



Special Town Meeting October 17, 2022

Narrative

Town Moderator, John Arnold opened the meeting at 7:00pm. He asked all to stand and led those present in the “Pledge of Allegiance.”

Mr. Arnold called the meeting to order pursuant to a warrant posted as required by law. He acknowledged his role as Moderator being elected as well as the Town Clerk, Wendy Mickel seated next to him. Mr Arnold welcomed all present and gave an overview of Town Meeting Rules and Procedures as required by our Town Bylaws. He noted his role as Moderator and the voting process.

Mr. Arnold acknowledged those Town Officials present; The Select Board, The Town Staff, Town Counsel, Planning Board, School Committee and the Advisory Finance Committee. Mr. Arnold referred to the Report of the Advisory Finance Committee and their recommendations being available and containing the warrant articles to be presented. He acknowledged the technical work of Steve Masciarelli and Mark Stockman and staff, to bring video/microphone set-up to the meeting room and to the viewing audience.

Mr. Arnold noted that the Gym is available for seating an overflow of voters from the Auditorium, also noting that the voting in the gym would be a secret paper vote, different from the Auditorium electronic voting. Mr. Arnold asked for a test of the voting handsets to be used in the auditorium. He also noted that if anyone leaves they are to return the handset to the Check-In area. They will be issued a new one if the person returns. He introduced those present from the Select Board, Town Administration and Town Boards and Committees.

Mr. Arnold then nominated Benjamin Gold, Rosewood Place, as the Deputy Moderator. He noted the first test of handsets would be conducted by a vote for the nomination of Benjamin Gold, Rosewood Place.

VOTE: 216 in favor; 8 opposed. Mr. Gold was nominated Deputy Moderator. Mr. Arnold swore Mr. Gold into office as Deputy Moderator.

Mr. Arnold motioned for a vote to allow (7) non-voters to speak if called upon on Article 15. A second test of the handsets was conducted to allow Non-Voters to speak if called upon. (6) of those non-voters would be allowed to answer any technical questions relative to the Library project if called upon:

- Ryan Depasquale, CT
- John Lemieux, Duxbury, MA
- Frank Payer, Agawam, MA
- Eric Moore, Worcester, MA
- Brian Forrs, Marlborough, MA
- Steve Farin, Weymouth, MA

VOTE; 216 in favor/8 opposed; Motion passed.

A 2ND motion for 1 Additional non-voter from Westborough to be allowed to speak on Article 15; Rose Stevens, 5 Emery Rd.

VOTE: 233 in favor/23 opposed. Motion passed.

Mr. Arnold noted that he had received the required forms for the (7) speakers to speak, if called upon. He continued to advise the voters of the meeting procedures; (1) the meeting would be in one room unless it fills as more voters arrive. The Gym will then be used for any overflow. He explained the usage of the voting handsets, noting if a voter leaves the room, they must take the handset with them and return it to the checkers. They cannot leave the voting set behind or with anyone. Once they return to the meeting they need to re-check-in.

Mr. Arnold noted his duty to nominate a Deputy Moderator and that voters present will vote on his nomination. Mr Arnold nominated Benjamin Gold, 19 Blake St., as Deputy Moderator. All those present who were distributed a handset at the check-in, were asked to use them as a test vote, to vote.

VOTE; 216 in favor and 8 opposed. Mr. Gold was appointed Deputy Moderator.

Mr. Arnold motioned for a test to use the voting handsets; **VOTE:** 230 in favor; 23 opposed. Motion carried. Mr Gold was then sworn into office by

Mr. Arnold as Deputy Moderator.

Mr. Arnold noted that “we are here acting as the Town Legislative body and to deliberate on the articles listed in the warrant.” He noted that the warrant is structured for deliberation and as Moderator he decides who will speak to articles. He noted that 7 non-voters requested to speak.

Mr. Arnold addressed that the meeting would be held in the Auditorium unless additional voters come and they will need to be seated in the gym. Any non-voters in the Auditorium would then move to the gym to make room for voters. He noted his duties as Moderator to oversee that the meeting is fairly conducted. He went over the rules of the meeting, noting anyone leaving the room for any reason must take the voting device with them and return to the check-in table. If the voter is planning to return, they still must turn in their voting device and re-check-in when they return.

Mr. Arnold noted the Advisory Finance Committee Booklet, and addressed the warrant articles within the booklet. He noted the summary of rules of the meeting and if anyone had health concerns or microphone usage, they should address the questions with a Board of Health member. He noted that the boy scouts would bring microphones to persons or they could line up at the standing microphones, but to also try to avoid long lines. He noted the 2.5 minute limit for each speaker and only twice could one speaker speak. He noted the “scope of discussion” being limited to the topic and motion only. If anyone has a question, to call out “Point of Order” to be heard. The rules are to those present and voting. If overflow is necessary in the gym, a paper secret vote will take place in the Gym.

Mr. Arnold motioned for a vote of Town Meeting to allow the paper vote.

VOTE: 283 in favor; 7 opposed. The paper vote will be taken in the gym.

Mr. Arnold then reviewed the Emergency Evacuation Procedures.

Mr. Arnold introduced Michael Barretti, Advisory Finance Committee, Chair to speak on the financial outlook of the town.

Michael Barretti, 54 Adams Street, Chair of Advisory Finance Committee spoke. He referred to the AFC Report booklet containing all the warrant articles to be presented. He noted two corrections in the AFC report on page 12; Article 7, the vote of the Select Board recommendation was incorrect as 3-2-0. The report on page 17 notes the vote as 5-0-0 which is correct.

Mr. Barretti, gave an overview of the Town Finances, noting a positive and

overall good standing, and that the town is continuing to be financially healthy. He thanked the Elected Officials, the Town Manager and her team, Department Heads, the School Committee, Superintendent of Schools, and the employees who contribute to the functioning of the town.

Mr. Barretti stated “last year at this time, we said the next 1 to 5 years may test Westborough’s appetite for spending and its tolerance for the potential of increased taxes and fees. We repeated that message at the Annual Town Meeting in March and tonight there is no change to that message. In our view, Westborough does not have a tax problem but, rather, a penchant for spending. Some of it is necessary and cannot be escaped or avoided; but some of it we certainly can reconsider.”

*He continued, “Given the many current and potential requests in our Town Planning documents, there will be competition amongst needs and wants, meaning monies spent on ‘nice to have’ initiatives may significantly limit our capacity to fund other more important future requests. **You** will have to make those decisions. **You** will have to decide what is important and what is not. The choices won’t be easy. And all of this will have to be done in an environment of increased borrowing costs, and an increased cost of delivering services. A growing and changing Westborough will have its consequences. Let’s remember that while we continue to have a desirable and vibrant community, improvements come at a cost. As we have said before, ‘there is wealth in our town, but not everyone is wealthy.’”*

He noted, “21,567 people live in Westborough; the median income is \$119,200; the per capita income is \$56,632; 4.4% (949) of our fellow citizens live in poverty; 14.3% (just over 3,000) of our fellow citizens are over 65-many of whom are living on fixed incomes, renting, or whose homes represent their principal wealth. And judging by the too frequent food drives, and the activity of the Westborough Food Pantry, we can add an unknown percentage of our fellow citizens who live regularly with food insecurity.”

