

**COMMONWEALTH OF MASSACHUSETTS
WORCESTER, SS**

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

SPECIAL TOWN MEETING – October 15, 2012

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 the Westborough High School Auditorium and Gymnasium, 90 West Main Street, Westborough, Massachusetts on Monday, the Fifteenth day of October, 2012 at 7:00 p.m. then and there to act on the following articles:

ARTICLE 1: Opening Statements (Town Moderator)

To see if the Town will vote to hear a report from the Town Manager, and a report from the Chair of the Advisory Finance Committee, covering the state of town finances, likely tax rates under various scenarios, and other matters of general relevance to the Town's financial and economic situation; or take any other action thereon.

Town Manager's Statement – This article simply allows for the Chair of the Advisory Finance Committee and/or the Town Manager to provide brief comments on the Town's current financial position.

ARTICLE 2: Westborough Fire Station (Municipal Building Committee)

To see if the Town will vote to appropriate a sum of money for the construction of a new Fire Station; 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 authorize borrowing \$11,208,000 for the purpose of designing and constructing a new Fire Station adjacent to the existing Fire Station, which has been determined to be structurally unsound. The Town previously acquired the adjacent property through a Town Meeting authorization. The 1st year (highest) debt service is estimated to be approximately \$952,680 or \$122 for the average single family home. This article is similar to the Article that was passed at the Annual Town Meeting in March, except that it requires that the debt principal and interest be paid within the Proposition 2½ levy limit.

ARTICLE 3: Debt Service Reduction (Treasurer/Collector)

To see if the Town will vote to amend the FY13 budget by reducing the Debt Service from \$11,455,901 to \$10,094,081; or take any other action thereon.

Town Manager's Statement – This article would reduce the Town's Debt Service by \$1,361,820 as part of the Wastewater Treatment Plant Project financing was completed late enough that it will not be due during FY13. Although this debt service is paid through the General Fund, the funding for the debt payment comes from the Westborough Sewer Enterprise Fund as well as the Towns of Shrewsbury and Hopkinton. Additionally, the Town refunded some earlier debt to take advantage of lower interest rates currently available. The total reduction by fund is \$1,297,556 in the General Fund; \$28,222 in the Water Fund; and \$36,043 in the Sewer Fund.

ARTICLE 4: Use of Insurance Proceeds over \$20,000 (Town Manager)

To see if the Town will vote to appropriate the sum of \$27,925 for the purpose of replacing a Police Cruiser that was totaled in an accident, the money so appropriated to be transferred from the account "Receipts Reserved for Appropriation, Insurance Reimbursement in Excess of \$20,000"; or take any other action thereon.

Town Manager's Statement – Earlier this year a brand new police cruiser was involved in an accident. Insurance proceeds will cover the full cost of replacement. Since the cost will exceed \$20,000 MA General Laws, Ch. 44, §53(2) requires a Town Meeting vote to use the insurance proceeds.

ARTICLE 5: Police Department Expenses – EMD (Police Chief)

To see if the Town will vote to raise and appropriate the sum of \$4,000 for the Police Department Expense Account for the purpose of funding a portion of the Emergency Medical Dispatch contract with the UMASS Medical Center; or take any other action thereon.

Town Manager's Statement – As of July 1, 2012 the Town was required by a new State regulation to comply with regulations related to emergency medical dispatch which could have resulted in the Town having to add 5-6 additional dispatching staff. Instead the Town contracted with the UMASS Medical Center to provide emergency medical dispatching at a cost of \$34,000 of which \$30,000 is paid through the E911 system grant.

ARTICLE 6: Assessors Department Expenses – Field Work (Chief Assessor)

To see if the Town will vote to transfer from free cash and appropriate the sum of \$20,000 for the Assessors Expenses Account for the purpose of funding additional field work and data collection that is required for the annual certification of values and to meet expanded requirements of the MA Department of Revenue, or take any other action thereon.

Town Manager's Statement – The Assessor's Department has been without an Assistant Assessor for approximately 5 months during the past year, this combined with the additional workload for the Triennial Revaluation, added field work requirements of the MA Dept. of Revenue, including field reviews of 25% of properties, the Assessors have not been able to keep up with the workload and are looking to hire an outside consultant to assist the department.

