

**Special Town Meeting
October 18, 2021 at 7:00 pm
Westborough High School
Westborough, MA**

Narrative

7:00 pm. Town Moderator, John Arnold called the Special Fall Town Meeting to Order. At 7:00pm, 77 voters present. Mr Arnold led the Pledge of Allegiance with all in attendance.

The meeting began; "I am John Arnold, 251 West Main St., your Elected Moderator and beside me is your elected Town Clerk, Wendy Mickel. A warrant for the Special Town Meeting was signed by the Select Board and posted in a timely manner. Welcome to the Fall Special Town Meeting."

Mr. Arnold noted no quorum was necessary and called the meeting to order. He gave COVID mask instructions for the room. He introduced those boards and committees in attendance: Select Board, Advisory Finance Committee, School Committee, Planning Board, and noted Town Departments as well. A report from AFC recommendations of the articles on the warrant was available to folks at checked-in. He gave a Thanks to the School Dept, IT, WTV, Select Board and Board of Health for guidance and with on-going conversations as to how to have these meetings during Covid.

Mr. Arnold noted our Town Bylaws require the Moderator to nominate a candidate to serve as Deputy Moderator. Mr. Arnold asked that a vote be taken to nominate Benjamin Gold of 19 Blake Street as Deputy Moderator.

VOTE: Unanimous vote in favor. Mr. Gold was sworn into Office by the Moderator.

Mr. Arnold asked if anyone wanted to speak who was not a voter. He indicated that no one present asked to speak and he was not notified ahead of time of a Non-voter wanting to speak on the floor.

- *Mr Arnold gave the parameters of Town Meeting; Any person is allowed to speak twice on an article, it would require a vote of the audience to allow more. There is a 5 minute limitation to speak. If you are unable to get to a microphone, one will be brought to you. Also, he asked that all cell phones be turned off during the meeting.*
- *The Police & Fire will give guidance in an emergency*
- *Mr Arnold noted the Accommodation and Citation which was presented by the Select Board to Bunny Perron of Westborough. Bunny, who is 100 years old this year and born November 16, 1921, is a lifelong resident of Westborough. An applause given.*
- *Mr. Arnold noted that the Annual Town Meeting was charged with creating a Town Seal Review Committee. The committee is formed and recordings are available on WTV. They are just about ready to begin their outreach.*
- *The Master Plan Committee has made their final report and was presented by Lester Hensley, 39 Arch St.. The website is westboroughmasterplan.com information is now available on-line and hard copies are available in the Town Clerk's Office, the Library, and the Planning Board Office.*
- *The Report of the Library Building Comm. Maureen Amyot, Library Director, 6 Arch St. gave a report of the Library. and noted that in 2016 the town was awarded a grant study award. They were one of 29 awarded a grant based on a \$24M cost of project. The process and costs is available on the Library website. Expect a new plan will be ready the summer 2022. Construction would be to start around 2023 and take about 2 yrs.*
- *Town Manager's Report – decisions before you today. (see attached report Budget Process- FY23) 2.5M cut out of budgets out of 2021 that will be asked for in the future; DPW, Police, Outreach Workers, Election increases. Not just restoration but other ... police, staffing study, land management etc...*
- *Mr. Arnold moved on to the warrant.*

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 18, 2021, 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: Appropriation of Commonwealth Transportation Infrastructure Fund (DPW)

To see if the Town will vote to transfer from the Receipts Reserve Account the sum of Three Thousand Eight Hundred Forty Three and 10/100 Dollars (\$3,843.10), or such other amount as Town Meeting may approve, for the purpose of road maintenance, or take any other action thereon.

