

Narrative:

Mr. Arnold, Moderator led the meeting in the Pledge of Allegiance.

On Saturday, May 15, 2021 at 9:00 am, John Arnold of 251 West Main St., introduced himself as the elected Moderator and Wendy Mickel, as the elected Town Clerk. Westborough called the 2021 Annual Town Meeting to order pursuant to a Warrant signed by the Board of Selectmen and posted as prescribed by law. Mr. Arnold review the COVID-19 restrictions still in place.

Mr. Arnold gave introductions of those boards and committees present. He thanked the Advisory Finance Committee booklet and the WHS staff, Steve Masciarelli and Town IT Dept, Mark Stockman who set up the electronics in gym. He also thanked the Women's Club for their offering snacks.

Mr. Arnold noted the need to elect Deputy Moderators; for the Auditorium and the LaDuke Gym and that Debbie Ledoux will serve as the Asst Town Clerk in the Auditorium. Mr. Arnold nominated Lisa Blazejewski, 2 Treetop Park and Benjamin Gold, 19 Blake St. He noted they have been briefed and are both willing to serve. A vote was taken for the (2) Deputy Moderators; The Vote was unanimous in each room. Mr. Gold and Ms. Blazejewski were sworn into office by Mr. Arnold.

Mr Arnold noted that there were not any non-voters present nor did any ask to speak.

Mr. Arnold noted the re-cap of past meeting practices inside the AFC Report and updated attendees of the current COVID protocol. He noted that for procedural questions; please call out "Point of Order" or to stand if you wish to speak or to go to a microphone to be called upon. If a voter cannot walk to a microphone, Mr Arnold noted he will come to you. Mr. Arnold reiterated that remarks be relevant to the article at hand. He addressed emergency protocol and to follow direction from those emergency personnel. Mr. Arnold explained deliberations and if needed, how a hand count will be addressed.

Mr. Arnold acknowledged that the Annual Town Election is usually the first article on the warrant and that town meeting is typically held in March, but changed this year. The Election, was held in March, and was on a separate warrant. He asked that all that were elected to stand and be recognized.

COMMONWEALTH OF MASSACHUSETTS WORCESTER, SS

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

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to act on the following Articles on Saturday, May 15, 2021, at 9:00 A.M. in the Westborough High School located at 90 West Main Street, Westborough.

The Article Information statements printed in italics are not part of the formal Articles of the Warrant. They constitute additional information offered for the benefit of the voters, true and correct as of the time of posting of the Warrant, but subject to change as called for. They are not to be construed so as to broaden or limit the scope of the formal Articles.

Article 1: Town Reports (Advisory Finance Committee)

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

The motion for this article requires a simple majority vote.

Motion: Michael Barretti, Chairman AFC; I move that the town vote to receive the reports of the various officers and committees and that the report of the Advisory Finance Committee be acted upon item by item under the various articles of the warrant.

Mr. Arnold asked for any discussion. There was none.

VOTE

Unanimous in favor
Motion carries

Mr. Arnold, noted the Town Report now being on the Town Website. He acknowledged and thanked all the healthcare workers and first responders and all of those who played a role during the last year. An applause was given. Mr. Arnold noted the annual report and dedication of those who passed in the 2020 year; to remember those 39 who died from COVID and those residents who died in the past year in Westborough.

Mr. Barretti, 54 Adams St., Chairman of the Advisory Finance Committee, spoke to Article 2.

Mr. Arnold, introduced the receiving of the reports by Ms. Williams, Town Manager.

Article 2: Fiscal Year 2022 Operating Budgets (Advisory Finance Committee)

To see what sums the Town will vote to raise and appropriate or transfer from available funds for the support of the several offices, departments, boards and commissions of the Town of Westborough for Fiscal Year 2022 beginning July 1, 2021, and ending June 30, 2022, or take any other action thereon.

Article Information – The Town budgets, including all expenses, are estimated to increase/decrease. The motion for this article requires a simple majority vote.

Ms. Kristi Williams, Town Manager spoke to the article.

Motion: Michael Barretti, Chairman AFC; *I move that the Town vote to raise and appropriate such sums of money as may be necessary to defray the expenses of the several town departments for the ensuing fiscal year and that each total read by the Moderator be considered a separate motion made for each of the line items making up that total in the column marked FY2022 AFC Recommended Budget; I further move that the sum of \$1,128,424 be appropriated from the Capital Improvement Fund towards the costs of FY2022 Debt; and I further move that the following sums be appropriated to operate the Country Club Enterprise: \$500,000 from enterprise revenues; \$153,178 from the Tax Levy for a total FY2022 Country Club budget of \$653,178.*

Mr. Arnold read each of the articles. He asked voters who have a question to the budget to call out “point of order or question” for each article questioned.

- Question-BOS/Town Manager salary & wages \$524,184
- Question-EDC salary & wages \$68,542
- Question-Country Club Enterprise salary & wages \$150,867

VOTE (to all items except 3 questioned above)
A Majority in favor
Motion Carries

- Question-BOS/Town Manager salary & wages, Ms. Williams spoke to question

VOTE:
Majority in favor
Motion Carries.

- Question-EDC salary & wages, Ms. Williams spoke to question

VOTE:
Majority in favor
Motion Carries.

- Question-CC Enterprise salary & wages, Ms Williams spoke to question

VOTE:
Majority in favor
Motion Carries.

Article 3: Regularly Recurring Articles (Town Manager)

To see what action the Town may take on the following items, **A** through **D**, 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 was voted as a separate article:

A. Reserve Funds (Advisory Finance Committee) To see if the Town will vote to transfer the sum of

Two Hundred Fifty Thousand Dollars (\$250,000) or such other amount as the Town Meeting may approve, from Free Cash for the Finance Committee General Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) or such other amount as the Town Meeting may approve, from Water Retained Earnings for the Water Enterprise Reserve Fund, transfer Fifty Thousand Dollars (\$50,000) or such other amount as the Town Meeting may approve, from Sewer Retained Earnings for the Sewer Enterprise Reserve Fund, or such other amounts as the Town Meeting may approve, in accordance with Section 6 of Chapter 40 of the Massachusetts General Laws, or take any other action thereon.

Article Information – These accounts provide funding for unforeseen expenses during the year through various reserve funds. The motion for this article requires a simple majority vote.

B. Re-Stocking Sandra Pond (Sandra Pond Wardens/Recreation Department) To see if the Town will vote to transfer from Free Cash the sum of Seven Thousand Two Hundred and Eighty Dollars (\$7,280), or such other amount as the Town Meeting may approve, to re-stock Sandra Pond in 2021 and 2022, or take any other action thereon.

Article Information – This article funds the fish re-stocking at Sandra Pond as the Town has done in the past. The amount will fund two years of re-stocking so that money will be available for the 2021 season and the 2022 season. The motion for this article requires a simple majority vote.

C. Tuition Reimbursement (Town Manager) To see if the Town will vote to raise and appropriate the sum of Fourteen Thousand Dollars (\$14,000), or such other amount as the Town Meeting may approve, for the purpose of funding employee tuition reimbursement, or take any other action thereon.

Article Information – This article funds tuition reimbursement to allow the Town to meet its obligation to the Collective Bargaining Units and Personnel Policies. The Town funds the amount that is estimated to be used during the upcoming fiscal year. This was previously funded through the Town Manager/Board of Selectmen budget. The motion for this article requires a simple majority vote.

D: Request and Approve a Cable TV Budget (Finance Director)

To see if the Town will vote to raise and appropriate through the Cable TV Enterprise Fund the sum of Three Hundred Thousand Dollars (\$300,000) for the purpose of funding the FY2022 Cable TV budget, or take any other action thereon.

Article Information – This article will allow the Town to fund Westborough TV's Fiscal Year 2022 Cable TV budget without impacting the tax payer. The motion for this article requires a simple majority vote.

