

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTFORD
WARRANT

Middlesex, ss.

To the Constable of the Town of Westford, in said County,

GREETINGS:

You are required in the name of the Commonwealth aforesaid, to notify and warn all inhabitants of said Town qualified to vote in elections, and also in Town affairs, to meet at the Abbot School Gymnasium at Depot Street on the following date:

Monday, October 18, 2010
(voter registration deadline, Friday, October 8, 2010 at 8:00pm)

At 7:30 o'clock in the evening, then and there to act upon the following Articles:

FINANCIAL

ARTICLE 1:	Fiscal Year 2011 Budget Adjustments	<i>Town Manager</i>
	To see if the Town will vote to appropriate various sums in order to supplement operating budgets for the Fiscal Year ending June 30, 2011;	
	Or act in relation thereto.	
ARTICLE 2:	Fiscal Year 2011 Budget Transfers	<i>Town Manager</i>
	To see if the Town will vote to transfer various sums between and among various accounts for the Fiscal Year ending June 30, 2011;	
	Or act in relation thereto.	
ARTICLE 3:	Acceptance of Chapter 188 of the Acts of 2010	<i>Town Manager</i>
	To see if the Town will vote to accept the provisions of Chapter 188 of the Acts of 2010 Section 66 establishing and implementing an early retirement incentive program for certain employees;	
	Or act in relation thereto.	
ARTICLE 4:	Amendments to the Wage and Classification Plan	<i>Town Manager</i>
	To see if the Town will vote to amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2010;	
	Or act in relation thereto.	

ARTICLE 5: Capital Requests *Town Manager*

To see if the Town will vote to appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, to provide for Capital Requests;

Or act in relation thereto.

ARTICLE 6: Supplemental Appropriation for Town Hall Renovations and Construction *Permanent Town Building Committee*

To see if the Town will vote to appropriate an additional sum of money to be expended under the direction of the Board of Selectmen to pay costs of renovations and / or an addition to the current Town Hall, including any other costs incidental and related thereto; and as funding therefor to raise and appropriate, transfer from available funds, or borrow pursuant to Massachusetts General Laws Chapter 44, Sections 7(3) and 7 (3A), and Massachusetts General Laws Chapter 44B, Section 11, the Community Preservation Act, for historic preservation, rehabilitation, and restoration purposes, or pursuant to any other enabling authority,

Or act in relation thereto.

ARTICLE 7: Reduce Amount Raised by Taxes in Fiscal Year 2011 *Finance Committee*

To see if the Town will vote to take specific amounts from available funds and to direct the Assessors to reduce the net amount to be raised for Fiscal Year 2011;

Or act in relation thereto.

ARTICLE 8: Accept Monetary Gift from WestNet *Board of Selectmen*

To see if the Town will vote to accept a gift from WestNet;

Or act in relation thereto.

ARTICLE 9: Revolving Fund for Revenue from Lease of Town Owned Buildings and Senior Center Fitness Room *Board of Selectmen*

To see if the Town will vote to 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

Or act in relation thereto.

ARTICLE 10: Install Route 40 Water Main Extension – Perchlorate Remediation

Board of Selectmen

To see if the Town will vote to appropriate a sum of money for the purpose of continuing the installation of a water main on Route 40 including the payment of costs incidental and related thereto and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Massachusetts General Laws Chapter 44, Section 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Town is hereby authorized to accept funding through a loan program of the Massachusetts Water Pollution Abatement Trust, and that, the Board of Selectmen is hereby authorized to acquire by gift, purchase, or eminent domain certain rights in fee or by easement on properties located at 97 Groton Road (Map 35 Parcel 104) and 95 Groton Road (Map 34 Parcel 25-2) for the purpose of obtaining secure permanent or temporary water easements, for the construction and maintenance of water main and services on Groton Road;

Or act in relation thereto.

GENERAL BYLAW AMENDMENTS

ARTICLE 11: Public Use and Consumption of Marijuana Bylaw

Police Chief

To see if the Town will vote to amend the Town Bylaws by adopting a new bylaw regulating the public use and consumption of marijuana, as follows:

Chapter 59: Public Consumption of Marijuana

§59.1. Definitions

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

Marijuana shall mean marijuana (or tetrahydrocannabinol) as defined in section 1 of chapter 94C, as amended, of the Massachusetts General Laws.

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

§59.2. Public Consumption prohibited.

No person shall burn, smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 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.

§59.3. 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 G.L. c. 94C, § 47A.

§59.4. 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.

§59.5. Enforcement of bylaw.

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 G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents, or any police officer.

§59.6. Penalties.

The fine for a violation of this bylaw shall be Three Hundred (\$300.00) Dollars for each offense. A penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

An offender under the age of eighteen that violates this bylaw shall be subject to forfeiture and a one hundred dollar (\$100.00) fine, provided he or she also completes a drug awareness program which meets the criteria set forth in Section 32M of Chapter 94C. The parents or legal guardian of any offender under the age of eighteen shall also be notified of the offense, as set forth in Section 32N of Chapter 94C, and informed of the drug awareness program and community service requirements. If an offender under the age of eighteen fails within one year of the offense to complete both a drug awareness program and the required community service, the one hundred dollar (\$100.00) fine for violation of the bylaw may be increased to three hundred dollars and the offender and his or her parents shall be jointly and severally liable to pay that amount.

