide funding for a replacement piece of equipment that is used for fertilizing the greens and fairways. This article is a simple majority vote.

ARTICLE 26: 300th Anniversary Committee Fireworks (300th Anniversary Committee)

To see if the Town will transfer from free cash and appropriate Twenty Five Thousand Dollars (\$25,000) or such other sum as Town Meeting may approve, for the purpose of paying the cost for a 4th of July Fireworks show as part of the 300th anniversary of the Town in 2017, or take any other action thereon.

Town Manager's Statement – The 300th Anniversary Committee is proposing to host a fireworks show at Lake Chauncy for July 4, 2017 as part of the Town's 300th Anniversary. The Committee has met with Atlas Fireworks and obtained a quote for the show, which is the basis of the cost for this article. This article is a simple majority vote.

ARTICLE 27: Westborough State Hospital Maintenance (Town Manager)

To see if the Town will vote to transfer from free cash and appropriate the sum of Twenty Five Thousand Dollars (\$25,000) or such other amount as Town Meeting may approve, for the purpose of providing ongoing maintenance funding for the Westborough State Hospital, or take any other action thereon.

Town Manager's Statement – Two fiscal years ago, the Town appropriated \$50,000 for maintenance costs at the State Hospital property. The current balance is \$25,000 (as of Dec 2015). This would provide sufficient funding through the period that the Town will dispose of the portion of the State Hospital that these funds are being used for, at which point, any further maintenance will be through the DPW or Recreation Departments. The Town is able to include these maintenance costs against the amount that will be shared with the state once a portion of the property is sold. This article is a simple majority vote.

ARTICLE 28: Town Clerk Elections Divider (Town Clerk)

To see if Town Meeting will vote to transfer from free cash and appropriate the sum of Six Thousand Seven Hundred Dollars (\$6,700) or such other amount as Town Meeting may approve, for the purpose of purchasing dividers to be used during elections, or take any other action thereon.

Town Manager's Statement – With the elections being held in one location, this article would provide dividers that would assist voters in staying with their precinct during the voting process. This article is a simple majority vote.

ARTICLE 29: DPW Garage Roof Repair (DPW Manager)

To see if the Town will vote to appropriate the sum of Six Hundred Thousand Dollars (\$600,000), or such other amount that the Town Meeting may approve, for the purpose of replacing the roof at the DPW Garage, including engineering, bidding, supervision, incidental repairs to the building, and electrical and heating systems; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

Town Manager's Statement – This article would fund the replacement of the insulated metal panel roof at the DPW Garage in kind. The current structure and roof is approximately 32 years old and the roof is showing signs of wear including damage to various penetrations and sheet metal detail. A consultant report itemized various options for repair including new metal penetrations, new roof ridges, and coating the existing roof, however, the replacement at this time appears to offer the best value for another 30-35 years of life. The cost is proposed to be shared equally between general revenue, sewer and water enterprise funds as the building supports all functions. This article requires a 2/3rd majority vote.

ARTICLE 30: Nourse Street Cemetery Site Preparation Work (DPW Manager)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of Sixty Thousand Dollars (\$60,000) or such other amount as Town Meeting may approve for work at the new cemetery on Nourse Street, or take any other action thereon.

Town Manager's Statement – This funding would be used to fund site preparation activities to prepare the property on Nourse Street as the site of the Town's future cemetery. The current request for funds builds upon past requests for survey, clearing and preparing an entrance. This work is being performed gradually so that the area will be ready as the current cemetery nears capacity. The Town has set aside funds in a capital stabilization fund for this purpose and this appropriation seeks to transfer funds from the capital stabilization fund. This article requires a 2/3rd vote.

ARTICLE 31: Sandra Pond Dam Emergency Action Plan (Conservation Commission/DPW)

To see if the Town will vote to transfer from free cash and appropriate the sum of Twenty Three Thousand Dollars (\$23,000) or such other amount as Town Meeting may approve for the purpose of developing emergency action plans for the Sandra Pond Dams, or take any other action thereon.

Town Manager's Statement – This request is related to developing an emergency action plan for the two Sandra Pond dams. These are necessary to address findings and regulations from the Office of Dam Safety. The Plans will include modeling that will provide an action plan in the case of dam failure. This article is a simple majority vote.

