

**COMMONWEALTH OF MASSACHUSETTS
WORCESTER, SS**

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

SPECIAL TOWN MEETING – October 12, 2010

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 meet in the Westborough High School Auditorium and Gymnasium, 90 West Main Street, Westborough, Massachusetts on Tuesday the Twelfth day of October, 2010 at 7:00 p.m. then and there to act on the following articles:

ARTICLE 1 FY2011 Debt Service Amendments (Treasurer/Collector)

To see if the Town will vote to reduce the appropriation for the FY2011 budgets as follows: reduce General Fund Debt - Expenses from \$9,525,793 to \$8,689,393; and to reduce the appropriation in the Sewer Enterprise Fund Debt – Debt from \$804,845 to \$783,910; and vote to increase, by way of raise and appropriate, in the Water Enterprise Fund – Debt from \$1,808,913 to \$1,873,838; or take any other action thereon.

Town Manager's Summary – This article includes two decreases and one increase in the debt service obligations for the Town that differs from the budgets approved at the Annual Town Meeting. These changes are due to the timing of when the MA Water Pollution Abatement Trust closed the last funding round, which resulted in interest only payments in FY11 for certain accounts in which the Town had previously budgeted for both a principal and interest payment in FY11 (these need to be corrected since the Town will not be billing Shrewsbury and Hopkinton for their share of these amounts in FY11). There are also increases that are due to the timing of temporary debt being converted to permanent debt and the timing of the initial payment. The amounts included in the article are the net decreases in the General and Sewer Fund and net increase in the Water Fund.

ARTICLE 2 FY2011 Library Budget Transfer (Library Trustees)

To see if the Town will vote to transfer from Library Salary & Wages to Library Expenses the sum of \$13,220; or take any other action thereon.

Town Manager's Summary – The new Library Director is paid a lower salary than the former Library Director and the funds would be transferred to the Expenses Account to undertake minor repairs to the library building.

**ARTICLE 3 South Street Water Line Increase in Debt Authorization (DPW
Manager)**

That the sum of One Million Seven Hundred Seventy-Four Thousand Dollars (\$1,774,000.00) is hereby appropriated to pay costs of designing, constructing, installing and upgrading and/or replacing water mains, including all costs incidental or related thereto, in the remaining areas of Town which are currently serviced by the low pressure water system which include, but are not limited to South Street, Cottage Street, Upton Road, and portions of all streets and ways abutting the

South Street/Upton road corridor, and that to meet this appropriation, \$141,461 is hereby authorized to be transferred to this project as follows:

- \$2,000 from Account 30600 from Article 25B (Drought Management Plan) of the May 27, 2003 Annual Town Meeting;
- \$237 from Account 31000 from Article 25C (Water District Management Plan) of the May 27, 2003 Annual Town Meeting;
- \$559 from Account 31300 from Article 25D (Sandra Pond Management Plan) of the May 27, 2003 Annual Town Meeting;
- \$135,375 from Account 32100 from Article 17A (Route 9 Water Tank) of the May 17, 2008 Annual Town Meeting; and
- \$3,290 from Account 32500 from Article 17C (East Main Street/State Street Water Project) of the May 17, 2008 Annual Town Meeting

and the Treasurer, with the approval of the Selectmen is authorized to borrow \$1,632,539 under and pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; or take any action relative thereto.

Town Manager's Summary – This article seeks to close out various Water Department projects that have been completed with permanent borrowing in place, and which have excess funds, and to transfer these amounts to the South Street Water Line Project which was approved at the 2010 Annual Town Meeting to replace the existing water line on South Street and to improve water quality and management by looping the Town's water system. The South Street Water Line Project debt was authorized based on cost estimates that were dated and the project came in substantially over the initial debt authorization. This article seeks to fully fund this project through the Water Fund by increasing the debt authorization less the amounts transferred. The project is currently underway with Ch. 90 funds earmarked for repaving at the completion of the project. If this article is not approved it will reduce Ch. 90 funds that will be available to maintain roads elsewhere in Town.

ARTICLE 4 DPW Facility Energy Improvements (DPW Manager)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of Thirty Thousand Dollars (\$30,000.00), or such amount as the Town Meeting may approve for the purpose of upgrading by improving, repairing, replacing or performing any other work necessary to the DPW maintenance facility on Oak Street and to accept any such grants or gifts as may be available, or to take any other action thereon.