MOTION: Allen Edinberg, Chairman BOS; I move that the Town vote to approve Article 3, Sections A –D and that the Town vote to:

- transfer and appropriate the sum of \$250,000 from Free Cash, transfer and appropriate the sum of \$50,000 from Water Retained Earnings, and transfer and appropriate the sum of \$50,000 from Sewer Retained Earnings for the purpose of Article 3A
- transfer and appropriate the sum of \$7,280 from Free Cash for the purpose of Article 3B; and
- raise and appropriate the sum of \$14,000 for the purpose of Article 3C; and
- raise and appropriate through the Cable TV Enterprise Fund the sum of \$300,000 for the purpose of Article 3D as printed in the warrant.

Mr. Edinberg spoke to the article.

Mr. Arnold noted he would address each item individually for the vote.

- Question (3B) to Sandra Pond stocking
- Question (3C) to change policy tuition reimbursement/Obligation to fund tuition reimbursement
- Question by Nathan Walsh to take the articles 3A,3B,3C,3D individually

VOTE: 3A
Unanimous in favor
Motion carries

VOTE: 3B
Majority in favor
Motion carries

VOTE: 3C
Majority in favor

Motion Carries

VOTE:3D

Majority in favor

Motion Carries

Article 3 (includes 3A, 3B, 3C, 3D voted individually)

Article 4: July 4th Block Party (Recreation)

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

Article Information – This article pays part of the cost for the annual July 4th celebration. The motion for this article requires a simple majority vote.

MOTION: Beth Travis, Adams St., Recreation; I move that the Town vote to transfer and appropriate from Free Cash the sum of \$2,500 for the purpose stated in the article as printed in the warrant.

Jenn Kirkland, spoke to the article.

VOTE

Majority in favor

Motion carries

Article 5: Lake Chauncy Treatment (Recreation)

To see if the Town will vote to raise and appropriate the sum of Seventeen Thousand Dollars (\$17,000), or such other amount as the Town Meeting may approve, for a copper sulfate treatment for algae in Lake Chauncy.

Article Information – This article will pay for the treatment of Lake Chauncy to prevent algae blooms. Algae blooms have occurred in the lake over the last few years. This has typically happened in the fall and required signage around the lake as it is hazardous to people and animals that come in contact with it. The motion for this article requires a simple majority vote. The motion for this article requires a simple majority vote.

MOTION: Beth Travis, 65 Adams St., Recreation; I move that the Town vote to raise and appropriate the sum of \$17,000 for the purpose stated in the article as printed in the warrant.

VOTE

Majority in favor

Motion carries

Article 6: Nutrient Evaluation Study for Lake Chauncy (Recreation/Conservation)

To see if the Town will vote to raise and appropriate or transfer from Free Cash the sum of Twenty-Five Thousand Dollars (\$25,000) for the purpose of engaging a consultant to develop an in-lake nutrient management evaluation and phosphorous control plan for Lake Chauncy, with short and long-term recommendations and cost estimates.

Article Information: To address increasingly frequent algal blooms at Lake Chauncy that have periodically shut down the beach to swimmers, most recently in 2019, the Town is proposing to invest in an in-lake nutrient evaluation, with data-driven recommendations for phosphorus management and reduction that are environmentally sensitive and cost-effective. The motion for this article requires a simple majority vote.

MOTION: Andrew Koenigsberg, Conservation Commission; I move that the Town vote to transfer and appropriate from Free Cash the sum of \$25,000 for the purpose stated in the article as printed in the warrant.

Jenn Kirkland, Recreation Director spoke to the article.
Mr. Payant, DPW Director, spoke to additional questions

VOTE
Unanimous in favor
Motion carries

Article 7: 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 was voted as a separate article:

A. Vehicle Replacement (Animal Control)

To see if the Town will vote to transfer from Free Cash the sum of Twenty-Eight Thousand Four Hundred Thirty Five Dollars (\$28,435), or such other amount as Town Meeting may approve, for the purpose of replacing, purchasing and equipping a vehicle, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to replace the 2002 GMC pick-up truck that currently serves as the Animal Control vehicle. This vehicle is not configured for its current use and is expected to be replaced with a van that has a much higher fuel efficiency and adequate cargo space to allow for the safe transport of animals picked up by the Animal Control Officer. The motion for this article requires a simple majority vote. The motion for this article requires a simple majority vote.

B. Personal Protective Equipment (Fire Department)

To see if the Town will vote to transfer from Free Cash the sum of Eighty-Six Thousand Dollars (\$86,000), or such other amount as Town Meeting may approve, for the purpose of purchasing personal protective equipment, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to purchase a second set of turnout gear for 33 of the department's firefighters. Each set of gear includes pants, coat, gloves, boots and a protective hood that are customized to ensure proper fit and are designed to protect the firefighters from exposure to harmful substances during firefighting operations. Since 2017, the department has replaced each firefighter's primary set of gear, and recently began purchasing additional gear, using donated funds. Studies show that immediately removing gear from service after every exposure and laundering it in an approved extractor significantly reduces cancer risk to firefighters and extends the useful life of the PPE. This safety practice is critical to protecting the well-being of the department's personnel and necessitates that all personnel have a second set of gear to ensure that they are able to respond when needed. The motion for this article requires a simple majority vote.

C. Engine 2 Replacement (Fire Department)

To see if the Town will vote to transfer from Free Cash the sum of Three Hundred Seventy-Eight Thousand Six Hundred Sixty-Two Dollars (\$378,662) and further transfer from the Capital Stabilization Fund the sum of Three Hundred Sixty-Six Thousand Three Hundred Thirty-Eight Dollars (\$366,338), or such other amount as Town Meeting may approve, for the purpose of replacing, purchasing and equipping a fire engine, including all costs incidental and related thereto, or take any other action thereon.

Article Information – This request seeks to replace Engine 2, a 1996 Pierce Saber Pumper truck with an NFPA compliant and reliable fire engine that is able to meet the demands of the community. Engine 2 served as a front-line pumper for 10 years and has since been rotated back in the fleet. The twenty-five year old vehicle continues to experience many electrical, pump and corrosion issues, and lacks many of the safety features available on apparatus today. The motion for this article requires a 2/3 vote.

D. Police Cruiser Replacements (Police Department)

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Thirty Thousand Dollars (\$130,000), or such other amount as Town Meeting may approve, for the purpose of replacing and purchasing two police cruisers and associated equipment, including all

costs incidental and related thereto in compliance with the Green Communities Act, or take any other action thereon.

Article Information - This request seeks to continue the regular replacement of cruisers. Police vehicles are often used 24 hours a day and 7 days a week. In order to properly manage the fleet, a regular replacement schedule is needed to ensure the fleet does not become unreliable. A regular replacement schedule also improves officer safety and cuts down on maintenance costs. The intention of this proposal is to replace two of the oldest cruisers including related equipment in compliance with the Green Communities Act. The department will, when possible, purchase Hybrid vehicles. Although these Hybrid vehicles are more expensive to purchase, Ford estimates the hybrid vehicle will save 1,276 gallons of fuel per year due to its increased MPG rating and shutting off of the engine while at "idle". These features are expected to result in \$3,509 in fuel savings and a 22,560 lbs. reduction of CO2 emissions per vehicle, per year. The motion for this article requires a simple majority vote.

E. One-Ton Utility Truck with Crane Replacement (Department of Public Works)

To see if the Town will vote to transfer from Free Cash the sum of Forty Thousand Six Hundred Sixty-Six Dollars (\$40,666), transfer from Sewer Retained Earnings the sum of Forty Thousand Six Hundred Sixty-Seven Dollars (\$40,667), transfer from Water Retained Earnings the sum of Forty Thousand Six Hundred Sixty-Seven Dollars (\$40,667), or such other amount as Town Meeting may approve, for the purpose of replacing, purchasing and equipping a one-ton utility truck with crane, including all costs incidental and related thereto, or take any other action thereon.

