

COMMONWEALTH OF MASSACHUSETTS

Worcester, 88

SPECIAL TOWN MEETING

Saturday, November 7, 2020

Westborough High School

Narrative:

At 10:05am, the Moderator, John Arnold called the Special Town Meeting to order by order of a posted Warrant. He thanked everyone for being there and he would begin once everyone was seated.

Mr Arnold asked all to stand for the Pledge of Allegiance. He asked that all in attendance not speak the pledge, but he would recite the Pledge.

Mr. Arnold noted that this is the Regular Fall Town Meeting being held November 7, 2020 which is usually scheduled in October but moved ahead to accommodate the numerous 2020 Election Voting dates. Mr Arnold introduced himself as Moderator and Wendy Mickel as the Town Clerk. Mr. Arnold addressed concerns as to why the meeting was being held during the COVID restrictions, especially with the social distancing requirements in place. He noted that by the Governor's Order, legislative bodies are exempted; Town Meeting is a legislative body, therefore we can meet.

Mr. Arnold also noted that because of the COVID restrictions, we are not allowed to have gatherings, parades, etc...and with Veteran's Day a few days ahead, he asked the voters to take a brief moment to thank all past and present Veterans for their service to our country.

Mr. Arnold noted town officials present; the Board of Selectmen, Town Manager, Town Counsel, Finance Committee, who provide the report with recommendations, the Planning Board, School Committee, and the Department Heads in this room and in the second gym. For Safety, comfort and/or medical reasons, a few people will be in the Auditorium with a Deputy Moderator and an Assistant Town Clerk, and if needed in the other gym for any overflow. He thanked Steve Masciarelli, Mark Stockman, Steve Ashley and the school staff for their help setting up for today's meeting.

Our bylaws require the Moderator to nominate a Deputy Moderator. Mr. Arnold nominated Mr. Benjamin Gold for the Auditorium and Ms. Lisa Blazejewski for the Auditorium if needed.

VOTE taken; Unanimous in both the Fisher Gym and the Auditorium. Oath given to Mr. Gold & Ms Blazejewski and accepted by both.

Mr Arnold then noted that there is one non-voter present in the gym, who could observe but not vote. Mr. Arnold went over the rules of the meeting noting; that COVID sanitations rules have been met and confirmed by the BOH, TC, and the BOS. Mr Arnold noted there would be no roving microphone, but one placed in a stand on the floor. He asked that everyone, state their name and address if speaking and to please sanitize the microphones after speaking. Anyone needing to leave, must check-out and return your voting slip. You would need to re-check-in if you return. All in attendance were asked to turn off or mute all cell phones and to not talk while in the meeting. Everyone was asked to keep masks on. Mr. Arnold noted, there is no plan for a lunch break, but you may snack at your seat. He noted the bathroom area being around the corner. And, if wanting to vote, please raise your voting slip. He advised all if there is a Fire or emergency, to follow exit signs and emergency personnel. The meeting began.

COMMONWEALTH OF MASSACHUSETTS
WORCESTER, SS
SPECIAL TOWN MEETING WARRANT

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

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to act on the following Articles on Saturday, November 7, 2020, at 10:00 A.M. in the Westborough High School located at 90 West Main Street, Westborough.

ARTICLE 1: Prior Years Bills (Board of Health)

To see if the Town will vote to transfer from Free Cash the sum of One Thousand Eighty Dollars (\$1,080) for the purpose of paying an outstanding balance in the Board of Health Department in FY 2020, or take any other action thereon.

MOTION: Allen Edinberg, 8 Nash St, Vice Chair, Board of Selectmen: I move that the Town vote to transfer from Free Cash the sum of \$1,080 for the purpose stated in the article as printed in the warrant. Quantum of Vote: Nine Tenths

Steve Baccari, Board Of Health Director spoke to the article

VOTE: Unanimous in favor both gym and auditorium, motion carries

ARTICLE 2: Fiscal Year 2021 Operating Budgets Adjustments (Board of Selectmen) To see what sums the Town will vote to raise and appropriate and/or transfer from available funds for the support of the several offices, departments, boards and commissions of the Town of Westborough for Fiscal Year 2021 beginning July 1, 2020, and ending June 30, 2021, or take any other action thereon.