ARTICLE 7: Forbes Municipal Building Repairs (Town Manager)

To see if the Town will vote to transfer from free cash and appropriate the sum of \$90,000 to the Buildings and Grounds Expense Account for the purpose of updating the Forbes Municipal Building elevator and various air conditioner units; or take any other action thereon.

Town Manager's Statement – As of September 3, 2012 the elevator in the Forbes Municipal Building failed the state inspection and stopped working. The elevator needs new springs as part of the safety mechanism in order to operate and needs the control board reprogrammed as well as additional updates to meet state safety standards. Due to the cost involved in repairing the current elevator, the cost above is to keep the shaft and the cab but to replace all other components as per a quote from Bay State Elevator that was part of the design for a future renovation of the Forbes Municipal Building.

ARTICLE 8: Reconstruction and Improvement of Town Roads, Chapter 90 Increase (Town Manager)

To see if the Town will vote to increase the amount appropriated in Article 7G from the 2012 Annual Town Meeting from \$812,143 to \$824,286 for the purposes stated in Article 7G; or take any other action thereon.

Town Manager's Statement – The Legislature did not conclude work on the Transportation Bond Bill prior to the Annual Town Meeting. For the purposes of ensuring there was an appropriation, the Town level funded the Chapter 90 Reimbursement for road maintenance. The final bill increased the Town's appropriation by \$12,143. This article would allow the Town to utilize the additional funds from the state for road maintenance.

ARTICLE 9: School Department Revolving Fund – Homeless Busing Reimbursement (School Department)

To see if the Town will vote pursuant to the provisions of M.G.L. Ch. 44, section 53E ½, to authorize the School Department to set up a revolving fund, which shall be accounted for separately from all monies for the Town, to which shall be credited only McKinney Vento Homeless Transportation reimbursement as calculated by the Massachusetts Department of Elementary and Secondary Education. The monies shall be expended for costs associated with transporting homeless pupils out of district; to be expended without appropriation, and to specify as follows:

1. The revolving fund shall be expended only for the purpose of paying for expenses associated with the daily activities attributable to the homeless pupil transportation;
2. Only the reimbursement as calculated by the Massachusetts Department of Elementary and Secondary Education shall be deposited in such fund;
3. The School Department shall be the only body authorized to expend from such fund;
4. Annual expenditures shall not exceed \$150,000.

Or take any other action relative thereto.

Town Manager's Statement – There are a number of homeless families from other communities that are housed in Westborough hotels and the Federal government requires Westborough to either educate the children in Westborough Schools or bus them back to their former community. Last year, the State Auditor determined this was an unfunded mandate and the Legislature has funded the busing costs

ARTICLE 10: Fisher Street Water Plant Roof Replacement (DPW Manager)

To see if the Town will vote to transfer from Water Retained Earnings and appropriate the sum of \$495,000 for the purpose of replacing the roof at the Fisher Street Water Purification Plant; or take any other action thereon.

Town Manager's Statement – This article would fund the replacement of the roof at the Fisher Street Water Purification Plant. The current roof is 16 years old and has several leaks. The roof is a flat roof with pavers installed over the roof and while the pavers could be removed to locate the leaks and repair the leaks and then reinstall the pavers, the overall roof condition is poor and would need to be replaced in the next 5 years. The Town had the engineering firm, AECOM review the condition of the roof and provide a recommended action for the Town's consideration. AECOM

has recommended that the roof be replaced now instead of repairing it now and replacing it in a few years. The estimated cost for the new roof is \$395,000 the remainder is for engineering, Owner's Project Manager and contingency.

ARTICLE 11: Flanders Road Sewer Line Replacement (DPW Manager)

To see if the Town will vote to appropriate a sum of money for the purpose of financing the costs of engineering, installing, upgrading and/or replacing sewer lines in certain areas of Town, including but not limited to the Flanders Road area; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise; and to take any other action relative thereto.

Town Manager's Statement – The sewer line in Flanders Road is failing and 1200 feet of sewer line and 8 manholes need to be replaced. This article would authorize debt in the Sewer Fund to replace the sewer line. This debt is repaid by sewer users and a portion will be repaid by the Town of Hopkinton.