Article Information: This request seeks to replace a 1999 Ford F-350 Utility vehicle with crane. This vehicle is used to support maintenance of the DPW fleet and other Town-owned vehicles and also supports snow plowing operations. The vehicle requires significant investment of manpower and repair parts to maintain, and, at the time of replacement, will be 21 years old, well beyond its recommended useful life of 10 years. The motion for this article requires a simple majority vote.

F. One-Ton Pickup with Plow Replacements (Department of Public Works)

To see if the Town will vote to transfer from Free Cash the sum of Eighty Thousand Six Dollars (\$80,006), transfer from Sewer Retained Earnings the sum of Forty Thousand Dollars (\$40,000), transfer from Water Retained Earnings the sum of Forty Thousand Dollars (\$40,000), or such other amount as Town Meeting may approve, for the purpose of replacing, purchasing and equipping two one-ton pickups with plows, including all costs incidental and related thereto, or take any other action thereon.

Article Information: This request seeks to replace a 2011 F-350 one-ton pickup with plow and a 2008 F-350 one-ton pickup with plow. The 2011 vehicle is used to support the daily operations of the Cemetery Division and the 2008 vehicle is used to support water infrastructure repairs, transporting chemicals, responding to water service calls to residents and performing snow clearing operations. The one-ton vehicle is the most heavily used vehicle in the DPW fleet. The motion for this article requires a simple majority vote.

G. Loader Replacement (Department of Public Works)

To see if the Town will vote to transfer from Free Cash the sum of Sixty-Six Thousand Six Hundred Sixty-Six Dollars (\$66,666), transfer from Sewer Retained Earnings the sum of Sixty-Six Thousand Six Hundred Sixty-Seven Dollars (\$66,667), transfer from Water Retained Earnings the sum of Sixty-Six Thousand Six Hundred Sixty-Seven Dollars (\$66,667), or such other amount as Town Meeting may approve, for the purpose of replacing, purchasing and equipping a loader, including all costs incidental and related thereto, or take any other action thereon.

Article Information: This request seeks to replace a 1988 CAT Loader. This piece of equipment is used to support roadway repairs, conduct snow plowing operations and respond to emergencies. The loader is exposed to many different environments including corrosive materials which cause disintegration of the Public Works equipment. As the equipment ages, it requires additional mechanical and body work to keep it operational. The General Accounting Services Board recommended useful life for this piece of equipment is 10 years. At 32 years old, this piece of equipment it is well beyond its recommended useful life. The motion for this article requires a simple majority vote.

H. Building Condition Assessment (Buildings & Grounds Department)

To see if the Town will vote to transfer from Free Cash the sum of Forty-Five Thousand Dollars (\$45,000), or such other amount as Town Meeting may approve, for the purpose of funding a building condition assessment study, including all costs incidental and related thereto, or take any other action thereon.

Article Information: The town has three aged buildings, the Westborough Golf Club, the Harvey Building and the Forbes Community Building, that have known capital maintenance requirements and the potential to be repurposed to support current or future requirements. In order to ensure the safety and usefulness of these buildings, or at minimum preserve them for future use, it is essential that we understand what capital improvements are necessary now and in the near future. A condition assessment, which is a standard term in the facility management industry, is required to properly evaluate each building's systems, components, and subcomponents. The information received from the assessment will be used to forecast repair costs, renovation, or replacement. The motion for this article requires a simple majority vote.

I. High School Gymnasium Partition Replacement (School Department)

To see if the Town will vote to transfer from Free Cash the sum of Two Hundred Forty-Five Thousand Nine Hundred Dollars (\$245,900), or such other amount as Town Meeting may approve, for the purpose of removing and replacing two High School Gymnasium partitions, including all costs incidental and related thereto, or take any other action thereon.

Article Information: There are two Gymnasium divider partitions located in the High School gymnasiums that have required numerous repairs over the past few years and both urgently need to be replaced as they present a potential safety concern. The pricing is based on bid results received in March. The current vendor is resistant to continuing with its maintenance services for two partitions due to concerns associated with safety and liability. The motion for this article requires a simple majority vote.

J. Hastings School Sprinkler System Installation (School Department)

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Seventy One Thousand Six Hundred and Fifty Dollars (\$171,650) for the purpose of installing the Hastings School Sprinklers; or to take any action relative thereto.

Article Information: This article would fund the additional money needed to complete this project based on the bid price. The Town previously appropriated \$627,000 from overlay surplus for the project at the April 21, 2019 Town Meeting and \$133,000 was transferred from unexpended bond proceeds at the October 21, 2019 Town Meeting. However, when the Sprinkler System went out for Public Bid (twice), the cost of the project came in higher than the Engineer's original estimate. The most recent bid was received on February 24, 2021. The motion for this article requires a simple majority vote.

MOTION: Ian Johnson, 9 Bertis Adams Way, BOS; I move that the Town vote to

- transfer and appropriate from Free Cash the sum of \$28,435 for the purposes of Article 7A;
- transfer and appropriate from Free Cash the sum of \$86,000 for the purposes of Article 7B;
- transfer and appropriate from Free Cash the sum of \$378,662 and Capital Stabilization Fund the sum of 366,338 for the purposes of Article 7C;
- transfer and appropriate from Free Cash the sum of \$130,000 for the purposes of Article 7D;
- transfer and appropriate from Free Cash the sum of \$40,666, and transfer and appropriate from Water Retained Earnings the sum of \$40,667, and transfer and appropriate from Sewer Retained Earnings the sum of \$40,667 for the purposes of Article 7E;
- transfer and appropriate from Free Cash the sum of \$80,006, transfer and appropriate from Water Retained Earnings the sum of \$40,000, and transfer and appropriate from Sewer Retained Earnings the sum of \$40,000 for the purposes of Article 7F;
- transfer and appropriate from Free Cash the sum of \$66,666, transfer and appropriate from Water Retained Earnings the sum of \$66,667, and transfer and appropriate from Sewer Retained Earnings the sum of \$66,667 for the purposes of Article 7G;
- transfer and appropriate from Free Cash the sum of \$45,000 for the purposes of Article 7H; • transfer and appropriate from Free Cash the sum of \$245,900 for the purposes of Article 7I; and transfer and appropriate from Free Cash the sum of \$171,650 for the purposes of Article 7J

Mr. Johnson spoke to the article.

Mr. Arnold will act on the multi-item articles by allowing a call of “Question” to individual items

- Question-7A
- Question-7C
- Question-7D
- Question -7F
- Question -7H
- Question -7I

Items not called into question went to a vote.

VOTE: 7B, 7E, 7G & 7J
Unanimous in favor
Motion Carries

Items questioned and voted separately.

Jeff Lourie, Chief of Police spoke to the question.
Kristie Williams, Town Manager spoke to the question.

VOTE: 7A
Unanimous in favor
Motion Carries

Pat Purcell, Fire Chief spoke to question 7C-replacement

VOTE: 7C
Unanimous in favor; a 2/3 vote achieved
Motion Carries

Jeff Lourie, spoke to question

VOTE: 7D
Majority in favor
Motion Carries

Chris Payant- DPW Director spoke to the question
Kristi Williams, Town Manager spoke to the question

VOTE: 7F
Unanimous in favor
Motion carries

Kristi Williams, Town Manager spoke to the question

VOTE: 7H
Majority in favor
Motion carries

VOTE: 7I
Unanimous in favor
Motion carries

Article 8: Open Space Fund (Open Space Committee)

To see if the Town will vote to raise and appropriate or transfer from Free Cash the sum of Fifteen Thousand Dollars (\$15,000) for the purpose of appraisals and surveying, or take any other action thereon.