MOTION: Shelby Marshall, 7 Charles St., Chair, Board of Selectmen: I move that the Town vote to raise and appropriate the following sums of money: • \$56,750 for the purpose of increasing the Fire Department Salary and Wages to fund the Fire Department union contracts, • \$59,195 for the purpose increasing the School Department Budget to fund labor contracts, • \$36,500 for the purpose of increasing the Economic Development Salary and Wages to fund the Economic Development Coordinator position, • \$15,032 for the purpose of increasing the Department of Public Works Salary and Wages to fund a DPW Laborer position; • \$37,200 for the purpose of increasing the Police Department Salary and Wages to fund one additional police position; • \$30,000 for the purpose of increasing the Legal Services budget; • \$8,000 for the purpose of increasing the Town Buildings and Grounds Expenses; and further to transfer the sum of \$51,320 from the Water Enterprise Salary and Wages to the Water Enterprise Expense and to transfer the sum of \$8,000 from the Elections & Registration Expenses to Election Salary & Wages. Quantum of Vote: Majority

Kristi Williams, Town Manager spoke to the article.

No questions.

VOTE: Unanimous in favor in both gym and auditorium, motion carries

ARTICLE 3: FY2021 Country Club Operating Committee Budget Adjustment (Country Club Operating Committee)

To see if the Town will vote to transfer the sum of Ninety Thousand Seven Hundred and Nine Dollars (\$90,709) from Country Club Retained Earnings to the FY2021 Country Club Operating Committee Budget, or take any other action thereon:

Donald Bouffard, Country Club Operating Committee; Motion: I move that the Town vote to transfer the sum of \$64,494 from Country Club Retained Earnings to the FY2021 Country Club Operating Salary and Wages and to transfer the sum of \$26,015 from Country Club Retained Earnings to the FY2021 Country Club Operating Expenses for the purpose of restructuring the management of the golf course. Quantum of Vote: Majority

No questions.

VOTE: Unanimous in favor in both gym and auditorium, motion carries

ARTICLE 4: Rescind Borrowing (Board of Selectmen)

To see if the Town will vote to rescind prior years’ unused borrowing authorization for the following projects:

Town Meeting Date	Article & T M	Project	Amount to Rescind
10/22/2007	11 of the 2007 STM	Plan/Design 50 Milk St	\$100,000
5/16/2009	21B of the 2009 ATM	Sewer Treatment Plant Upgrade	\$932,695
5/15/2010	11D of the 2010 ATM	Sewer Weld/Folly	\$22,214
5/15/2010	10F of the 2010 ATM	Water Weld/Folly	\$56,000
3/14/2015	10 of the 2015 ATM	Gibbons School	\$11,147,994
3/14/2015	19 of the 2015 ATM	Water Treatment Plant Otis St Well Site	\$369,459
3/17/2018	14 of the 2018 ATM	VFP Land Purchase (Mill Road)	\$450,000
3/17/2018	18 of the 2018 ATM	Regal Cinema	\$6,000,000

or take any other action thereon

MOTION: Ian Johnson, 9 Bertis Adams Way, Board of Selectmen; I move the Town vote to approve the article as printed in the warrant. Quantum of Vote: Majority

No questions.

VOTE: Unanimous in favor in both gym and auditorium, motion carries

ARTICLE 5: Appropriation of Commonwealth Transportation Infrastructure Fund (DPW)

To see if the Town will vote to transfer from the Receipts Reserve Account the sum of Nine Thousand One Hundred Twenty Two and 70/100 Dollars (\$9,122.70), or such other amount as Town Meeting may approve, for the purpose of road maintenance, or take any other action thereon.

MOTION: Chris Payant, 1502 Windsor Ridge Dr., Director of Public Works; I move that the Town vote to transfer from Receipts Reserves account the sum of \$9,122.70 for the purposes stated in the article as printed in the warrant. Quantum of Vote: Majority.

No Questions.

VOTE: Unanimous in favor in both gym and auditorium. Motion carries

ARTICLE 6: Capital Improvement Plan (Town Manager/Capital Expenditure Planning Committee)

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

A. Utility Truck Replacement (DPW)

To see if the Town will vote to transfer from Free Cash the sum of Seventy Thousand Dollars (\$70,000), or appropriate such other amount as Town Meeting may approve, for the purpose of replacing a utility truck and other equipment, including all costs incidental and related thereto, or take any other action thereon.

