

2018 ANNUAL TOWN MEETING MOTIONS



**Saturday, March 24, 2018 10:00AM
Abbot School Gymnasium, 25 Depot Street**

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REPORTS

ARTICLE 1: Accept Town Reports

Town Manager

Motion: (Majority Vote Required)

That the Town accept the Reports of Town Officers, Boards and Committees for the Fiscal Year 2017.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

FINANCIAL - FISCAL YEAR 2018

ARTICLE 2: Approve Unpaid Bills from Previous Fiscal Year(s)

Town Manager

Motion: (4/5 Majority Vote Required)

That the Town appropriate from Free Cash the sum of \$5,308 (FIVE THOUSAND THREE HUNDRED EIGHT DOLLARS) to pay the Westford Housing Authority for affordable housing consulting services provided in Fiscal Year 2017.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 3: Approve Fiscal Year 2018 Supplemental Appropriations

Town Manager

Motion: (Majority Vote Required)

That the Town appropriate from Free Cash the sum of \$565,472 (FIVE HUNDRED SIXTY FIVE THOUSAND FOUR HUNDRED SEVENTY TWO DOLLARS) in order to supplement the following operating budgets in Fiscal Year 2018:

215 Public Safety Communications Personal Services	\$20,000
423 Snow & Ice	\$350,000
432 Recycling Expenses	\$40,000
433 Solid Waste Expenses	\$20,000
945 Other Post Employment Benefits	\$135,472

And further

That the Town appropriate from Ambulance Enterprise Retained Earnings the sum of \$25,000 (TWENTY FIVE THOUSAND DOLLARS) to supplement the following Fiscal Year 2018 Operating Budgets:

640 Ambulance Enterprise Personal Services	\$25,000
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Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 4: Approve Fiscal Year 2018 Budget Transfers

Town Manager

Motion: (Majority Vote Required)

That the Town transfer the following sums between and among various accounts for the Fiscal Year ending June 30, 2018:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
175 Planning Board Personal Services	170 Permitting Expenses	\$5,300

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 5: Appropriate to the Health Insurance Stabilization Fund *Town Manager*

Motion: *(Majority Vote Required)*

That the Town appropriate from Free Cash the sum of \$100,000 (ONE HUNDRED THOUSAND DOLLARS) to be deposited into the Health Insurance Stabilization Fund, established under [Massachusetts General Laws, Chapter 40, Section 5B](#).

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 6: Establish Special Education Reserve Fund *School Superintendent*

Motion: *(Majority Vote Required)*

That the Town accept the provisions of [Massachusetts General Laws, Chapter 40, Section 13E](#), for the purpose of creating a reserve fund to pay for unanticipated or unbudgeted costs for special education, out-of-district tuition or transportation.

Selectmen recommend (5-0) and Finance Committee recommends (6-1)

ARTICLE 7: Appropriate for Perchlorate Expenses *Town Manager*

Motion: *(Majority Vote Required)*

That the Town appropriate from Free Cash the sum of \$99,537 (NINETY NINE THOUSAND FIVE HUNDRED THIRTY SEVEN DOLLARS) for the purpose of providing funds to address associated issues regarding perchlorate contamination.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

CAPITAL APPROPRIATIONS - FISCAL YEAR 2018

ARTICLE 8: Approve Capital Appropriations *Capital Planning Committee*

First Motion: *(Majority Vote Required)*

That the Town appropriate from Free Cash the sum of \$1,607,795 (ONE MILLION SIX HUNDRED SEVEN THOUSAND SEVEN HUNDRED NINETY FIVE DOLLARS) to provide for the following capital requests and costs incidental and related thereto:

DEPARTMENT	AMOUNT	PURPOSE
Technology	\$35,129	Town computer replacements
Technology	\$306,453	School computer replacements
Technology	\$88,100	Network upgrades
Public Buildings	\$320,000	Design for the town center replacement building located at 51 Main Street and any other related expenses
Fire Department	\$44,540	Fire Captain's Car, purchase and equip
Fire Department	\$23,000	Radios repeater and any other related costs
Schools	\$50,573	Rack truck with plow, purchase and equip
Engineering	\$65,000	Beaver Brook Culvert Transportation Improvement Project (TIP) design and any other related costs
Engineering	\$260,000	Boston Road reconstruction project design and any other related costs
Engineering	\$200,000	Plain Road, Oak Hill Road, and Moore Road water main design and any other related costs
Engineering	\$45,000	Complete Streets design and any other related costs
Engineering	\$20,000	Tyngsboro Road at Route 40 signal upgrade study and any other related costs