Town Manager's Summary – The DPW Director needs to make repairs to the heating system for the DPW garage and reviewed replacing the existing system with a more energy efficient heating system. The new heating system is estimated to reduce heating costs by approximately \$5,000 per year for a six year payback. This article is being put forth at this time to have the heating system installed early in winter to gain the most savings.

ARTICLE 5 Facilities Study (Municipal Building Committee)

To see if the Town will vote to amend the action taken under Article 5 (Facilities Study) of the May, 2010 Annual Town Meeting wherein the town voted to appropriate funds "...for the purpose of conducting a facilities study relating to the needs of the Fire Station, Forbes Municipal Building and Town Hall;" by adding the words "and for ancillary services and associated costs" to the end of the motion, or take any action thereon.

Town Manager's Summary – This article seeks to expand the use of the original funds for the facilities study to include ancillary services. For the past few years, the Municipal Building Committee has had an Owners Project Manager (OPM) to take minutes of meetings and follow-up. Under the study which is currently underway, the Committee has no clerical support to handle these duties and the OPM is no longer under contract. This article would allow the Committee to use a portion of the funds for wages for clerical support.

ARTICLE 6 General Bylaw, Article 13 Amendment (Personnel Board)

To see if the Town will vote to:

A. Amend the General Bylaws by deleting the existing Article 13 Personnel Bylaws and Article 13A Exempt Employee Leave replacing them with the following new Article 13:

Section 1. Personnel Board

The Personnel Board shall be appointed by the Town Manager and confirmed by the Board of Selectmen. The Personnel Board will consist of five residents who are not Town employees. Members serve without compensation. All appointments are for a term of three years with no more than two terms to expire in any one year.

Section 2. Duties of the Personnel Board

The Personnel Board shall be responsible for making recommendations to the Town Manager on the following:

- (a) Review and approve Personnel Policies and Employee Handbook drafted by the Assistant Town Manager/Human Resources Director, which shall be subject to approval by the Board of Selectmen upon the Town Manager's recommendation. All changes shall be subject to approval by the Personnel Board.
- (b)
 - 1) Develop and maintain a Classification System and Non-Union Wage and Salary Schedule, which shall be subject to approval by the Board of Selectmen upon the Town Manager's recommendation. All changes will require the approval of the Personnel Board and the approval of Town Meeting. This shall include recommendations for any adjustments to the Non-Union Wage and Salary Schedule.
 - 2) The Personnel Board will report to Town Meeting the Non-Union Wage and Salary Schedule.
- (c) Review and approve job descriptions for town positions as drafted by the Assistant Town Manager/Human Resources Director, which shall be subject to approval by the Board of

Selectmen and the Appointing Authority if different, upon the Town Manager's recommendation. All changes shall be subject to the approval of the Personnel Board.

- (d) Review, maintain and approve the Educational Benefits and the Budget therefor.
- (e) Review, maintain and approve the Sick Leave Buy-Back Budget.
- (f) The Chairman will call meetings as deemed necessary.

Section 3. Other Duties

The Personnel Board shall be responsible for conducting other studies or reviews related to personnel administration as requested by the Board of Selectmen or Town Manager.

and further to see if the Town will vote to:

B. Authorize the Board of Selectmen to petition the Legislature for special legislation that will effect changes in Sections 3-2, 3-3, 4-2, and 5-2 of the Town's Home Rule Charter consistent with the changes made under Part A of this article, or to take any other action thereon.

Town Manager's Summary – This article is similar to the article considered at the Annual Town Meeting but has some changes in which the Personnel Board has attempted to address concerns raised at Town Meeting. The changes are: (1) requires the pay classification and wage/salary schedule to be approved by Town Meeting; and (2) will include appointing bodies in the approval of position descriptions.

ARTICLE 7 Charter Amendment (Board of Selectmen)

To see if the Town will authorize the Board of Selectmen to petition the Legislature for special legislation as follows: "The Charter of the Town of Westborough is hereby amended by adding a new section 4-2(17) as follows: 'The Town Manager shall have the authority to sign payroll and accounts payable warrants concerning the everyday operation of the Town';" or take any other action thereon.