- *AFC Report, Michael Barretti, Chairman. Mr. Barretti gave an overview of the Finance Committee booklet. He noted that Westborough remains financially healthy. He thanked all Elected Officials, Department-heads, The Town Manager, School Committee, Superintendent Schools and all who contribute to the day-to-day functions of the town, keeping us in a good financial position. He gave an overview our future in 1 to 5 years and 5 to 10 years. He noted that going forward would be a test of Westborough's appetite for spending and tolerance of increased taxes and fees. He noted that our towns growth has consequences "There is wealth in our town, but not everyone is wealthy." He urged residents to pay attention to the spending decisions along with managing a tax bill. He suggested residents anticipate future costs; employee contracts, OPEB costs, Library, school projects, DPW infrastructure costs, CPA, Climate Action Plan, Strategic Plan and restoration of COVID issues. There will be important decisions; how and where to spend. Mr. Barretti suggested that we move forward prudently.*
- *Town Manager Statement – The Town received \$3,843.10 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: Dir. DPW, Chris Payant; I move that the Town vote to transfer from Receipts Reserves account the sum of \$3,843.10 for the purposes stated in the article as printed in the warrant.

VOTE: Unanimous vote in favor, Motion carries

ARTICLE 2: Fiscal Year 2022 Finance Department Budget Adjustment (Select Board)

To see if the Town will vote to raise and appropriate Forty Five Thousand Dollars (\$45,000), or appropriate 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 created a Grants Administrator/Procurement Officer position in

July 2021. The salary for this position was initially funded through the Coronavirus Relief Funds. These funds expire on December 31, 2021. This article would increase the budget to include the balance of FY2022 salary for this position.

MOTION: Select Board Chair, Allen Edinberg; I move that the Town vote to raise and appropriate the sum of \$65,000 for the purpose stated in the article as printed in the warrant.

VOTE: Majority in favor, 5 opposed. Majority, Motion carries

ARTICLE 3: Fiscal Year 2022 Insurance Budget Adjustment (Select Board)

To see if the Town will vote to transfer Six Hundred Thousand Dollars (\$600,000) from Free Cash or appropriate such other amount as Town Meeting may approve, for the purpose of increasing the Insurance Budget, or take any other action thereon.

Article Information – The Town annually budgets \$1,100,000 to fund the Other Post Employment Benefits (OPEB) Trust Fund. In FY2021 and FY2022, the Town did not budget any money for this funding in order to offset lost revenues due to the COVID-19 pandemic. This article will begin restoration of the previous funding of the OPEB using Free Cash in FY2022.

MOTION: Select Board Vice Chair, Ian Johnson; I move that the Town vote to transfer and appropriate the sum of \$600,000 from Free Cash for the purpose stated in the article as printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 4: Fiscal Year 2022 School Department Budget Adjustment (School Committee)

To see if the Town will vote to raise and appropriate the sum of One Hundred and Twenty Thousand Dollars (\$120,000) for the purpose of increasing Fiscal Year 2021-2022 School Department Budget, for the purpose of funding two additional 1.0 FTE requests, or take any other action thereon.

Article Information – This article would add \$120,000 to the previously appropriated FY2022 School Department budget of \$57,121,155. The School Department's approved appropriation during the COVID-19 pandemic rolled forward adequate services for students. This article would add 1.0 FTE student support (English Language Learner position, 64,000) and 1.0 FTE business office support (payroll / clerical 56,000). An Enrollment increase has created the need for an additional ELL position at the Mill Pond School. The School Departments business office is understaffed in relation to the volume of work it receives and processes daily. The increase in FTE will allow the Director of Finance and Administration to reassess workflow, reduce issues and increase productivity.

MOTION: Superintendent of Schools, Amber Bock, 10 Arch St; I move that the Town vote to raise and appropriate the sum of \$103,000 for the purpose stated in the article as printed in the warrant.

VOTE: Majority in favor, Motion carries

ARTICLE 5: Fiscal Year 2022 Department of Public Works Budget Adjustment (DPW)

To see if the Town will vote to raise and appropriate Nine Thousand Seven Hundred Thirty Three Dollars (\$9,733), or appropriate such other amount as Town Meeting may approve, for the purpose of increasing the Department of Public Works Expenses Budget and, or take any other action thereon.

Article Information – This article would fund cleaning of the Westborough Fire Department. The WFD has used COVID related grant money to clean the station. The grants expire at the end of the calendar year and additional money is needed to fund the second half of the Fiscal Year. This cost is in the DPW budget because the facilities department pays for cleaning of town buildings.

