

**COMMONWEALTH OF MASSACHUSETTS
WORCESTER, SS**

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

SPECIAL TOWN MEETING – October 17, 2016

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 Seventeenth day of October, 2016 at 7:00 p.m. then and there to act on the following articles:

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 the 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 1: Gateway District Extension – Zoning (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws and Zoning Map by changing the zoning of the following parcels currently zoned Residential (R) along East Main Street and Lyman Street to Gateway 2 (G2):

Assessors’ Map 28, Parcels 39, 40, 88, 91, 91B;

The parcels identified above are also known as: 27, 25, 23, 3, 1, Lyman Street respectively;

And from Assessor’s Map 28, Parcels 153, 150, 149, 148, 54, 55, 56, 94,65A, 75 respectively;

The parcels identified above are also known as: 107, 115, 117, 121, 138, 140, 142, 134, 127, 136, 134 East Main Street;

And from Assessor’s Map 28, Parcel 228;

The parcel identified above is also known as 2 Shepherd Road respectively;

And from Assessor’s Map 28, Parcel 95;

The parcel identified above is also known as 4 Sampson Drive respectively;

And from Assessor’s Map 28, Parcel 96;

The parcel identified above is also known as 2 Flanders Road respectively;

And from Assessor’s Map 28, Parcel 154A, also known as 2 Rogers Road.

And by amending the Town of Westborough Zoning Bylaws, Article 4, Special Regulations, Section 5100, Gateway 2 District, Subsection 5110, Purpose, by deleting the following language from the first sentence in the Subsection:

“from Lyman Street to Water Street”

And by inserting in its place the following new language:

“from Water Street to Flanders Road and along Lyman Street where shown on the Town’s Zoning Map”.

Or take any other action thereon.

Town Manager’s Statement – The Planning Board is proposing to extend the Gateway District further north on E. Main Street to include additional properties to encourage redevelopment of these properties by expanding the types of uses allowed under the Gateway District. The motion for this Article requires a 2/3 majority vote.

VOTE: THIS ARTICLE FAILED ON A 115-121 VOTE.

ARTICLE 2: Re-Zoning (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws and Zoning Map by changing the zoning of that portion currently zoned Residential (R) on Map 33, Parcels 42, 49, 49A, 41 & 41A to Highway Business (BA);

The parcels identified above are also known as: 151, 153, 155 Oak Street respectively (Parcels 41 & 41A are backland off Oak Street).Or take any other action thereon.

Town Manager’s Statement – This Article is seeking to rezone land owned by Spectrum Health from residential to Highway Business. The motion for this Article requires a 2/3 majority vote.

VOTE: THIS ARTICLE PASSED ON A 202-23 VOTE.

ARTICLE 3: Regulations for Medical Marijuana Treatment and Dispensing Facilities and Marijuana Cultivation Zoning Regulations (Planning Board)

To see if the Town will vote to amend the Westborough Zoning Bylaws as follows:

- By amending Article 5, Definitions, Agricultural by deleting the strike through text and inserting the bold text as follows:

Article 5, Definitions, Agricultural:

Agricultural shall mean the science, art and business of cultivating the soil, producing crops, and raising of livestock, useful to man. (ATM 1977) Agricultural shall not include any uses or activities associated with **Marijuana Establishments or Medical Marijuana Treatment and Dispensing Facilities, or Marijuana Cultivation (2013 ATM) activities, such as the growing, sale, manufacturing, processing, refinement and consumption of marijuana, marijuana accessories, or marijuana products.**

- And by amending the Table of Contents by inserting the bold text as follows:

Article 4. SPECIAL REGULATIONS

5700. **Marijuana Establishments**, Medical Marijuana Treatment & Dispensing Facilities, Marijuana Cultivation & **General Use and Consumption of Marijuana or Marijuana Products**.

- And by amending Article 4, Section 5700 by deleting the strike through text and inserting the bold text as follows:

5700. **MARIJUANA ESTABLISHMENTS**, MEDICAL MARIJUANA TREATMENT AND DISPENSING FACILITIES and MARIJUANA CULTIVATION

The zoning of **Marijuana Establishments**, Medical Marijuana Treatment and Dispensing Facilities and, Marijuana Cultivation uses, **including, but not limited to the sale, use, and consumption of marijuana, marijuana accessories, or marijuana products** in the Town of Westborough shall be governed in accordance with this section, Section 5700.

