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TOWN OF WESTBOROUGH

COMMONWEALTH OF MASSACHUSETTS
WORCESTER, SS

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

SPECIAL TOWN MEETING – October 21, 2019

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 Twenty First day of October, 2019 at 7:00 p.m. then and there to act on the following articles:

The Article Information 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: Appropriation of Commonwealth Transportation Infrastructure Fund (DPW)

To see if the Town will vote to appropriate the sum of Seven Thousand Five Hundred Fifty Four and 40/100 Dollars (\$7,554.40) or such other amount as Town Meeting may approve, from the Receipts Reserve Account for the purpose of purchasing structures for the upcoming road reconstruction projects, or take any other action thereon.

Article Information – The Town received \$7,554.40 from the Commonwealth Transportation Infrastructure Fund (derived from a tax on Lyft, Uber, etc). The funds must be used “to address the impact of transportation network services on municipal roads, bridges and other transportation network services in the city or town” and must be appropriated by Town Meeting. Structures include manhole covers and frames, drain covers and frames, and gate boxes. These structures facilitate proper drainage along roads and help to protect critical infrastructure from vehicles or other hazards. The motion for this Article requires a simple majority vote.

ARTICLE 2: FY2020 Clerical Union Budget Adjustment (Board of Selectmen)

To see if the Town will raise and appropriate a sum of money in addition to the FY2020 Town Budget for the purpose of funding the clerical union contract, or take any other action thereon:

Article Information – This article seeks fund the Clerical union contract. The Town had not completed negotiations for the contract beginning July 1, 2019 when the FY20 budget was voted on at the 2019 ATM. The motion for this Article requires a simple majority vote.

ARTICLE 3: FY2020 DPW Union Budget Adjustment (Board of Selectmen)

To see if the Town will raise and appropriate a sum of money in addition to the FY2020 Town Budget for the purpose of funding the Department of Public Works union contract, or take any other action thereon:

Article Information – This article seeks fund the DPW union contract. The Town had not completed negotiations for the contract beginning July 1, 2019 when the FY20 budget was voted on at the 2019 ATM. The motion for this Article requires a simple majority vote.

ARTICLE 4: Chapter 90 Increase (DPW)

To see if the Town will vote to transfer from available funds an additional Eight Hundred Twenty Three Dollars (\$823) or such other amount as the Town Meeting may approve for a total FY20 Chapter 90 appropriation of \$790,457.00, 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.

Article Information – Following the March Town Meeting, Westborough was apportioned a total of \$790,457.00 from the State for Chapter 90 funds which is \$823 more than was appropriated at Town Meeting. The purpose of this article is to increase the appropriated fund amount to equal the total Chapter 90 funds received from the State. The motion for this article is a simple majority vote.

ARTICLE 5: Staffing Study (Board of Selectmen)

To see if the Town will vote to transfer from Free Cash and Water and Sewer Retained Earnings and appropriate a sum of money for the purpose of undertaking a staffing study for all non-public safety departments, including all costs incidental and related thereto, or take any other action thereon.

Article Information – As a high-priority initiative in the town's strategic plan, this article seeks funding to undertake an independent staffing study for all non-public safety town departments. In addition to assessing roles and responsibilities, this study will look at opportunities for consolidation, shared resources, and regionalization. The motion for this article is a simple majority vote.

ARTICLE 6: Stormwater Detention Maintenance (Conservation/DPW)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Eighty Thousand Dollars (\$80,000) or such other amount as Town Meeting may approve, for the purpose of maintaining over 50 Town owned stormwater detention basins; such maintenance includes but is not limited to, vegetation removal, excavation of accumulated sediments, concrete outlet repairs, rip-rap repairs, fence removal, and any other stormwater detention basin appurtenant repairs, or take any other action thereon.

Article Information – It is the Town's yearly responsibility to maintain over 50 stormwater related detention basins and their associated appurtenant infrastructure. The Town does mow each basin yearly however the basins require far more extensive maintenance than just yearly mowing. The purpose of the Article is to perform those additional maintenance obligations and make necessary repairs to ensure that the Town minimizes the threat of flooding. The motion for the Article requires a simple majority vote.