Article Information – This article would allow the Open Space Committee to obtain an appraisal on land of interest as it becomes available. The Open Space fund is now entirely exhausted after approving 2 new property assessments. This is particularly important when a chapter 61A property comes up for

sale, for which the Town has a right of first refusal or an option to purchase. The Open Space Committee would need to obtain a property appraisal and make an offer within 30 days. The motion for this article requires a simple majority vote.

MOTION: Mark Silverberg, 7 Weld St., Open Space Committee; I move to transfer and appropriate from Free Cash the sum of \$15,000 for the purpose of the article as printed in the warrant.

Mr. Silverberg spoke to the article.

VOTE
Majority in favor
Motion carries

Article 9: Body Worn Cameras (Police Department)

To see if the Town will vote to raise and appropriate or transfer from Free Cash the sum of Twenty Five Thousand One Hundred Seventy Six Dollars (\$25,176), or such other amount as Town Meeting may approve, for the purpose of purchasing body worn cameras, including all costs incidental and related thereto, or take any other action thereon.

Article Information – The Police Department received a grant in the amount of \$39,530 for body worn cameras. The cost to implement the program is \$64,706 in the first year. This article is a request for the remaining cost of implementation. Once implemented, the estimated recurring annual cost is \$26,302 for storage, licensing and technical services. This cost does not include additional staff that may be needed to manage the information and respond to information requests. The motion for this article requires a simple majority vote.

MOTION: Shelby Marshall, BOS; I move to transfer and appropriate from Free Cash the sum of \$25,176 for the purpose of the article as printed in the warrant.

Jeff Lourie, Chief of Police spoke to the article
Statement - Paul George, 19 Robin Rd

VOTE
Unanimous in favor
Motion Carries.

Article 10: Stormwater Infrastructure Improvements (DPW)

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Thirty-Five Thousand Dollars (135,000), or such other amount as Town Meeting may approve, for the purpose of completing assessments and improvements to the municipal stormwater infrastructure system, including all costs incidental and related thereto, or take any other action thereon.

Article Information – This article requests funding to provide the town’s contribution to the Massachusetts Clean Water Trust Asset Management Grant Program. Westborough was one of 16 towns selected to receive the grant. The grant project will assess every Town culvert, provide the Town a stormwater asset management plan, and develop recommendations for a long-term stormwater infrastructure funding strategy. The asset management plan will assist the Town in deciding when the Town should repair, replace, or rehabilitate its 160 culverts. The grant requires a cash contribution from the Town. The program requires the grant recipient to appropriate the entire cost of the project, \$135,000, although the Town will only actually pay its matching contribution, which is \$36,000. Additionally, this funding will be used to correct stormwater infrastructure deficiencies throughout the Town. The motion for this article requires a simple majority vote.

MOTION: Christopher Payant, DPW Director; I move the Town vote to transfer and appropriate from Free Cash the sum of \$135,000 for the purpose of the article as printed in the warrant.

Mr. Payant, spoke to the Article

VOTE

Unanimous in favor

Motion Carries

Article 11: Town Sewer System Updates (DPW)

To see if the Town will vote to transfer from the Sewer Retained Earnings the sum of One Million Eight Hundred Thousand Dollars (\$1,800,000), or such other amount as Town Meeting may approve, for the purpose of completing assessments and improvements to the municipal sewer system, including all costs incidental and related thereto, or take any other action thereon.

Article Information – This article requests funds to begin updating the Town’s Comprehensive Wastewater Management Plan (CWMP) and to complete improvements to the Town’s primary sewer line. The CWMP was initiated almost 20 years ago. In the years since the CWMP was developed, the Town has grown and the sewer system has been expanded. This update to the CWMP will identify potential changes in wastewater disposal needs, including modifications that may be required to residential, commercial and industrial wastewater allocations. The interceptor sewer line conveys the majority of the Town’s wastewater to the treatment plant. Rehabilitation of a significant portion of the interceptor line was completed in 2019. Funds from this article will enable the completion of the lining of the sewer interceptor. The motion for this article requires a simple majority vote

MOTION: Christopher Payant, DPW Director; I move the town vote to transfer and appropriate from Sewer Retained Earnings the sum of \$1,800,000 for the purpose of the article as printed in the warrant.

VOTE

Unanimous in favor

Motion Carries

Article 12: Improvement to Westborough Treatment Plant (Treatment Plant Board)

To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of Four Million Dollars (\$4,000,000), or such other amount as the Town Meeting may approve, for undertaking capital repairs and improvements to the Westborough Wastewater Treatment Plant and engineering services associated therewith, which funds will be combined with the monies borrowed under Article 21.A of the May 12, 2007 Annual Town Meeting, or to take any other action thereon.

Article Information – This article will pay for various improvements at the treatment plant including but not limited to replacement of the rotors in the aeration system, replacement of cloth filters, replace grit truck, rehab odor control scrubber, and rehab sludge holding tanks. The motion for this article requires a simple majority vote, unless funds are to be borrowed, in which event the motion will require a two-thirds vote.

MOTION: Mr. Thomas Burke, 1 Linda St., Wastewater Treatment Plant; I move that the Town vote to appropriate the sum of \$4,000,000 for the purpose of the article as printed in the warrant, which funds will be combined with the monies borrowed under Article 21.A of the May 12, 2007 Annual Town Meeting; that, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said \$4,000,000 under G.L. c.44, §7(1) or any other enabling authority; 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 to take any and all action as may be necessary or appropriate to effectuate the purposes of this vote

Jack Goodhall, Engineer to Water Treatment Plant, spoke to the article.

VOTE

Unanimous in favor

2/3 vote achieved, Motion carries.

Article 13: Extended Contract for Electric Vehicle (EV) Charging Stations (Town Manager)

To see if the Town will authorize the Board of Selectmen to enter into a contract for a term in excess of 3 years for network services related to the Electric Vehicle (EV) charging stations installed at the Golf

Club, or take any other action relative thereto.

Article Information – When the Town negotiated the contract for the Electric Vehicle (EV) Charging Station, the contract allowed for automatic annual renewal. Since the Town cannot enter into a contract longer than 3 years without Town Meeting approval, the Town will need to terminate this agreement after 3 years. A vote in favor will allow the Town to continue with the same service provider on a recurring annual basis. The motion for this article requires a simple majority vote.

MOTION: Sean Keogh, 5 Yorkshire Circle, BOS; I move the article as printed in the warrant.

Mr. Keogh spoke to the article.

VOTE
Majority in favor
Motion carries

Article 14: Acceptance of Easements – West Park Drive (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, easements on West Park Drive Extension and 118 Flanders Road for the purpose of installing and maintaining a traffic light and related appurtenances, or take any other action thereon.

Article Information – This article authorizes the Board of Selectmen to accept easements along West Park Drive Extension and Flanders Road. The motion for this article requires a simple majority vote.

MOTION: Patrick Welch 15 Chauncy Cir, BOS; I move the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, easements on West Park Drive Extension and 118 Flanders Road for the purpose of installing and maintaining a traffic light and related appurtenances, as approximately shown on a plan of land entitled “BWALT and Temporary Construction Easement Plan,”dated January, 2021, prepared by Beals + Thomas, on file with the Town Clerk, as said plan may be amended.

Jim Robbins, Town Planner, spoke to the article.

VOTE
Unanimous in favor
Motion Carries

Article 15: Acceptance of Easement – West Park Drive (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, trail, utility, construction and related easements on properties located at 118 Flanders Road, 2300 West Park Drive, 2200 West Park Drive, and 134 Flanders Road, or take any other action thereon.

Article Information – This article authorizes the Board of Selectmen to accept easements along West Park Drive and Flanders Road. The motion for this article requires a simple majority vote.