5710. PURPOSE:

~~The intent of this bylaw is to address possible adverse public health and safety consequences related to the passage of Question 3 on at the November 6, 2012 State Referendum. It is the purpose of this section titled “Marijuana Establishments, Medical and Recreational Marijuana Treatment and Dispensing Facilities and Marijuana Cultivation” to minimize any potential adverse impacts on the quality of life in the Town. It is the intent of this bylaw to establish specific zoning standards and regulations for~~ **marijuana establishments**, medical marijuana centers (treatment and dispensing facilities), ~~medical marijuana infused products, medical marijuana paraphernalia~~ **accessories**, manufacturers, and ~~medical marijuana growing and cultivation operations either related to Medical Marijuana Treatment Facilities and Dispensaries or the personal cultivation by qualified patients or cultivation by personal caregivers on the behalf of qualified patients or other users;~~

To provide for the limited establishment of **Marijuana Establishments, and** Medical Marijuana Treatment and Dispensing Facilities in appropriate places and under strict conditions ~~in acknowledgment of the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot).~~;

To minimize the adverse impacts of **Marijuana Establishments**, Medical Marijuana Treatment and Dispensing Facilities and Marijuana Cultivation on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said **uses** ~~Facilities~~;

To regulate the siting, design, placement, safety, monitoring, modification, and removal of **Marijuana Establishments**, Medical Marijuana Treatment and Dispensing Facilities; and Marijuana Cultivation; ~~and~~ .

~~To limit the overall number of Medical Marijuana Treatment and Dispensing Facilities and Marijuana Cultivation activity in the Town to what is essential to serve the public necessity;~~

5720. APPLICABILITY:

The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for **either general or** medical use is prohibited unless permitted as a **Marijuana Establishment, or** Medical Marijuana Treatment and Dispensing Facility under this Section.

5721. No **Marijuana Establishments**, Medical Marijuana Treatment and Dispensing Facility or any Marijuana Cultivation use shall be established except in compliance with the provisions of this Section.

5722. Nothing in this Bylaw shall be construed to supersede federal ~~and state~~ laws governing the sale and distribution of narcotic drugs.

5723. If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

5730. GENERAL:

Marijuana Establishments, Medical Marijuana Treatment and Dispensing Facilities and Marijuana Cultivation shall be authorized by Special Permit only in District(s) provided, as set forth in Section 2300, Use Regulation Schedule of the Zoning Bylaws. Any such Special Permit issued by the Special Permit Granting Authority shall comply with all relevant local, state, and federal laws.

5740. DISALLOWANCE:

No **Marijuana Establishments**, Medical Marijuana Treatment and Dispensing Facilities or Marijuana Cultivation Special Permit shall be issued to any person convicted of violating the provisions of Mass General Law, Chapter 119, Section 63, or General Law, Chapter 94C, or similar laws in other jurisdictions. Any applicant for special permit under this Bylaw must allow for a criminal background check which includes jurisdictions beyond Massachusetts.

5750. ELIGIBLE LOCATIONS:

Any **Marijuana Establishment**, Medical Marijuana Treatment and Dispensing Facility or Marijuana Cultivation activities permitted under this Section shall be located only in a zoning district that is designated for its use within this Zoning Bylaw.

No **Marijuana Establishments**, Medical Marijuana Treatment and Dispensing Facilities use or Marijuana Cultivation activities shall be located **within** five hundred (500) linear feet of a property line where the following Districts or activity or uses occur:

1. Any Residential District as defined in these Zoning Bylaws;
2. Any school or child care establishment; or place where minors frequent (e.g. a library, ball field, sports or family recreation facility, religious facility or the like);
3. Any other Medical Marijuana Treatment or Dispensing Facility or Marijuana Cultivation site; **or any other general retail establishment where marijuana is sold, consumed, used or where marijuana is grown, cultivated, produced, processed or refined.**
4. Any drug or alcohol rehabilitation facility;
5. Any correctional facility, half-way house or similar facility; or
6. Any establishment licensed under the provisions of General Law, Chapter 138, Section 12.

5751. No marijuana or marijuana based product shall be sold or grown or cultivated, interior or-exterior, of a residential dwelling unit or residential district. Growing and related cultivation activities shall occur only in districts as permitted in this Bylaw.

5752. Separation: Distances shall be calculated by direct measurement from the nearest property line of the land used for school or child care purposes or places where minors frequent or any other use listed above in Section 5750 to the nearest portion of the building in which the medical marijuana dispensary **or marijuana establishment** is located.

5753. **No** Entitlement or vested rights to permitting: No person shall be deemed to have any entitlement or vested rights to permitting under this Bylaw by virtue of having received any prior permit from the Town including, by way of example only, any zoning permit or any wholesale food manufacturer's license. In order to lawfully engage in the business of selling, cultivating marijuana, or manufacturing ~~medical marijuana~~ **for medical or general use**, or **marijuana** products ~~containing marijuana, cannabis, or THC~~, in the Town on and after the date of passage of this Bylaw, any person must qualify for and obtain a special permit in accordance with the requirements of this Bylaw.