He acknowledged “while it is true that there is a cost to live in Westborough and make use of town services, financial wherewithal should not be the litmus test for doing so. Not everyone lives or moves to Westborough because of the schools. Some come to Westborough to be near their families; some because of our location and access to workplaces; others because of their businesses; and some are here because they have been here all their lives and simply do not wish or cannot afford to relocate.”

Mr. Arnold introduced Kristi Williams, Town Manager. Ms Williams spoke to the town’s fiscal health including the Reserves from ARP, the American

Rescue Plan funds received from the Federal Government. She noted that Westborough is slated to receive \$5.6M. She spoke to the process of the award and those departments awarded funds; Public Safety, Public Works, School Dept., Recreation and Youth & Family Services. She noted Art 19 being related to this funding. She spoke to Free Cash and other Reserves, including a comparison of Data Dash Board communities, operating budget, tax increase and residential and commercial values. She also included the Average Family Home value, Town value increase, single family tax implications, and average tax bills. She noted that all information could be found on the Town Website under the Town Manager's webpage.

Mr. Arnold opened the meeting.

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

SPECIAL TOWN MEETING WARRANT

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

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Westborough, qualified to vote in elections and town affairs, to act on the following Articles on Monday, October 17, 2022, at 7:00 P.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 (Select Board)

To see if the Town will vote to transfer from Free Cash the sum of Three Thousand Seventy Two Dollars and Eighty Nine Cents (\$3,072.89) for the purpose of paying prior year bills for costs incurred

in FY2018, FY2019, FY2020, FY2021 and FY2022 or take any other action thereon.

Article Information – This article would appropriate the funds necessary to pay outstanding bills in the Veterans Department, Town Clerk, Conservation Commission, Select Board/Town Manager and Insurance budgets from fiscal years 2018, 2019, 2020, 2021 and 2022. Payment of these bills require a Town Meeting vote because they are from previous fiscal years. The motion for this article requires a nine-tenths vote.

Prior Years Bills

Motion: Ian Johnson, Chair of Select Board; *I move that the Town vote to transfer
And appropriate from Free Cash the sum of \$3,072.89 for the
purposes stated in the
article as printed in the warrant.*

Mr. Johnson spoke to the article.
Quantum of Vote: Nine-Tenths

VOTE: 387 in favor; 15 opposed. Motion carries a 9/10ths vote achieved.

ARTICLE 2: Appropriation of Commonwealth Transportation Infrastructure Fund (DPW)

To see if the Town will vote to transfer from the Receipts Reserve Account the sum of Four Thousand Seven Hundred Forty and 60/100 Dollars (\$4,740.60), 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 \$4,740.60 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.

Motion: Chris Payant, Director DPW; *I move that the Town vote to transfer from Receipts Reserves account the sum of \$4,740.60 for the purposes stated in the article as printed in the warrant.*

Mr. Payant spoke to the Article
Quantum of Vote: Majority

VOTE: 389 in favor; 12 opposed. Motion carries.

ARTICLE 3: Fiscal Year 2023 Finance Department Budget Adjustment (Select Board)

To see if the Town will vote to raise and appropriate Ten Thousand Nine Hundred Sixty Two Dollars (\$10,962), or such other amount as Town Meeting may approve, for the purpose of increasing the Finance Department Salary/Wages Budget, or take any other action thereon.

Article Information – The Town recently reviewed the Chief Assessor job description and recommended to the Select Board that the position description be revised and the position be reclassified. The Select Board approved the changes in June. This article would increase the budget to include the additional amount needed to cover this change in FY2023. The motion for this article requires a simple majority vote.

Motion: Sean Keogh, Vice Chair, Select Board; *I move that the Town vote to raise and appropriate the sum of \$10,962 for the purpose stated in the article as printed in the warrant.*

Mr. Keogh spoke to the article
Quantum of Vote: Simple Majority

VOTE: 327 in favor; 74 opposed. The motion carries.

ARTICLE 4: Fiscal Year 2023 Public Works Department Budget Adjustment (DPW)

To see if the Town will raise and appropriate the sum of Seventy Six Thousand Dollars (\$76,000) in addition to the FY2023 Public Works Department Budget; the sum of Thirty One Thousand Dollars (\$31,000) in addition to the FY2023 Water Enterprise Fund Budget; and the sum of Ten Thousand Dollars (\$10,000) in addition to the FY2023 Sewer Enterprise Fund Budget, or such other amounts as Town Meeting may approve, for the purpose of funding these budgets, or take any other action thereon:

Article Information – These increases will cover the rising cost of fuel in the FY2023 Public Works, Water and Sewer budgets. Additionally, this will cover increased costs of the water treatment facility contract. The motion for this article requires a simple majority vote.

Motion: Chris Payant, Director of Public Works; *I move that the Town vote to raise and appropriate the sum of \$76,000 for the Department of Public Works Budget; raise and appropriate the sum of \$31,000 for the Water Enterprise Fund Budget and raise and appropriate the sum of \$10,000 for the Sewer Enterprise Fund Budget for the purpose stated in the article as printed in the warrant.*

Mr. Payant spoke to the Article.

Quantum of Vote: Simple Majority

VOTE: 368 in favor; 40 opposed. The motion carries.

ARTICLE 5: Building Maintenance (DPW)

To see if the Town will vote to transfer from Free Cash the sum of Thirty Five Thousand Dollars (\$35,000), or such other amounts as Town Meeting may approve, for the purpose of building maintenance, or take any other action thereon:

Article Information – This article would fund unscheduled building maintenance costs that have been recently identified. Projects include Town Hall elevator, DPW Garage HVAC. The motion for this article requires a simple majority vote.

Motion: Chris Payant, Director of Public Works; *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$35,000 for the purpose stated in the article as printed in the warrant.*

Mr. Payant spoke to the Article.

Quantum of Vote: Simple Majority

VOTE: 349 in favor; 68 opposed. The motion carries.

ARTICLE 6: Fiscal Year 2023 School Department Budget Adjustment (School Department)

To see if the Town will vote to raise and appropriate the sum of Six Hundred Twenty Eight

Thousand Eight Hundred Thirty Three Dollars (\$628,833), or such other amount as Town Meeting may approve, for the purpose of increasing FY2023 School Department Budget.