B. Infrastructure Data Collection (DPW)

To see if the Town will vote to transfer from Free Cash the sum of Ten Thousand Dollars (\$10,000), transfer from Sewer Retained Earnings the sum of Ten Thousand Dollars (\$10,000), and further transfer from Water Retained Earnings the sum of Ten Thousand Dollars (\$10,000), or appropriate such other amount as Town Meeting may approve, for the purpose of purchasing, installing and supporting an infrastructure data collection system and associated equipment, including all costs incidental and related thereto, or take any other action thereon.

C. 10-Wheel Sander Replacement (DPW)

To see if the Town will vote to transfer from Free Cash the sum of Eighty Thousand Dollars (\$80,000), transfer from Sewer Retained Earnings the sum of Eighty Thousand Dollars (\$80,000), and further transfer from Water Retained Earnings the sum of Eighty Thousand Dollars (\$80,000), or appropriate such other amount as Town Meeting may approve, for the purpose of replacing a 10-Wheel Sander and other equipment, including all costs incidental and related thereto, or take any other action thereon.

D. Backhoe Replacement (DPW)

To see if the Town will vote to transfer from Free Cash the sum of Forty Five Thousand Dollars (\$45,000), transfer from Sewer Retained Earnings the sum of Fifty Five Thousand Dollars (\$55,000), and further transfer from Water Retained Earnings the sum of Fifty Five Thousand Dollars (\$55,000), or appropriate such other amount as Town Meeting may approve, for the purpose of replacing a backhoe and other equipment, including all costs incidental and related thereto, or take any other action thereon.

E. Generator Replacement at Sewer Pump Station (DPW)

To see if the Town will vote to transfer from Sewer Retained Earnings the sum of Thirty Five Thousand Dollars (\$35,000), or appropriate such other amount as Town Meeting may approve, for the purpose of replacing a generator, including all costs incidental and related thereto, or take any other action thereon.

F. Sewer Grinder (DPW)

To see if the Town will vote to transfer from Sewer Retained Earnings the sum of Sixty Thousand Dollars (\$60,000), or appropriate such other amount as Town Meeting may approve, for the purpose of purchasing and installing sewer grinders, including all costs incidental and related thereto, or take any other action thereon.

G. F350 Utility Truck with Plow (DPW)

To see if the Town will vote to transfer from Sewer Retained Earnings the sum of Forty Thousand Dollars (\$40,000) and transfer from Water Retained Earnings the sum of Forty Thousand Dollars (\$40,000), or appropriate such other amount as Town Meeting may approve, for the purpose of purchasing a 1-ton truck with plow and other equipment, including all costs incidental and related thereto, or take any other action thereon.

H. Command Vehicle Replacement (Fire Department)

To see if the Town will vote to transfer from Free Cash the sum of Seventy Nine Thousand Dollars (\$79,000), or appropriate such other amount as Town Meeting may approve, for the purpose of replacing a command vehicle and other equipment, including all costs incidental and related thereto, or take any other action thereon.

I. Purchase of Three Cruisers (Police Department)

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Fifty-Five Thousand Dollars (\$155,000), or appropriate such other amount as Town Meeting may approve, for the purpose of purchasing three vehicles and associated equipment, including all costs incidental and related thereto, or take any other action thereon.

J. Parking Lot and Curbing Repairs and Maintenance (School Department)

To see if the Town will vote to transfer from Free Cash the sum of Seventy Thousand Dollars (\$70,000), or appropriate such other amount as Town Meeting may approve, for the purpose of funding parking lot and curbing repairs and maintenance, including all costs incidental and related thereto, or take any other action thereon.

MOTION: Syed Hashmi, 70 Lyman St., Capital Expenditure Planning Committee; I move that the Town vote to: • transfer and appropriate from Free Cash the sum of \$70,000 for the purposes stated in Article 6A as printed in the warrant; • transfer from Free Cash the sum of \$10,000, transfer from Sewer Retained Earnings the sum of \$10,000, and further transfer from Water Retained Earnings the sum of Ten Thousand Dollars \$10,000 for the purposes stated in Article 6B as printed in the warrant; • transfer from Free Cash the sum of \$80,000, transfer from Sewer Retained Earnings the sum of \$80,000, and further transfer from Water Retained Earnings the sum of \$80,000 for the purposes stated in Article 6C as printed in the warrant; • transfer from Free Cash the sum of \$45,000, transfer from Sewer Retained Earnings the sum of \$55,000, and further transfer from Water Retained Earnings the sum of \$55,000 for the purposes stated in Article 6D as printed in the warrant; • transfer from Sewer Retained Earnings the sum of \$35,000 for the purposes stated in Article 6E as printed in the warrant; • transfer from Sewer Retained Earnings the sum of \$60,000 for the purposes stated in Article 6F as printed in the warrant; • transfer from Sewer Retained Earnings the sum of \$40,000 and transfer from Water Retained Earnings the sum of \$40,000 for the purposes stated in Article 6G as printed in the warrant; • transfer from Free Cash the sum of \$79,000 for the purposes stated in Article 6H as printed in the warrant; • transfer from Free Cash the sum of \$155,000 for the purposes stated in Article 6I as printed in the warrant; • and further to pass over Article 6J. Quantum of Vote: Majority