5754. **Off-site delivery prohibited:** All sales **and distribution** of medical marijuana by a licensed Medical Marijuana Treatment and Dispensing Facility shall occur only upon the permitted premises, **and the registrant shall be strictly prohibited from delivering medical marijuana to any person at any other**

location. In addition, the delivery of general retail, non-medical, marijuana to any consumer at any location shall be strictly prohibited unless specifically permitted through the special permit process governed by this Section.

5755. Signage: Any permitted **Marijuana Establishment**, Medical Marijuana Treatment and Dispensing Facilities site shall comply with the requirements of the Town Sign Bylaws at all times. In addition, upon penalty of special permit revocation, no permitted **Marijuana Establishment**, Medical Marijuana Treatment and Dispensing Facility or Marijuana Cultivation Facility shall use any advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors. Off site signage or advertising in any form, including billboards shall not be allowed.
5756. Visibility: There shall be no visibility of **marijuana accessories**, activities, products or treatment occurring within or on the premises of a **Marijuana Establishment**, Medical Marijuana Treatment or Dispensing Facility or Marijuana Cultivation Facility from the exterior of such facility or premises.
5757. Manufacturing: A local special permit for ~~medical~~ **marijuana or any marijuana infused** product manufacturing may be issued only in locations where **Marijuana Establishments**, Medical Marijuana Treatment and Dispensing Facilities and Marijuana Cultivation activities are permitted.
5758. Cultivation Activities: ~~Cultivation, as defined in this Bylaw, by any Medical Marijuana Treatment and Dispensing Facility in any location other than where specifically permitted shall be disallowed. This disallowance shall include cultivation, even where proposed as an accessory use, by any Medical Marijuana Treatment and Dispensing Facility.~~

Cultivation, as defined in this Bylaw, by any resident, qualifying patient, personal caregiver, Marijuana Establishment or Medical Marijuana Treatment and Dispensing Facility in any location other than where specifically permitted shall be disallowed.

5760. TERM OF SPECIAL PERMIT:

Any local special permit issued pursuant to this Section shall be valid for a period of two years from the date of issuance. Any renewal of the special permit shall be governed by the standards and procedures set forth in this Section and any regulations adopted pursuant thereto by the Planning Board/Zoning Enforcement Officer and/or Licensing Board.

5761. Notification: Any new applications sought under this Section must be publically advertised for a period of no less than fourteen (14) days, not including the date of the required special permit public hearing. Abutters **and abutters-to-abutters** within ~~three~~ **five** hundred (~~300~~ **500**) feet shall be notified in writing of said

application, and include any and all dates and locations of public hearings on said application.

5770. CONFLICT OF LAWS:

In the event of any conflict between the provisions of this Bylaw and any other applicable state or local law, the stricter provision, as deemed by the Zoning Enforcement Officer, shall control.

DEFINITIONS:

For the purposes of this bylaw, the following words shall have the following meanings:

Medical Marijuana Treatment and Dispensing Facilities: ~~shall mean~~ a not-for-profit entity, as defined by Massachusetts Law as a “Medical Marijuana Treatment Center”, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments **or marijuana accessories**), transfers, transports, sells, material to qualifying patients or their personal caregivers. It shall also include any establishment having as any portion of its stock in trade marijuana or non-FDA approved marijuana based products or its active ingredient, THC (tetrahydrocannabinol); or paraphernalia for the consumption or delivery of marijuana or products containing marijuana as allowed for medical uses under Massachusetts Law, including but not limited to retail distribution, wholesale distribution or growth and/or cultivation of marijuana; production or sale of marijuana (cannabis) seeds; or the refinement or manufacturing or sale of marijuana infused products.

Marijuana: In addition to the Commonwealth’s definition under Chapter 94C of Mass General Laws, our definition shall include: Marijuana, Marihuana, Cannabis, Hashish, Cannabis seeds, THC ([tetrahydrocannabinol](#)) and its derivatives and extracts as well as any substances containing THC whether in plant, including its flowers, oil, resin, solid, liquid or aerosol form.

Marijuana Cultivation: ~~The~~ the process of propagation, including germination, using soil, hydroponics, or other mediums to generate growth and maturity. The intended process of bringing a plant or other grown product to maturity for harvesting, sale, refining or use as an ingredient in further manufacturing or processing. This definition encompasses marijuana cultivation related to Medical Marijuana Treatment and Dispensing Facilities, personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others.