Engineering	\$150,000	Non-participating items not funded by the Massachusetts Department of Transportation for the Dunstable Road and Oak Hill Road Route 40 projects
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And further

That the Town reauthorize and transfer the sum of \$482,000 (FOUR HUNDRED EIGHTY TWO THOUSAND DOLLARS) from the following capital account:

PROJECT	AMOUNT	TOWN MEETING VOTE
Keyes culvert reconstruction	\$482,000	Article 6 ATM March, 2015

To provide for the following capital requests:

DEPARTMENT	AMOUNT	PURPOSE
Highway	\$222,000	Heavy Dump Truck, purchase and equip
Highway	\$260,000	Front End Loader, purchase and equip

And further

That the Town appropriate from Water Enterprise Retained Earnings the sum of \$760,000 (SEVEN HUNDRED SIXTY THOUSAND DOLLARS) to provide for the following capital requests and costs incidental and related thereto:

DEPARTMENT	AMOUNT	PURPOSE
Water Enterprise	\$100,000	Two utility trucks, purchase and equip
Water Enterprise	\$400,000	Forge Village Treatment Facility media replacement and any other related costs
Water Enterprise	\$90,000	Boston Road reconstruction project design and any other related costs
Water Enterprise	\$130,000	Plain Road, Oak Hill Road, and Moore Road water main design and any other related costs
Water Enterprise	\$40,000	Forge Village Treatment Facility fire suppression replacement

And further

That the Town appropriate from Ambulance Enterprise Retained Earnings the sum of \$321,902 (THREE HUNDRED TWENTY ONE THOUSAND NINE HUNDRED TWO DOLLARS) to provide for the following capital requests and costs incidental and related thereto:

DEPARTMENT	AMOUNT	PURPOSE
Ambulance Enterprise	\$321,902	Ambulance, purchase and equip

Second Motion: (2/3 Majority Vote Required)

That the Town appropriate the sum of \$845,000 (EIGHT HUNDRED FORTY FIVE THOUSAND DOLLARS) for the purpose of repairing roadways, including 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 7 or Section 8](#), or any other enabling authority, and to issue bonds or notes of the Town therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with [Chapter 44, Section 20 of the General Laws](#) thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Third Motion: (2/3 Majority Vote Required)

That the Town appropriate the sum of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS) to purchase street lights owned by National Grid and to retrofit all street lights owned by the Town of Westford with LED lighting and WIFI controls, including 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 7 or Section 8](#), or any other enabling authority, and to issue bonds or notes of the Town therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with [Chapter 44, Section 20 of the General Laws](#) thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Fourth Motion: (2/3 Majority Vote Required)

That the Town appropriate the sum of \$500,000 (FIVE HUNDRED THOUSAND DOLLARS) for the Groton Road and Dunstable Road water main extension project, including 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 7 or Section 8](#), or any other enabling authority, and to issue bonds or notes of the Town therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with [Chapter 44, Section 20 of the General Laws](#) thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Fifth Motion: (Majority Vote Required)

That the Town appropriate from Free Cash the sum of \$40,000 (FORTY THOUSAND DOLLARS) and transfer said amount to the Capital Stabilization Fund.

Selectmen recommend (5-0) and Finance Committee recommends (6-1)

ARTICLE 9: Approve Capital Appropriations: Ornamental Traffic Signal at the Intersection of Boston Road and Main Street

Citizen Petition

Motion: (Majority Vote Required)

That the Town appropriate \$55,000 (FIFTY FIVE THOUSAND) from Free Cash to pay for the engineering services to include ornamental traffic signals for the design of the Boston Road Reconstruction Project approved in the First motion under Article 8 of this Town Meeting.