MOTION: DPW Director, Chris Payant; I move that the Town vote to raise and appropriate the sum of \$9,733 for the purpose stated in the article as printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 6: Fiscal Year 2022 Conservation Department Budget Adjustment (Conservation)

To see if the Town will vote to raise and appropriate Five Thousand Dollars (\$5,000), or appropriate such other amount as Town Meeting may approve, for the purpose of increasing the Conservation Department Expenses Budget and, or take any other action thereon.

Article Information – This article would restore the \$5,000 that was cut from the Conservation Department budget due to COVID. This money will be used for the development of land management plans and maintenance for Conservation parcels including the newly acquired Despres and Zwicker property.

MOTION: Conservation Commission Member, Andy Koenigsberg; I move that the Town vote to raise and appropriate the sum of \$5,000 for the purpose stated in the article as printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 7: Fiscal Year 2022 Police Department Budget Adjustment (Police)

To see if the Town will vote to raise and appropriate Seventy Nine Thousand Twenty Seven Dollars (\$79,027), or appropriate such other amount as Town Meeting may approve, for the purpose of increasing the Police Department Salary/Wages Budget and to raise and appropriate Seven Hundred Dollars (\$700), or appropriate such other amount as Town Meeting may approve, for the purpose of increasing the Police Department Expenses Budget and, or take any other action thereon.

Article Information – This article would fund an additional Lieutenant position in the Police Department in the current FY2022 budget.

MOTION: Select Board Member, Marshall, 7 Charles St; I move that the Town vote to raise and appropriate the sum of \$79,727 for the purpose stated in the article as printed in the warrant.

VOTE: Majority in favor, a few opposed; motion carries.

ARTICLE 8: Police Department Vehicle (Police Chief)

To see if the Town will vote to transfer from Free Cash the sum of Seventy Thousand Eight Hundred Eighty Two Dollars (\$70,882), or appropriate such other amount as Town Meeting may approve, for the purpose of purchasing and equipping an electric vehicle for the police department and purchasing and installing a charging station, including all costs incidental and related thereto, or take any other action thereon.

Article Information – The Police Department is requesting an additional vehicle needed with the addition of the new lieutenant position. This article requests an all-electric vehicle as the first all-electric vehicle in the department. The appropriation covers the cost of the vehicle and installation of a charging station at the Police Department.

MOTION: Select Board Member Welch, I move that the Town vote to transfer and Appropriate from Free Cash the sum of \$70,882 for the purpose of the article as printed in the warrant.

Discussion: Chief Lourie spoke to the article. Several questions from the audience.

- Andrew Bradley, 2 Kimball Rd., **to amend the current motion**, “For the purpose of purchasing and equipping a non-electric vehicle” and strike “purchase and installing a charging station.”
- Ben Gold, 19 Blake St., spoke against the amendment.
- Pete Dunbeck, Opposes the amendment.
- Mark Silverberg, 7 Weld St., spoke against the amendment.
- Pat Walsh, 15 Chauncy Cir, spoke against the amendment
- Andrew Koenigsberg, 2 Smith St., Climate Action Plan spoke against the amendment
- Mr. Joseph Harrington Moved the Question.
- Mr. Barretti AFC spoke to question.

VOTE to terminate debate: 2/3 vote in favor, debate terminated

VOTE to Mr. Bradley’s amendment to the main motion: Majority to defeat the amendment. Amendment defeated.

VOTE to article as written in the warrant; Majority in favor; a few opposed; Motion carries.

ARTICLE 9: Fiscal Year 2022 Golf Course Budget Adjustment (Recreation)

To see if the Town will vote to change the funding source for the funds appropriated under Article 2 of the May 15, 2021 Annual Town Meeting, Fiscal Year 2022 Operating Budgets, pursuant to which \$500,000 was appropriated from enterprise revenues and \$153,178 from the Tax Levy, for a total FY2022 Country Club budget of \$653,178, to operate the Country Club Enterprise, to, instead, appropriate the full sum of \$653,178 from enterprise revenues, and nothing from the Tax Levy, for a total FY2022 Country Club budget of \$653,178, or take any other action thereon.

