

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

SPECIAL TOWN MEETING WARRANT

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TOWN OF WESTBOROUGH

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.

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: 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.

Article Information Statement – The Board of Health has outstanding bills from May and June 2020 for electronic recycling. Payment of this bill requires a Town Meeting vote because it was billed in FY 2020. The motion for this Article requires a nine-tenths vote.

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.

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

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:

Article Information – The current golf management contract expires on December 31, 2020. The Board of Selectmen and the Country Club Operating Committee are recommending that golf course management responsibilities be managed by through a Golf Manager employed by the Recreation Department rather than a contractual service. This change requires the budget to be updated to include all expenses and Salary/Wages previously paid through the contractor. This model also directs course

revenues to the Town that were previously collected by the Contractor. The motion for this Article requires a simple majority vote.

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

Article Information – The purpose of this Article is to rescind borrowing authorizations previously approved by Town Meeting for various projects that have either been completed or are no longer necessary. The total amount of borrowing authorization that this Article seeks to rescind is \$19,078,362. The only way to remove borrowing authorizations from the Town's financial records is by vote of Town Meeting. The motion for this Article requires a simple majority vote.

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.

Town Manager Statement – The Town received \$9,122.70 from the Commonwealth Transportation Infrastructure Fund (derived from a tax on Lyft, Uber, etc.). The funds must be used "to address the impact of transportation network services on municipal roads, bridges and other transportation network services in the city or town" and must be appropriated by Town Meeting. The motion for this Article requires a simple majority vote.

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.

Article Information - This request seeks to replace a 2007 Ford Utility Truck w/plow (#5) in FY2021. The Governmental Accounting Standards Board recommended useful life for this piece of equipment is 10 years. At 13 years old, the vehicle that will be replaced will be beyond its recommended useful life. The 1-Ton fleet is the most heavily used within the DPW. This vehicle is used to support maintenance of all Town fields and parks, conduct snow plowing operations, and respond to emergencies. The equipment requires investment of manpower and repair parts to maintain. The motion for this Article requires a simple majority vote.

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.

Article Information - The Town has committed to a geographic information system (GIS) that enables the gathering, managing, and analyzing of data. The system assists the DPW with monitoring roadway, water, and sewer infrastructure by supporting the identification of patterns and assessing situations via a map. For the GIS to be an effective tool for the Town, collection and continual maintenance of data is required. This request would fund tablets and antennas to allow DPW to efficiently collect and geo-locate critical infrastructure and immediately upload the information to the GIS. The department's current method of data collection is inefficient, requiring a GPS device with a trained operator and a lengthy data transfer process to make the data compatible with the GIS. The motion for this Article requires a simple majority vote.

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.

Article Information - This request seeks to replace a 1988 10-Wheel Sander (#287) in FY2021. The Governmental Accounting Standards Board recommended useful life for this piece of equipment is 10 years. At 32 years old, the current vehicle is no longer part of the fleet as it is unsafe to operate. The proposed replacement vehicle is a 6-Wheel combination dump truck/spreader, which is more versatile and allows the vehicle to be used for multiple purposes.

The purchased vehicle will be used to support roadway and water and sewer line repairs, conduct snow plowing operations, and respond to emergencies. The motion for this Article requires a simple majority vote.

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.

Article Information - This request seeks to replace a 2005 Backhoe (#231) in FY2021. The Governmental Accounting Standards Board recommended useful life for this piece of equipment is 10 years, and at 15 years old, the 2005 model is beyond its recommended useful life. The equipment requires a substantial investment of manpower and repair parts to maintain. Used on a daily basis, the backhoe provides support to emergency response (lifting/digging) situations, snowplowing operations, and routine roadway, water, and sewer maintenance. This piece of equipment is one of the most heavily used vehicles in the fleet. The motion for this Article requires a simple majority vote.

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.

Article Information - This request seeks to replace a backup power generator for the Fisher Sewer Pump Station in FY2021. All 33 of the Town's sewer pump stations are electrically powered. Each station has an alternate source of power should a power outage occur. The backup generator at the Fisher Pump Station is over 25 years old and requires replacement. Parts necessary to repair and maintain the existing generator are difficult to obtain. If the generator fails during a power outage, it is likely there will be sewer spillage into the environment and sewer backups in residential homes or commercial properties. The motion for this Article requires a simple majority vote.

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.

Article Information - This request seeks to fund grinder installation at the Old Flanders Pump Station in FY2021. Modern wastewater grinding systems installed directly at the pump station can effectively precondition solids into smaller pieces so the wastewater and debris can pass

through the pumps without clogging and/or causing pump failure. The motion for this Article requires a simple majority vote.

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.

Article Information - This request seeks to replace a 2008 Ford Utility Truck w/plow (#142) in FY2021. The Governmental Accounting Standards Board recommended useful life for this piece of equipment is 10 years. At 13 years old, the vehicle that will be replaced will be beyond its recommended useful life. The 1-Ton fleet is the most heavily used within the DPW. This vehicle is used to support water and sewer infrastructure repairs, water service calls to residents, and snow clearing operations. The equipment requires investment of manpower and repair parts to maintain. The motion for this Article requires a simple majority vote.

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.