Selectmen do not recommend (5-0)

ARTICLE 10: Approve Capital Appropriations: MSBA Abbot Roof

School Committee

Motion: (2/3 Majority Vote Required)

That the Town of Westford appropriate the amount of \$3,016,442 (THREE MILLION SIXTEEN THOUSAND FOUR HUNDRED FORTY TWO DOLLARS) for additional funds for completing the design, bidding and construction phases of the Abbot Roof Replacement project, including associated costs which consists of, but is not limited to, hazardous material removal/abatement/encapsulation as well as requirements as stipulated by the Massachusetts Energy Code, Architectural Access Board (ADA) and Massachusetts Building Code at the Abbot Elementary School located at 25 Depot Street, and any related costs (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town of Westford may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of School Committee, in conjunction with the management oversight by the Permanent Town Building Committee. To meet this appropriation the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said amount under [Massachusetts General Laws Chapter 44](#), or pursuant to any other enabling authority, provided further that any premium received by

the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with [Chapter 44, Section 20 of the General Laws](#) thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that Town may receive from the MSBA for the Project shall not exceed the lesser of (1) forty-four point forty-eight percent (44.48 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 11: Accept Statutory Authorization for Water Betterments

Board of Selectmen

Motion: (Majority Vote Required)

That the Town vote to accept [Sections 42G through 42I and 42K of Chapter 40 of Massachusetts General Laws](#), which enables the Town to levy assessments using one or more of the method(s) authorized by [Sections 42G through 42I and Section 42K of Chapter 40 of Massachusetts General Laws](#) against those property owners who receive a benefit or advantage from the laying of water mains, pipes and lines for the conveyance or distribution of water; and, further, that the Town accept [Section 13B of Chapter 80 of Massachusetts General Laws](#), which provides that upon application of the owner of real property assessed, if such owner is a low-income elderly homeowner eligible for an exemption under clause [41A of Massachusetts General Laws, Chapter 59, Section 5](#), the Town shall enter into an agreement with such owner for the deferral of the payment of the assessment;

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 12: Authorize Vine Brook Water System Improvements

Water Commissioners

Motion: (2/3 Majority Vote Required)

That the Town appropriate the sum of \$1,820,000 (ONE MILLION EIGHT HUNDRED TWENTY THOUSAND DOLLARS) to pay costs of designing, engineering, constructing, installing and equipping the water distribution system and associated infrastructure to be extended to serve the residents of Vine Brook Estates, including the payment of all costs incidental and related thereto, and for the purpose of acquiring any land and/or interests therein as may be necessary or appropriate; and to authorize the Board of Water Commissioners to assess 100% of the costs thereof upon those properties that receive a benefit or advantage therefrom, pursuant to Chapter 80 of the General Laws and using such assessment method(s) authorized by [Sections 42G through 42I and Section 42K of Chapter 40 of Massachusetts General Laws](#) as the Board of Water Commissioners shall determine, with such assessments to bear interest at a rate not to exceed two percent above the rate of interest chargeable to the Town; 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 7 or Section 8](#), or any other enabling authority, and to issue bonds or notes of the Town therefor; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with [Chapter 44, Section 20 of the General Laws](#) thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

COMMUNITY PRESERVATION FUNDS

ARTICLE 13: Approve Community Preservation Committee Recommendations

Community Preservation Committee

First Motion: *(Majority Vote Required)*

That the Town, pursuant to [Massachusetts General Laws, Chapter 44B](#), or any other enabling authority, in accordance with the recommendations of the Westford Community Preservation Committee, appropriate from Community Preservation Funds the sum \$2,557,621 (TWO MILLION FIVE HUNDRED FIFTY SEVEN THOUSAND SIX HUNDRED TWENTY ONE DOLLARS) as follows; and further to authorize the Board of Selectmen to enter into grant agreements with any private entities receiving funding pursuant to this vote, and further to authorize the Board of Selectmen to acquire appropriate deed restrictions on any private property as may be required or appropriate pursuant to the Community Preservation Act:

\$218,679	From Undesignated Fund Balance to the Community Housing Reserve. This allocation more than funds the required 10% for Community Housing.	Community Housing Reserve
\$140,505	From Undesignated Fund Balance to the Historic Resources Reserve. This allocation more than funds the required 10% for Historic Resources.	Historic Resources Reserve
\$110,000	From Undesignated Fund Balance for the construction of the Norman E. Day School Playground and any other related costs.	Westford School Committee
\$50,171	From Historic Resources Fund Balance For the Fairview Cemetery Wall Repair Project and any other related costs.	Westford Cemetery Commission
\$100,000	From Undesignated Fund Balance For the Healthy Lakes and Ponds program and any other related costs.	Healthy Lakes and Ponds Collaborative
\$220,000	From Undesignated Fund Balance For the American Legion Field Complex Expansion Design and any other related costs.	Parks and Recreation Commission
\$1,163,000	From Undesignated Fund Balance For the Saltbox Farm Conservation Restriction located at 1 Wright Lane and any other related costs.	Westford Land Preservation Foundation
\$16,400	From Undesignated Fund Balance For the Westford Pickleball Courts Project and any other related costs.	Parks and Recreation Commission
\$6,725	From Historic Resources Fund Balance For the Preservation of the Willard Hall Journal and any other related costs.	Westford Historical Commission
\$350,000	From Undesignated Fund Balance For the Westford Academy Community Track Renovation and any other related costs.	Westford Academy
\$35,000	From Historic Resources Fund Balance For the Library Greek Windows Restoration Project and any other related costs.	Board of Library Trustees
\$147,141	From Historic Resources Fund Balance For the Sargent School Windows Preservation and ADA Ramp Access Project and any other related costs.	Westford Housing Authority

Second Motion: *(2/3 Majority Vote Required)*

That the Town appropriate the sum of \$4,770,000 (FOUR MILLION SEVEN HUNDRED SEVENTY THOUSAND DOLLARS) to be expended under the direction of the Board of Selectmen to pay costs of purchasing the property located at 46 Lowell Road as shown in the Assessors Map 32, Lot 84, Parcel 0, including all costs incidental and related thereto; and to meet this appropriation the sum of \$477,000 (FOUR HUNDRED SEVENTY SEVEN THOUSAND DOLLARS) be appropriated from the Community Preservation Undesignated Fund Balance,

and that the Treasurer, with the approval of the Board of Selectmen is hereby authorized to borrow the sum of \$4,293,000 (FOUR MILLION TWO HUNDRED NINETY THREE THOUSAND DOLLARS) pursuant to [Massachusetts General Laws Chapter 44, Section 7](#), and [Massachusetts General Laws Chapter 44B, Section 11](#) or any other enabling authority and to issue bonds and notes therefor; that said land be conveyed to the Town of Westford under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, to be managed and controlled by the Conservation Commission, and the Board of Selectmen and the Conservation Commission be authorized to file on behalf of the Town of Westford any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under Chapter 132A, Section 11 (the so-called LAND grant) and/or any other applications in any way connected with the scope of this acquisition, and the Board of Selectmen and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Westford to effect said acquisition and grants; and to further authorize the Board of Selectmen and Conservation Commission to take any other action necessary to carry out this vote; provided further that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with [Chapter 44, Section 20 of Massachusetts General Laws](#) thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Selectmen recommend (5-0), Finance Committee recommends (7-0), and Community Preservation Committee recommends

FINANCIAL-FISCAL YEAR 2019

ARTICLE 14: Amend the Wage and Classification Plan

Town Manager

Motion: (Majority Vote Required)

That the Town amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2018 as follows:

POSITION	CURRENT BAND	MIN	MID	MAX	NEW BAND	MIN	MID	MAX
Facilities Director	N/A				Band 8	\$91,350	\$106,575	\$121,800
Director of Parks, Recreation & Cemeteries	Band 6	\$78,750	\$91,875	\$105,000	Band 7	\$85,260	\$99,470	\$113,680

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 15: Authorize Revolving Funds

Town Manager

Motion: (Majority Vote Required)

That the Town vote, pursuant to [Massachusetts General Laws, Chapter 44, Section 53E½](#) as most recently amended by Section 86 of Chapter 218 of the Acts of 2016, to establish limitations on expenditures from the revolving funds established by Chapter 138.1 of the General Bylaws, entitled, "Revolving Funds" as follows:

REVOLVING ACCOUNT	EXPENDITURE LIMIT
Lease of Town Buildings: 65 & 73 Main St & 170 Plain Rd	\$150,000
Recycling Revolving	\$20,000
Recreation Field Maintenance	\$150,000
Senior Center Fitness Room	\$25,000
Senior Center Programs	\$50,000