Consumer: a person who is at least 21 years of age.

Manufacture: to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

Marijuana accessories: equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

Marijuana cultivator: an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana establishment: a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

Marijuana product manufacturer: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana products: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana testing facility: an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

Marijuana retailer: an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Process or processing: to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means.

- And by amending Section 2300, Use Regulation Schedule, by inserting the bold text as follows:

	C	R	AA AB	BA	G2	BB	IA	IB	IC	ID	M	AE	MI	All Other	DPOD	MUD
Marijuana Establishment, Medical Marijuana Treatment and Dispensing Facilities and Marijuana Cultivation:	N	N	N	N	N	N	N	N	N	N	N	SP(3)	N	N	N	N

(3) Allowed by Special Permit issued by the Planning Board.

Or take any other action thereon.

Town Manager’s Statement – This Article seeks to add recreational marijuana sales to the medical marijuana zoning bylaw that would allow sales only in the Adult Entertainment District (behind Herb Chambers Honda). The motion for this Article requires a 2/3 majority vote.

VOTE: THIS ARTICLE WAS AMENDED TO CHANGE THE DEFINITION OF MARIJUANA FOR THE FIRST LINE TO READ, “IN ADDITION TO THE COMMONWEALTH’S DEFINITION UNDER CHAPTER 94C OF MASS GENERAL LAWS, THE DEFINITION FOR THE PURPOSES OF THIS BYLAW SHALL INCLUDE...” AND PASSED ON A 193-35 VOTE.

ARTICLE 4: Budget Amendment Police and Fire Departments (Police Chief & Fire Chief)

To see if the Town will vote to raise and appropriate the additional sum of Three Hundred Fifty Four Thousand Eight Hundred and Thirty Three Dollars (\$354,833) or such other amount as Town Meeting may approve and further to amend the following accounts for the purpose of funding the Police Supervisors’ contract and consolidating and centralizing E-911 Dispatch:

<u>POLICE DEPARTMENT</u>			FY17	FY17	
<u>Org</u>	<u>Obj</u>	<u>Line Item</u>	<u>Original</u>	<u>Revised</u>	<u>Diff</u>
			<u>Appropriation</u>	<u>Appropriation</u>	
12101	5101	Salary - Dept Head	\$ 138,448	\$ 138,448	\$ -
12101	5102	Salary - Asst & Agent	\$ 294,651	\$ 302,578	\$ 7,927
12102	5103	Wages - Clerical	\$ 253,081	\$ 68,409	\$ (184,672)
12102	5104	Operations	\$ 2,074,658	\$ 2,078,994	\$ 4,336
12102	5105	Overtime	\$ 60,000	\$ 71,600	\$ 11,600
12102	5106	Shift Differential	\$ 42,000	\$ 43,000	\$ 1,000
12102	5107	Court Time	\$ 20,000	\$ 20,000	\$ -
12102	5109	Training	\$ 20,500	\$ 20,500	\$ -
12102	5110	Fitness	\$ 23,200	\$ 23,200	\$ -
12102	5111	Compensatory Time	\$ 15,000	\$ 15,000	\$ -
12103	5241	Clothing Allowance	\$ 40,000	\$ 38,200	\$ (1,800)
<u>FIRE DEPARTMENT</u>					
12201	5104A	Salary - Centralized Dispatch	\$ -	\$ 509,292	\$ 509,292
12203	5205D	Personal Protective Equipt.	\$ 19,250	\$ 22,350	\$ 3,100
12203	5241	Clothing Allowance	\$ 32,900	\$ 36,950	\$ 4,050

Or take any other action thereon.

Town Manager’s Statement – The renovation of the Forbes Municipal Building resulted in several challenges related to emergency management, one of them is the Police Dispatch Center. Westborough currently has a separate dispatch center for the Police and Fire Departments

