



OCTOBER 18, 2010 SPECIAL TOWN MEETING MOTIONS

TABLE OF CONTENTS

Article 1:	Fiscal Year 2011 Budget Adjustments	Page 3
Article 2:	Fiscal Year 2011 Budget Transfers	Page 3
Article 3:	Acceptance of Chapter 188 Section 66 of the Acts of 2010	Page 4
Article 4:	Amendments to the Wage Classification Plan	Page 4
Article 5:	Capital Requests	Page 4
Article 6:	Supplemental Appropriation for Town Hall Renovation and Construction	Page 5
Article 7:	Reduce Amount Raised by Taxes in Fiscal Year 2011	Page 5
Article 8:	Accept Monetary Gift from WestNet	Page 5
Article 9:	Revolving Fund for Revenue from Lease of Town Owned Buildings and Senior Center Fitness Room	Page 6
Article 10:	Install Route 40 Water Main Extension – Perchlorate Remediation	Page 6
Article 11:	Public Use and Consumption of Marijuana Bylaw	Page 6
Article 12:	Annual Town Report from Calendar Year to Fiscal Year	Page 8
Article 13:	Re-zone Map 10 Parcel 2 – 426 Littleton Road	Page 9
Article 14:	Vineyard Road Street Acceptance	Page 9
Article 15:	Tyler Road Street Acceptance	Page 10
Article 16:	Christy Lane Street Acceptance	Page 10
Article 17:	Swedes Crossing Street Acceptance	Page 10
Article 18:	Tavern Circle Street Acceptance	Page 10
Article 19:	Daniel Drive Street Acceptance	Page 11
Article 20:	Elderberry Way Street Acceptance	Page 11
Article 21:	Authorize Access Easement over Map 53 Parcel 91 for Owner of Map 53 Parcel 90	Page 11
Article 22:	Acquire Land – Map 13 Parcel 71 – Acton Road	Page 12
Article 23:	Land Transfer – Care, Custody and Control Management of the American Legion Ball Fields to Recreation Department	Page 12
Article 24:	Request for Two Additional All Alcohol Restaurant Licenses	Page 12

OCTOBER 18, 2010 SPECIAL TOWN MEETING MOTIONS

FINANCIAL

ARTICLE 1:	Fiscal Year 2011 Budget Adjustments	<i>Majority Vote Required</i>
-------------------	--	-------------------------------

Motion: That the Town raise and appropriate the sum of \$90,000 (NINETY THOUSAND DOLLARS) in order to supplement the following Fiscal Year 2011 Operating Budgets:

123 Town Manager, Expenses*	\$15,000
151 Town Counsel, Expenses**	\$75,000

And further

That the town transfer the sum of \$68,000 (SIXTY EIGHT THOUSAND DOLLARS) from Ambulance Enterprise Free Cash in order to supplement the following Fiscal Year 2011 Operating Budget:

640 Ambulance Enterprise, Personal Services***	\$68,000
--	----------

* Dept 123 for professional development of town department heads

** Dept 151 to offset costs for litigation for asphalt plant and perchlorate claim

*** Ambulance Enterprise Fund 640 to hire two new paramedics

And further

That the town adjust the funding source for the Recreation Enterprise Fund voted under Article 5 of the Annual Town Meeting of March 27, 2010 from \$1,212,366.00 from Recreation Enterprise Revenue to \$1,050,000.00 from Recreation Enterprise Revenue and \$162,366 from Recreation Enterprise Free Cash.

Selectmen recommend and Finance Committee recommends

ARTICLE 2:	Fiscal Year 2011 Budget Transfers	<i>Majority Vote Required</i>
-------------------	--	-------------------------------

Motion: That the Town dismiss Article 2

Selectmen recommend and Finance Committee to make recommendation at Town Meeting

ARTICLE 3: Acceptance of Chapter 188 of the Acts of 2010 *Majority Vote Required*

Motion: That the Town accept the provisions of Chapter 188 Section 66 of the Acts of 2010 establishing and implementing an early retirement incentive program for certain employees.