ARTICLE 32: E. Main Street to Lyman Street Trail Construction and Easement Survey (Bicycle and Pedestrian Advisory Committee)

To see if the Town will vote to transfer from free cash and appropriate the sum of Twenty Two Thousand Dollars (\$22,000) or such other amount as Town Meeting may approve for the purpose of constructing and providing appropriate safety signage and motor vehicle barriers for the E. Main Street to Lyman Street section of the non-motorized multi-use trail and Five Thousand Dollars (\$5,000) to

complete required easement land surveys along the Westborough portion of the former Boston to Worcester Air Line Trail (BWALT) trolley right-of-way, or take any other action thereon.

Town Manager's Statement – This article would provide funding to start construction of the east-west trail through Town by completing the E. Main Street to Lyman Street section (just south of the Post Office on E. Main Street). This article also provides funding to continue the work on obtaining easements along the proposed trail route. This article is a simple majority vote.

ARTICLE 33: Purchase of Rectangular Rapid Flash Beacon Crosswalk Safety Signs (Bicycle and Pedestrian Advisory Committee)

To see if the Town will vote to transfer from free cash and appropriate the sum of Twenty Three Thousand Dollars (\$23,000) or such other amount as Town Meeting may approve for the purpose of purchasing four (4) sets of rectangular rapid flashing beacon crosswalk safety signs to be installed at high traffic pedestrian street crossings in Town, or take any other action thereon.

Town Manager's Statement – This article would continue the program started a few years ago of installing pedestrian activated crosswalk signs at high traffic and dangerous crossings in Town. This article would allow four additional locations in Town to have these types of signs. This article is a simple majority vote.

ARTICLE 34: Trail Easements (Bicycle and Pedestrian Advisory Committee)

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, for public trail purposes, permanent and/or temporary easements in the parcels of land located as shown on a plan entitled, "Draft Bicycle Trail Easement Worksheet dated 1/14/16 as drafted by Waterman Design Associates", or take any other action thereon.

Town Manager's Statement – This article would authorize the Board of Selectmen to obtain easements on behalf of the Town for the east-west trail that has been planned for several years and laid out on the plan referenced in the article. At this point in time, no funding is being sought, the Town is negotiating the easements and is seeking to obtain as many of the easements as possible as gifts. This article is a simple majority vote.

ARTICLE 35: Town Water System (DPW Manager)

To see if the Town will vote to transfer from Water Retained Earnings, the sum of One Hundred Fifty Thousand Dollars (\$150,000) or such other amount as the Town Meeting may approve for furnishing a design report to rehabilitate the Town's Water Purification Facility and providing consulting services for the renewal of the Town's water withdrawal permit, or take any other action thereon.

Town Manager's Statement – The Town received its first water withdrawal permit for its wells and surface water system twenty plus years ago and it is now up for renewal and re-issuance for another twenty years. The DPW filed the renewal application on schedule last August and the DEP is reviewing this application and will make comments, ask for more information, or issue a draft permit in the near future. The information required in the review is not currently known but may be substantial and the timeframe to react is short. Therefore, it is necessary for funding to be available for timely consultant assistance with this process. Secondly, the Fisher Street Water Purification Facility is coming into its

twentieth year of service. This plant is the backbone of the Town's water production system and it is time to perform an evaluation of the plants condition and needs for replacement and updating of its process equipment. This evaluation will provide an outline of what must be done along with projected costs. This article is a simple majority vote.

ARTICLE 36: Town Water Mains (DPW Manager)

To see if the Town will vote to transfer from Water Retained Earnings or borrow pursuant to any applicable statute the sum of One Hundred Thousand Dollars (\$100,000) or such other amount as the Town Meeting may approve, for the extension, cleaning, repair, replacement, upgrade and installation of various mains and appurtenant work and to purchase, accept as a gift, or take by eminent domain under the provisions of the General Laws, Chapter 79, as amended, or otherwise acquire parcels of land and/or easements for said water system, or take any other action thereon.