where both are staffed and the Town buys duplicative equipment. The Police and Fire Chiefs saw the move as an opportunity to review this service and developed a plan to improve the response time at a lower cost than what would have been brought to Town Meeting in the next year. The Police Dispatch is staffed by full-time and part-time dispatchers and Police Lieutenants, Sergeants and Patrolmen (at overtime); the Fire Department is staffed by Firefighters/Paramedics/EMTs. Due to call volume, the Fire Chief was going to be requesting 5 additional Firefighter/Paramedic/EMTs at an approximate cost of \$300,000. By consolidating the dispatch into one center, the Town is seeking less than this amount in funding to hire 5 additional dispatchers. This will allow the Firefighter/Paramedics/EMTs that currently cover the Fire Dispatch to be redeployed in Firefighting/EMS activities and will eliminate the need to hire additional Firefighters. This will also put the Police Lieutenants, Sergeants and Patrolmen out on the street instead of covering the dispatch desk. Additionally, centralizing dispatch will allow the Town to train the Dispatchers as Emergency Medical Dispatchers (EMD) which will reduce response times in emergencies. Currently, the Town contracts with UMASS in Worcester to provide mandatory EMD services so that when a 911 call comes into the dispatch (Police or Fire), it is first transferred to UMASS EMD who then determines who needs to be dispatched and they in turn call back to the Police/Fire Stations. This significantly affects response times in emergencies. This proposal will cost less than hiring additional firefighters, will professionalize the emergency dispatch in Westborough and will reduce response times in emergencies. This article would also fund the Police Supervisor's contract. The estimated cost of the Supervisor's contract is \$23,329 and for centralizing dispatch is \$331,504. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE WAS PASSED ON A 184-6 VOTE.

ARTICLE 5: Sick Leave Buy Back (Town Manager)

To see if the Town will vote to raise and appropriate the sum of Six Thousand Dollars (\$6,000) or such other amount as Town Meeting may approve for the purpose of funding the sick leave buy back due to two retiring employees, or to take any other action thereon.

Town Manager Statement – The Town has two employees who have announced their retirement after the FY17 budget was approved. This article would fund the sick leave buyback due to the employees as per the collective bargaining agreement. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE WAS PASSED ON A 164-10 VOTE.

ARTICLE 6: 300th Anniversary Committee (300th Anniversary Committee)

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 funding 300th Anniversary Committee events, or to take any other action thereon.

Town Manager's Statement – The 300th Anniversary Committee has received funding from the State Legislature in the amount of \$30,000 which requires a local match. The Town has funded \$25,000 toward the fireworks display. This additional \$5,000 is necessary to meet the local match. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE WAS PASSED ON A 127-26 VOTE.

ARTICLE 7: 300TH Anniversary Committee Fund (300TH Anniversary Committee)

To see if the Town will vote to establish a 300th Anniversary Committee Fund as provided for in MGL Ch. 44, §53I for the purpose of receiving funds appropriated by Town Meeting, generated from the sale of merchandise or tickets and authorizing the 300th Anniversary Committee to expend said funds for the purpose of special events related to the 300th Anniversary of the Town of Westborough's incorporation, or take any other action thereon.

Town Manager's Statement – State law allows a Town to establish this type of special fund to offset expenses related to incorporation celebrations. The 300th Anniversary Committee intends to establish a store where memorabilia will be sold, the funds from these sales will go into this account and payments for special events will be charged to this account. This will ensure that the funds are properly accounted for and included in the Town's independent audit. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE WAS PASSED ON A 167-6 VOTE.

ARTICLE 8: Insurance Account (Town Manager)

To see if the Town will vote to raise and appropriate the sum of Forty Six Thousand Dollars (\$46,000) or such other amount as Town Meeting may approve for the purpose of funding the Insurance Expense Account, or to take any other action thereon.

Town Manager's Statement – The Town received the final insurance figures in April 2016 after the Annual Town Meeting and due to higher than normal workers compensation claims, costs increased beyond the estimated budget used for the Annual Town Meeting. The Town has worked at reducing this budget over the past several years through loss control and has been successful. Even with this increase, the total over the past 10 years has gone from \$645,907 (FY08) to a proposed \$681,000 (FY17) for a \$35,000 (5.4%) increase over a 10 year period (0.54% per year). The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 160-9 VOTE.

ARTICLE 9: Chapter 90 Increase (Town Manager)

To see if the Town will vote to increase the appropriation from Article 8D of the 2016 Annual Town Meeting from \$780,403 to \$790,190, or take any action in relation thereto.

Town Manager's Statement – The past few years has seen decreases in Chapter 90, then an upturn last year as part of the new Governor's commitment and then a reduction again as part of the FY16 State Budget. This article brings the appropriation in line with the amount approved by the Legislature and released by the Governor. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 168-0 VOTE.

ARTICLE 10: BWALT Easement Survey and Engineering (Bicycle and Pedestrian Advisory Committee)

To see if the Town will vote to transfer and appropriate from the Open Space Fund the sum of Seventy Two Thousand Dollars (\$72,000) or such other amount as Town Meeting may approve for the purpose of survey and engineering design work for the continued creation of various sections of the Town-wide trail system, or to take any other action relative thereto.

Town Manager's Statement – The BPAC is seeking to continue moving forward with the design and construction of a town-wide bicycle and pedestrian path that goes east-west through town. This estimate provides for preliminary design of new trail sections, survey and easement plans and engineering design plans as the next phase in the construction of this trail. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 136-43 VOTE.