Article Information – Starting in January of 2021, the Golf Club changed from the long standing practice of a management contract to a Town employee run course. Although we were certain under this new management arrangement the Club would collect more revenue, we were unable to increase the anticipated revenues until we closed Fiscal Year 2021. After the year closed, it was noted that the Club collected \$287,890 more than the prior fiscal year. The above article will allow the Golf Club to cover their entire Fiscal Year 2022 annual appropriation through the Enterprise Fund, with no reliance on tax dollars.

MOTION: Recreation Commission Member, Beth Travis 65 Adams St; I move that the Town vote to rescind that portion of the vote taken on Article 2 of the May 15, 2021 Annual Town Meeting establishing the Golf Course budget for FY22, and in its place vote to appropriate \$653,178 from enterprise revenues to fund the Country Club Enterprise.

VOTE: Unanimous in favor, motion carries

ARTICLE 10: Fiscal Year 2022 Golf Course Budget Adjustment (Recreation)

To see if the Town will vote to raise and appropriate through the Country Club Enterprise Fund Eleven Thousand Dollars (\$11,000), or appropriate such other amount as Town Meeting may approve, for the purpose of increasing the Golf Course Expenses Budget and, or take any other action thereon.

Article Information – This article will fund an increase in the Golf Course budget for the purpose of funding credit card fees.

MOTION: Recreation Commission, Beth Travis, 65 Adams St. ; I move that the Town vote To raise and appropriate the sum of \$11,000 to the Country Club Enterprise for the purpose of The article printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 11: Golf Course Pump System (Recreation)

To see if the Town will vote to transfer from Country Club Retained Earnings the sum of Fifty Thousand Dollars (\$50,000), or appropriate such other amount as Town Meeting may approve, for the purpose of replacing the water pump system at the golf course, including all costs incidental and related thereto, or take any other action thereon.

Article Information – The water pump currently at the golf course is very old, and it can be difficult to find parts to repair the pump. Earlier this summer the pump failed completely and we have been advised that the entire system should be replaced.

The motion for this Article requires a simple majority vote.

MOTION: Recreation Commission Member, Beth Travis, 65 Adams St; I move that the

Town vote to transfer and appropriate from Country Club Retained Earnings the sum of \$50,000 for the purpose of the article as printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 12: Fire Alarm Infrastructure (Fire Chief)

To see if the Town will vote to transfer from Free Cash the sum of Thirty Thousand Dollars (\$30,000), or appropriate such other amount as Town Meeting may approve, for the purpose of removing existing fire alarm infrastructure from utility poles, including all costs incidental and related thereto, or take any other action thereon.

Article Information - The Westborough Fire Department intends to contract with a vendor to remove existing fire alarm infrastructure from utility poles in the community. For many decades, occupancies within Westborough utilized the municipal fire alarm system that was hard wired to the old fire station at 42 Milk Street. Much of this infrastructure was removed by WFD personnel, however a significant number still exists. This old infrastructure includes primarily wire and utility boxes. Over the last two years, the department has received requests from National Grid to remove old wires that would allow existing poles to be replaced. This has been done sporadically to accommodate projects that include utility companies. This request would complete the removal of this infrastructure.

MOTION: Select Board Member Keogh; I move that the Town vote to transfer and appropriate from Free Cash the sum of \$30,000 for the purpose of the article as printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 13: Fire Department and Dispatch Software (Fire Chief)

To see if the Town will vote to transfer from Free Cash the sum of Thirty-three Thousand Dollars (\$33,000), or appropriate such other amount as Town Meeting may approve, for the purpose of purchasing and installing a fire department and dispatch software system, including all costs incidental and related thereto, or take any other action thereon.