MOTION: Patrick Welch, 15, Chauncy Cir., BOS; I move the Town vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, permanent and/or temporary access, trail, utility, construction and related easements on properties located at 118 Flanders Road, 2300 West Park Drive, 2200 West Park Drive, and 134 Flanders Road, as approximately shown on a plan of land entitled “BWALT and Temporary Construction Easement Plan”, dated January, 2021, prepared by Beals + Thomas, on file with the Town Clerk, as said plan may be amended

Jim Robbins, Town Planner spoke to the article.

VOTE
Unanimous in favor
Motion carries

Article 16: Town Seal Review Committee (Board of Selectmen)

To see if the Town will vote to establish a Town Seal Review Committee consisting of a minimum of seven and a maximum of nine residents appointed by the Moderator, said committee to include persons

suited to the charge of the committee by their interest and familiarity with history, design, and civic participation, and whose charge shall be to review the history of Town Seals in Westborough; to consider whether or not the Town should adopt a new Town Seal after a public process that shall include consultation with a diverse group of stakeholders; to hold multiple public forums; and to provide a report and recommendation to a future Town Meeting that recommends whether or not the Town should adopt a new Town Seal and that, if the recommendation is to adopt a new Town Seal, also includes a proposed process for creating a new Town Seal.

Article Information – This article would create a committee appointed by the Moderator to review Westborough’s Town Seal. The committee will be charged with holding a public process to discuss changing the Town Seal and to provide a report and recommendation to a future Town Meeting. The motion for this article requires a simple majority vote.

MOTION: Shelby Marshall, BOS; I move the article as printed in the warrant

Selectman Marshall spoke to the article.

VOTE
Majority in favor
Motion carries.

Article 17: Establish a Disability Commission under MGL Chapter 40, Section 8J (Community Development Director/ADA Coordinator)

To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 8J, authorizing the Town to create a Commission on Disabilities, and, in accordance therewith, to establish a Commission consisting of seven (7) members appointed by the Town Manager with the approval of the Board of Selectmen, with the terms of the first members of said Commission to be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each, and a majority of said Commission members shall consist of people with disabilities; one member shall be a member of the immediate family of a person with a disability and one member of said Commission shall be either an elected or appointed official of the Town; such Commission shall be charged to undertake all of the matters authorized by law, including but not limited to: researching local problems of people with disabilities, serving as a resource to the Town in ensuring compliance with applicable state and federal laws affecting people with disabilities; and reviewing and making recommendations about Town policies, procedures, services, activities and facilities of departments, boards and agencies as they affect people with disabilities, or take any other action thereto.

Article Information – This article seeks to re-establish a Disability Commission that will have all the responsibilities under the law including advising and assisting municipal officials with compliance and coordinating and carrying out programs of the Massachusetts Office on Disability. The motion for this article requires a simple majority vote.

MOTION: Sean Keogh, 5 Yorkshire Terr., BOS; I move the article as printed in the warrant.

Selectman Keogh spoke to the article.

VOTE
Unanimous in favor
Motion carries.

Article 18: Facility Rental Revolving Account (Board of Selectmen)

To see if the Town will vote to provide for any amounts collected for building and property rentals, other than rental of school buildings, to be credited to a separate account to be expended without further appropriation by the board, committee or department head in control of the building or property for the upkeep and maintenance of the facility so rented, and further, to accept the proviso of the second paragraph of General Laws Chapter 40, Section 3 to allow any balance in such an account at the close of the fiscal year to remain available for expenditure without appropriation in future years for the upkeep and maintenance of any facility under the control of the board, committee or department head in control of the building or property.

And further to amend Article 15 of the General Bylaws to add the following revolving fund in the table:

Revolving Fund	Purpose	Funds to be Deposited From	Authorized to Expend Funds	Maximum Expenditure
Town Facility Rental	Town Facility Maintenance	Rental Fees	DPW Director	\$25,000

or take any other action thereon.

Article Information – This article seeks to create a Building Rental Revolving Account. This account will collect revenues from the use of Town facilities. Currently the Town collects approximately \$2,000 for facility rentals and those revenues are deposited into the General Fund. This account would capture those rental fees to be used to maintain Town facilities. The motion for this article requires a simple majority vote.

MOTION: Ian Johnson, 9 Bertis Adams Way, BOS; I move the article as printed in the warrant

Selectman Johnson spoke to the article.

VOTE
Unanimous in favor
Motion carries.

Article 19: Amend General Bylaws – Change “Board of Selectmen” to “Select Board” (Board of Selectmen)

To see if the Town will vote to amend the General Bylaws by deleting the words “Board of Selectmen” and “Selectmen” wherever they appear and inserting the words “Select Board” in place thereof and deleting the word “Selectman” wherever it appear and inserting the words “Select Board Member” and deleting the word “Chairman” wherever it appear and inserting the words “Chair” in place thereof and deleting the word “Vice Chairman” wherever it appear and inserting the words “Vice Chair”, or take any other action thereon.

Article Information – This article seeks to change the name of the Chief Executive Office of the Town of Westborough from Board of Selectmen to Select Board and make related changes to references to board members. This article would make this change throughout the Town’s General Bylaws. The motion for this article requires a simple majority vote.

MOTION: Allen Edinberg, Chair BOS; I move the article as printed in the warrant

Chairman Edinberg, BOS, spoke to the article.

VOTE
Majority in favor
Motion carries

Article 20: Amend Zoning Bylaws – Change “Board of Selectmen” to “Select Board” (Planning Board)

To see if the Town will vote to amend the Zoning Bylaws by deleting the words “Board of Selectmen” and “Selectmen” wherever they appear and inserting the words “Select Board” in place thereof and deleting the word “Selectman” wherever it appear and inserting the words “Select Board Member”, or take any other action thereon.

Article Information – This article seeks to change the name of the Chief Executive Office of the Town of Westborough from Board of Selectmen to Select Board and make related changes to references to board members. This article would make this change throughout the Town’s Zoning Bylaws. The motion under this article requires a 2/3 majority vote.

MOTION: Mark Silverberg, Planning Board; I move the article as printed in the warrant

Mr. Silverberg spoke to the article.

VOTE
Majority in favor
No = 1

More than a 2/3 vote achieved, Motion Carries

Article 21: Amend Town Charter – Change “Board of Selectmen” to “Select Board” (Board of Selectmen)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below to amend the Town Charter as follows:

SECTION 1. The table of contents of the charter of the town of Westborough, which is on file in the office of the archivist of the Commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words: select board.

SECTION 2. Said charter is hereby further amended by striking out the words “Board of Selectmen’s”, each time they appear, and inserting in place thereof, in each instance, the following words: Select Board’s.

SECTION 3. Said charter is hereby further amended by striking out the words “Board of Selectmen” or “Board of Selectman”, each time they appear, and inserting in place thereof, in each instance, the following words: Select Board.

SECTION 4. This act shall take effect upon its passage.

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

Article Information – This article seeks to change the name of the Chief Executive Office of the Town of Westborough from Board of Selectmen to Select Board. This article would authorize the Board of Selectmen to petition the legislature to make this change throughout the Town Charter. The motion for this article requires a simple majority vote.

MOTION: Allen Edinberg, Chair BOS; I move the article as printed in the warrant

VOTE

Unanimous in favor

Motion Carries

Article 22: Amend Town Charter – Include Facilities Department in Department of Public Works (DPW)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below to amend Article 8 of the Town Charter as follows

There shall be a Department of Public Works that shall have all of the powers and duties now or from time to time vested by law in the following boards, departments and offices: ***Facilities/Building and Grounds***, Highway Superintendent, Water Commissioners, Sewer Commissioners and Tree Warden. The Department of Public Works shall in all respects be the lawful successor of the aforementioned boards, departments and offices.

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

Article Information – This article seeks to incorporate the existing Buildings and Grounds (also known as Facilities) Department into the Department of Public Works. The motion for this article requires a simple majority vote.

MOTION: Christopher Payant, DPW Director; I move the article as printed in the warrant.

Mr Payant spoke to the article.