ARTICLE 11: Bay State Common Tot Lot (Tot Lot Committee)

To see if the Town will vote to transfer and appropriate from Free Cash the sum of Seventy Thousand Dollars (\$70,000) or such other amount as Town Meeting may approve for the purpose of installing a playground for young children at the Bay State Common, or to take any other action relative thereto.

Town Manager's Statement – Three years ago the Selectmen created a Tot Lot Committee to review and make a recommendation for the construction of a tot lot playground at the Bay State Common. The Committee has been meeting for the past several years and has raised \$70,000 of the \$160,000 estimated to construct the playground. At this time, they are seeking a matching amount from Town Meeting so that the playground can be built in the early spring and be ready for children to use in the Summer of 2017. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 126-26 VOTE.

ARTICLE 12: Hastings School GeoThermal Engineering (School Committee)

To see if the Town will vote to transfer and appropriate from Free Cash the sum of Thirty Four Thousand Five Hundred Dollars (\$34,500) or such other amount as Town Meeting may approve for the purpose of studying the geothermal system at Hastings School and making recommendations for repairs, or to take any other action relative thereto.

Town Manager's Statement – The School Committee has indicated a concern that the geothermal system at Hastings School could fail at any time. They have had two studies completed on the condition of the system and need a comprehensive engineering and design to move forward with replacement/improvement of the system. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 139-5 VOTE.

ARTICLE 13: Senior Center Improvements (Council on Aging Director)

To see if the Town will vote to transfer and appropriate from Free Cash the sum of Sixteen Thousand One Hundred Dollars (\$16,100) or such other amount as Town Meeting may approve for the purpose of replacing windows and flooring at the Senior Center, or to take any other action relative thereto.

Town Manager's Statement – This Article would fund the replacement of an area of flooring that is original to the building (27 years old) with a brighter, more welcoming flooring material and replace windows that are also original and the screens and levers to open these windows are broken. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 121-7 VOTE.

ARTICLE 14: Building Department and Planning Department Records Scanning (Building Commissioner)

To see if the Town will vote to transfer and appropriate from Free Cash the sum of Two Hundred Fifteen Thousand Eight Hundred and One Dollars (\$215,801) or such other amount as Town Meeting may approve for the purpose of scanning building permit folders in the Building Department and for software to retrieve the data, or to take any other action relative thereto.

Town Manager's Statement – As part of the renovations of the Forbes Municipal Building, the record-keeping requirements for the various departments were reviewed and the volume of files in the Building Department, which contains 570,000 documents that can be scanned and reduce the footprint of the department. The cost for scanning the file folders and plans for the Building Department is \$129,861; the Planning Department is \$57,940 and the cost for software to retrieve the documents is \$19,000 per year and \$9,000 per year for maintenance. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 99-9 VOTE.

ARTICLE 15: Country Club Building Repairs (Building and Grounds Supervisor)

To see if the Town will vote to amend the vote taken under Article 10 of the October 19, 2015 Fall Town Meeting, Country Club Building Roof Replacement for the purpose of approving the use of the remaining balance of funds to be used for window replacement, relocation of the condensing units for refrigeration and other building repairs as needed, or take any other action relative thereto.

Town Managers Statement – This article would amend the vote taken under Article 10 of the Fall 2015 Special Town Meeting, which was specific to roof repairs to allow other repairs that are the responsibility of the Town to make to the building. The original article appropriated \$95,000 for the roof repairs and the cost was \$65,038 which leaves a balance of \$29,962. As the work on the roof was undertaken, it became evident that some of the second story windows and trim work also needed to be repaired/replaced but the original article was very specific and provided only for roof replacement. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 78-6 VOTE.

ARTICLE 16: Conservation/Stormwater Funding (Conservation Commission/DPW)

To see if the Town will vote to transfer from free cash and appropriate the sum of Sixty Thousand and 00/100 Dollars (\$60,000) for the purpose of continuing to implement stormwater management activities, removal of invasive vegetation, complying with the Office of Dam Safety and MA DEP requirements, constructing a hazardous spill prevention kit cabinet, surveying and improving passive recreational opportunities all within the Sandra Pond Watershed, or take any other action relative thereto.

Town Manager's Statement – This article would fund continued stormwater, planning and surveying as well as work on the dam at Sandra Pond. The motion for this Article requires a simple majority.

VOTE: THIS ARTICLE PASSED ON A 84-1 VOTE.