Questions: 6J motion to Passover by the BOS, A. Koenigsberg question on 6J to Passover? A. Bock, Superintendent of Schools response.

VOTE: Unanimous in favor in both gym and auditorium, motion carries

ARTICLE 7: Greens Mower (Country Club Operating Committee)

To see if the Town will vote to transfer from Free Cash the sum of Forty Six Thousand Dollars (\$46,000), or appropriate such other amount as Town Meeting may approve, for the purpose of replacing a greens mower, including all costs incidental and related thereto, or take any other action thereon.

MOTION: David Hall, 16 Old Colony Dr., Country Club Operating Committee; I move that the Town vote to transfer from Free Cash the sum of Forty Six Thousand Dollars (\$46,000) for the purposes stated in the article as printed in the warrant. Quantum of Vote: Majority

VOTE: A majority vote in gym and unanimous in auditorium, motion carries.

ARTICLE 8: Golf Cart Lease Term (Country Club Operating Committee)

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease agreement for a term of up to 5 years, or such other duration as Town Meeting may approve, for the purpose of leasing golf carts for the municipal golf course, or take any other action thereon.

MOTION: Katie Welch, 50 O'Neil Dr., Country Club Operating Committee; I move that the Town vote to authorize the Board of Selectmen to enter into a lease agreement for up to 5 years for the purposes stated in the article as printed in the warrant. Quantum of Vote: Majority 3

No Questions.

VOTE: Unanimous in favor in both the gym and auditorium, motion carries

ARTICLE 9: Town Water System Improvements (DPW)

To see if the Town will vote to borrow the sum of One Million Nine Hundred Eighty Thousand Dollars (\$1,980,000) or such other amount as the Town Meeting may approve, for the design, construction, installation, upgrading, and/or replacement of water mains and all associated work for various roads, and costs incidental or related thereto, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, Section 7, 8 or any other enabling authority and to issue bonds or notes of the Town therefor, and any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, and further to authorize the Board of Selectmen and appropriate Town officers to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the foregoing, or take any other action thereon.

MOTION: Chris Payant, 1502 Windsor Ridge Dr., Director of Public Works; I move that the Town vote to appropriate the sum of \$1,980,000 for the design, construction, installation, upgrading, and/or replacement of water mains and all associated work for various roads, and costs incidental or related thereto; and to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44, Section 8 or any other enabling authority and to issue bonds or notes of the Town therefor; and any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and further, to authorize the Board of Selectmen and appropriate Town officers to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the foregoing. Quantum of Vote: Two-thirds.

Mr. Payant spoke to the article.

No questions.

VOTE: Unanimous in favor in both gym and auditorium, motion carries

ARTICLE 10 – Affordable Housing Trust

To see if the Town will vote to accept the provisions of M.G.L. Chapter 44, Section 55C, and to establish a trust to be known as the Westborough Affordable Housing Trust Fund, the purpose of which shall be to provide for the creation and preservation of affordable housing in the Town of Westborough for the benefit of low- and moderate-income households, to support efforts to improve housing affordability for the Town of Westborough in general, and to fund community housing, as defined in General Laws Chapter 44B, and, in implementation thereof, to vote to amend the General Bylaws by adding a new Article 17 – Westborough Affordable Housing Trust Fund, or take any other action thereon.

ARTICLE 17 – AFFORDABLE HOUSING TRUST

Affordable Housing Trust Fund

Pursuant to the authority of General Laws Chapter 44, Section 55C, there is hereby created a local municipal affordable housing trust fund to be known as the "Westborough Affordable Housing Trust Fund" (the "Trust").