Town Manager's Summary – Every week the Board of Selectmen needs to undertake the administrative duty of signing the payroll and accounts payable warrant in order for the Town to process payroll and pay the Town's bills. It is required that at least three Selectmen sign the warrant for the Town to legally pay payroll and bills. During off weeks when there are no Selectmen's meetings and during the summer months sometimes there are not three Selectmen in Town on Mondays or Tuesdays and it makes it difficult for the Town to legally pay payroll and bills on time. This change would allow the Town Manager to sign off on payroll and accounts payable so that timing would no longer be a concern.

ARTICLE 8 Timing of Town Meeting Bylaw (Town Manager)

To see if the Town will vote to amend Article 2, Section 1 (a) and (b) of its Bylaws so as to change the time and date on which the election of Town Officers and the annual town meeting take place as follows:

From:

Section 1(a).

The Annual Meeting for the election of Town Officers and all other matters to be determined by ballot shall be held on the first Tuesday in May each year. The polls shall be open from 8:00 a.m. to 8:00 p.m., and it shall be so stated in the warrant calling the meeting. All other business of the Annual Meeting shall be considered at the adjournment thereof as follows.

Section 1(b).

The Annual Town Meeting for the consideration of all business, other than the election of Town Officers or other matters to be determined by ballot, shall be held during the week designated by the Selectmen as "Town Meeting Week", commencing at 1:00 p.m. on the second Saturday following the Election of Officers. The meeting shall ordinarily be adjourned to the following Monday night at 7:00 p.m. and then to each succeeding night at 7:00 p.m. until completion of the warrant, but the meeting may adopt a different schedule after the initial meeting if approved by majority vote. In the event that all articles in the warrant have not been acted op by the end of the Thursday night session during "Town Meeting Week", the meeting shall stand adjourned to a time and date agreeable to the meeting by a majority vote.

To:

Section 1(a).

The Annual Meeting for the election of Town Officers and all other matters to be determined by ballot shall be held on the first Tuesday in *March* each year. The polls shall be open from 8:00 a.m. to 8:00 p.m., and it shall be so stated in the warrant calling the meeting. All other business of the Annual Meeting shall be considered at the adjournment thereof as follows.

Section 1(b).

The Annual Town Meeting for the consideration of all business, other than the election of Town Officers or other matters to be determined by ballot, shall be held during the week designated by the Selectmen as "Town Meeting Week", commencing at *10:00 a.m.* on the second Saturday following the Election of Officers. The meeting shall ordinarily be adjourned to the following Monday night at 7:00 p.m. and then to each succeeding night at 7:00 p.m. until completion of the warrant, but the meeting may adopt a different schedule after the initial meeting if approved by majority vote. In the event that all articles in the warrant have not been acted op by the end of the Thursday night session during "Town Meeting Week", the meeting shall stand adjourned to a time and date agreeable to the meeting by a majority vote.

Town Manager's Summary – After the low turnout at the Annual Town Meeting this year, the Town conducted a survey, mailed out with property tax bills this year. The results of those surveys returned showed the following:

1. Are you more likely to attend the Annual Town Meeting if the date were in:

March	(235)	62.7%
April	(72)	19.2%
May	(68)	18.1%

2. Would you be more likely to attend Town Meeting if the day of the week it began was:

Saturday	(169)	37.0%
Monday	(143)	31.3%
Tuesday	(82)	17.9%
Wednesday	(63)	13.8%

3. If the Annual Town Meeting were to continue to be held on Saturday would you be more likely to attend if it were to start at:

10 AM	(167)	53.0%
1 PM	(148)	47.0%

ARTICLE 9 Town Meeting Quorum Bylaw (Town Moderator)

To see if the Town will vote to amend Article 2 of its Bylaws as follows:

Add to the end of Section 1 (a) and also to the end of Section 1 (b) the words “Subject to Section 3 (a) below, no quorum or minimum number of voters shall be required at this meeting,” and amend Section 3 (a) so that it will read, in its entirety, “No Town Meeting other than those described in Section 1 of this Article 2 shall take any action, except to adjourn, unless there are 50 voters present, and the Moderator shall announce whether or not a quorum is present immediately after the meeting is called to order”; or take any other action thereon.

Town Manager’s Summary – The Town Meeting currently has a 100 person quorum requirement and the start of this year’s Town Meeting was delayed while waiting for a quorum. This article would allow Town Meeting to start at the posted time but would not allow any action until 50 voters were present.