*Article Information - In 2016, the Fire Department assumed control of the Public Safety Communications Center from the Westborough Police Department. At the time of the move, there was a significant renovation project at the Forbes Building / Westborough Police which required the dispatch center to relocate. In an effort to be cost effective, as well as merge the (once separate) police and fire dispatch centers together, the joint public safety communications center was created. Due to budget constraints, the fire department, who was already using outdated fire reporting software, agreed to merge into the *police* software known as "IMC." Although this software has fared well for Westborough Police, it is not intended for use by fire departments and is therefore difficult. *The department has performed extensive research and is looking to procure fire department and dispatch software that is designed for their specific needs. The recurring annual cost for software maintenance is estimated to be approximately \$29,000 per year.**

The motion for this Article requires a simple majority vote.

MOTION: Select Board Member Edinberg, 8 Nash St; I move that the Town vote to transfer and appropriate from Free Cash the sum of \$33,000 for the purpose of the article as printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 14: Tuition Reimbursement (Town Manager) To see if the Town will vote to transfer from Free Cash the sum of Thirty Thousand Dollars (\$30,000), or such other amount as the Town Meeting may approve, for the purpose of funding employee tuition reimbursement, or take any other action thereon.

Article Information – This article funds tuition reimbursement to allow the Town to meet its obligation to the Collective Bargaining Units and Personnel Policies. The Town typically funds

the amount that is estimated to be used during the upcoming fiscal year at the Annual Town Meeting however, we are anticipating additional requests that will exceed the current balance.

The motion for this article requires a simple majority vote.

MOTION: Select Board Member Johnson 9 Bertis Adams Way; I move that the Town vote To transfer and appropriate from Free Cash the sum of \$30,000 for the purpose of the article as printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 15: Stormwater Infrastructure Improvements (Department of Public Works)

To see if the Town will vote to transfer the sum of One Hundred Sixty Seven Thousand Dollars (\$167,000) from Free Cash, or such other amount as Town Meeting may approve, for the purpose of completing assessments and improvements to the municipal stormwater infrastructure system, including all costs incidental and related thereto, or take any other action thereon.

Article Information – This article requests funds for culvert design and funds to support compliance with the town’s Municipal Separate Storm Sewer System (MS4) permit. The existing culverts conveying Jackstraw Brook under Bowman Lane are deteriorated. The “Bowman Lane Culvert Evaluation Report”, completed June 2021 and funded by a Division of Ecological Restoration grant, identifies the need to replace two culverts. The requested funds will enable design, permitting, bid document preparation, and related tasks as necessary, for the Bowman Lane culverts. Additionally, the funding will support stormwater bylaw revisions, the creation of stormwater rules and regulations and/or design standards, and related tasks to ensure the town is in compliance with the MS4 permit and upcoming revisions to MassDEP’s stormwater guidance manuals.

MOTION: Director DPW, Chris Payant; I move that the Town vote to transfer and appropriate from Free Cash the sum of \$167,000 for the purpose of the article as printed in the warrant.

VOTE: Unanimous in favor, Motion carries

ARTICLE 16: Generator Purchase (Department of Public Works)

To see if the Town will vote to transfer from Free Cash the sum of Thirteen Thousand Dollars (\$13,000) transfer from Sewer Retained Earnings the sum of Thirteen Thousand Dollars (\$13,000), and transfer from Water Retained Earnings the sum of Thirteen Thousand Dollars (\$13,000), for a total appropriation of Thirty Nine Thousand Dollars (\$39,000), or such other amount as Town Meeting may approve, for the purpose of purchasing a generator and any accessory or other equipment, including all costs incidental and related thereto, or take any other action thereon.

Article Information - This request funds the purchase of a used trailer mounted generator to serve as a mobile emergency power supply to support Town infrastructure. Delivery time for the purchase of new pump station generators is currently greater than 12 months. Replacement backup generators for sewer pump stations have been ordered and additional generators are programmed to be ordered in the coming years. A trailer mounted generator will provide an interim solution for supplying power at various stations until new generators are delivered. The high cost to rent a generator for months at a time makes purchasing a used generator a better option. Additionally, this trailer mounted generator will serve as immediate backup power during temporary power outages at water, sewer, or other infrastructure sites.