Article Information – This article would add \$628,833 to the previously appropriated FY2023 School Department budget of \$60,410,677. The increase in dollars will allow for Westborough Public Schools to pay the tuition service for students who live within our town which require specialized services via Out of District placements. This past year, the district experienced an unprecedented and unanticipated outplacement of 9 students after the submission of the budget. The motion for this article requires a simple majority vote.

Motion: Kristin Vincent, Chair School Committee; *I move that the Town vote to raise and appropriate the sum of \$628,833 for the purpose stated in the article as printed in the warrant.*

Amber Bock, Superintendent of Schools spoke to the article.
Quantum of Vote: Simple Majority

Rod Shaffert, 8 Parkman St; Motioned the town vote to appropriate
and transfer from free cash \$628,833
for the purpose stated in the article.
Vote: (to amended motion) 111 in favor; 342 opposed. The Motion
fails

VOTE: (to the main motion) 327 in favor; 127 opposed. The Main
Motion carries

ARTICLE 7: School Department Expenses (School Department)

To see if the Town will vote to transfer from Free Cash the sum of
Three Hundred Thousand Five Hundred Nineteen Dollars (\$300,519),
or such other amount as Town Meeting may approve, for the purpose
of funding FY2023 school department specialized service expenses,
inclusive of settlement agreements, including all costs incidental and
related thereto, or take any other action thereon.

*Article Information – This article would fund two students set for
placement and two settlement agreements in the current fiscal year.
The motion for this article requires a simple majority vote.*

Motion: Kristin Vincent, Chair, School Committee; *I move that
the Town vote to transfer and
appropriate from Free Cash the sum of \$300,519 for the purpose
stated in the article as printed in the
warrant.*

Amber Bock, Superintendent of Schools spoke to the article.
Quantum of Vote: Simple Majority

VOTE: 363 in favor; 105 opposed. The motion carries.

ARTICLE 8: Fiscal Year 2023 Police Department Budget Adjustment (Select Board)

To see if the Town will vote to raise and appropriate a sum of money, for the purpose of increasing FY2023 Police Department Budget.

Article Information – This article would fund union contracts for FY2023. The motion for this article requires a simple majority vote.

Motion: Shelby Marshall, Select Board Member; *I move that the Town vote to raise and appropriate the sum of \$21,838 for the purpose stated in the article as printed in the warrant.*

Ms. Marshall spoke to the article.

Quantum of Vote: Simple Majority

VOTE: 362 in favor; 97 opposed. Majority in favor, Motion carries.

ARTICLE 9: Fiscal Year 2023 Assabet Valley Regional Technical High School Budget Adjustment (Select Board)

To see if the Town will raise and appropriate the sum of Eight Thousand Seven Hundred Eighty One Dollars (\$8,781) in addition to the FY2023 Assabet Valley Regional Technical High School Budget or such other amounts as Town Meeting may approve, for the purpose of funding this budget, or take any other action thereon:

Article Information – In FY2022 Assabet had recommended to the State Legislature to allow communicates to offset their assessments using regional ESSER II funds. This was never enacted but the Assabet Valley Regional Vocational School Committee chose to uphold the reduction and reflected that in the invoices to their member communities. The State has advised that they district must now make up that shortfall in the FY2023 assessments. The motion for this article requires a simple majority vote.

Motion: Patrick Welch, 15 Chauncy Circle, Select Board Member; *I move that the Town vote to raise and appropriate the sum of \$8,781 for the purpose stated in the article as printed in the warrant.*

Mr. Welch spoke to the article.

Quantum of Vote: Simple Majority

VOTE: 417 in favor; 41 opposed. Majority in favor, motion carries.

**ARTICLE 10: Fiscal Year 2023 Cable TV Budget Adjustment
(Finance Director)**

To see if the Town will raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) in addition to the FY2023 Cable TV Budget or such other amounts as Town Meeting may approve, for the purpose of funding this budget, or take any other action thereon:

Article Information – This allows the Town to fund Westborough TV's Fiscal Year 2023 Cable TV budget without impacting the tax payer. The motion for this article requires a simple majority vote.

Motion: Shelby Marshall, Select Board Member; *I move that the Town vote to raise and appropriate through the Cable TV Enterprise Fund the sum of \$50,000 for the purpose stated in the article as printed in the warrant.*

Ms. Marshall spoke to the article.

Quantum of Vote: Simple Majority

VOTE: 411 in favor; 38 opposed. Majority in favor, motion carries.

**ARTICLE 11: Server Room Cooling Equipment Replacement
(Information Technology)**

To see if the Town will vote to transfer from Free Cash the sum of Ten Thousand Five Hundred Dollars (\$10,500), or such other amount as Town Meeting may approve, for the purpose of replacing server room cooling equipment, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request seeks to replace server room cooling equipment at the Town Hall. In August the existing split unit broke and it was determined that it cannot be repaired. The motion for this article requires a simple majority vote.

Motion: Allen Edinberg, Select Board Member; *I move that the Town vote to transfer and Appropriate from Free Cash the sum of \$10,500 for the purpose stated in the article as printed in the warrant.*

Mr. Edinberg spoke to the Article.
Quantum of Vote: Simple Majority

VOTE: 423 in favor; 23 opposed. Motion carries.

ARTICLE 12: Ambulance Replacement (Fire Department)

To see if the Town will vote to transfer from Ambulance Receipts Reserved the sum of Three Hundred Fifty-Seven Thousand Dollars (\$357,000), or such other amount as Town Meeting may approve, for the purpose of replacing, purchasing and equipping an ambulance, including all costs incidental and related thereto, or take any other action thereon.

Article Information – The Fire Department operates an Advanced Life Support (ALS) ambulance service and maintains a fleet of four (4) ambulances. The department is on a rotating schedule to purchase a new front-line ambulance every three years so that the oldest vehicle is less than 12 years of age at the time of replacement. In Westborough, front-line ambulances has a life span of 9 years where they are then moved to “reserve” for an additional 3 years. This is done to assure that three vehicles are in service and that necessary preventative maintenance and repairs can be made without compromising public safety. This article would replace a 2013 ambulance that is currently scheduled on the Capital Plan to be replaced in the FY2024 but is being requested now due to the increased delivery time of 2 years. The motion for this article requires a simple majority vote.

Ian Johnson, Chair Select Board; *Motion: I move that the Town vote to transfer and appropriate from Ambulance Receipts Reserved the sum of \$357,000 for the purpose stated in the article as printed in the warrant.*

Quantum of Vote: Simple Majority

VOTE: 450 in favor; 15 opposed. Motion carries.

ARTICLE 13: Catch Basin Cleaner Attachment (Public Works Department)

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Sixty-Eight Thousand Dollars (\$168,000), or such other amounts as Town Meeting may approve, for the purpose of purchasing a catch basin cleaner attachments, including all costs incidental and related thereto, or take any other action thereon.