VOTE

Majority in favor

Motion carries

Article 23: Amend General Bylaws – Timing of Town Meeting and Town Election (Board of Selectmen)

To see if the Town will vote to amend Article 2, Sections 1 and 2, of the General Bylaws by deleting the strikethrough text and adding the bold italicized text, as follows:

ARTICLE 2 – Town Meetings and the Procedure Thereat

Section 1 Annual Town Meeting

The Annual Meeting for the election of Town Officers and all other matters to be determined by ballot shall be held ~~on the first Tuesday in May in 2011, and the first~~ ***the second*** Tuesday in March 2012 ~~and each year thereafter~~ ***unless otherwise determined by the Board of Selectmen, with such revised date to be not less than 65 days from the date the Board votes to determine it.*** The polls shall be open from 8:00 a.m. to 8:00 p.m. ***unless otherwise determined by the Board of Selectmen,*** and it shall be so stated in the warrant calling the meeting. All other business of the Annual Meeting shall be considered at the adjournment thereof as follows. (STM 2010)

The Annual Town Meeting for the consideration of all business, other than the election of Town Officers or other matters to be determined by ballot, shall be held ~~during the week designated by the Selectmen as "Town Meeting Week", commencing at 1:00 p.m.~~ ***9:00am*** on the second Saturday following the Election of Officers ***unless otherwise determined by the Board of Selectmen.*** ~~The meeting shall be recessed not later than 5:00 p.m. to reconvene at 7:00 p.m.; adjournment of the session shall be to the following Monday night at 7:00 p.m. and then to each succeeding night at 7:00 p.m. until completion of the warrant. In the event that all articles in the warrant have not been acted on by the end of~~ ***Town Meeting*** ~~the Thursday night session, the meeting shall stand adjourned to a time and date agreeable to the meeting. In the event of a secular or other holiday during the Town Meeting Week, that session shall be adjourned to the next night that shall be agreeable to the meeting by majority vote.~~ No quorum or minimum number of voters shall be required for this meeting. (STM 2010)

Section 2 Fall Town Meeting and Special Town Meetings

A special meeting for the consideration of such business as the Selectmen may place upon the warrant shall ordinarily be held on the third Monday in October commencing at 7:00 p.m. ~~In the event of a secular or other holiday, the Selectmen may determine an~~ ***An*** alternative date ~~in October~~ ***may be determined by the Board of Selectmen*** for the commencement of the meeting. In the event that all articles in the warrant have not been acted upon by the end of the first session, the meeting shall stand adjourned to a time and date agreeable to the meeting as established by majority vote. No quorum or minimum number of voters shall be required for this meeting. (STM 2010)

Article Information – Changes proposed in Section 1 of this article would move the Town Election from the first Tuesday in March to the Second Tuesday. It would also move the Annual Town Meeting from 1pm to 9am with no specified breaks. Changes proposed in Section 2 will make the bylaw more consistent with Massachusetts General Law that allows the Board of Selectmen to schedule a town meeting at their discretion, notwithstanding the Town’s Charter or Bylaws. The motion for this article requires a simple majority vote.

MOTION: Ian Johnson, BOS; I move the article as printed in the warrant.

Mr. Johnson spoke to the article
Question - Nathan Walsh, 3 Mathieu Dr

VOTE
Unanimous in favor
Motion carries

Article 24: Amend General Bylaws – Town Meeting Quorum (Board of Selectmen)

ARTICLE 2 – Town Meetings and the Procedure Thereat

To see if the Town will vote to amend Article 2, Section 5, of the General Bylaws by adding the bold italicized text, as follows:

Section 5 Town Meeting Quorum

No Town Meeting other than those described in Section 1 ***and 2*** of the Article 2 shall take any action,

except to adjourn, unless there are 50 voters present, and the Moderator shall announce whether or not a quorum is present immediately after the meeting is called to order. (STM 2010)

Article Information – This article creates consistency between this section and Article 2, Section 2 of the General Bylaws which states, in part, “No quorum or minimum number of voters shall be required for this meeting”. The motion for this article requires a simple majority vote.

MOTION: Sean Keogh, BOS; I move the article as printed in the warrant.

Mr. Keogh spoke to the article.

VOTE
Unanimous in favor
Motion carries

Article 25: Amend General Bylaws – Article 24 - Licensing of Solicitors and Canvassers (Board of Selectmen)

To see if the Town will vote to amend Article 24, Sections 10, 11, and 12, of the General Bylaws to delete the strikethrough text and to add the bold italicized text, as follows:

Section 10 Soliciting Prohibited

Notice of the determination of the occupant of the refusal of invitation to solicitors, to any resident, may be given in the manner following:

- (A) A weatherproof card or sign, approximately three inches by ~~four~~ **five** inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words as follows: “NO SOLICITORS INVITED”
- (B) The letters shall be at least ~~one (1)~~ **one half (1/2)** inch in height. Cards shall be provided by the Town Clerk's Office of the Town to persons requesting at the cost thereof.
- (C) A card or sign so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

Section 11 Duty of Solicitors

It shall be the duty of every solicitor upon going onto any premises in the municipality upon which a residence as herein defined is located, to first examine the notice provided for in this ~~ordinance~~ **bylaw**, if any is attached, and be governed by the statement contained on any notice.

- (A) Upon reading the sign, the solicitor shall immediately and peacefully depart. Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Section 12 Uninvited soliciting is prohibited

It is hereby declared to be unlawful for any person to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of ~~Section 6~~ **Section 10** of this bylaw.

Article Information – This article seeks to update the bylaw to require a standard size card and a font that will easily fit on that size card. It further updates Section 12 to appropriately reference Section 10 instead of Section 6. The motion for this article requires a simple majority vote.

MOTION: Patrick Welch, BOS; I move the article as printed in the warrant

Mr. Welch spoke to the article.

VOTE
Unanimous in favor
Motion carries

Article 26: Amend General Bylaws – Article 38 Animal Control Bylaw (Board of Selectmen/Animal Control Officer)

To see if the Town will vote to amend Article 38 of the General Bylaws by amending Section 2, Definitions, to add the following definitions and to add a new Section 11, Poultry on Residential Lots, as follows:

SECTION 2 DEFINITIONS

“Adult” - For purpose of this by-law adult poultry are defined as poultry that have attained the following ages:

Chickens	12 weeks
Ducks	14 weeks
Geese and Guinea fowl	22 weeks
Turkeys	32 weeks
Quails and Pheasants	10 weeks
Exotic Birds	15 months

“Chicken” - A member of the family Gallus Gallus domesticus.

“Coop” - A structure for the housing of chickens, poultry, exotic birds, or fowl.

“Exotic Birds” - Birds such as, but not limited to, peacocks, emus and Ostrich and other birds that are not normally kept inside the home as pets. Exotic birds that typically are housed in a residence as household pets such as, but not limited to, parakeets, parrots, cockatoos, and canaries, are not considered poultry for the purposes of this bylaw.

“Falconry” - A sport involving training and use of raptors in hunting or similar exercise by Falconers.

“Flight pen” - An enclosed pen used for quail or pheasant that allows access to fresh air and natural sunlight and space to exercise and fly but prevents the birds from flying away.

“Fowl” - Birds hunted as game or used for racing, such as, but not limited to quail, pheasant.

“Poultry” - All birds that are raised and kept for agricultural purposes, including but not limited to, chickens (hens and roosters), turkeys, capons, ducks, geese, pheasants, peacocks, guinea fowl, fowl, ratites, and all wild game birds raised and kept in accordance with state and local law.

“Residential lot” - A parcel of land in single ownership and comprised of two contiguous acres or less and whose principal use is residential or that is vacant or uninhabited and is in a residential area.

“Ratites” - Ostrich, Emu, or Rhea, Cassowary, Kiwi.

“Rooster” - An adult male chicken that is not caponized.