Selectmen recommend and Finance Committee recommends

ARTICLE 4: Amendments to the Wage and Classification Plan *Majority Vote Required*

Motion: That the Town amend the Pay Classification Plan for non-unionized municipal employees as follows:

Band Change:								
Position Title	Current Band	Min	Mid	Max	New Band	Min	Mid	Max
Director of Parks, Recreation & Cemeteries	Band 6	\$59,190	\$71,932	\$84,675	Band 7	\$64,519	\$78,408	\$92,297
Create the Following New Positions:								
Position Title	Band	Min	Mid	Max	New Band	Min	Mid	Max
Budget Director					Band 6	\$59,190	\$71,932	\$84,675
Treasurer/Collector					Band 6	\$59,190	\$71,932	\$84,675

Selectmen recommend, Finance Committee recommends without Director of Parks, Recreation & Cemeteries, and Personnel Advisory Committee recommends

ARTICLE 5: Capital Requests *2/3 Vote Required*

Motion 1: That the Town transfer the sum of \$13,000 (THIRTEEN THOUSAND DOLLARS) from the Capital Stabilization Fund to provide for the following Capital Expenditure:

Technology Building Roof Replacement – 1 East Prescott Street

Capital Requests & Ambulance Enterprise Fund *Majority Vote Required*

Motion 2: That the Town transfer the sum of \$20,000 (TWENTY THOUSAND DOLLARS) from Ambulance Enterprise Free Cash to provide for the following Capital Expenditure:

Chest Compression System (CPR Machine) and Handheld Pulse CO-Oximeter (CO-poisoning Detector)

Selectmen recommend, Finance Committee recommends, and Capital Planning Committee recommends

ARTICLE 6:	Supplemental Appropriation for Town Hall Renovations and Construction	<i>Majority Vote Required</i>
-------------------	--	-------------------------------

Motion: That the Town transfer the following amounts from the following accounts:

Abbot Septic	Art. 5 STM 11/01	4,196.85
Day School Sewer	Art. 5 STM 11/98	28,420.00
Modular School Buildings	Art. 8 STM 12/99	71,566.95

for a total of \$104,183.80 for the purpose of providing a supplemental appropriation for Town Hall Construction/Renovations and any other related costs.

Selectmen recommend, Finance Committee recommends, and Capital Planning recommends

ARTICLE 7:	Reduce Amount Raised by Taxes in Fiscal year 2011	<i>Majority Vote Required</i>
-------------------	--	-------------------------------

Motion: That the Town transfer the following available funds to reduce the net amount to be raised by taxes for Fiscal Year 2011:

\$45,000.00	From Receipts Reserved for Appropriation- Restitution National Grid
\$68,155.72	From Fund Balance Designated for Debt Service
\$47,311.22	From Fund Balance Designated for Debt Exclusion Reduction
\$1,788,877.64*	From Free Cash*

**amount dependent on votes under Articles 1, and 2*

Selectmen recommend and Finance Committee recommends

ARTICLE 8:	Accept Monetary Gift from Westnet	<i>Majority Vote Required</i>
-------------------	--	-------------------------------

Motion: That the Town dismiss Article 8.

ARTICLE 9:	Revolving Fund for Revenue from Lease of Town Owned Buildings and Senior Center Fitness Room	<i>Majority Vote Required</i>
-------------------	---	-----------------------------------

Motion: That the Town establish new revolving funds for the Fiscal Year July 1, 2010 through June 30, 2011, under the provisions of MGL, Chapter 44 Section 53 E ½ for the following:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Lease of Town Buildings: 65 & 73 Main St 170 Plain Rd	Board of Selectmen	Lease payment and other revenues from leased properties	Costs associated with maintenance, repairs and improvements to the leased properties	\$550,000	Available for expenditure next year
Senior Center Fitness Room	Council on Aging	Fees and gifts received for the Fitness Room	Fitness room maintenance supplies, equipment warranties, training, monitoring and purchase of replacement fitness equipment	\$75,000	Available for expenditure next year

Selectmen and Finance Committee recommend Lease of Town Buildings and will make recommendation on Senior Center at Town Meeting. Capital Planning recommends without Senior Center.

ARTICLE 10:	Install Route 40 Water Main Extension – Perchlorate Remediation	<i>Majority Vote Required</i>
--------------------	--	-----------------------------------

Motion: That the Town dismiss Article 10

Selectmen recommend

GENERAL BYLAW AMENDMENT

ARTICLE 11:	Public Use and Consumption of Marijuana General Bylaw	<i>Majority Vote Required</i>
--------------------	--	-----------------------------------

Motion: That the Town amend the General Bylaws by adopting a new bylaw regulating the public use and consumption of marijuana, as follows:

Chapter 124: Public Consumption of Marijuana

§124.1. Definitions

The following definitions shall apply in the interpretation and enforcement of this bylaw.