School Parking	\$30,000
School Bus/Transportation	\$700,000
East Boston Camps Maintenance	\$60,000
Immunizations and Clinical Services	\$50,000
Community Gardens	\$10,000
Town Forest Management	\$25,000

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 16: Approve Fiscal Year 2019 Operating Budget

Town Manager

Motion: (Majority Vote Required)

That the Town raise and appropriate the sum of \$114,361,819 (ONE HUNDRED FOURTEEN MILLION THREE HUNDRED SIXTY ONE THOUSAND EIGHT HUNDRED NINETEEN DOLLARS) for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2018 through June 30, 2019, such sums to be expended for such purposes under the direction of the respective town officers, boards and committees and further that all items be raised and appropriated except for the following:

Fund 240 Community Preservation Fund: \$1,369,704 shall be appropriated from Community Preservation Fund Fiscal 2019 Revenue;

Fund 270 Receipts Reserved: \$35,541.90 shall be appropriated from Town Wide Receipts Reserved;

Fund 280 Town Revolving Funds: \$3,000 shall be appropriated from Senior Center Fitness Room Revolving 53 E ½;

Fund 600 Water Enterprise Fund: \$4,268,233 shall be appropriated from Water Enterprise Revenue and \$57,930 shall be appropriated from Water Enterprise Retained Earnings;

Fund 630 Recreation Enterprise Fund: \$1,416,748 shall be appropriated from Recreation Enterprise Revenue, \$111,000 shall be appropriated from Recreation Enterprise Retained Earnings, and \$93,237 shall be raised and appropriated;

Fund 640 Ambulance Enterprise Fund: \$825,000 shall be appropriated from Ambulance Enterprise Revenue, \$25,000 shall be appropriated from Ambulance Enterprise Retained Earnings, and \$540,823 shall be raised and appropriated.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 17: Appropriate Chapter 90 Local Transportation Funds for Roadway Maintenance

Town Manager

Motion: (Majority Vote Required)

That the Town appropriate the proceeds due to the Town under the provisions of [Massachusetts General Laws Chapter 90](#).

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 18: Appropriate Funds from Water Enterprise Other Post Employment Benefits Stabilization Fund

Water Commissioners

Motion: (2/3 Vote Required)

That the Town transfer the sum of \$17,474 (SEVENTEEN THOUSAND FOUR HUNDRED SEVENTY FOUR DOLLARS) from the Water Enterprise Other Post Employment Stabilization Fund to the Water Enterprise Expenses to pay for the FY19 retiree benefits.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 19: Authorization for the Board of Selectmen to petition the General Court for special legislation authorizing the Town of Westford to establish a Real Property Exemption for Disabled Persons

Board of Selectmen

Motion: (Majority Vote Required)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any action thereon or in relation thereto:

AN ACT RELATIVE TO A REAL PROPERTY EXEMPTION FOR DISABLED PERSONS IN THE TOWN OF WESTFORD

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. Notwithstanding the provisions of [clause 41C of section 5 of chapter 59 of Massachusetts General Laws](#), or of any other general or special law to the contrary, the Town of Westford is hereby authorized to grant the exemption provided for in clause 41C of section 5 of chapter 59 to applicants who are disabled persons age 69 or younger who have been domiciled in the Town of Westford for a minimum of 10 consecutive years immediately prior to the time of application, provided that they meet all other qualifications contained in said clause. The amount of the exemption and qualifications relating to gross receipts or a person's whole estate, as approved by town meeting from time to time, applicable to taxpayers qualified for the exemption pursuant to clause 41C of section 5 of chapter 59 shall apply to the same extent to applicants eligible in accordance with this act. For purposes of this act, disabled persons are individuals who have received a determination of disability from the Social Security Administration's Disability Determination Services prior to the time of application.