“Run” - An enclosed area that allows access to fresh air, natural sunlight and exercise during daytime hours but prevents poultry from wandering onto neighboring properties.

“Sand box” - a structure filled with clean sand for poultry that normally sand bathe, such as chickens and quail.

“Structure” - An open or closed structure providing-protection from wind, cold, rain and sun considered appropriate for the species of poultry in question as set forth herein, and in accordance with applicable Federal and State laws on the keeping of such animals. This includes, but is not limited to, barns, stables, coops, hutches, pens runs and sandboxes.

“Useable lot size” - portion of a lot that is not occupied by the main residence, driveway, walkway, patio, deck or other outbuilding (except a barn); or semi-permanent recreational equipment such as a pool or paved courtyard.

SECTION 11 POULTRY

- A. Purpose: The purpose of this Bylaw is to regulate the keeping of poultry for personal use on residential lots of two (2) acres or less in size. This Bylaw is intended to further the objectives of and to act in concert with any existing federal, state and local laws concerning the maintenance of property, the keeping of poultry and the abatement and prevention of nuisances within the Town. Nothing in this Bylaw is intended to limit or restrict the authority of the Board of Health, the Animal Control Officer, Animal Inspector, or the Health Agent to act in accordance with any other law within their jurisdiction, including but not limited to, the authority of the Board of Health to abate nuisances.
- B. Applicability: This Bylaw shall apply to the keeping of poultry on residential lots, primarily for personal use where sale of the animal or animals or their byproducts, such as eggs, etc., is incidental to the principal use of the property and the reason for keeping the animal.
- C. General Regulations:
1. All owners and/or keepers of poultry on residential lots must comply with applicable local and state laws and regulations, as may be amended from time to time.
 2. All poultry shall be effectively controlled so as not to become a nuisance, due to noise, odor or other condition, or a danger to their own health or the public health. Allowing waste to pollute any wetland or waterway shall be prohibited.
 3. No owner and/or keeper of poultry shall willfully or through neglect suffer, allow or permit any infestation of insects, or vermin, or allow any condition which interferes with the use and enjoyment of abutting properties through unreasonable noise, odor or other offensive condition.
 4. All areas in which poultry are kept shall be subject to inspection by the Animal Control Officer/Animal Inspector, and any other inspectional agent of the Town, as applicable.
 5. All adult poultry shall be included in the annual animal census and barn inspections conducted by the Animal Inspector.
 6. No owner and/or keeper shall permit any poultry, on any public property within the Town, including but not limited to public ways, recreation areas, parks, public water supply properties, and cemeteries, or on private property without permission of the owner thereof.
 7. Chicken coops must be located at least 5 feet away from abutting property lines.
 - a. Poultry, excluding chickens, housing shall be located at least 10 feet away from abutting property lines.
 - b. Exotic bird housing shall be located at least 50 feet away from abutting property lines.
 8. Poultry must be kept in a structure and must not create nuisances, including noise disturbances between the hours of 10pm and 7am. Hens may perch in a run provided they are quiet.
 9. Chickens must come from Salmonella Pullorum Certified Clean Flocks. The owner or keeper shall provide a copy of said certification to the Animal Inspector or Board of Health Inspector upon request.
- D. Standards of Care.
1. All poultry shall be maintained in a clean and healthy condition, shall be properly vaccinated and immunized and shall not be subject to abuse, mistreatment or malnourishment.
 2. Outdoor structures must be provided for poultry and may be attached to the coop, but may be closed off between 10pm and 7am to keep the poultry safely in their coops. Coops may also be located inside of larger structures rather than attached to them. Enclosed shelter must be provided to protect poultry from the elements and flying predators such as hawks or eagles.
 3. No structure or combination of structures may occupy more than 25% of the useable lot size.
 4. Poultry must have access to fresh food and water.
 5. Poultry shall not be subjected to de-beaking or forced molting.

6. Structures for chickens must have an interior floor space of one and one half (1 ½) square feet of floor space per chicken, with one (1) foot of linear perch space per chicken.
7. Structures must include access to a minimum of four (4) square feet of outdoor pen/run per chicken.
8. Manure management.
 - a. Owners and/or keepers must prevent noxious odors.
 - b. Owners and/or keepers must prevent runoff into abutting yards, wetlands, or other sensitive conservation areas.
 - c. In no case shall more than one half cord (4'x 4' x 4') of poultry manure and bedding be accumulated on the property at one time without a stable permit.
 - d. Composted manure may be tilled in for fertilizer.
9. Structures for poultry shall be of sufficient size, as set forth herein, and appropriate design to accommodate the poultry or exotic birds in a safe and healthy manner, and provide protection from the elements and predators. Structures used for the keeping of poultry and exotic birds must be maintained in a clean and sanitary manner, free from decaying food, filth, feces, vermin infestation and stagnant water. Structures must be maintained in a manner to ensure that they are weather tight and secure.

E. Density Requirements.

1. Minimum space requirements for chickens:

Total chickens	6	12	18	24	36	50
Interior floor space minimum	9 sq.ft.	18 sq.ft	27 sq.ft.	36 sq.ft.	54 sq.ft	75 sq.ft
Interior linear minimum perch	6 ft.	12 ft.	18 ft.	24 ft.	36 ft.	50 ft.
Outdoor run/pen minimum	24 sq.ft.	48 sq.ft.	72 sq.ft	96 sq.ft.	144 sq.ft	200 sq.ft.
Total Minimum Structure Size	33 sq.ft	66 sq.ft.	99 sq.ft	132 sq.ft	198 sq.ft.	275 sq. ft.

2. Housing Requirements: Poultry shelters and structures shall meet the following minimum sizes. For animals not listed below, the applicant shall provide a shelter of sufficient size to ensure that the animal has shelter from the weather and sufficient room for the animal to be housed and in a humane manner in accordance with best management practices:
 - a) Quail: 1 Square foot of run or flight pen and 1 square foot of coop space per bird and access to a clean sandbox.
 - b) Pheasant: 20 square feet of run and 4 square feet coop space per bird.
 - c) Turkeys: A minimum of 1/2 acre lot and 25 square feet of run per bird and 6-10 square feet of coop space per bird, with a minimum of 5x8 roosting area with 20 linear foot of total roost space.
 - d) Ducks: A minimum of 1/2 acre lot and a structure with a minimum of 24 square feet and 4 square feet per bird inside the coop. The enclosure doors must be approximately 24 inches wide and there must be 50 square feet of pasture or yard space per bird.
 - e) Geese: A minimum of 1/2 acre lot and 3.5ft by 4.5ft coop for a pair. Up to five geese may be kept in a 4x6 foot structure.
3. Maximum number of poultry. No person shall own or keep on a single residential lot more than the number of poultry set forth below.

a) Chicken flock size by lot size:

Lot Size	Under 1/8 acre	1/8- 1/4 acre	1/4 - 1/2 acre	1/2-1acre	1-2acre
Maximum number of birds	6	18	24	36	50

b) Other Adult Poultry: The following maximum number of other adult poultry, not chickens, shall be permitted on any single residential lot:

	Number allowed by lot size:			
Type of Adult Poultry, not Chickens	1/8-1/4 Acres	1/4-1/2 Acres	1/2-1 Acres	1-2 Acres
Ducks, Geese	0	0	6	12
Turkey	0	0	6	12
Pheasant, Quail	0	24	36	50
Peacock, or Ratites	0	0	0	0

c) If multiple species of poultry are kept on a single residential lot, the minimum requisite square footage shall be calculated by the totaling the space required for each species as set in Section E.2 and E.3.

d) Each species of poultry shall have its own separate coop for shelter, as well as a nesting and perch space; provided, however, and that they may be kept in a single larger structure such as a barn or shed. Yard space may be shared.