Article Information – At the Annual Town Meeting the DPW was given approval to replace a 1999 six-wheel dump truck and a 1988 catch basin cleaner with a single multi-use vehicle to support roadway repairs, snow operations, the treating of roads and catch basin cleaning. After the warrant had closed the Town became aware of a price increase for the truck and attachments which was explained in the presentation of the article. This article will fund the cost of the catch basin cleaner attachment. The motion for this article requires a simple majority vote.

Motion: Christopher Payant, Director of Public Works; *I move that the Town vote to transfer and appropriate from Free Cash the sum of \$168,000 for the purpose stated in the article as printed in the warrant.*

Mr. Payant spoke to the article.

Quantum of Vote: Simple Majority

VOTE: 431 in favor; 33 opposed. Motion carries.

ARTICLE 14: Water System Improvements (DPW)

To see if the Town will vote to transfer from available funds the sum of Five Hundred Fifty Thousand Dollars (\$550,000), or such other amounts as Town Meeting may approve, to assist the Town with water system improvements, or take any other action thereon.

Article Information – This article will fund the design costs for water system improvements related to PFAS (Per- and polyfluoroalkyl substances).

Motion: Christopher Payant, Director of Public Works; *I move that the Town vote to transfer and appropriate from Water Retained Earnings the sum of \$550,000 for the purpose stated in the article as printed in the warrant.*

Quantum of Vote: Simple Majority

Tom Shea, Cross St., motioned to terminate debate. **VOTE:** 428 in favor; 28 opposed. Motion carried, debate ended.

VOTE: 447 in favor; 30 opposed. Motion carries.

ARTICLE 15: Public Library Construction and Renovation (Library Building Committee)

To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of Thirty Six Million Six Hundred Ninety Eight Thousand Five Hundred Fifty Six Dollars (\$36,698,556) to fund the construction, renovation and expansion of the Westborough Public Library, to fund demolition, landscaping, paving, utility and other site improvement incidental or directly related to such construction, renovation and expansion, to fund necessary architectural, engineering or other professional and legal expenses and fees associated with this

project, to fund temporary library operational space, storage and moving expenses, to fund furnishings and equipment and to fund the payment of all other costs incidental or related thereto; to authorize the town to apply for and accept any grants or loans available for the project, including the Massachusetts Board of Library Commissioners grant; that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow a sum of money by issuance and sale of bonds or notes of the Town in accordance with General Laws Chapter 44, Section 7 (1) as amended, or any other enabling authority, said sum to be expended under the direction of the Library Building Committee which is authorized to take any action necessary to carry out this vote, or take any other action thereon.

Article Information – This article seeks to fund the renovation and addition of the Westborough Public Library under the direction of the Library Building Committee. This article further authorizes the Town to accept grants, including the Construction Grant from the Massachusetts Board of Library Commissioners in amount of \$9,403,090. The motion for this article requires a 2/3 majority vote.

Motion: Maureen Amyot, Library Director; *I move that the Town appropriate the sum of Thirty Six Million Six Hundred Ninety Eight Thousand Five Hundred Fifty Six Dollars (\$36,698,556) to fund demolition, landscaping, paving, utility and other site improvement incidentals or directly related to such construction, renovation and expansion, to fund necessary architectural, engineering or other professional and legal expenses and fees associated with this project, to fund temporary library operational space, storage and moving expenses, to fund furnishings and equipment and to fund the payment of all other costs incidental or related thereto, to be expended under the direction of the Library Building Committee; that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor; further, that the Town is*

authorized to apply for and accept any grants or loans available for this project, including the Massachusetts Board of Library Commissioners grant, and the amount of the authorized borrowing for this project shall be reduced by the amount of any grants received for the project prior to the issuance of bonds or notes under this vote.

Maureen Amyot, Town Librarian and Mary Johnston, Library Board of Trustees, spoke to the article.

Quantum of Vote: 2/3

Brett Borglund, Spring St., moved the question. VOTE: 433 in favor of ending debate; 58 opposed.

VOTE: 327 in favor; 171 opposed. Not a 2/3 vote; motion failed.

ARTICLE 16: Establish Dimensional Zoning Regulations for Building in M-1 District – Westborough Public Library (Library/ Planning Board)

To see if the Town will vote to establish the dimensional regulations, as required under Article 2, District Regulations, Section 2600, Dimensional Schedule, Subsection 2630, Building in M-1 District (M-1), of the Westborough Zoning Bylaws for the Town-owned property located at 55 West Main Street further identified on the Westborough Assessor's Map 20, Parcel 322, for the property containing the existing Westborough Public Library structure as shown on a plan entitled "WESTBOROUGH PUBLIC LIBRARY SITE DIMENSIONAL ZONING REGULATION, (SK-WPL-1 REV. 2)." dated October 2022 and on file with the Town Clerk. The purpose of establishing these regulations is to create a building and site work envelope to allow renovation and construction activities and associated site elements within this envelope as shown on the plan noted above. The dimensional regulations for the site, including any required future construction, shall be as follows:

Minimum Front Yard = 0; Minimum Side Yard = 0; Minimum Rear Yard = 0 with a minimum rear yard building setback of 10 feet;

Maximum Structure Height = 50 feet.

Or take any other action thereon.

Article Information – This would allow for a 0' site work setback on all sides, a rear yard building setback of 10 feet and maximum height of 50 feet. Section 2630 of the Zoning Bylaws requires a public hearing with the Planning Board, 2/3 vote of Town Meeting and Site Plan Review before the Planning Board. This is the second step in this process. The motion for this article requires a 2/3 majority vote.

Motion: Mark Silverberg, Chair, Planning Board; *motion to pass over (as the prior article #15 Failed).*

VOTE: 247 in favor of passing over; 8 opposed, Motion carries.

ARTICLE 17: Lead Services Line Inventory and Replacement Plan (DPW)

To see if the Town will appropriate the sum of One Hundred Thousand (\$100,000) to pay costs of developing a Lead Service Line Inventory and Lead Service Line Replacement Plan, including without limitation all costs thereof as defined in G.L. c. 29C, §1; to determine whether this amount shall be raised by borrowing or otherwise, including the borrowing of all or any portion of this amount through the Massachusetts Clean Water Trust (the "Trust"); to authorize the Select Board and any other appropriate official of the Town to enter into a loan agreement and/or security agreement with the Trust and the Department of Environmental Protection that may be required with respect to any borrowing through the Trust and for any federal or state aid or principal forgiveness available for the project or for the financing thereof; to authorize the Select Board to enter into a project regulatory agreement with the Department of Environmental Protection in connection with any borrowing through the Trust, or to take any other action relative thereto

Article Information – The Lead and Copper Rule Revision (LCRR) requires all public water suppliers to document the material of all

water service lines within the distribution system. This article would fund \$100,000 for engineering services to develop a Lead Service Line Inventory. The Town will utilize the State Revolving Fund program to seek reimbursement of costs. The motion for this article requires a two-thirds majority vote.