SECTION 1 PURPOSE

The purpose of the Trust shall be to provide for the creation and preservation of affordable housing in Westborough for the benefit of low- and moderate-income households, to support efforts to improve housing affordability for Westborough in general, and to fund community housing as defined in General Laws, Chapter 44B. The Trust shall be governed by a Board of Trustees in accordance with General Laws Chapter 44, Section 55C, as revised from time to time, and the authority granted by Town Meeting.

SECTION 2 APPOINTMENT AND TENURE OF TRUSTEES

(A) There shall be a Board of Trustees (the "Board") consisting of no fewer than five (5) and no more than seven (7) Trustees appointed by the Board of Selectmen. One of the Trustees shall be a member of the Board of Selectmen, who shall serve as the representative of the Board of Selectmen.

The Trustees shall be appointed for a term not to exceed two (2) years, such term to end on June 30 of the expiration year, except that at least two of the initial Trustees shall serve for one (1) year, to provide for staggered terms, and Trustees may be re-appointed at the discretion of the Board of Selectmen for succeeding terms, with no limits on the number of terms that a Trustee can serve. In the event of a vacancy in the position of Trustee, the appointment shall be made in accordance with the provisions hereof.

Trustee appointments must comply with Article 13 of Westborough Town By-laws. Any Trustee who ceases to comply with said Article 13 shall promptly provide a written notification of the change to the Town Clerk.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, any successor Trustee shall be appointed by the Board of Selectmen to fill such vacancy, provided that in each case, the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are at least five (5) Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. If any Trustee is absent from five (5) consecutive regularly scheduled meetings of the Trust, except in the case of illness, the Chair may notify the Board of Selectmen, who may terminate said Trustee of the Trust position.

SECTION 3 MEETINGS OF THE TRUSTEES

The Trust shall meet at least quarterly at such time and such place as the Board shall determine. Special meetings may be called by the Chair or by a quorum of the Board of Trustees. Notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law, Chapter 39, Sections 18-25.

A quorum of the Board of Trustees shall be the majority of the number of Trustees then serving under this Trust.

The Chair may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the sub-committees may be selected by the members of the sub-committees.

SECTION 4 ACTS OF THE TRUSTEES

Provided that a quorum of the Board is present, a majority of Trustees present and voting may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Board any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Board with respect to the Trust estate.

SECTION 5 POWERS OF THE TRUSTEES

- (A) The powers of the Board of Trustees shall include the following powers, which shall be carried out in accordance with and in furtherance of the provisions of General Laws Chapter 44, Section 55C as outlined below:
- (1) to accept and receive real property, personal property or money, by gift, grant, contributions, devise, or transfer from any person, firm, corporation or other public or private entity or organization or tendered to the Trust in connection with provisions of any by-law or any general or special laws or any other source, including money from General Laws Chapter 44B, the Community Preservation Act ("Chapter 44B), provided, however, that any such money received from Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the Community Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the Department of revenue;
 - (2) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such

contracts and enter into such undertaking relative to Trust property as the Board deems advisable notwithstanding the length of any such lease or contract;

- (3) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- (4) to borrow money on such terms and conditions and from such sources as the Board deem advisable, to mortgage and pledge Trust assets as collateral, to the extent of the Trust's assets;
- (5) to construct, manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;
- (6) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (7) to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;
- (8) to become the lottery and monitoring agent for affordable housing and accept compensation for those services into the Fund;
- (9) to monitor the expiring use of any affordable housing in Westborough;
- (10) to compensate Town employees for services provided as authorized by the Town Manager and in accordance with applicable laws, including, but not limited to, dedicated staff to Trustees, engineering support for project specific activities, and other Town services, as requested by the Board to the Town Manager;
- (11) to employ advisors and agents, including but not limited to accountants, appraisers and lawyers as the Board deems necessary;
- (12) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- (13) to participate or join or form a partnership, corporation or any other legally organized entity to accomplish the purposes of this Trust and to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation, and any other corporation, person or entity;
- (14) to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (15) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- (16) to carry property for accounting purposes other than acquisition date values;
- (17) to make distributions or divisions of principal in kind;
- (18) to extend the time for payment of any obligation to the Trust,
- (19) to establish criteria and/or qualifications for recipients and expenditures in accordance with Trust's stated purposes; and
- (20) to compromise, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Trustees may deem appropriate.