MOTION: Director DPW, Chris Payant; I move that the Town vote to transfer and Appropriate the sum of \$13,000 from Free Cash, transfer and appropriate the sum of \$13,000 from Water Retained Earnings, and transfer and appropriate the sum of \$13,000 from Sewer Retained Earnings for the purpose of the article as printed in the warrant.

VOTE: Unanimous in favor, motion carries

ARTICLE 17: Amend General Bylaws – Article 25: Alcoholic Beverages (Select Board)

To see if the Town will vote to amend Article 25 of the General Bylaws by deleting the strikethrough text and adding the bold italicized text, as follows:

SECTION 1 PROHIBITION IN TOWN BUILDINGS AND TOWN PROPERTY

No person shall keep, use, consume or have in his possession any alcoholic beverage as defined in Chapter 138, Section 1 of the Massachusetts General Laws, in any building or structure or on any property owned by the Town of Westborough and used for municipal purposes ***unless authorized by permit duly issued by the Select Board.***

SECTION 2 PROHIBITION IN PROPERTY LEASED BY THE TOWN

No person shall consume any alcoholic beverage as defined in Section 1 in any portion of any structure in the Town of Westborough leased, rented, or otherwise used by said Town for municipal purposes ***unless authorized by permit duly issued by the Select Board.***

SECTION 3 PROHIBITION IN PUBLIC WAYS

No person shall consume any alcoholic beverage as defined in Section 1 while in or upon any public way in the Town of Westborough ***unless authorized by permit duly issued by the Select Board..***

SECTION 4 PROHIBITION IN PUBLIC PLACES – EXCEPTIONS

No person shall consume any alcoholic beverage as defined in Section 1 upon any way, place, or building in the Town of Westborough to which members of the public have access as invitees or licensees without the permission of the owner or person in control thereof.

SECTION 5 USE IN PUBLIC PARKS – EXCEPTIONS

No person shall keep, use, consume, or have in his possession any alcoholic beverage as defined in Section 1 in any public park or playground in the Town of Westborough ***unless authorized by permit duly issued by the Select Board., except as may be provided in Section 4.***

SECTION 6 VIOLATION

~~All alcoholic beverages being used in violation of this Bylaw shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.~~

Per police procedures, all alcoholic beverages being used in violation of this Bylaw shall be seized and destroyed, or processed and held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they may be returned to the person entitled to lawful possession. The Chief of Police or designee may return any seized alcohol prior to final adjudication for purposes they deem reasonable.

Or take any other action thereon;

Article Information – This Article seeks to amend the Alcoholic Beverages section of the General Bylaws to preserve the current prohibitions but authorizes the Select Board to approve a permit to allow alcohol to be consumed in or on Town property.

MOTION: Select Board Member, Keogh; I move the article as printed in the warrant.

VOTE: Majority in favor, 6 opposed; The Motion Carries

ARTICLE 18: Amend Zoning Bylaws – (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws by amending the Zoning Map to rezone that portion of the property located at 64 Otis Street, further identified on the Town of Westborough's Assessor's Maps as Parcel: 25-3A from the Highway Business (BA) Zoning District to the General Industrial (IB) Zoning District, or take any action thereon.

Article Information - The Highway Business portion of the lot is approximately 2% of the overall lot area. However, the split zoning requirements place unnecessary encumbrances on the property. This article would create uniform zoning for the property by placing the entire property in the General Industrial (IB) Zoning District.

MOTION: Planning Board Member, Jim Ball, Lyman St; I move the article as printed in the warrant.

VOTE: Unanimous in favor, the motion carries

ARTICLE 19: Amend Zoning Bylaws – (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws by amending the Zoning Map designation for properties located at 50, 54, 60 and 64 Otis Street and identified on the Westborough’s Assessor’s Maps as Parcels 26-34, 25-1, 25-3, and 25-3A to include these properties within the Industrial D Overlay (ID) District, or take any action thereon.

Article Information: The properties involved in this zoning amendment are part of a much larger campus development that can be more appropriately planned with the advantages of the Industrial D Overlay (ID) zoning elements. This rezoning would allow increased land use options for the property owners and the Town in the overall development of the properties. The Industrial D Overlay (ID) zoning adds greater flexibility in lot coverage and building height than would be otherwise realized under the current General Industrial (IB) zoning.