ARTICLE 7: High School Safety Drainage Repairs and Stairwell Replacements (School Department)

To see if the Town will vote to transfer from Free Cash the sum of One Hundred and Seventy Five Thousand Dollars (\$175,000) or such other funds as may be authorized by the Town Meeting for the purpose of making necessary safety drainage system engineering, repairs, and Stairwell Replacements at the High School's Upper Parking Lot Areas and all costs incidental and related thereto, or take any action thereon.

Article Information: This Article seeks authority transfer from available Free Cash \$175K to make necessary safety drainage system engineering, repairs, and Stairwell Replacements at the High School's Upper Parking Lot Areas. The motion for this Article requires a simple majority vote.

ARTICLE 8: Armstrong School Playground Project (School Committee)

To see if the Town will vote (i) to amend the debt authorization provided in Article 20 of the 2018 Annual Town Meeting (Armstrong Modular Project) so as to permit the project to include the upgrading and replacing of playground equipment and performing site grading at the Armstrong Elementary School, and (ii) to further reallocate surplus funds from Article 5 of the 2017 Special Town Meeting, in the amount of \$283,000 (Hastings School Pre-K Article to Authorize Construction of Pre-K School Addition) to also pay costs of upgrading and replacing playground equipment and performing site grading at Armstrong Elementary School , or take any action thereon.

Article Information: This article seeks to amend debt authorization provided at previous town meetings the Armstrong Modular project, the remaining authorization equaling \$100,000, and reallocate surplus funds from the Hastings Pre-K project for the purposes of upgrading the Armstrong Elementary School Playground. The total cost of the Armstrong Playground project is estimated at \$383,000. The motion for this Article required a simple majority vote.

ARTICLE 9: Sprinkler Installation at Hastings School (School Committee)

To see if the Town will vote to reallocate surplus funds from Article 19 of the 2017 Annual Town Meeting, in the amount of \$133,000 (Hastings Elementary School Geothermal) to augment Article 22 of the 2019 ATM for the Hastings Sprinkler and Fire Alarm Upgrade, or to take any action thereon.

Article Information: The motion on this article will be to transfer the amount specified from the referenced Article. The geothermal project upgrade has been completed and is now in service (October 2019). Due to significant design changes which did not require a building addition and much smaller but more efficient replacement units the project bid results of that work were very favorable to the Town. The current Sprinkler Project design is complete and we anticipate going to bid shortly for this work. Current estimates after design is the basis for this increase in project funding. The total cost of this improvement is \$ 760,000. The motion for the Article requires a simple majority vote.

ARTICLE 10: Hasting School Unit Ventilator Replacement Engineering (School Committee)

To see if the Town will vote (i) to amend the debt authorization provided in Article 19 of the 2017 Annual Town Meeting (Hastings Elementary School Geothermal) so as to permit the borrowing of \$487,650 authorized but not borrowed for that project to pay costs of HVAC improvements to the Hastings School, as described below, (ii) to amend the debt authorization provided in Article 28 of the 2018 October Special Town Meeting (Transfer of Remaining Gibbons School, Armstrong School, and Hastings PreK Project Funds to the MSBA Design Phase of the Hastings School Accelerated Repair Project) so as to permit the borrowing of \$480,000 authorized but not borrowed for that project to pay costs of HVAC improvements to the Hastings School, as described below, (iii) to reallocate surplus funds from Article 19 of the 2017 Annual Town Meeting, in the amount of \$639,425 (Hastings Elementary School Geothermal) to pay costs of HVAC improvements to the Hastings School, as described below, (iv) to reallocate surplus funds from Article 5 of the 2017 October Special Town Meeting, in the amount of \$500,000 (Hastings School Pre-K Article to Authorize Construction of Pre-K School Addition) to pay costs of HVAC improvements to the Hastings School, as described below, (v) to reallocate surplus funds from Article 28 of the 2018 October Special Town Meeting (Transfer of Remaining Gibbons School, Armstrong School, and Hastings PreK Project Funds to the MSBA Design Phase of the Hastings School Accelerated Repair Project) in the amount of \$337,000 to pay costs of HVAC improvements to the Hastings School, as described below, and (vi) to see if the Town will vote to borrow, pursuant to any applicable statute, the sum of \$555,925, or such other amount as Town Meeting may approve for the purpose of engineering design, bid and installation to replace the existing unit ventilators at the Hastings School in areas not previously renovated, in order to increase efficiency and reduce noise of these units, making way for future new energy efficient windows as part of a complete renovation project which will include windows, doors and roof at the Hastings Elementary School, or take any action thereon.