Motion: Chris Payant, Director of Public Works, *I move that the Town appropriate \$100,000 to pay costs of developing a Lead Service Line Inventory and Lead Service Line Replacement Plan, without limitation, the payment of all costs thereof as defined in G.L. c. 29C, §1; to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow \$100,000 under and pursuant to G.L. c. 44, §7(7), and/or G.L. c. 29C and to issue bonds or notes of the Town therefor; that the Treasurer with the approval of the Select Board is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to G.L. c. 29C (the “Trust”), and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid or principal forgiveness available for the project or for the financing thereof, and that Select Board is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project.*

Chris Payant spoke to the article.

Quantum of Vote: 2/3

VOTE: 239 in favor; 8 opposed, motion carries 2/3 vote achieved.

ARTICLE 18: Acquisition of 0 Ruggles Street/Off Ruggles Street

(Select Board)

To see if the Town will vote to (a) authorize the Select Board to acquire by purchase, gift, and/or eminent domain the parcel of land located off Ruggles Street, containing 15.42 acres, more or less, and described in a deed recorded with the Worcester South District of Deeds in Book 46027, Page 83, for general municipal purposes and/or for open space, conservation and passive recreation purposes on such terms and conditions as the Select Board deems in the best interests of the Town, with the Conservation Commission to have care, custody and control of those portions of said parcel acquired for open space, conservation and passive recreation purposes, if any, (b) to raise and appropriate, transfer from available funds, and/or borrow the sum of Three Hundred Thirty Four Thousand Dollars (\$334,000) to fund the acquisition of the property and costs incidental or related thereto, and (c) authorize the Select Board, the Conservation and/or their designee to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of said costs of acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth of Massachusetts under G.L. c.132A, §11 (the so-called LAND Grants) and/or any other federal, state or other grants or reimbursement programs in any way connected with the scope of this acquisition, and to enter into any and all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate said acquisition, or take any other action thereon.

Article Information – This article would authorize the Select Board to acquire the property known as 0 Ruggles Street or Off Ruggles Street. The article would further appropriate \$325,000 for purchase of the property and \$9,000 for the cost of survey plan. The motion for this article requires a two-thirds vote.

Motion: Ian Johnson, Chair Select Board; I move

- (a) *to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Board deems in the best interests of the Town and subject to existing agreements, easements and/or*

restrictions, the parcels of land located at Off Ruggles Street, Westborough, containing a total of 15.42 acres, more or less, and being a portion of the premises described in a deed recorded with the Worcester South District Registry of Deeds in Book 46027, Page 83, for the following purposes:

Parcels A and C, as shown on the entitled “‘Plan of Land’ 0 Ruggles Street and Breen Road Westborough, MA (Worcester County)”, dated October 4, 2022, on file with the Town Clerk, are to be acquired by the Town for conservation, passive recreation, parking, utility, and general municipal purposes under the care, custody, and control of the Select Board;

Parcel B, as shown on the foregoing plan, is to be acquired by the Town for conservation and passive recreation purposes, under the care, custody, and control of the Conservation Commission pursuant to the provisions of M.G.L. Chapter 40, Section 8C and subject to the provisions of Article 97 of the Massachusetts Constitution, and

- (b) appropriate the sum of \$334,000 for the purpose of acquiring said land and costs incidental or related thereto, and, to meet this appropriation, transfer the sum of \$167,000 from the Sale of Real Estate Account for Parcels A, B, and C, and transfer the sum of \$167,000 from the Walkup Robinson Trust Fund for Parcel B;*
- (c) authorize the Select Board to execute any and all documents and take all other action necessary or convenient to accomplish the foregoing, or to take any other action thereon.*

Mr. Johnson spoke to the article.
Quantum of Vote: 2/3

VOTE: 200 in favor; 21 opposed. 2/3 vote achieved, Motion carries.

Ian Johnson, 9 Bertis Adams Way, Chair of Select Board, moved to adjourn meeting until Tuesday, October 18, 2022 at 7:00pm; WHS Auditorium.

Tuesday, October 18, 2022 at 7:00pm - Mr. Arnold reconvened the Special Town Meeting.

Mr. Arnold led the meeting in the Pledge of Allegiance. Called the 2nd night of Special Town Meeting to order, "The meeting is now in session." Mr. Arnold reviewed the requirements of a Town Meeting; The Warrant (the agenda for the meeting); to question call out "Point of Order"; a structured debate as led by the Moderator; each voter has 2.5 mins to speak; a few articles have presentations up to 10 mins, each voter can only speak twice.

Mr. Arnold gave Mr. Barretti a chance to speak to comments made from the Finance Committee. He noted that the person gave a very sincere apology for his remarks. The Finance Committee accepted the apology and wish to move on.

Mr. Arnold spoke to the tenor of the meeting the night before regarding the library vote and reconsideration. Westborough has one of the most strict "reconsideration" bylaws, thanks to our former Moderator, Joe Harrington;

Westborough Town Bylaws; SECTION 12 RECONSIDERATION Once final action has been taken on an article, and the meeting has taken up the next order of business or has adjourned, the

matter may not again be taken under consideration at that town meeting unless, in the best judgment of the Moderator, a significant error or omission occurred in the language or the process of the original action on the article, or a significant change of circumstances has occurred, such that there is a clear likelihood that the outcome could change upon reconsideration or that reconsideration would be in the Town’s best interest. Such errors, omissions or changes of circumstance shall be brought to the Moderator’s attention as soon as they are known, and the Moderator shall determine if and when the matter will be 5 taken up. The Moderator shall announce this decision to the town meeting. If the Moderator determines that the matter may be taken up pursuant to this Section, a three-quarters vote shall be necessary in order to proceed with reconsideration. (ATM 2005) Notwithstanding the foregoing, if after all other votes and reconsideration from the floor are complete, and if the size of the appropriations voted appear to make necessary a ballot override vote (either levy, capital outlay or debt exclusion) under MGL 59 § 21C (“Proposition 2 ½”), then the conditions for reconsideration shall be deemed to have been met, and the moderator shall accept motions for reconsideration on any appropriation from the Advisory Finance Committee only, for the purpose of reducing certain appropriations or all appropriations to meet the limits of Proposition 2½, or for the purpose of making certain appropriations contingent upon an override vote. (STM 2011).

Mr. Arnold began with Article 19.