Or act in relation thereto.

ARTICLE 12:	Annual Town Report From Calendar Year to Fiscal Year
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Board of Selectmen

To see if the Town will vote to amend the Westford General Bylaws relating to the Annual Town Report by adding the following new chapter:

Ch. XX: Annual Town Report

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.

Or act in relation thereto.

ZONING BYLAW AMENDMENTS

ARTICLE 13:	Re-zone Map 10 Parcel 2 – 426 Littleton Road	<i>Citizen's Petition</i>
To see if the Town will vote to re-zone the following parcels located in the Town of Westford to Commercial Highway (CH): Map 10 Parcel 2 (Please note: Map 10 Parcel 2 is currently zoned half Residential and half Commercial Highway, this warrant article would zone the entire parcel Commercial Highway.)		

STREET ACCEPTANCE

ARTICLE 14:	Vineyard Road	<i>Board of Selectmen</i>
To see if the Town will vote to accept the layout as a public way of the roadway known as Vineyard Road, as heretofore laid out by the Board of Selectmen and as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements;		

Or act in relation thereto.

ARTICLE 15:	Tyler Road	<i>Board of Selectmen</i>
To see if the Town will vote to accept the layout as a public way of the roadway known as Tyler Road, as heretofore laid out by the Board of Selectmen and as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements;		

Or act in relation thereto.

ARTICLE 16:	Christy Lane	<i>Board of Selectmen</i>
To see if the Town will vote to accept the layout as a public way of the roadway known as Christy Lane, as heretofore laid out by the Board of Selectmen and as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements;		

Or act in relation thereto.

ARTICLE 17:	Swedes Crossing	<i>Board of Selectmen</i>
To see if the Town will vote to accept the layout as a public way of the roadway known as Swedes Crossing, as heretofore laid out by the Board of Selectmen and as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements;		

Or act in relation thereto.

ARTICLE 18: Tavern Circle

Board of Selectmen

To see if the Town will vote to accept the layout as a public way of the roadway known as Tavern Circle, as heretofore laid out by the Board of Selectmen and as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements;

Or act in relation thereto.

ARTICLE 19: Daniel Drive

Board of Selectmen

To see if the Town will vote to accept the layout as a public way of the roadway known as Daniel Drive, as heretofore laid out by the Board of Selectmen and as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements;

Or act in relation thereto.

ARTICLE 20: Elderberry Way

Board of Selectmen

To see if the Town will vote to accept the layout as a public way of the roadway known as Elderberry Way, as heretofore laid out by the Board of Selectmen and as shown on a plan on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, the fee to or lesser interests in said roadway and all related easements;

Or act in relation thereto.

LAND USE

ARTICLE 21: Authorize Access Easement over Map 53 Parcel 91 for Owner of Map 53 Parcel 90

Board of Selectmen

To see if the Town will 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;

Or act in relation thereto.

ARTICLE 22: Acquire Land - Map 13 Parcel 71 - Acton Road

Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise the parcel of land identified on Westford Assessor's Map 13, Parcel 71, said land containing 1.48 acres, and recorded with the Middlesex North Registry of Deeds

(MNRD Book 4921 Page 85 and Book 4798 Page 249), said land to be held for general municipal purposes under the care, custody and control of the Board of Selectmen;

Or act in relation thereto.

ARTICLE 23:	Land Transfer - Care, Custody and Control Management of the American Legion Ball Fields to Recreation Department	<i>School Committee</i>
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To see if the Town will vote, pursuant to General Laws Chapter 40, Section 15A, to 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;

Or act in relation thereto.

LIQUOR LICENSES

ARTICLE 24:	Request for Two Additional All Alcohol Restaurant Licenses	<i>Citizen's Petition</i>
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To see if the Town will vote to 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, or take any action in relation thereto.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF WESTFORD TO ISSUE 2 ADDITIONAL LIQUOR LICENSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Westford may grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to Westford LC, LLC, one to be exercised at 83 Boston Road and the second to be exercised at 187 Littleton Road, located within the so-called Cornerstone Square development in said town. A license granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of the license issued under this section to any other location, but it may grant the license to a new applicant at the

same location if the applicant files with the authority a letter from the department of revenue indicting that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this section.

Or act in relation thereto.

And you Constable, are directed to serve this warrant by posting a true and attested copy thereof at the Town Hall, Library and at each Post Office in said Town of Westford at least fourteen (14) days prior to the time of holding said meeting.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this 15th day of September in the Year of our Lord 2010.

Robert Jefferies (Chair)

Valerie Wormell
Valerie Wormell (Vice-Chair)

Andrea Peraner-Sweet
Andrea Peraner-Sweet (Clerk)

Jim Sullivan

Kelly Ross
Kelly Ross

TRUE COPY
ATTEST:

Constable of Westford

DATE:

I HEREBY CERTIFY THAT I HAVE SERVED THE FORGOING WARRANT BY POSTING A TRUE AND ATTESTED COPY THEREOF AT THE TOWN HALL (MILLENNIUM BUILDING), THE J.V. FLETCHER LIBRARY, AND AT EACH POST OFFICE IN THE SAID TOWN OF WESTFORD AT LEAST FOURTEEN DAYS PRIOR TO THE TIME OF HOLDING SAID MEETING.

BOARD OF SELECTMEN Chairman
(Initial)