Article Information - The current Command Vehicle is a 2007 Chevy Suburban and is set up to deliver an incident commander to a call, utilize communications equipment, and facilitate accountability and firefighter safety. This vehicle has seen excessive wear and tear and increasing maintenance costs and now has corrosion coming through the body. This vehicle is the heart of the Department's operations and supports every major incident that occurs. Included with the cost of the vehicle are three mobile radios and a command center for the rear gate. The Fire / EMS study highlighted that the operational use of this vehicle is paramount to successful outcomes of critical incidents. The motion for this Article requires a simple majority vote.

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.

Article Information - 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. Having just one cruiser out of service puts a strain on the Department's operations. The intention of this proposal is to; (1) replace one of the oldest cruisers including related equipment; (2) add two vehicles to the fleet. We also anticipate increasing the fleet moving

forward as we continue to move forward with the approved staffing plan. The prices are based on the Greater Boston Police Council bid contract. The motion for this Article requires a simple majority vote.

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.

Article Information - The School Department seeks \$70,000 in FY2021 to support additional maintenance and repair efforts of the High School parking lot and curbing. The motion for this Article requires a simple majority vote.

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.

Article Information - The Country Club Operating Committee is seeking \$46,000 in FY2021 in order to replace their Greens Mower for use on the golf course. It is a specialized mower and provides proper maintenance for the golf course operation. The motion for this Article requires a simple majority vote.

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.

Article Information – Since the golf course will now be managed by a Town Employee, the Town will be responsible for leasing the golf carts used at the golf course. The Country Club Operating Committee and the Recreation Department have received quotes for this lease and have found that they would recognize substantial savings by entering into a five year lease agreement. A contract term longer than three years must be approved by a majority Town Meeting vote.

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.

Article Information – This Article allows the continuation of work to maintain and improve the Town's water infrastructure. It addresses removal of aged pipes, pipe-looping, redundancy, reliability, and improved fire flow. Flanders Road and Sampson Drive are the intended area for the next major project however, funds may be used to address any areas that become problematic. The design of the project and preparation of the bidding documents was funded during the October 2019 Special Town Meeting. Determination of the infrastructure to be replaced is informed by the Town's Water System Study Update, which was completed in January 2020 by an engineering consultant. The motion for this Article requires a 2/3 majority vote to borrow.

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.

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.

Article Information –Del Webb Chauncy Lake was approved with the requirement to build 70 age restricted affordable housing units. The Department of Housing and Community Development would not recognize the affordable units as counting toward the Town's subsidized housing inventory due to age restrictions required by local zoning. The Zoning Board of Appeals approved a variance that granted relief from the affordable housing requirement entirely but required \$9 Million in mitigation money be paid to the Town on a payment schedule. At the June 2020 Annual Town Meeting the Town created a Stabilization Fund into which future payments would be deposited. Massachusetts General Law does not allow payments to be directed into a stabilization account in the same fiscal year it is created. Therefore, the first payment, received in FY2020, went into the Town General Fund and closed out to Free Cash. This Article seeks to transfer the first payment from Free Cash to the newly created Westborough Affordable Housing Trust to enable the Trust to begin its work. Future Pulte payments will go directly into the Del Webb Chauncy Lake Stabilization Fund and can only be appropriated by Town Meeting vote. The motion for this Article requires a simple majority vote.

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 Selectman to grant permanent easements on said property for the foregoing purposes, or take any action relative thereto.

Article Information – This Article would authorize the Board of Selectmen to grant easements to National Grid at 50 Eli Whitney for utility purposes associated with the Fales Elementary School. The motion for this Article requires a two-thirds vote.

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.


Article Information – This Article seeks to create a Community Development Department made up of Building, Conservation and Economic Development. This was a recommendation of the Non-Public Safety Staffing Study. The motion for this Article requires a simple majority vote.

ARTICLE 14: Community Development Director Salary (Board of Selectmen)

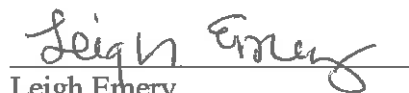
To see if the Town will vote to raise and appropriate Five Thousand Five Hundred Dollars (\$5,500), or appropriate such other amount as Town Meeting may approve, for the purpose of paying the salary for the new Community Development Director position, or take any other action thereon.

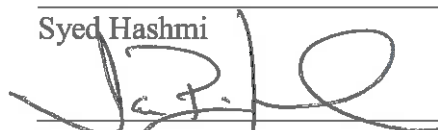

Article Information – This Article seeks to fund the new Community Development Director's position effective January 1, 2021 as described in the Article above and is contingent upon the previous Article being adopted. The motion for this Article requires a simple majority vote.

Given under our hands the 20th day of October in the year Two Thousand and Twenty.


Shelby Marshall, Chairman


Allen Edinberg, Vice Chairman


Leigh Emery


Syed Hashmi

Ian Johnson

SELECTMEN OF WESTBOROUGH

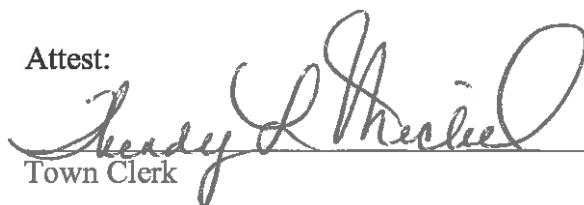
\Worcester, ss

I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on October 22, 2020.


s/Constable of Westborough

\Worcester, ss

Attest:


Town Clerk

735917/WBOR/0275