ARTICLE 19: Rescind Borrowing Authorization (Select Board)

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

Town Meeting Date	2022 Annual Town Meeting Article #	Project	Amount to Rescind
3/8/2022	14	Town Water System Improvements	\$810,000
	9N	High School Chillers	\$1,500,000

or take any other action thereon

Article Information – The purpose of this Article is to rescind borrowing authorizations previously approved by Town Meeting for two projects that have been funded using American Rescue Plan funds. The total amount of borrowing authorization that this Article seeks to rescind is \$2,310,000.

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.

Mr. Barretti, Chair- Advisory Finance Committee, spoke to the role of the AFC

Motion: Patrick Welch, Member Select Board; I move that the
Town vote to rescind the borrowing

authorization in the sum of Eight Hundred Ten Thousand Dollars (\$810,000), previously authorized by the Town under Article 14 of the 2022 Annual Town Meeting, for the purpose of Town Water System Improvements and to rescind the borrowing authorization in the sum of One Million Five Hundred Thousand Dollars (\$1,500,000), previously authorized by the Town under Article 9N of the 2022 Annual Town Meeting, for the purpose of High School Chillers.

Quantum of Vote: Simple Majority

VOTE: 165 in favor; 1 opposed. Motion carries.

ARTICLE 20: Improvements to Westborough Treatment Plant (Wastewater Treatment Plant Board)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of Four Million Two Hundred Fifty Thousand Dollars (\$4,250,000) 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 amount shall be in addition to the amount appropriated and authorized to be borrowed under Article 12 of the May 15, 2021 Annual Town Meeting, or to take any other action thereon.

Article Information: This article, when combined with Article 12 of the May 15, 2021 Annual Town Meeting, will pay for various improvements at the treatment plant including but not limited to replacement of the rotors in the aeration system, replace grit truck, rehab odor control scrubber, and rehab sludge holding tanks. The estimate for the replacement of the rotors used for Article 12 was significantly under value, due especially given today's volatile market prices and material delivery delays. The capital items are needed to maintain the treatment plant in proper operating condition to comply with the requirements of the discharge permit. 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: Thomas Burke, 1 Linda St., Member Wastewater Treatment Plant Board; *I move that the Town vote to appropriate the sum of \$4,250,000, for undertaking capital repairs and improvements to the Westborough Wastewater Treatment Plant and engineering services associated therewith, which amount shall be in addition to the amount appropriated and authorized to be borrowed under Article 12 of the May 15, 2021 Annual Town Meeting; that to meet this appropriation, the Treasurer with the approval of the Select Board, is authorized to borrow said sum under G.L. c.44, s.7(1) or any other enabling authority; and the Select Board is authorized to take any and all action as may be necessary or appropriate to effectuate the purposes of this vote.*

Mr. Burke gave "Notice of Recognition to Jack Goodhall, as Member of the Wastewater Treatment Plant Board for 32 years" who will be retiring. Applause from Town Meeting members in attendance.

Jack Goodhall, Member Wastewater Treatment Plant Board spoke to the article.

Quantum of Vote: 2/3

VOTE: 179 in favor; 11 opposed. 2/3 vote achieved, motion carries.

ARTICLE 21: Report of the Town Seal Committee (Town Seal Committee)

To see if the Town will vote to hear the report of the Westborough Town Seal Review

Committee established at the May 15, 2021 Annual Town Meeting, or to take any other action thereon.

*Mr. Arnold gave notice that Wendy Mickel will abstain from taking minutes for the Town Seal Committee articles as she is a member of

the committee and will join them during the presentation. Debbie Ledoux, Asst Town Clerk will take her place for this article.

Article information: The Town Seal Review Committee's charge includes making a report to the Town Meeting related to its recommendation(s) regarding the Town Seal. This article allows the Committee to make its report. The motion for this article requires a simple majority vote.

Motion: Nicholas Argento, 41 Treetop Park, Co-Chair Town Seal Review Committee; I move the article as printed in the warrant (clarification from Mr. Arnold; the motion is to hear the report).

Mr. Argento spoke to the Article (see copy of report)
Quantum of Vote: Simple Majority

VOTE: 140 in favor; 46 opposed. Motion carries.

ARTICLE 22: Establish New Town Seal (Town Seal Committee)

To see if the Town will vote to establish the "1913 Town Seal" - as shown in the report of the Westborough Town Seal Review Committee (first used on the 1913 Westborough Annual Town Report) and on file in the Town Clerk's office - as the Town's seal pursuant to MGL, Chapter 40, Section 47, or to take any other action thereon.

Article information: The Town Seal Review Committee's recommendations include replacing the current Town Seal that was adopted at a Town Meeting in 1977. The Committee's recommended process for determining a new Town Seal is to recommend that the Town revert to the previous Town Seal that first appeared in the 1913 Annual Town Report. This article gives the Town Meeting the option of re-establishing that Town Seal as Westborough's Town Seal. The motion for this article requires a simple majority vote.



Motion: Nicholas Argento, Co-Chair Town Seal Review

Committee: *I move the article as printed in the warrant.*

Mr. Argento spoke to the article.

Mr. Luce motioned to end debate

VOTE: 157 in favor; 46 opposed. Debate ended.

Quantum of Vote: Simple Majority

VOTE (to main motion): 143 in favor; 59 opposed. Main motion carries.

ARTICLE 23: Process to Establish New Town Seal (Town Seal Committee)

To see if the Town will vote to establish a diverse Town Seal Design Committee consisting of a minimum of three (3) and a maximum of five (5) residents appointed by the Moderator and whose charge shall be to create a Request for Proposal for the creation a new Town Seal, determine possible funding sources for a new Town Seal, review the proposals that are received, recommend the Town vote on a specific new Town Seal at a future Town Meeting, and other duties required to bring a new Town Seal to the Town Meeting for approval; or to take any other action thereon.

*Article information: The 2nd part of the process that the Town Seal Review Committee is to recommend the creation of a Town Seal Design Committee **only if** the Town Meeting decides **not** to re-establish the 1913 Town Seal as the Town Seal. If this article is approved, it provides the mechanism to create that Design Committee and establishes the appointing authority, the membership, and the charge of the Design Committee as well as providing some funding for expenses related to its work. If the Town votes to re-establish the 1913 Town Seal as the Town Seal in the previous article, the Committee will recommend that this article be passed over. The motion for this article requires a simple majority vote.*

Jodi Hensley, 39 Arch St., asked not to pass over the article.

Judith Tully, 8 Issac Miller Rd., commended the committee on their work.

Mike Barretti stated the AFC voted 3/3/1 to pass over
Ian Johnson, 9 Bertis Adams Way stated the Select Board voted 5/0/0 for the motion to pass over.

Motion: Nick Argento - I move to pass over the article.

Quantum of Vote: Simple Majority

VOTE: 167 in favor; 33 opposed. Motion was passed over.