F. Slaughtering.

1. The slaughtering of any poultry shall be conducted outside of the view of abutters, neighbors or other poultry.
2. Slaughtering must be performed in a safe, humane and sanitary manner.
3. Poultry on residential lots shall not be slaughtered for commercial purposes.
4. Poultry may be taken to a slaughterhouse or butcher for processing.

G. Enforcement and Penalties.

- 1) The Board of Selectmen and/or Animal Control Officer or their designees shall enforce the provisions of this Bylaw.
- 2) If there is a violation of this Bylaw the Board of Selectmen and/or Animal Control Officer, or their designees, may issue a written order to the owner and/or keeper of poultry to desist, abate and correct the offending violations.
- 3) Any person who violates this Bylaw may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non- Criminal Disposition bylaw. If non-criminal disposition is elected, then any person who violates the provisions of this regulation shall be subject to penalties as follows:

First Offense - fifty dollars (\$50.00)
Second Offense – one hundred dollars (\$100.00)
Third Offense - three hundred dollars (\$300.00)
Fourth and Further Offenses - five hundred dollars (\$500.00)

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

- 4) The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means

H. Exemptions.

The following shall be exempt from density requirements of this Bylaw.

1. Individual properties or facilities that are under the direct care of the MSPCA or other organization incorporated for the prevention of cruelty to animals.
2. Veterinary Practices and/or Animal Hospitals.
3. Facilities for the raising of quail or pheasant for the purpose of stocking hunting areas.
4. Facilities raising meat poultry which will be slaughtered prior to 16 weeks of age for chickens, quail or pheasant: 20 weeks of age for Ducks and up to 30 weeks for Heritage Turkeys and Geese.
5. Licensed Rehabilitators.
6. Falconers.
7. Small pet exotic birds normally housed inside the residence such as, but not limited to, parakeets, parrots, love birds, canaries, cockatoo, cockatiel, and pet finches.

I. Compliance Deadline.

Keepers and/or owners of poultry and exotic animals shall have 12 months from the effective date of this bylaw to comply with the size of structure and maximum number of birds allowed under its provisions. Structures existing prior to the adoption of this bylaw may be deemed acceptable on written authorization of the Animal Inspector provided they do not occupy more than 25% of the useable lot size. All other portions of this bylaw shall take effect in accordance with Massachusetts General Laws Chapter 40, Section 32.

J. Severability.

The provisions of this Bylaw shall be deemed severable, so that the invalidity of any one provision of the Bylaw shall not affect the validity of another provision, and if any part of this bylaw shall be adjudged unconstitutional, inconsistent with state law, or otherwise invalid, such judgment shall not affect any other valid part of this Bylaw.

Article Information – This Article amends Article 38 of the Town’s General Bylaws by adding definitions to Section 2 and creating a new Section 11 to regulate the keeping of poultry for personal use on residential lots of less than two acres. The motion for this article requires a simple majority vote.

MOTION: Allen Edinberg, Chairman BOS; I move the article as printed in the warrant.

Mr. Edinberg spoke to the article.

Several questions from residents; 2 amendments:

1. Nathan Walsh, 3 Mathieu Drive, proposed to Amend General Bylaws – Sec. 11C Poultry-General Regulations:

- 7. Chicken coops must be located at least 15’ away from abutting property lines and 50’ from abutting roadways.
- 7a. Poultry, excluding chickens, housing shall be located at least 15 feet away from abutting roadways.

2. Daniel Carrigo, 7 Westminster Way; proposed to amend General Bylaws, Sec 11F-#1, by removing 11F-1 “the Slaughtering; Then to re-number 2,3 and 4 to 1,2,3.

3. Ms. Carrigo, 7 Westminster Way; amendment proposed to Amend The General Bylaws; Sec 11G-3 (3rd paragraph) to replace Each Day with Each week, then remove; a portion thereof, shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Mr. Doret, Mill Rd., called to terminate debate

VOTE:

**More than 2/3 Majority in favor of ending debate
2/3 vote achieved, debate ended**

Mr. Arnold then moved forward to the vote on the amendments to the main motion.

VOTE: to amend; the **General Bylaws; Sec II POULTRY - GENERAL REGULATIONS C 7 & 7a**

- 7- Chicken coops must be located at least 15’ away from abutting property lines and 50’ from abutting roadways.
- 7a. Poultry, excluding chickens, housing shall be located at least 15 feet away from roadway

Yes= Approx. 10

No= Many more than 10 (at least 70 voters were present and voting at the time)

Amendment defeated

VOTE: to amend to delete from the **General Bylaws SECTION II POULTRY, F1 Slaughtering 1.** and then re-number F 2,3,4 to F 1,2,3

Yes= Approx. 10

No= Many more than 10 (at least 70 voters were present and voting at the time)

Amendment defeated

VOTE: to amend **The General Bylaws; Sec II G3. Enforcement & Penalties** (3rd paragraph) **to replace** Each Day **with Each week and to remove “a portion thereof”** shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

2/3 Vote in favor achieved

Amendment passes

VOTE: to **Main Motion as amended**

2/3 Vote in Favor

Motion passes

Article 27: Golf Safety Netting (Recreation Department)

To see if the Town will vote to raise and appropriate or transfer from Country Club Retained Earnings the sum of Twenty Five Thousand Dollars (\$25,000), or such other amount as Town Meeting may approve, for the purpose of replacing the golf safety netting, including all costs incidental and related thereto, or take any other action thereon.

Article Information – The Recreation Department has recently taken over management of the Town’s golf course. As the golf season is starting, we became aware of the need to replace the safety netting. These funds are proposed to be paid from the Country Club Retained Earnings. The motion for this article requires a simple majority vote.

Jenn Kirkland, Recreation Director spoke to the article.

VOTE:

Majority in favor

Motion carries

Article 28: Tree Maintenance (Department of Public Works)

To see if the Town will vote to transfer from Free Cash the sum of Twenty One Thousand Dollars (\$21,000) or such other amount as Town Meeting may approve, for the purpose of tree maintenance primarily in, but not limited to, the downtown area, or take any other action thereon.

Article Information – This Article funds tree pruning, purchase, planting, and consultation support in order to sustain a healthy tree canopy downtown, specifically around the rotary. The work required is beyond the capability of the DPW to perform due to the volume of tree work, the need to minimize lengthy disruption to downtown activities, and the necessity for professional arborist support. The motion for this article requires a simple majority vote.

Mr. Payant spoke to the article.

VOTE

Majority in favor

Motion carries.

Article 29: Amend General Bylaws – Article 14 – Committee for Soldiers’ Memorials (Board of Selectmen) To see if the Town will vote to amend Article 14, of the General Bylaws by amending Section 2, Membership, by deleting the strikethrough text and adding the bold italicized text, as follows:

Section 2 Membership

The Committee shall consist of six (6) members consisting of ~~a member~~***the Chair*** of the Board of Selectmen and three (3) members who shall be veterans and two (2) who shall not be veterans. The elected incumbents in the office of Trustee for Soldiers’ Memorials shall hold the office of committee member until his or her elected term expires. ~~Upon expiration of the term of an incumbent, the Board of Selectmen shall appoint a successor member to the Committee for a term of three (3) years.~~ ***Any vacancy occurring in the town board shall be filled for the unexpired term by the remaining members.***

Article Information – This article updates the current bylaw to be consistent with Massachusetts General Law. The motion for this article requires a simple majority vote.

MOTION: Shelby Marshall, BOS; *I move the article as printed in the warrant.*

Selectman Marshall spoke to the article. (3) Veterans and (2) non-veteran’s elected.

VOTE
Unanimous in favor
Motion carries

Allen Edinberg, BOS, I move that we dissolve the 2021 ATM

Mr. Arnold declared the Annual Town Meeting May 15, 2021 at 12:51p.m., adjourned.

2021 ATM Respectfully Recorded

Wendy L. Mickel, Town Clerk

Date