ARTICLE 12: Crownridge Area Sewer Project (DPW Manager)

To see if the Town will vote to amend the vote of the Town passed under Article 15 of the warrant for the October 17, 2011 Town Meeting to read as follows:

That \$500,000 is appropriated for the purpose of financing the costs of construction of extensions of the municipal sewer system to certain areas of Town, including but not limited to Fox Lane, Cross Country from Fox Lane to Belknap Street, Crownridge Road, Lee Ann Circle, Spring Road, Morse Street and Adams Street, including incidental existing sewer pump station improvements as well as construction and engineering services associated with the project, and to purchase, accept as a gift or take by eminent domain, or otherwise acquire parcels of land and/or easements for said sewer improvements, including the payment of all costs incidental or related thereto, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$500,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Board of Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; or take any other action relative thereto.

Town Manager's Statement – This sewer project has been delayed due to the need to obtain certain easements, during the delay, the cost of construction has increased and the Town has had to include a pump station that was not previously part of the cost estimate. These two issues have resulted in an estimated cost increase for this project from \$2.2 million originally approved to \$2.7 million.

ARTICLE 13: Work on the Town Water System (DPW Manager)

To see if the Town will vote to appropriate the sum of \$100,567 for the purpose of the repair, replacement, upgrade, design and installation of various facilities within the water system, the money so appropriated to be transferred from: Article 17G of May 2008 Annual Town Meeting \$30,500; Article 17F of May 2008 Annual Town Meeting \$35,000; and Article 10C of May 2010 Annual Town Meeting \$35,067; or take any other action thereon.

Town Manager's Statement – The Town needs to replace two Variable Frequency Drive (VFD) pumps for the 125HP backwash pumps at Fisher Street Water Purification Facility, one 125HP raw water pump at Sandra Pond, two 125HP finished pumps at Oak St Water Treatment Facility, one 75hp raw water pump at Chauncy Well Field. The funding would be provided from remaining funds in the articles stated in the article.

ARTICLE 14: Senior Center Parking Lot Lighting Improvement (Buildings and Grounds)

To see if the Town will vote to transfer from free cash and appropriate the sum of Fifteen Thousand Nine Hundred Dollars (\$15,900), or such other amount that the Town Meeting may approve for all costs associated with the replacement of existing parking lot and walkway lighting with new energy efficient LED fixtures and poles, including but not limited to the purchasing of materials and services such as lighting fixtures and poles, conduits, wiring, concrete, excavation of ground and any other costs associated with the project, or take any other action thereon.

Town Manager's Statement – The Town is in the process of expanding the parking lot at the Senior Center as approved by a previous Town Meeting vote. The Council on Aging is seeking to improve the lighting in the parking lot and walkways for safety reasons when the Senior Center is used in the evenings.

ARTICLE 15: Hunting – Bow Hunting – Deer Season (Police Chief)

To see if the Town will vote to amend the General Bylaws, Article 23, Section 1 to read as follows:

No person, except by written permission of the land owner, shall be allowed to hunt or shoot on public or private property within the limits of the Town, ***except by use of bow and arrow during deer hunting season on public property as allowed by statute.***

Or taken any other action thereon.

Town Manager's Statement – This article would allow hunting only with bow and arrow on all publicly held land and on private property with the permission of the landowner. The purpose of this article is to allow hunting to reduce deer populations in town, which have become a public safety hazard with vehicles.

ARTICLE 16: General Bylaws, Sewer Regulations Amendment (DPW Manager)

To see if the Town will vote to amend the General Bylaws, Article 27 (Sewer Regulations), by adding a new Section 10 to read as follows and then to renumber current Sections 10 – 13 as Sections 11 – 14:

Section 10 – Fixtures Installed in Basements

Bathroom fixtures, showers, sinks, tubs or washing machines installed in basements or lower building level that may be below the hydraulic grade line of the existing street sewers are installed at the building owner's risk. The Town will not assume any responsibility for back-ups or flooding of fixtures or basements as a result of installation of these fixtures.

Or take any other action thereon.