The motion for this article requires a two-thirds vote.

MOTION: Planning Board Member, Mark Silverberg; I move that Article 19 be returned to the Planning Board for further study.

Discussion: Mr. Silverberg spoke to the article.

A. Edinberg stated the Select Board, voted unanimously to refer the article back to the Planning Board for further study.

VOTE: Unanimous in favor to refer the article back the Planning Board for further study.

ARTICLE 20: Amend Zoning Bylaws – Article 3: Off-Premise Signs (Planning Board)

To see if the Town will vote to amend its Zoning Bylaws by deleting Section 3340. OFF-PREMISES SIGNS. in its entirety and inserting in its place the following language:

3340. OFF-PREMISES SIGNS OR SIGNAGE. Billboards or signs, whose content does not relate exclusively to the premises on which they are located, or to products, accommodations, services or activities on those premises, shall not be permitted, except as provided below.

(Amended 10/19/2015, Article 5)

- a. Off-Premises Signage may be allowed by the Building Commissioner if the Off-Premises Signage serves to reduce traffic congestion, improve public safety or serves a similar public benefit; (Added 10/19/2015, Article 5)
- b. The Building Commissioner may also allow Off-Premises Signage to announce temporary events. The location and duration of the display of such Off-Premises Signage shall be determined by the Building Commissioner”; (Added 10/19/2015, Article 5)
- c. Off-Premises Digital Billboard signs may be allowed on commercial or industrially zoned (specifically including: IA – Exclusive Industrial, IB – General Industrial B, IC – Mixed Use Industrial, ID – Industrial D Overlay and BA – Highway Business) property directly abutting Interstate Route 90, the Massachusetts Turnpike, or Interstate 495 if such Digital Billboard sign will not be situated within two hundred (200) feet of a residential district, and further, Off-Premises Digital Billboard signs shall not be: permitted within 1000 feet of another permitted Off Premises Digital Billboard sign on the same side of the traveled way regardless of which direction the sign is intended to face; or be permitted within 1000 feet of another permitted Off Premises Digital Billboard sign on the opposite side of the traveled way regardless of which direction the sign is intended to face . Such Off-Premises Digital Billboard signs shall be permitted by the Selectboard if the Board determines the Digital Billboard sign serves to

provide a public benefit to the Town of Westborough. Upon such approval and issuance of a permit and/or license in accordance with 700 CMR 3.00, the Building Commissioner shall, after review of application, issue a building permit for the Off-Premises Digital Billboard sign.

- d. For purposes of this Section, a Digital Billboard means an Off-Premises sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A Digital Billboard may be internally or externally illuminated. Digital Billboards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity.
- e. Digital Billboard Requirements. Digital Billboards are permitted subject to the following:
 - 1. Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure. Each static message shall not include flashing lighting or the varying of light intensity.
 - 2. Owners of Digital Billboard sign faces have the sole option to remove the digital units from the outdoor advertising structure at any time, for any reason. During all periods where there are no digital units on the sign structure, the sign owner shall be permitted to operate the sign faces as traditional non-digital, printed type.
 - 3. The owner/operator of a Digital Billboard sign(s) from time to time, may operate the sign face(s) as digital or printed/non-digital, at their sole discretion.
 - 4. Minimum display time. Each message on the sign must be displayed for a minimum of (10) ten seconds.
 - 5. Digital Billboards shall not operate at brightness levels of more than 0.3 (zero point three) foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.
 - 6. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance criteria:

Nominal Face Size	Distance to be measured from:
12' x 25'	150'
10'6" x 36'	200'
14' x 48'	250'
 - 7. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.
 - 8. The technology currently being deployed for Digital Billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology that operates under the maximum brightness stated in ## 5 and 6 above shall not require an ordinance change for approval, unless the Town of Westborough finds it in the best interest of the public to do so.
 - 9. The maximum face size of each Digital Billboard sign face shall not exceed 680 (six hundred and eighty) square feet, including framing or trim. The maximum height of any off-site digital billboard shall not

exceed ninety (90) feet as measured from the elevation of the roadway upon which it is intended to face, to the top of the sign.