Article Information: The motion will be to reallocate all of the previously voted funds for the upgrade renovation project (Article 28 of the October 2018 Special Town Meeting \$817,000, transfer \$500,000 from the remaining balance from the Hasting Prek-3 project (Article 5 2017 October Special Town meeting), and to transfer \$1,127,075 from the Hastings Geothermal repair project (Article 19 2017 STM). The estimated complete cost for the replacement construction is \$3,000,000. The initial scope will be to complete engineering for this work scope estimated to be \$300,000. The aggregated remaining sum after engineering being \$2,700,000 will be used to fund the construction portion of this project. The motion for the Article requires a 2/3 vote.

ARTICLE 11: Climate Change Action Resolution (Sustainable Westborough)

To see if the town will vote to request that the Town Manager create a Task Force to develop a comprehensive Climate Action Plan by Annual Town Meeting 2021 to define Westborough's path to 100% Renewable Energy with the goal of making Westborough a truly sustainable community. The Climate Action Plan shall include policies, procedures and sources of funding to accelerate the transition to renewable energy and to improve the resilience of the town to climate changes including: (a) consider climate change in all appropriate decisions and planning processes; (b) take action to prepare for the impacts of a changing climate; (c) take actions to

ensure Westborough meets our portion of the requirements of the Massachusetts Global Warming Solutions Act; (d) endeavor to move Westborough municipal operations to 100% renewable electricity by 2035 or another date approved by the Board of Selectmen.

Article Information – Sustainable Westborough is presenting a resolution for the Town. A resolution is non-binding but a vote in favor will provide the Town direction on how it moves forward by stating a goal for climate change action. The motion for the Article requires a simple majority vote.

ARTICLE 12: Authorization for the Board of Selectmen to Sell the Spurr House (Board of Selectmen)

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, the parcel of land with the improvements thereon shown as Lot 1 on a plan entitled “Lot Division Plan”, dated August 16, 2018, prepared by Sherman and Frydryk, LLC, recorded with the Worcester South District Registry of Deeds in Plan Book 942, Page 142, containing 9,138 square feet, more or less, and being a portion of the premises described in a deed recorded in Book 2580, Page 582, or take any other action thereon.

Article Information – The March 2018 Town Meeting vote authorizing the Board of Selectmen to sell 7 Parkman Street (the “Spurr House”) expired 18 months after the Town Meeting vote and the authority has expired. The Spurr House was put out to bid most recently in July 2019 with a bid opening date of August 30, 2019. The Town received 2 bids and entered into a purchase and sales agreement on September 16, 2019. The motion for this article requires a 2/3rds vote.

ARTICLE 13: Town Water Mains & Water System (DPW Director)

To see if the Town will vote to transfer from Water Retained Earnings the sum of One Hundred Seventy Five Thousand Dollars (\$175,000), or such other amount as the Town Meeting may approve, for design, extension, repair, replacement, lining, cleaning, upgrade and installation of various water mains and appurtenant work, including all incidental and related costs and providing consulting services to assist the DPW in evaluating, preparing and soliciting a new operations contract for its water purification facilities and water pumping stations or take any other action thereon.

Article Information– The requested funding would allow the Department of Public Works to hire a consultant to prepare design and bidding documents for the replacement of existing water mains on Flanders Road from and including the intersection of East Main Street to approximately house #50 Flanders Road as well as the entirety of Samson Drive. This project is necessary because of the age and condition of the pipe, connections and fittings. This area of water main has been the most problematic in Town with several leaks over the last 10+ years with the most recent this August. The pipe replacement also must be timed so that the Town performs its work prior to an anticipated Gas line installation by Eversource in the 2021 construction season. The funds would also allow for a consultant to assist with the preparation of a Request for Proposals for the operation of the Town's water treatment and water pumping facilities. The current water operations contract expires June 30, 2020 and cannot be extended

any further so a new contract must be obtained with the operator ready to go by June 2020. The Motion for this Article requires a simple majority vote.