ARTICLE 17: Property Acquisition (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, for general municipal purposes, the parcel of land located at 115 E. Main Street and described in a deed recorded with the Worcester South District Registry of Deeds in Book 42640, Page 342 for an amount not to exceed Four Hundred Forty Nine Thousand Dollars (\$449,000) and further to transfer and appropriate from the Sale of Real Estate Account the sum of Five Hundred Thousand Dollars (\$500,000) for the purpose of acquiring said property, demolishing structures thereon and related site work, or take any other action relative thereto.

Town Manager's Statement – This article seeks to authorize the Board of Selectmen to acquire the property at 115 E. Main Street, which is directly in front of the fields at Hastings Elementary School. The funds for this acquisition would come from the funds currently in the Sale of Real Estate Account, most of which came from the sale of the Nathan Fisher House. The current balance of this account is \$678,100. The motion for this Article requires a 2/3rd majority vote.

VOTE: THIS ARTICLE PASSED ON A 89-13 VOTE.

ARTICLE 18: Storm Damage Funding (DPW Manager)

To see if the Town will vote to transfer from free cash and appropriate the sum of Sixty Four Thousand Five Hundred Seventy Three Dollars (\$64,573) for the purpose of funding post-storm tree removal, private contractors and overtime in the Public Works Department, or take any other action relative thereto.

Town Manager's Statement – This article seeks to appropriate funds from the Town's reserves for the purpose of paying the cost of cleaning up the community after the July 22, 2016 microburst which did damage around town, most specifically around Route 9 and the State Hospital. The Town has already expended \$29,573 and has an estimated cost of \$17,500 to pay for grinding stumps and \$17,500 to remove additional damaged trees. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 99-6 VOTE.

ARTICLE 19: Approval of Library Construction Project (Library Board of Trustees)

To see if the Town will vote to accept the preliminary design for the Westborough Library Building, contingent on the receipt of a state grant, or take any other action relative thereto.

Town Manager's Statement – The Library Board has engaged Lamoreaux Pagano Architects to undertake a preliminary design for a new library addition, which would include demolishing the existing two story addition built in the 1980's and replace it with a three story addition. This Article seeks to obtain Town Meeting approval of the preliminary design. The estimated cost of the project is \$18.7 million of which a portion (approximately 50%) would be funded by the State. The motion for this Article requires a simple majority.

VOTE: THIS ARTICLE PASSED ON A 93-27 VOTE.

ARTICLE 20: Authorization to Apply for a Construction Grant – Library (Library Board of Trustees)

To see if the Town will authorize the Board of Library Trustees of the Westborough Library and/or the Board of Selectmen to apply for, accept, and expend any state grants which may be available for the project, or take any other action relative thereto.

Town Manager's Statement – This article will authorize the Library Board of Trustees (or Board of Selectmen) to apply for a grant, accept the grant once awarded and to expend the grant. Before any project could move forward additional votes to approve the debt issuance for the Town's share of the project would be required. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 98-25 VOTE.

ARTICLE 21: Recreation Commission Fund (Recreation Commission)

To see if the Town will vote to establish a Revolving Fund for the Recreation Commission for the purpose of accepting program fees for providing various recreational programs, with the maximum annual amount to be expended to be Four Hundred Thousand Dollars (\$400,000), or take any other action relative thereto.

Town Manager's Statement – This article would establish a revolving fund to replace the fund that has been used by the Recreation Commission for years for paying the cost of their programs through fees. The former fund authorization in the General Laws was eliminated as part of the Municipal Modernization Act and therefore to continue the practice, a revolving fund needs to be established and then re-established each year at the Annual Town Meeting. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE PASSED ON A 116-1 VOTE.

ARTICLE 22: Acceptance and Grant of Easements relative to the Town Hall Parking Lot (Board of Selectmen/Town Manager)

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, for public parking purposes, permanent easements in, on and under the

parcels of land abutting or near the Town Hall parking lot, and to grant, permanent and/or temporary parking easements in, on or under the Town Hall parking lot, which is described in a deed recorded in Book 2580, Page 582 or take any other action relative thereto.

Town Manager's Statement – The Town has been working with the neighboring property owners on acquiring and granting easements that would allow the Town to permanently close off the alley between Town Hall and the 32 W. Main Street (Subway) to provide a pedestrian access way and community gathering spot. In exchange the Town will need to grant easements allowing parking (as has been done in the past) along the rear of the buildings on W. Main Street. The Town also needs to solidify the easements with the abutting neighbor to ensure access off South Street. No funds are to be expended as part of these easements. The motion for this Article requires a 2/3rd majority vote.

VOTE: THIS ARTICLE PASSED ON A 116-6 VOTE.