10. Owners of Digital Billboards shall coordinate with law enforcement, emergency management authorities or the Westborough Select Board to display, when appropriate, regional emergency information important to the traveling public including, but not limited to Amber Alerts, emergency management information or public service announcements.
11. The Digital Billboard will be permitted, if in compliance with applicable local, state and federal regulations, in addition to a primary use ground sign situated on the same lot.

Or take any action thereon.

Article Information - This article would create zoning to allow digital billboards along the frontage of Interstate 495 and the Massachusetts Turnpike (I-90) in conformance with the State regulations governing the siting of digital billboards. It should be noted that these billboards provide emergency and public service announcements free of charge. The billboards also pay an annual fee to the Town for the installation.

The motion for this article requires a two-thirds vote.

MOTION: Planning Board Member, Hazel Nourse, Nourse St.; I move that Article 20 be returned to the Planning Board for further study.

Discussion: Ms. Nourse spoke to the article. A. Edinberg stated the Select Board, voted unanimously to refer the article back to the Planning Board for further study.

VOTE: Unanimous in favor that Article 20 be returned back to the Planning Board for further study.

ARTICLE 21: Amend General Bylaws – Article 38: Animal Control Bylaw (Select Board)

To see if the Town will vote to amend Article 38, Section G3 of the General Bylaws by deleting the strikethrough text and adding the bold italicized text, as follows:

Any person who violates this Bylaw may be penalized by non-criminal disposition as provided by Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non- Criminal Disposition bylaw. If non-criminal disposition is elected, then any person who violates the provisions of this regulation shall be subject to penalties as follows:

First Offense - fifty dollars (\$50.00)

Second Offense – one hundred dollars (\$100.00)

Third Offense ***and Further Offenses*** - three hundred dollars (\$300.00)

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

Or take any other action thereon.

Article Information – This Article amends the poultry section of the General Bylaws to clarify that the fine for Third Offense and Further Offenses will be \$300. When the bylaw was passed at the ATM 2021, it included that “Fourth and Further Offenses” would be \$500. This portion of the bylaw was disapproved by the Attorney General because it conflicts with MGL Chapter 40, Section 21 that states a Town's bylaw may be enforced by way of a fine not to exceed \$300.

The motion for this Article requires a simple majority vote.

MOTION: Select Board Member Marshall; I move the article as printed in the warrant.

VOTE: Unanimous in favor, Motion carries

ARTICLE 22: Acceptance of Trail Easement (Select Board)

To see if the Town will vote to authorize the Select Board to acquire, by gift, a trail easement from the Commonwealth of Massachusetts in, on and under the parcel of land shown as “Parcel 16-EG-1” (the “Premises”) on a plan entitled “The Massachusetts Department of Transportation Plan of Road in the Town of Westborough Worcester County Altered and Laid Out as a State highway by the Massachusetts Department of Transportation Scale: 20 Feet to the Inch (Except as noted)”, a copy of which is on file with the Town Clerk, or take any other action thereon.

Article Information – This Article authorizes the Select Board to accept a trail easement from the Commonwealth.

Motion: Select Board Member Welch; I move the article as printed in the warrant.

VOTE: Unanimous in favor, Motion carries.

Select Board Chair, Allen Edinberg, moved to dissolve the Special Town Meeting, October 18, 2021.

VOTE: Unanimous in favor. Meeting dissolved.

Warrant: Given under our hands the 28th day of September in the year Two Thousand and Twenty One.

s/Allen Edinberg, Chair
s/Ian Johnson, Vice Chair
s/Sean Keogh
s/Shelby Marshall
s/Patrick Welch

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 on September 30, 2021.

s/Officer Bell
Constable of Westborough

Attest:

Wendy L. Mickel

Wendy L. Mickel, Town Clerk

September 30, 2021 (warrant signed)

November 1, 2021 (minutes completed)