ARTICLE 14: Water and Sewer Reserve Fund Transfers (DPW Director)

To see if the Town will vote to transfer from Sewer Retained Earnings the sum of Twenty Thousand Dollars (\$20,000), or such other amount as the Town Meeting may approve for the Sewer Enterprise Reserve Fund and transfer from Water Retained Earnings the sum of Fifty Thousand Dollars (\$50,000), or such other amount as the Town Meeting may approve, for the Water Enterprise Reserve Fund, or take any other action thereon.

Article Information – The requested sewer funding would replace funds previously transferred from the Sewer Enterprise Reserve Fund to the FY2020 Sewer Budget. The transfer was necessary to replenish the sewer budget because an emergency repair (pipe lining) was required on Whitney Street recently to prevent repetitive backups. The requested water funding would replace funds which are anticipated to be transferred from the Water Enterprise Fund to the FY2020 Water Budget to cover the emergency replacement of water valves and a hydrant assembly in Route 9 between #272 & #276 Turnpike Road. The work is unusual in that the valves are sandwiched between a 12" high pressure gas main and a smaller gas service main so the work is very specialized and requires a contractor familiar with working close to gas mains. The existing leaking valves and pipe are likely over 50 years old. The Motion for this Article requires a simple majority vote.

ARTICLE 15: Tax Exemption Under MGL Chapter 59, Section 5, Clause 22H for Surviving Parents and Guardians (Veterans Services Director)

To see if the Town will vote to accept General Laws Chapter 59, Section 5, Clause 22H, which authorizes real estate exemptions to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States or take any other action thereto.

Article Information – This article requests that the Town accept a new exemption, under The Brave Act, that allows for a full exemption of real estate taxes for parents or guardians whose child dies during or as a result of active service. This is similar to the existing exemption for surviving spouses under MGL Chapter 59, Section 5, Clause 22D. The Motion for this Article requires a simple majority vote.

ARTICLE 16: Roadway Acceptance Preservation Lane (DPW Director/Town Engineer)

To see if the Town will vote to accept Preservation Lane as a public way, from its beginning at the sideline of Arch Street at STA 0+00+/- to its end at STA 7+20+/-, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Road Acceptance Plan of Preservation Lane in Westborough, Ma to be conveyed to the Town of Westborough", prepared by DeCelle Burke & Associates Inc., dated August 23, 2018 (latest revision) and on file in the office of the

Town Clerk, and further to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain the fee to or easement in said street for all purposes for which public ways are used in the Town of Westborough, and any drainage, utility, access, water and/or other easements related thereto, and a \$10,000 maintenance bond shall be established and held under the supervision of the Planning Board, or take any other action thereon.

Article Information - This Article is one of the steps required to make Preservation Lane a Public Way. This is a ten home site subdivision road created by conditional approval of the Planning Board off Arch Street in 2015. The owners are ready to turn this road over to the Town. The motion for this Article requires a simple majority vote.

ARTICLE 17: Amend Zoning Bylaws (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); and by amending Article 5. Definitions as follows:

By adding a new Section **5351 Affordable Housing**, with new language as follows:

5351. AFFORDABLE HOUSING: A range of 10% to 20% of the units created in the SLO District, as determined by the Special Permit Granting Authority, are to be designated Affordable and shall comply with the requirements of the Massachusetts Department of Housing and Community Development or a successor agency. Such units shall have deed restrictions regarding affordability which will continue in perpetuity and will allow the units to “count” as State recognized affordable units.

All dwelling units in an SLO Project shall be subject to a restriction requiring that all residents of these units shall be at least the age of 62 (referred to as “Qualified Occupants”).

And by amending Article 5. Definitions by deleting the language shown as strike through in the current definition and inserting the new bold language as shown 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 all members is 55~~ **are 62** years of age or older (referred to as a “Qualified Occupant”), ~~and in which no resident (as opposed to 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 all members are 62 years of age or older (referred to as a “Qualified Occupant”).