ARTICLE 23: 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 easements for the trail in, on and under the following parcels of land located between the MBTA station and the Southborough Town Line:

<u>Map/Lot</u>	<u>Owner</u>
25-33	Berkshire Bank
25-18	Archland Property I LLC
25-26	Northland Fountainhead LLC
25-19	Northland Fountainhead LLC
25-20	Northland Fountainhead LLC
26-61	Leslie S Carey Trustee
26-61B	Route 9 Realty LLC
26-61A	Commerce City LLC
26-27	RK Westboro LLC
26-32C	CocaCola Bottling Co
26-32B	Fund IX Westborough Industrial Sassacus Dr LLC
27-259	P & M Properties LLC
30-1	West Park 2300 LLC
30-1A	Carruth Capital
30-10A	Chapel of the Cross
30-10C	New England Sikh Study Circle
31-12	Joanna D`Andrea
30-3	STJ West Park Equity Partners LLC
30-49	Westborough Investors Limited Partnership
30-8	Carruth Capital
26-32	GIJV MA 4 LLC
26-48	OSJ Of Westborough LLC
28-28	Colangelo Massachusetts Real Estate LLC

27-60A	Carmax Auto Superstores Inc
28-18	Mannix John A Trustees
28-18A	Westborough Savings Bank
28-97	Duclos Theodore V
28-57	Moheban Mansour & Louise Trsts
28-58	U S Postal Service
32-1	EK Parivar LLCFi

Or take any other action relative thereto.

Town Manager's Statement – This article provides the authority for the Board of Selectmen to continue to obtain easements along the former trolley line from the MBTA station to the Southborough Town Line. The motion for this Article requires a 2/3rd majority vote.

VOTE: THIS ARTICLE WAS APPROVED ON A 101-17 VOTE.

ARTICLE 24: Grant of Utility Easement (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to grant a utility easement in, on and under a portion or portions of the Town Hall property, which is described in deeds recorded in Book 345, Page 649, and Book 2580, Page 582 for the purpose of allowing the property located at 36 W. Main Street to connect to the transformer located on the Town Hall property, or take any other action relative thereto.

Town Manager's Statement – The Shriver Nursing Services building (former Westborough Baptist Church) at 36 W. Main Street is seeking to install an elevator to make the building accessible but needs two phase power for the elevator. The closest two phase power is the new transformer the Town installed as part of the Town Hall renovation. The proposed easement crosses property that formerly belonged to Shriver Nursing Services that they gifted to the Town so that the rear addition of Town Hall could be built. The Town is seeking to be a good neighbor by now granting an easement across the property they gave to the Town. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE WAS APPROVED ON A 106-1 VOTE.

ARTICLE 25: Lease Agreement – Cell Provider (Town Manager)

To see if the Town will vote to authorize the Board of Selectmen to lease space on the Town light pole located on Technology Drive for wireless communications purposes, including, without limitation, for the installation of antenna and related equipment thereon, said lease to be for a term of not more than ten (10) years, and, further, to grant any access and/or utility easements to service said equipment, which lease and easements are to be on such terms and conditions as the Selectmen deem appropriate, or take any other action relative thereto.

Town Manager's Statement – The Town has been approached by a cellular provider to enhance coverage in areas of Town to allow them to install an antenna on Technology Drive. The cellular provider has offered to lease the space on the pole for \$6,000 per year. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE WAS APPROVED ON A 106-0 VOTE.

ARTICLE 26: Debt Service Budget Increases (Treasurer/Collector)

To see if the Town will vote to raise and appropriate the following additional amounts to the debt service budget, or such other amounts as Town Meeting may approve:

64305-57600 – Sewer Short Term Principal	\$5,600
64505-5760P – Water Short Term Principal	\$3,000

For the purpose of fully funding the Town’s debt service budget, or take any other action relative thereto.

Town Manager’s Statement – This Article funds additional payments due based on recent Revenue Anticipation Notes on the Crownridge Water and Sewer Projects. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE WAS APPROVED ON A 103-3 VOTE.

ARTICLE 27: Radar Speed Signs (By Citizen Petition)

To see if the Town will vote to transfer and appropriate from Free Cash the sum of Eleven Thousand Three Hundred Forty Dollars (\$11,340) or such other amount as Town Meeting may approve for the purpose of installing two electronic speed radar signs, with one being on Mill Road Northbound prior to the intersection with Kimball Road and the second being on Fisher Street Eastbound prior to the intersection of Maynard and Kimball Road, or to take any other action relative thereto.

Town Manager’s Statement – This Article would fund the installation of two radar speed signs at two locations around Kimball Road. This Article was submitted by petition with 108 certified signatures. The motion for this Article requires a simple majority vote.

VOTE: THIS ARTICLE WAS APPROVED ON A 71-38 VOTE.