Marijuana shall mean marijuana (or tetrahydrocannabinol) as defined in Massachusetts General Laws Chapter 94C, Section 1 as amended.

Consume shall mean taking into the human body by means of inhalation, ingestion, absorption or injection.

§124.2. Public Consumption prohibited.

No person shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in Massachusetts General Laws Chapter 94C, Section 1, as amended) while in or upon any area owned by or under the control of the Town, including but not limited to, any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school, school grounds, cemetery, or parking lot; or in or upon any bus or other passenger conveyance operated by a common carrier; or in or upon any place accessible to the public, including any person in a motor vehicle while it is in, or upon any public way or any way to which the public has a right of access within the Town.

§124.3. Seizure of marijuana in violation.

Any marijuana or tetrahydrocannabinol burned, smoked, ingested, or otherwise used or consumed in violation of this bylaw shall be seized, held, and disposed of in accordance with Massachusetts General Laws Chapter 94C, Section 47A.

§124.4. Identification of person(s) found in violation.

Whoever is found in violation of this bylaw shall, when requested by an official authorized to enforce this bylaw, state his or her true name and address to said official.

§124.5. Enforcement.

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws Chapter 40, Section 21, or by non-criminal disposition pursuant to Massachusetts General Laws Chapter 40, Section 21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents, or any police officer.

§124.6. Penalties.

The fine for a violation of this bylaw shall be \$300 for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under Massachusetts General Laws Chapter 94C, Section 32L.

An offender under the age of 18 that violates this bylaw shall be subject to forfeiture and a \$100 fine, provided he or she also completes a drug awareness program which meets the criteria set forth in Massachusetts General Laws Chapter 94C, Section 32M. The parents or legal guardian of any offender under the age of 18 shall also be notified of the offense, as set forth in Massachusetts General Laws Chapter 94C, Section 32N, and informed of the drug awareness program and community service requirements. If an offender under the age of 18 fails within 1 year of the offense to complete both a drug awareness program and the required community service, the \$100 fine for violation of the bylaw may be increased to \$300 and the offender and his or her parents shall be jointly and severally liable to pay that amount. A fine of \$300 shall also be imposed for offenders under the age of 18 for each subsequent offense of this bylaw.

And that the Town add an entry in Chapter 1, Section 1.4 of the General Bylaws, as follows:

Chapter	Enforcing persons	Offense	
Chapter 124 Public Consumption of Marijuana	Selectmen, Town Manager, any police officer	1st and each subsequent offense	\$300
Chapter 124 Public Consumption of Marijuana by a person Under 18 but over 14 years of age	Selectmen, Town Manager, any police officer	1st offense	\$100 and complete drug awareness program
Chapter 124 Public Consumption of Marijuana by a person Under 18 but over 14 years of age	Selectmen, Town Manager, any police officer	Failure to complete the drug awareness program and each subsequent offense	\$300

Selectmen recommend

ARTICLE 12:	Annual Town Report from Calendar Year to Fiscal Year	<i>Majority Vote Required</i>
--------------------	---	-----------------------------------

Motion: That the Town amend the General Bylaws by adding the following new chapter:

Chapter 2: Annual Town Report

§2.1 Annual Town Report on Fiscal Year.

The Board of Selectmen shall print the Annual Town Report for the period beginning July 1 and ending the following June 30 of each fiscal year.

Selectmen recommend

ZONING BYLAW AMENDMENTS

ARTICLE 13: Re-zone Map 10 Parcel 2 – 426 Littleton Road

2/3 Vote Required

Motion (received from Petitioners):

That the Town vote in regards to the parcel known as Map 10 Parcel 2, the front portion of which is currently zoned Commercial Highway and the rear portion of which is zoned Residential, to rezone the rear Residential portion of the lot to Commercial Highway rendering the zoning on the entire parcel Commercial Highway.