SECTION 2. This act shall take effect upon its passage.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

Motion as amended at March 20, 2018 Board of Selectmen Meeting : (Majority Vote Required)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any action thereon or in relation thereto:

AN ACT RELATIVE TO A REAL PROPERTY EXEMPTION FOR DISABLED PERSONS IN THE TOWN OF WESTFORD

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. Notwithstanding the provisions of [clause ~~41C~~forty-first C of section 5 of chapter 59 of Massachusetts General Laws](#), or of any other general or special law to the contrary, the Town of Westford is hereby authorized to grant the exemption provided for in clause [forty-first ~~41C~~](#) of section 5 of chapter 59 to applicants who are disabled

persons age 69 or younger who have been domiciled in the Town of Westford for a minimum of 10 consecutive years immediately prior to the time of application, provided that they meet all other qualifications contained in said clause. The amount of the exemption and qualifications relating to gross receipts or a person's whole estate, as approved by town meeting from time to time, applicable to taxpayers qualified for the exemption pursuant to clause forty-first 41C of section 5 of chapter 59 shall apply to the same extent to applicants eligible in accordance with this act. For purposes of this act, disabled persons are individuals who have received a determination of disability from the United States Social Security Administration's Disability Determination Services prior to the time of application.

SECTION 2. At any time after the effective date of this act, an annual town meeting may elect not to provide in the ensuing fiscal year the exemption authorized by section 1; such election shall be effective until the exemption is reauthorized by an annual town meeting. Except as otherwise provided in section 1, all other provisions of clause forty-first C of section 5 of chapter 59 of the general laws shall apply to the grant of an exemption under authority of this act.

SECTION 32. This act shall take effect upon its passage.

Selectmen recommend (4-0) and Finance Committee recommendation at Town Meeting

ARTICLE 20: Authorization for the Board of Selectmen to petition the General Court for special legislation authorizing the Town of Westford to establish a means tested senior citizen property tax exemption	<i>Board of Selectmen</i>
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Motion: (Majority Vote Required)

That the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any action thereon or in relation thereto:

AN ACT AUTHORIZING THE TOWN OF WESTFORD TO ESTABLISH A MEANS TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION

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. As used in this act, the following words shall have the following meanings:

- (a) "Parcel", a unit of real property as defined by the board of assessors under the deed for the property, including a condominium unit.
- (b) "Income", taxpayer's total income for the purposes of the circuit breaker income tax credit, as defined in paragraph (1) of subsection (k) of section 6 of chapter 62.

SECTION 2. With respect to each qualifying parcel of real property classified as Class one, residential, there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption less the sum of: (i) 10 per cent of income, or such other percentage of income as determined under section 4 of this act; (ii) the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 the applicant received for the year prior to the year for which application is being filed; and (iii) any other statutory exemptions received in the year for which the application is being filed. In no event shall property taxes be reduced by more than 50% by this exemption.

SECTION 3. The board of assessors may deny an application for an exemption pursuant to section 2 of this act if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 2 if all of the following criteria are met:

- (a) the real property is owned and occupied by a person whose prior year's income did not exceed the income limit established in clause (i) of paragraph (3) of subsection (k) of section 6 of chapter 62 and adjusted pursuant to paragraph (4) of subsection (k) of section 6 of chapter 62 for the prior year, whichever such income limit applies to the individual's filing status, multiplied by a percentage, determined by vote of the Board of Selectmen following passage of this act, of no less than 75 per cent and no greater than 100 per cent, which percentage may be modified annually by vote of the Board of Selectmen, and may differ based upon filing status;
- (b) the real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;
- (c) the real property is owned and occupied by the applicant or joint applicants as their domicile;
- (d) the applicant or at least 1 of the joint applicants has been domiciled in the town of Westford for at least 10 consecutive years before filing an application for the exemption;
- (e) the maximum assessed value of the domicile does not exceed (i) the prior year's average assessed value of a single family residence for the town plus 10 per cent; and (ii) the valuation limit established in clause (ii) of paragraph (3) of subsection (k) of section 6 of chapter 62 and adjusted pursuant to paragraph (4) of said subsection (k) of said section 6 of said chapter 62 for the prior year; and
- (f) the board of assessors has approved the application.

SECTION 4. The exemption under section 2 shall be in addition to any other exemption allowable under the General Laws; provided, however that there shall be a dollar cap on all the exemptions granted pursuant to this section equal to .5 per cent of the fiscal year's total residential property tax levy for the town, including the levy for any regional high school if not included in the town's tax levy at some subsequent date with the total exemption amount granted by this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of such exemption, the total cap on the exemptions granted pursuant to this act shall be set annually by the board of selectmen within a range of .5 to 1 per cent of the residential property tax levy for the town, including the levy for any regional high school. In the event that benefits to the applicants may be limited because the percentage established annually by the selectmen would otherwise be exceeded, the benefits shall be allocated by raising the income percentage as required in section 2 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, the total cap on the exemptions granted by this act shall be reduced to meet the need.