ARTICLE 24: Acceptance of MGL Ch. 138, Section 33B (Select Board)

To see if the Town will vote to accept Massachusetts General Law, Chapter 138, Section 33B, or take any other action thereon.

Article Information – Acceptance of this statute allows the local licensing authority to authorize licensees under chapter 138, section twelve to sell alcoholic beverages between the hours of 10:00am and 12:00 noon on Sunday. The motion for this article requires a simple majority vote.

Motion: Shelby Marshall, Select Board Member; I move the article as printed in the warrant.

Quantum of Vote: Simple Majority

VOTE: 120 in favor; 36 opposed. Motion carries.

ARTICLE 25: Economic Development Revolving Account (Economic Development Committee)

To see if the Town will vote to amend Article 15 of the General Bylaws by increasing the maximum expenditure in the Economic Development Small Business Grant Revolving Funds as shown below, or take any other action thereon.

Revolving	Purpose	Funds to	Authorized	Maximum
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Fund		be Deposited From	to Expend Funds	Expenditure
Economic Development Small Business Grant	To Provide grant assistance for small businesses	Billboard Fees	Economic Development Committee	\$40,000 \$60,000

or take any other action thereon.

Article Information – This article would increase the amount of money that the Economic Development Committee can award through their grant assistance for small businesses. Currently, the Town receives \$60,000 per year through agreements for digital billboards, all of which goes into the Economic Development Small Business Grant Revolving Account. The motion for this article requires a simple majority vote.

Motion: Mark Zepf, 3 Stonehill Dr; *I move the article as written in the warrant.*

Quantum of Vote: Simple Majority

VOTE: 147 in favor; 12 opposed. The motion carries.

ARTICLE 26: Home Rule Petition (Senior Tax Relief Committee)

To see if the Town will vote to authorize the Select Board to petition the General Court for a special act in the form set forth below, authorizing the Board of Assessors to approve additional tax exemptions for qualifying senior residents; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and, provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

SECTION 1. With respect to each qualifying parcel of real property classified as class one, residential in the jurisdiction there shall be an exemption from property tax in an amount to be set annually by the local board of assessors as provided in section 3. The exemption shall be applied to the domicile of the taxpayer only. For purposes of this act, "parcel" shall be a unit of real property as defined by the local board of assessors under the deed for the property and shall include parcels defined as condominium units. The exemption provided for herein shall be in addition to any and all other exemptions allowed by the General Laws.

SECTION 2. Real property shall qualify for the exemption pursuant to section 1 if all of the following criteria are met:

- (1) The qualifying real property is owned and occupied by a person whose prior year's income made them eligible and did receive the circuit breaker income tax credit pursuant to subsection (k) of section 6 of chapter 62 of the General Laws;
- (2) The qualifying real property is owned by a single applicant who is 65 years of age or older at the close of the previous year or jointly if 1 of the joint applicants is 65 years of age or older at the close of the previous year and the other joint applicant is 60 years of age or older;
- (3) The qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;
- (4) The applicant has had been domiciled and owned a home in Westborough for at least 10 consecutive years before filing an application for exemption;
- (5) The maximum assessed value of the domicile is not greater than 10 percent above the Town's average single-family residential assessed value of

- the prior fiscal year; and
- (6) The Board of Assessors has approved the application.

SECTION 3. The Board of Assessors shall annually set the exemption amount provided for in section 1 provided that, the exemption amount is set at a rate of anywhere from one-half but not to exceed 100% of the amount of the senior circuit breaker income tax credit pursuant to subsection (k) of section 6 of chapter 62 of the General Laws for which the applicant qualified in the previous year. The total amount exempted by this act shall not exceed one percent of the total tax levy.

SECTION 4. A person who seeks to qualify for the exemption pursuant to section 1 shall, before the deadline established by the Board of Assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption. The Board of Assessors may deny an application for exemption pursuant to section 1 if they find the applicant has excessive assets that place the applicant outside the category of intended recipients of the senior exemption created by this act.

SECTION 5. A person who seeks to qualify for the exemption pursuant to section 1, but also receives a MGL 59 s 5 Clause 41A Tax Deferral, shall have their eligibility reviewed by the Board of Assessors to determine the amount of circuit breaker credit.

SECTION 6. SUNSET: The exemption provided in this act shall expire after 3 years of implementation, which shall begin in Fiscal 2024; provided, however, that the Town may reauthorize the exemption for additional 3-year intervals by a vote of the legislative body of the Town.

Article Information – The motion for this article requires a simple majority vote.

Motion: Ian Johnson, 9 Bertis Adams Way, Chair, Select Board; I
move the article as printed in the

warrant.

Jon Steinberg, Chief Assessor spoke to the article
Quantum of Vote: Simple Majority

Janet Anderson, 7 Chauncy St., moved the question
Vote taken: 149 in favor; 9 opposed. Debate terminated.

VOTE to main motion: 150 in favor; 7 opposed. The motion carries.

ARTICLE 27: Grant of Utility Easement – 123 Fisher Street – (Select Board)

To see if the Town will vote to authorize the Select Board to grant a utility easement in, on and under the Town-owned parcel of land located at 123 Fisher Street, identified by the Assessor as Parcel 18-8-0 and described in a deed recorded with the Worcester South District Registry of Deeds in Book 5274, Page 468, on such terms and conditions and for such consideration as the Select Board deems advisable, or take any other action thereon.

Article Information – This article authorizes the Select Board to grant easements at 123 Fisher Street. The motion for this article requires a simple majority vote.

Motion: Allen Edinberg, Member, Select Board; *I move the article as written in the warrant.*

Mr Edinberg spoke to the article.
Quantum of Vote: Simple Majority

VOTE: 142 in favor; 2 opposed. The motion carries.

ARTICLE 28: Handicapped Parking Fines – (Commission on Disability)

To see if the Town will vote pursuant to the provisions of M.G.L. Chapter 40, Section 22G, to authorize fines assessed for violations of

handicap parking in the Town to be expended upon the recommendation of the Commission on Disability solely for the benefit of persons with disabilities, or take any other action thereon.

Article Information – This article will direct fines collected for handicap parking violations to be expended by the Commission on Disability. The Town collected approximately \$500 last year for these fines. The money would be used to benefit persons with disabilities. The motion for this article requires a simple majority vote.

**Motion: Heather Crump, Member WRTA Advisory Board-
Disabled Commuter Population;**

I move the article as written in the warrant

Ms. Crump, 35 Fisher Street, spoke to the article.

Quantum of Vote: Simple Majority

VOTE: 137 in favor; 8 opposed. The motion carries.