(B) Notwithstanding anything to the contrary herein, Board of Selectmen approval shall be required for any of the following actions:

- (1) Any single action that expends or commits 50% or more of the Trust assets, including any action to purchase real or personal property, to borrow money, or to mortgage or pledge Trust assets as collateral;

- (2) If the Trust has cumulatively expended or committed 80% of Trust assets, any action, including any action to purchase real or personal property, to borrow money, or to mortgage or pledge, that expends or commits additional Trust assets as collateral; or
 - (3) Any sale or other disposition of real or personal property in excess of 50% of the Trust's assets.
- (C) If authorized under Subsection (B), the Trustees shall have full power and authority, at any time and from time to time and without the necessity of applying to any court for leave to do so, to expend the 100% of the Trust funds, both principal and interest, to the extent that all funds hereunder may be expended, if the Trustees deem such expenditure appropriate. All expenditures shall be made in conformance with the terms of this Trust and General Laws Chapter 44, Section 55C.

SECTION 6 TREASURER/COLLECTOR AS CUSTODIAN

The Town of Westborough Treasurer/Collector shall be the custodian of the Trust funds and shall maintain separate accounts and records for said funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of General Laws Chapter 44, Section 55C. The yearly approved budget, and any approved budget revisions will be recorded by the Town Treasurer/Collector. The Finance Director shall issue checks as directed by the Board.

In accordance with General Laws Chapter 44, Section 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. The Trust shall be audited as part of the Town audit. Cost associated with the independent audit shall be borne by the Trust. Upon receipt of the audit by the Board, a copy shall be provided forthwith to the Board of Selectmen.

SECTION 7 DURATION OF THE TRUST

The Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, the Trust may be terminated by a majority vote of Town Meeting, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Worcester South District Registry of Deeds and the Worcester South Registry District of the Land Court. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Article Information – This Article will create an Affordable Housing Trust for the Town of Westborough. Last spring, the Board of Selectmen formed an Affordable Housing Trust Working Group to explore the creation of an affordable housing trust. This group recommended the creation of the trust and a draft of proposed trust documents to the Board of Selectmen in October. The motion for this Article requires a simple majority vote.

MOTION: Allen Edinberg, 8 Nash St., Board Of Selectmen; I move that the Town vote to approve the article as printed in the warrant. Quantum of Vote: Majority

Question(s)/Remarks: Andrew Koenigsberg, 3 Smith St. Steve Doret, 23 Mill Rd., Kris Allen, 8 Edward Dunn Way.

VOTE: Unanimous in favor in both gym and auditorium, motion carries

ARTICLE 11: Funding for Westborough Affordable Housing Trust from Del Webb Chauncy Lake Variance (Board of Selectmen)

To see if the Town will vote to transfer from Free Cash the sum of Six Hundred Forty Two Thousand Eight hundred Fifty Seven and 15/100 (\$642,857.15), or appropriate such other amount as Town Meeting may approve, to the Westborough Affordable Housing Trust, representing the first payment received by the Town under the Variance granted to Pulte Homes of New England, LLC by the Board of Appeals as filed on January 7, 2020.

MOTION: Allen Edinberg, 8 Nash St., Board of Selectmen; I move that the Town vote to transfer from Free Cash the sum of \$642,857.15 to the Westborough Affordable Housing Trust for the purposes stated in article 10 as printed in the warrant. Quantum of Vote: Majority

VOTE: Majority vote in favor in both gym and auditorium, motion carries

ARTICLE 12: 50 Eli Whitney Street Utility Easement (School Building Committee)

To see if the Town will vote to grant the Board of Selectmen joint custody of the property located at 50 Eli Whitney Street, identified on Assessors Map 9 as Lot 88, which property is in the care, custody and control of the School Committee for school purposes, for the sole purpose of granting permanent utility and other easements in a portion or portions of said property, and to authorize the Board of Selectmen to grant permanent easements on said property for the foregoing purposes, or take any action relative thereto.

MOTION: Steve Doret, 23 Mill Rd., School Committee; I move that the Town vote to approve the article as printed in the warrant. Quantum of Vote: Two-thirds

VOTE: Unanimous in favor in both gym and auditorium, motion carries

ARTICLE 13: Amend General Bylaws – Community Development Department (Board of Selectmen)

To see if the Town will vote, pursuant to Article 5-1 of the Town Charter, to amend its General Bylaws by adding a new Article 18 – Community Development Department, or take any other action thereon:

Section 1 Community Development Department and Community Development Director

There shall be a Community Development Department, to include the functions and departments of the Building, Economic Development, and Conservation, to be headed by and under the supervision of a Community Development Director. The office of Community Development Director shall be filled by appointment of the Town Manager.