Town Manager's Statement – The Town (through its sewer customers) has assumed liability and expended a lot of time and effort in cases where there are fixtures in basements below the hydraulic sewer grade in the street. This article would place the risk of having fixtures below grade on the building owner, not the Town.

ARTICLE 17: Non-Criminal Disposition Bylaw Amendment (Building Commissioner)

To see if the Town will vote to amend the General Bylaws, Article 37, Appendix A by adding the following section:

Westborough Zoning Bylaws

Violations by any person of any provisions of the Westborough Zoning Bylaws, Section 3300 (Sign Regulations) shall be fined, if convicted, according to the following schedule:

First Offense:	\$ 0 (Written Warning – 30 days for compliance)
Second Offense:	\$ 25
Third Offense:	\$ 50
Subsequent Offense:	\$100

Each day or part thereof of violation of any provision of the Zoning Bylaws, whether such violation is continuous or intermittent, shall constitute a separate and succeeding offense. Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Zoning Enforcement Officer, the Assistant Zoning Enforcement Officer, any person having police powers, or other person so designated by the Town Manager.

Or take any other action thereon.

Town Manager's Statement – This article would update the fines for zoning violations so that they are consistent with other communities. Additionally, zoning enforcement can be a long process and the current fine structure does not cover the cost of enforcing Zoning Bylaws. Additionally, under the current Zoning Bylaws, only limited bylaws (listed in the current bylaw) are enforceable through non-criminal disposition.

ARTICLE 18: Animal Control Bylaw (Town Clerk)

To see if the Town will vote to amend the Town of Westborough General Bylaws, Article 19, Section 2 to read as follows:

- A. Any owner or keeper of a dog six months of age or older shall by January 1 cause the dog to be registered, numbered, described and licensed with the Town Clerk in accordance with the laws of the Commonwealth of Massachusetts.

- B. The license shall be valid until the following December 31. As a prerequisite to such licensing, the owner or keeper of the dog must present evidence to the Town Clerk that the dog, if six months of age or older, has been vaccinated against rabies, by a licensed veterinarian using a vaccine approved by the United States Food and Drug Administration and that such vaccine is current.
- C. The fee for such a License shall be established in Section 10. Should any owner of a dog previously licensed in the Town of Westborough fail to license his dog before April 1, the owner shall pay a late fee of three dollars plus an additional fee of one dollar per week beginning April 1 before obtaining said license.

Or take any other action thereon.

Town Manager's Statement – Currently dog license renewals are mailed with the annual census form but have to be held until after the current due date of April 1. This change would provide some administrative efficiencies in the Town Clerk's Office in processing dog licenses.

ARTICLE 19: Acceptance of MGL Ch. 59, Section 8A – Veteran's Tax Work Off Program (Board of Selectmen)

To see if the Town would vote to accept Massachusetts General Law, Chapter 59, Section 8A; or take any other action thereon.

Town Manager's Statement – This article would extend a similar program to the Senior Tax Work Off Program that the Town currently has in place and would allow veterans to work off up to \$1,000 per year of their property taxes by working for the Town. Once approved by Town Meeting, the Board of Selectmen is required to adopt rules and regulations for the program. The Board has already reviewed regulations which require veterans to be listed as the property owner, that they must be residents for at least 5 years, that the maximum abatement would be \$1,000 and that the program will initially be limited to 10 participants on a first come, first served basis.

ARTICLE 20: Veterans' Freedom Park Deed Restriction (DPW Manager)

To see if the Town will vote to amend its action taken under Article 26 of the 2007 Town Meeting which created the parcel of land known as the Lee Property (now the Veterans' Freedom Park) to allow activities and structures to support recreation compatible with the purpose of Veterans' Freedom Park including a 20' by 24' pavilion, and a 72' by 36' circuit fitness equipment course, as shown on the aforementioned plans, for the purpose of recreation.

Town Manager's Statement – The current deed for the Veterans' Freedom Park prohibits any structures from being built at the park. The Town has the opportunity to install circuit fitness course being donated by the Westborough Rotary Club and would like to have the opportunity to install a pavilion in the park at some point in the future, but cannot without the change in the deed restriction proposed by this article.