Town Manager's Statement – The Town's water system is aging and certain areas with "Transite" pipe have been problematic for breaks. Breaks are undesirable as they may create flooding, dirty water, lost water, and of course incur costs for the lost water and crew overtime for repairs. The requested funding would allow the Department of Public Works to continue its replacement program and address priority areas before multiple breaks occur. The funds are also requested to extend water main on Granger Road in partnership with the developer of Zaara Gardens which will create a "loop" and eliminate older substandard residential services. Easements will be required in this area. This article is a simple majority vote.

ARTICLE 37: Town Sewer Mains (DPW Manager)

To see if the Town will vote to accept as a gift up to two hundred thousand dollars (\$200,000) or such other amount as the Town Meeting may approve, to extend the municipal sewer system to the areas of Town which includes but is not limited to Indian Meadow Road, Route 9 from Lyman Street West about 800', and Route 9 from Indian Meadow Road East about 800' including construction and engineering services associated with the project, or take any other action thereon.

Town Manager's Statement – The Town wishes to assist providing sewer service to a few "orphaned" properties on Route 9 for which the construction funding shall be by "gift" from private parties. A portion of this work may be performed under Town contract in association with other approved projects. This article will provide a mechanism to accomplish this with private funds. This article is a simple majority vote.

ARTICLE 38: Request for Special Legislation to Establish a Local Fuel Tax (Town Manager)

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature to enact legislation which would authorize the Town of Westborough notwithstanding any other general or special law to the contrary to adopt by majority vote of the next Town Meeting, a local tax in an amount approved by Town Meeting per gallon of gasoline and diesel fuel sold to the public, at such receipts to be reserved for the repair and maintenance of the Town's roads and bridges, sidewalks, trails and storm drainage; and further to authorize the Board of Selectmen to take such action as it deems necessary or appropriate for the purpose of effectuating the foregoing, or take any other action thereon.

Town Manager's Statement – After several years of cuts in Chapter 90, including the last few years the

Town needs to establish reasonable funding to ensure the streets and road systems in town do not deteriorate to the point that the Town is forced into borrowing to fund road improvements. We are aware that the Town has miles of storm water systems that need to be replaced. Two towns have successfully passed local options to adopt a fuel tax where 100% of the funds would be set aside for street maintenance. The Town has undertaken a telephone poll of local gas stations and identified that approximately 8.3 million gallons of fuel are sold in Westborough which would translate to \$250,000 in revenues at \$0.03 per gallon. This article is a simple majority vote.

ARTICLE 39: Economic Development Committee Membership (Board of Selectmen)

To see if the Town will vote to amend Article 4 of the October 20, 2008 Town Meeting and Article 30 of the October 20, 2014 Town Meeting creating the Economic Development Committee by reducing the membership of the business community from a “minimum of 3 and maximum of 5” to a “minimum of 2 and a maximum of 4” and adding the Fire Chief as a regular member of the Economic Development Committee, or take any other action thereon.

Town Manager’s Statement – The original 2008 vote included Town Counsel as a member of the Economic Development Committee and the 2014 vote removed Town Counsel as a member. Since then, with the change in Fire Chief, the new Fire Chief requested that he be allowed to be a member so that he could fully understand challenges related to business development and the impact the Fire Department has during the permitting and inspection process. This article is a simple majority vote.

ARTICLE 40: Amend Zoning Bylaw: Property Reclassification: Spur House (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws and Zoning Map by amending the Zoning Classification for the Parcel listed below currently zoned Municipal Town Owned Property (M-1) to Single Residential (R):

Assessor’s Map 20, Parcel 308, also identified as 7 Parkman Street.

or take any action thereon.

Town Manager’s Statement – The intent of this article is to change the zoning classification of the Town owned property at 7 Parkman Street, the Spur House, to facilitate the action of Town voters from the 2015 Fall Town Meeting. The zoning change from Municipal (M-1) to Single Residential (R) is an appropriate designation to be used for the sale of the property as the surrounding neighborhood is largely residential abutters. This article requires a 2/3rd majority vote.

Given under our hands the 23rd day of February in the year Two Thousand and Sixteen.

George Barrette, Chairman

Denzil Drewry, Vice Chairman

Ian Johnson

Lydia Goldblatt

Timothy Dodd

SELECTMEN OF WESTBOROUGH

\Worcester, ss

I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on February ____, 2016.

s/Constable of Westborough

\Worcester, ss