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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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.*

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.

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 Fund	Purpose	Funds to be Deposited From	Authorized to Expend Funds	Maximum 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.

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 XXXX; 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.

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.

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.

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.

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 \$3,000,000 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.

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



Ian Johnson, Chair



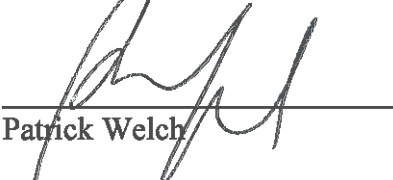
Sean Keogh, Vice Chair



Allen Edinberg



Shelby Marshall



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 all on September 30, 2022.



s/Constable of Westborough

\Worcester, ss

Attest:



Town Clerk

735917/WBOR/0275