ARTICLE 21: Town Charter Amendments (Town Manager)

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for special legislation to amend the Town Charter, Article 5-2(a) by deleting the references to the "Chapter 61A Study Committee" and "Industrial Development Commission"; or take any other action thereon.

Town Manager's Statement – The current Town Charter continues to include these two committees that have been dissolved.

ARTICLE 22: Abandonment of a Portion of Summer Street and Acceptance of Land (Town Counsel)

To see if the Town will vote to authorize the Board of Selectmen to accept the alteration of the Town way known as Summer Street in the Town of Westborough under Massachusetts General Laws, Chapter 82, for a distance of 142 feet, more or less, from the intersection of Summer Streets with West Main Street northwesterly, westerly, and southwesterly together with associated easements and agreements, as altered by the Board of Selectmen and shown on a plan, on file in the office of the Town Clerk, entitled “Plan of Land in Westborough, MA,” prepared by Guerard Survey Co. & Assoc., Inc. and dated July 23, 2012 (latest revision); and to acquire the rights in the way as a gift, purchase, or take by eminent domain under the provisions of General Laws, Chapter 79, as amended the parcels shown as on said plan and to abandon a portion of said street, as set forth on said plan;

or to take any other action thereon.

Town Manager's Statement – The Town has been working with the owners of the Arcade Building on the Rotary on planned renovations which will include improvements on the North side of the building to provide for accessibility and new granite curbing and sidewalks with defined parking. The Town is going to “swap” small amounts of land with the owners to allow for these improvements.

ARTICLE 23: Easement over Town Property – Fisher Street (Town Counsel/DPW Manager)

To see if the Town will vote to authorize the Board of Selectmen to grant easements to Massachusetts Electric Company for the right to install, construct, reconstruct, repair, replace, add to, maintain, and operate for the transmission of high and low voltage electric current and for the transmission of intelligence over lines above and below ground and for the placement of poles along with all necessary guys and appurtenances over certain parcels of land off Fisher Street and Smith Parkway as shown on the Town of Westborough Assessors Map 18, parcel 5A, Map 19, Parcel 63, Map 25, Parcels 30, 31, 32, and 15 more particularly described in a Quitclaim Deed from The Town of Westboro to Massachusetts Electric Company a Massachusetts corporation and shown on that certain easement sketch plan entitled “Easement Sketch: Town of Westboro Fisher Street Water Purification Facility Westborough, Ma Assessors Map 19, Lot 63 & Assessors Map 18, Lot 5A” prepared by Massachusetts Electric Southeast District Hopedale, District Engineer: G. Roberts on file with the Town Clerk,

or to take any other action thereon.

Town Manager's Statement – The Town has been requested to provide an easement over Town property to remedy a past defect in National Grid's rights which was discovered when the developers of the Transit Oriented Village sought to install utility poles

ARTICLE 24: Request for an Additional License for the Sale of All Alcoholic Beverages to Be Drunk on the Premises (Restaurant License) (By Petition)

To see if the Town will vote to authorize the Board of Selectmen to petition the legislature for one (1) additional license for the sale of all alcoholic beverages to be drunk on the premises substantially as follows:

Notwithstanding Section 17 of Chapter 138 of the General Laws relative to the number of licenses that may be granted in the Town of Westborough, the licensing authority of the Town of

Westborough may grant one additional license for the sale of all alcoholic beverages to be drunk on the premises under Section 12 of said Chapter 138 to Bangkok Thai Restaurant located at 57 East Main Street, Westborough, MA. The license shall be subject to all of said Chapter 138 except Section 17; provided however, that the restaurant shall have a seating capacity of less than 100 seats; and provided further that (i) the sale and consumption of alcoholic beverages shall be incidental to the serving of meals; (ii) the restaurant shall not contain a lounge or bar; (iii) the license shall comply with such other requirements and conditions as the licensing authority shall deem appropriate. The license shall be subject to all of said chapter 138, except said section 17 relative to the number of licenses that may be granted. The license shall be nontransferable to any other location but it may be reissued to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and all applicable taxes have been paid. The license shall be subject to all other provisions of chapter 138.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same terms and conditions as specified in this section.

Or take any other action thereon.