The Community Development Director is responsible for overseeing and coordinating the Town’s development activities in cooperation with the Town Planner and the Planning Board. The Community Development Director supervises the Building Commissioner, Conservation Director, and Economic Development Coordinator, or other such title as may be given to the heads of these departments, and may also perform the functions of a Building Commissioner, as set forth and pursuant to their respective job descriptions.

MOTION: Shelby Marshall, Chairman BOS; I move that the Town vote to approve the article as printed in the warrant. Quantum of Vote: Majority

Response to question(s): Town Manager, Kristi Williams

Question & amendment motioned; Peter Dunbeck, 8 Wayside Rd.

Mr. Dunbeck, motioned to make an amendment to the first sentence, in Section 1; *“There shall be a Community Development Department, to include the functions and departments of the Building, Economic Development, Sustainability, Climate Change, & Conservation, to be headed by”....* (and continue on the same).

- Andrews Koenigsberg, 3 Smith St., comments from Conservation Commission
- Kristi Williams, Town Manager, commented on the supervision of departments
- Edward Behn, 5 Thomas Rice Dr., recommended a vote on the amendment
- Shelby Marshall, 7 Charles St., Chair BOS noted the BOS voted 4-0 in support of Mr. Dunbeck’s amendment
- Mark Silverberg, 7 Weld St., Chairman, Planning Board noted that PB voted 2-1 to not support the change. They voted 3-0 in favor of the original motion.
- Peter Allen, 8 Edward Dunn Way, question as to why PB is 2-1 to oppose the change.
- Mark Silverberg, Chair PB, felt the article is an incremental change and there will be future changes. The PB expresses their sentiment but wants to understand the change in the amendment; would like to have a better understanding of who will be responsible for these functions.
- Sean Keogh, Chair FINCOM, 5 Yorkshire Circle, FINCOM voted 7-1 against the change; committee agrees with the sentiment, but it should go thru a process and review of the article.
- Shelby Marshall, 7 Charles St., Chair BOS, noted the language creates connectivity to the town and the BOS is unanimously in support of change.
- Lester Hensley, 39 Arch St. understands the comments of the BOS, but struggles with what the bylaw confers and agrees with the sentiment of the amendment. He stated this is not the right time or place to do this. There is a broader vision for the department in a staffing study looking at this. He would vote against the amendment, but for the main motion.

VOTE: (to Mr. Dunbeck’s amendment) *“There shall be a Community Development Department, to include the functions and departments of the Building, Economic Development, Sustainability, Climate Change, & Conservation,”*

A hand-count was taken by Mr. Arnold, Moderator & Ms. Mickel, Town Clerk in the Gym. Hand-count taken by Mr. Gold, Deputy Moderator and Ms Ledoux, Asst. Town Clerk in the auditorium. Mr. Arnold noted: the Gym vote was (24) in favor of the amendment and (24) opposed. The Auditorium vote was (4) opposed to the amendment; **The total vote** was (24) in favor and (28) opposed to the amendment. The Amendment to Mr. Dunbeck’s Motion was defeated.

VOTE: Main Motion: Unanimous in favor; motion carries

ARTICLE 14: Community Development Director Salary (Board of Selectmen)
To see if the Town will vote to raise and appropriate Five Thousand Five Hundred Dollars (\$5,500), or appropriate such other amount as Town Meeting may approve, for the purpose of paying the salary for the new Community Development Director position, or take any other action thereon.

MOTION: Ian Johnson, BOS Motion: I move that the Town vote to raise and appropriate the sum of \$5,500 for the purpose stated in the article as printed in the warrant. Quantum of Vote: Majority

Mr. Johnson spoke to the article.

VOTE: Unanimous in favor; motion carries

Mr. Johnson, Board of Selectmen, concluded with a Thank You to the Town Clerk and her staff and many volunteers, to have had a safe and effective election, and noted the enormity of election preparations that needed to be done. Mr. Arnold broke with tradition and allowed an applause ☺

Mr. Johnson, “I move to dissolve the STM.”

VOTE: Unanimous in favor, motion carries

Mr. Arnold, declared the Meeting dissolved at 11:30am.

Attest:

Wendy Mickel, Town Clerk

Dated: _____