Selectmen and Planning Board to make recommendation at Town Meeting

STREET ACCEPTANCE

ARTICLE 14: Vineyard Road

Majority Vote Required

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Vineyard Road as shown on a Street Acceptance Plan for Vineyard Road as prepared by LandTech Consultants and dated December 23, 2008 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend, Finance Committee recommends, and Planning Board recommends

ARTICLE 15: Tyler Road *Majority Vote Required*

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Tyler Road as shown on a Street Acceptance Plan for Tyler Road as prepared by LandTech Consultants and dated December 23, 2008 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend, Finance Committee recommends, and Planning Board recommends

ARTICLE 16: Christy Lane *Majority Vote Required*

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Christy Lane as shown on a Street Acceptance Plan for Christy Lane as prepared by LandTech Consultants and dated December 23, 2008 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend, Finance Committee recommends, and Planning Board recommends

ARTICLE 17: Swedes Crossing *Majority Vote Required*

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Swedes Crossing as shown on a Street Acceptance Plan for Chestnut Hill Estates as prepared by LandTech Consultants and dated July 13, 2010 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend, Finance Committee recommends, and Planning Board recommends

ARTICLE 18: Tavern Circle *Majority Vote Required*

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Tavern Circle as shown on a Street Acceptance Plan for Chestnut Hill Estates as prepared by LandTech Consultants and dated July 13, 2010 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend, Finance Committee recommends, and Planning Board recommends

ARTICLE 19: Daniel Drive *Majority Vote Required*

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Daniel Drive as shown on a Street Acceptance Plan for Daniel Drive as prepared by Richard J. Ludwig, Jr., PLS, PE and dated March 9, 2010 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend, Finance Committee recommends, and Planning Board recommends

ARTICLE 20: Elderberry Way *Majority Vote Required*

Motion: That the Town, pursuant to MGL Chapter 82, Section 21, accept Elderberry Way as shown on a Street Acceptance Plan Elderberry Way as prepared by Cuoco & Cormier and dated April 8, 2009 and to authorize the Board of Selectmen to accept and or take the deed and or easement to the Town of the said way.

Selectmen recommend, Finance Committee recommends, and Planning Board recommends

ARTICLE 21: Authorize Access Easement over Map 53 Parcel 91 for Owner of Map 53 Parcel 90 *2/3 Vote Required*

Motion: That the Town transfer from the Council on Aging the land located at 20 Pleasant Street for the purpose for which it is currently held to the same for the purpose for which it is currently held and for the purpose of conveyance of an easement over a portion of said land, and to authorize the said Council on Aging to convey to Thomas C. Dubey, Jr. and Patricia L. Dubey, their heirs, successors and assigns, for the benefit of their property at 30 Pleasant Street shown on Westford Assessor's Map 53, Parcel 90, a non-exclusive easement over a portion of said Town owned land at 20 Pleasant Street shown on Westford Assessor's Map 53, Parcel 91 and shown on a plan entitled "Easement Plan Cameron Senior Center," dated August 21, 2009, prepared by LandTech Consultants, for the purposes of passing and repassing and access to the Dubey land.

Selectmen recommend

ARTICLE 22: Acquire Land – Map 13 Parcel 71 – Acton Road *Majority Vote Required*

Motion: That the Town dismiss Article 22.

Selectmen recommend, Finance Committee recommends, and Planning Board recommends

ARTICLE 23: Land Transfer – Care, Custody and Control *2/3 Vote Required*
Management of the American Legion Ball Fields to Recreation Commission

Motion: That the Town, pursuant to General Laws Chapter 40, Section 15A, transfer the care, custody, control and management of the land situated Easterly off of River Street, known commonly as the American Legion Ball Fields or Graniteville Ball Fields, as shown on Westford Assessor’s Map 62, Parcel 102 from the School Committee to the Recreation Commission, said land to be used permanently for the purpose of active recreation use pursuant to General Laws Chapter 45, Section 14, as it may be from time to time amended.

Selectmen recommend

ARTICLE 24: Request for Two Additional All Alcohol *Majority Vote Required*
Restaurant License

Motion (received from Petitioners):

That the Town authorize the Board of Selectmen to petition the General Court for two (2) additional all alcohol restaurant licenses to be exercised by Westford LC, LLC at the so-called Cornerstone Development located at 83 Boston Road and 187 Littleton Road, said licenses not to be transferred to any other location; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, as printed in the Warrant under Article 24.

Selectmen recommend