Town Manager's Statement – This article would provide the authority for the Board of Selectmen to petition the State Legislature for an additional liquor license for 57 E. Main Street, presently operated by Bangkok Thai Restaurant.

ARTICLE 25: Request for an Additional License for the Sale of All Alcoholic Beverages to Be Drunk on the Premises (Restaurant License) (By Petition)

“BB” the Owner of the Bangkok Thai Restaurant at 57 East Main Street (Downtown Crossing) Westborough would like his customers to have beer and wine available. Customers have asked for this service since the restaurant opened.

For beer and wine to be available, “BB” must obtain a wine and malt license. The first step is to place an article on the Fall Special Town Meeting warrant. (The meeting is October 15)

If you are a Westborough resident registered to vote, you can sign this petition to help BB keep competition alive in Westborough.

100 valid signatures are needed to place an article on the Fall Special Town Meeting warrant.

Then comes approval from the Board of Selectmen, the Westborough Town Meeting and the State Legislature. Help BB get a license to serve wine and malt beverages at Bangkok Thai Restaurant.

Please sign.... Time is short! Believe it or not.

Town Manager's Statement – This petition contained 100 signatures but is not in the proper format for Town Meeting to meet the intent of providing an additional license for the Bangkok Thai Restaurant at 57 E. Main Street. The article is required to be included as worded in the petition, so it is included, but no action should be taken on this article.

ARTICLE 26: Request for an Additional License for the Sale of All Alcoholic Beverages to Be Drunk on the Premises (Restaurant License) (By Request of Property Owner)

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for one (1) additional license for the sale of all alcoholic beverages to be drunk on the premises substantially as follows:

Notwithstanding Section 17 of Chapter 138 of the General Laws relative to the number of licenses that may be granted in the Town of Westborough, the licensing authority of the Town of Westborough may grant one additional license for the sale of all alcoholic beverages to be drunk on the premises under Section 12 of said Chapter 138 to the Bay State Commons located at 12 Union Street, Westborough, MA. The license shall be subject to all of said Chapter 138 except Section 17; provided however, that the restaurant shall have a seating capacity of less than 200 seats; and provided further that (i) the sale and consumption of alcoholic beverages shall be incidental to the serving of meals; (ii) the license shall comply with such other requirements and conditions as the licensing authority shall deem appropriate. The license shall be subject to all of said chapter 138, except said section 17 relative to the number of licenses that may be granted. The license shall be nontransferable to any other location but it may be reissued to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and all applicable taxes have been paid. The license shall be subject to all other provisions of chapter 138.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same terms and conditions as specified in this section.

Or take any other action thereon.

Town Manager's Statement – This article would provide the authority for the Board of Selectmen to petition the State Legislature for an additional liquor license for the Bay State Commons. Initially the Town received authority for 3 additional new licenses, but the wording of the Act was broad enough to allow for a restaurant license to be issued outside of the Bay State Commons. The design of the Bay State Commons provided 3 restaurant pads with grease traps, etc. and the owners have not been able to lease the third without the availability of a liquor license.

ARTICLE 27: Exemption from MGL Ch. 138, Sections 17A-17C (Town Manager)

To see if the Town will vote to authorize the Board of Selectmen to petition the legislature for special legislation allowing the Town to consider adoption of MGL, Ch 138, §§17A – 17C notwithstanding said sections' sunset provisions. It is the intent of this home rule petition to authorize the Westborough Town Meeting to legally adopt MGL Ch. 138, Sections 17A – 17C; or take any other action thereon.

Town Manager's Statement – The existing state law in regard to the number of liquor licenses that can be issued in any town can be overridden by a vote of Town Meeting, however, the section that allows this override had a sunset clause that required cities or towns to adopt the above section prior to 6/30/94 and 1/1/85. The intent is to allow Town Meeting to consider adopting these

sections, which would prevent the Town from having to go to the Legislature on additional liquor licenses and would make it a local decision under the Board of Selectmen.

Draft 9-13-12

Given under our hands the 25th day of September in the year of our Lord Two Thousand and Twelve.

Leigh Emery, Chair

Ian Johnson, Vice Chair

Denzil Drewry

George Barrette

Tim 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 September ____, 2012.

Constable of Westborough