ARTICLE 10 Water Use Restrictions Bylaw (Board of Selectmen)

To see if the Town will vote to amend the General Bylaws, Article 40, Section 4 “Declaration of a State of Water Supply Conservation” to change the first sentence of this section from:

“The Town, through its Board of Selectmen, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers.”

To:

“The Town, through its Board of Selectmen, *Town Manager or DPW Manager*, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers;” or take any other action thereon.

Town Manager’s Summary – During the drought this summer, the Town has had to institute two levels of water restrictions and in both instances it would have required the Selectmen to hold an emergency meeting. Water restrictions are triggered by water levels as determined in the Town’s Water Management Act Permit and is an administrative matter. During the summer months while the Selectmen are on a once per month meeting schedule is the most likely time that a water restriction will need to be placed and as demonstrated this summer, these did not occur on the date of a Selectmen’s meeting. This article would allow the Town Manager to declare the water supply restriction.

ARTICLE 11 Municipal Relief Act (Town Treasurer)

To see if the Town will vote to accept the provisions of Section 9A of Chapter 200A of the General Massachusetts Laws, which prescribes a certain procedure the Town Treasurer shall follow for disposing of abandoned funds; or take any other action thereon.

Town Manager’s Summary – This article seeks to address a change made by the Municipal Relief Act which did not change the process used to dispose of abandoned funds of the previous law, but required the adoption by Town Meeting of this statute to continue the process used in the past.

ARTICLE 12 Stretch Energy Code Bylaw (Board of Selectmen)

To see if the Town will vote to accept Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code,” including amendments or modifications thereto, regulating the design and construction of buildings for the effective use of energy, a copy of which is on file with the Town Clerk; or take any other action thereto.

Town Manager’s Summary – The adoption of the Stretch Energy Code is required for the Town to be eligible and apply for the Green Communities Act. It would put in place additional energy efficiency requirements for both residential and commercial building.

ARTICLE 13 Veterans Freedom Park Signage (Town Manager)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of Five Thousand Dollars (\$5,000.00), or such amount as the Town Meeting may approve for the purpose of installing a flag pole and signage for the new Veteran’s Freedom Park on West Main Street and to accept any such grants or gifts as may be available, or to take any other action thereon.

Town Manager’s Summary – The Town is seeking to install signage and an appropriate flag pole at the new Veteran’s Freedom Park on West Main Street. This article seeks to appropriate the funds necessary to purchase/install the flag pole and to have the sign designed and installed.

ARTICLE 14 Water Conduit Exemption Application - Engineering (DPW Manager)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds the sum of Ten Thousand Dollars (\$10,000.00), or such amount as the Town Meeting may approve for the purpose of paying the engineering costs associated with applying for a water conduit exemption license from the Federal Energy Regulatory Commission to install a hydroelectric generator in the water line at the Water Treatment Plant and to accept any such grants or gifts as may be available, or to take any other action thereon.

Town Manager’s Summary – The DPW Manager is proposing that the Town apply for a exemption to the licensing requirement to install an “in-line” hydroelectric generator using the head in the water mains to generate electricity to offset the cost of operating the water plant. It is estimated that the payback on such a system would be less than two years. The funds being appropriated would be used for a private engineering firm to file all necessary paperwork with the Federal Government for this project.

ARTICLE 15 Appropriate into Stabilization Fund (Advisory Finance Committee)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Fifty Thousand Dollars (\$50,000), or such amount as the Town Meeting may approve into the Stabilization Fund, or to take any other action thereon.

Town Manager’s Summary – The Finance Committee has asked to include a regular transfer to the Stabilization Fund to build the Town’s reserves. This article would allow for a minimum transfer of \$0 and a maximum transfer of \$50,000.

Given under our hands the 14th day of September in the year of our Lord Two Thousand and Ten.

Rod Janè, Chair

Lydia Goldblatt, Vice Chair

Leigh Emery

George Thompson

Timothy Dodd

SELECTMEN OF WESTBOROUGH

Worcester, ss

I have this day served the within Warrant by posting up attested copies thereof at the Town Library Bulletin Board and Town Hall Bulletin Board in said Westborough and by mailing a copy thereof to the residence of the Town Moderator all on September ____, 2010.

Constable of Westborough