Or take any action thereon.

Article Information: The proposed zoning amendment is intended to bring our local bylaw into conformance with federal standards for age restricted housing. More important, it also gives the Town certainty that the Commonwealth Department of Housing and Community Development (DHCD) will credit the Town for affordable units in Senior Housing projects. This will add to the Town's local Subsidized Housing Inventory increasing our overall percentage of affordable units. The motion for this Article requires a 2/3 vote.

ARTICLE 18: Establish Dimensional Zoning Regulations for Building in M-1 District – Lake Chauncy Parking Lot Pavilion (Planning Board)

To see if the Town will vote to establish the dimensional regulations, as required under Article 2, District Regulations, Section 2600, Dimensional Schedule, Subsection 2630, Building in M-1 District (M-1), of the Westborough Zoning Bylaws for the Town-owned property located on Lyman Street, and being further identified on the Westborough Assessor's Map 34, Parcel 98, for the property as shown on a plan entitled "Lake Chauncy Parking Lot Pavilion Plan", dated August 29, 2019 and on file with the Town Clerk. The purpose of establishing these regulations is to allow the future construction of structures that would support the tennis and pickle ball courts. The dimensional regulations for this portion of the property shall be as follows: Minimum Front Yard = 25; Minimum Side Yard = 25; Minimum Rear Yard = 25; Maximum Structure Height = 25 feet.

Or take any other action thereon.

Article Information – The Town's Zoning Bylaws require that Town Meeting set the dimensional regulations (such as setbacks, structure height, etc.) of all Town-owned property zoned as M-1. This article seeks to establish zoning dimensional requirements for the construction of a pavilion adjacent to the newly constructed tennis/pickleball courts located at the Lake Chauncy parking lot off Lyman Street. The motion for this Article requires a 2/3 vote.

ARTICLE 19: Easement 201 Flanders Road (Planning Board)

To see if the Town will vote to authorize the Board of Selectman to acquire, by purchase, gift and/or eminent domain, for drainage purposes, a permanent easement over the property recorded in Worcester District Registry of Deeds in Plan Book 351, Plan 124 and more particularly illustrated on Exhibit A which will be recorded with the grant of easement and is on file with the Town Clerk, or take any action relative thereto.

Article Information – This Article would authorize the Board of Selectmen to obtain an easement at 201 Flanders Road on behalf of the Town for drainage purposes. The motion for this Article requires a simple majority vote.

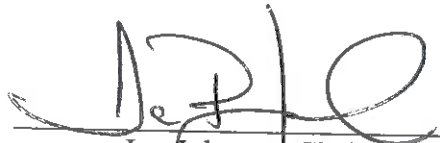
ARTICLE 20: Forbes Municipal Building Increased Debt Authorization (Municipal Building Committee)

To see if the Town will appropriate Two Hundred and Fifty Thousand Dollars (\$250,000) or any other amount, to pay additional costs of completing the renovation of the Forbes Municipal Building, and to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise, such amount to be expended in addition to the

\$15,500,000 previously appropriated by the Town for this project; or to take any other action relative thereon.

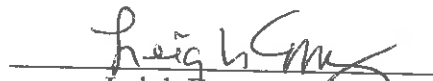
Article Information – This Article would authorize additional debt issuance for the purpose of the renovation of Forbes Municipal Building. Town Meeting approved \$15,000,000 at the Annual Town Meeting in 2016 and an additional \$500,000 at the 2018 Fall Town Meeting. The motion for this Article requires a 2/3 majority vote.

Given under our hands the 24th day of September in the year Two Thousand and Nineteen.


Ian Johnson Chair


Shelby Marshall, Vice Chair

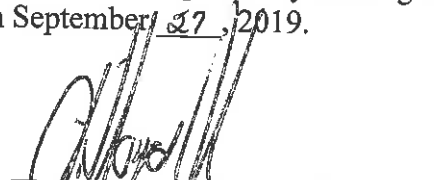

Allen Edinberg



Leigh Emery


Syed Hashmi

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 27, 2019.


Constable of Westborough

Attest:

Town Clerk