ARTICLE 29: Plastic Reduction Bylaw – (Board of Health)

To see if the Town will vote to amend Article 33 of the General Bylaws by deleting the strikethrough text and adding the bold italicized, as follows, or take any other action thereon:

ARTICLE 33 - PLASTIC ~~BAG~~ REDUCTION BYLAW

This bylaw shall be known as the Plastic ~~Bag~~ Reduction Bylaw

SECTION 1 PURPOSE AND INTENT

The production and use of ~~thin-film~~ single-use *plastics plastic checkout bags* have significant impacts on the environment, including, but not limited to contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for

their manufacture. The purpose of this bylaw is to protect the Town's unique natural beauty and its water and natural resources by eliminating single-use ~~plastics plastic checkout bags~~ that are distributed in the Town of Westborough and to promote the use of reusable bags.

SECTION 2 DEFINITIONS

“Checkout bag” – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

“Grocery Store”- means a retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

“Retail Store” – means any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

“Reusable checkout bag” – means a bag with handles that is specifically designed and manufactured for multiple reuse and is 100% post-consumer material or biodegradable.

“Biodegradable” – toxin free and capable of being decomposed by bacteria or other living organisms.

“Thin-film single-use plastic bags” - are those bags typically with handles, constructed of high-density polyethylene (HDPE). Low-density polyethylene (LDPE), linear low-density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if aid film is less than 4.0 mils in thickness.

“Recyclable paper bag” – means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and made from 40% post-

consumer recycled content” in a visible manner on the outside of the bag.

SECTION 3 USE REGULATIONS

- (A) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store or grocery store within the Town of Westborough.
- (B) If a grocery or retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags.
- (C) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.
- (D) Grocery stores or retail stores must use biodegradable material for dine-out services when such an alternative exists. Examples include, but are not limited to, takeout-container, utensils, sauce containers.***

SECTION 4 EFFECTIVE DATE

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner’s representative, the Select Board or their designee may exempt a grocery ***store or*** retail store from the requirements of this section for a period of up to six (6) months upon a finding by the Select Board or their designee that (1) the requirements of this section would cause undue hardship; or (2) a grocery or retail store requires additional time in order to draw down an existing inventory ***of checkout bags.***

SECTION 5 ENFORCEMENT

Enforcement of this bylaw shall be the responsibility of the Select Board or their designee. The Select Board or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, incorporating the process into other town duties as appropriate.

Any grocery or retail store distributing **single-use** plastic ~~checkout bags~~ in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article 31 of the General Bylaws, Noncriminal Disposition of Certain Violations of Bylaws and Rules and Regulations. Any such fines shall be paid to the Town of Westborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

SECTION 6 SEVERABILITY

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

Article Information: A previous version of this article was referred back to the Board of Health at the 2022 Annual Town Meeting. The Board of Health held a public information session on July 19th related to these proposed amendments. This article would amend the current Plastic Bag Reduction bylaw to reduce use of other plastics as well. The motion for this article requires a simple majority vote.

Motion: Dr. Nathan Walsh, Member Board of Health; *I move the article as written in the warrant or any amendments thereto,*

Dr. Walsh spoke to the Article.

Quantum of Vote: Simple Majority

Mr. Leslie, 207 West Main St., voted to support the article as written in the warrant.

Tom Shea, 15 Cross St; Motion to strike/delete Sec 3D- Use Regulations

Vote: 28 in favor; 112 opposed. The motion failed.

VOTE: to the main motion: 125 in favor; 18 opposed. The motion carries.

Note: The Moderator, John Arnold asked for a moment to let the audience know that Wendy Mickel, the Town Clerk will be retiring in

January 2023. He acknowledged her years of service and thanked her for all her work. A very nice applause ensued... which I appreciated very much ♡ Wendy

ARTICLE 30: Amend Purpose of Borrowing/Reallocation Articles for Hastings School HVAC to Include Hastings School ADA Compliance Improvements (School Department)

To see if the Town will vote to amend the debt authorizations and reallocations of surplus funds approved by vote of the Town under Article 10 of the warrant at the October 2019 Town Meeting, which appropriated \$3,000,0000 for the Hastings School HVAC Improvements project, and Article 10 of the warrant at the March 2022 Town Meeting which appropriated \$1,835,327 for the Hastings School HVAC Improvements project, to provide that the borrowing or reallocation of surplus funds authorized to meet the appropriations under such articles may also be used pay costs of ADA compliance improvements at Hastings School, including all costs incidental or related thereto, or to take any other action relative thereto.

Article Information – Several articles have been approved at previous town meetings for the replacement of the Hastings HVAC system. Work was required to move forward with that repair and the additional cost then triggered the need for ADA upgrades to the building. Currently, no HVAC work, or any other projects, can move forward in the building without completing required upgrades to ADA compliance. The article seeks to expand the scope of these previous HVAC funds, to include design and completion of the ADA work in order to allow for the replacement of the HVAC system. Because the project work is intertwined allowing expenditures related to both projects pieces allow us to begin work with available funds.

Motion: Lisa Edinberg, Chair School Committee; *I move that the Town amend the debt authorizations and reallocations of surplus funds approved by vote of the Town under Article 10 of the warrant at the October 2019 Town Meeting, which appropriated \$2,444,075 for the Hastings School*

HVAC Improvements project, and Article 10 of the warrant at the March 2022 Town Meeting, which appropriated \$1,835,327 for the Hastings School HVAC Improvements project, to provide that the borrowing or reallocations of surplus funds authorized to meet the appropriations under such articles may also be used to pay costs of ADA compliance design at Hastings School, including all costs incidental or related thereto.

Mr. Barretti, Chair AFC, "Point of Order" questioned a number substantially less than in the warrant versus motion. Mr. Arnold addressed the difference and that the number in the motion is correct.

Ms. Bock, Superintendent of Schools spoke to the article.
Mr. Lonardo, Building Commissioner spoke to Hastings HVAC
Ms. Janet Anderson, Chauncy St., moved the question
Vote: 122 in favor; 12 opposed. Motion

Quantum of Vote: 2/3

VOTE to the main motion: 121 in favor; 13 opposed. A 2/3 vote achieved, Motion carries.

Ian Johnson, Chair of Select Board; I move that we dissolve the Oct 22 Special Town Meeting.

Vote: Unanimous in favor. Mr. Arnold Declared the Special Town Meeting, closed.

Given under our hands the 27th day of September in the year Two Thousand and Twenty Two.

s/Ian Johnson, Chair

s/Sean Keogh, Vice Chair

s/Allen Edinberg

s/Shelby Marshall

s/Patrick Welch

SELECT BOARD OF

WESTBOROUGH

\Worcester, ss

I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on September 30, 2022.

s/Constable of

Westborough

\Worcester, ss

Attest:

s /*Wendy L Mickel*, Town Clerk

735917/WBOR/0275