SECTION 5. A person who seeks to qualify for the exemption under section 2 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.

SECTION 6. No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 7. Acceptance of this act by the town of Westford shall be by an affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance is placed on the ballot. Sections 1 to 6, inclusive shall take effect 30 days after an affirmative vote by the town.

SECTION 8. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 6, inclusive shall take effect 30 days after an affirmative vote of the town to revoke those sections.

Selectmen recommend dismissal until a future Town Meeting and Finance Committee recommends (7-1). On Finance Committee agenda to reconsider at Town Meeting

ARTICLE 21: Payment in Lieu of Tax Agreement – Westford Solar Holdings LLC, and Westford Solar Holdings II LLC, Located at 10 Commerce Way, Map 48-11.234

Town Manager

Motion: *(Majority Vote Required)*

That the Town vote to authorize the Board of Selectmen and the Board of Assessors to negotiate and execute a payment in lieu of taxes (PILOT) agreement pursuant to MGL Chapter 59 Section 38H(b) and the Department of Revenue guidelines promulgated thereunder, or any other enabling authority, with respect to annual payments in lieu of personal taxes for a term of years relative to a parcel of land located at 10 Commerce Way, Westford, MA as shown on Assessors map 48-11.234, with respect to a Solar Photovoltaic Electricity Generating Facility, with an expected capacity of approximately 4.0 Megawatts which has been installed, owned and operated by a third party upon said parcel on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and further to authorize the Board of Selectmen to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town to undertake the purpose of this article.

Selectmen recommend dismissal until Fall 2018 Special Town Meeting and Finance Committee recommendation at Town Meeting

ADMINISTRATIVE

ARTICLE 22: Authorize Board of Selectmen to Accept Easements

Board of Selectmen

Motion: *(Majority Vote Required)*

That the Town authorize the Board of Selectmen, during Fiscal Year 2019, to accept any and all easements for sidewalk, drainage, or other utility purposes, as they may deem in the Town's best interests.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

ARTICLE 23: Authorize Board of Selectmen to Acquire Easements for the Groton Road and Dunstable Road Intersection Improvement Project

Board of Selectmen

Motion: *(Majority Vote Required)*

That the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen shall determine, permanent and/or temporary easements on the parcels of land shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Route 40 (Groton Road) and Dunstable Road," revised through November 27, 2017, as said plans may be amended, said plans on file with the Town Clerk, for public way purposes, including, but not limited to, the construction, alteration, maintenance, improvement, repair and/or replacement of sidewalks, and for drainage, utility and slope work, traffic signal improvements, driveway reconstruction and grading, tree protection and landscaping; and, further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein, or take any other action relative thereto;

Selectmen recommend (4-1) and Finance Committee recommends (7-0)

GENERAL BYLAW AMENDMENTS

ARTICLE 24: Town Bylaw Amendment: Section 51.2 (A): Date and Time of Special Town Meetings

Board of Selectmen

Motion: *(Majority Vote Required)*

That the Town vote to amend the Bylaws of the Town of Westford by adopting the following changes to Section 51.2 (A) as shown below, with additions appearing as underlined text and deletions indicated by the placement of a line through the affected word(s):

Date and Time of Special Town Meetings. Special Town Meetings may be called on any day not earlier than ~~7:30~~ 7:00 P.M., except that on a Saturday a Special Town Meeting may be called at any time determined by the Board of Selectmen to be in the public interest and convenience.

ARTICLE 25: Adopt a Bylaw to Regulate the Retail Use of Single-use Plastic Checkout Bags

Citizen Petition

Motion: (Majority Vote Required)

**Westford
Ch. 134: Plastic Bag Reduction**

§1.1. Purpose and Intent

The purpose of this bylaw is to regulate the retail use of single-use plastic checkout bags and promote the use of reusable, recyclable and biodegradable bags in the Town of Westford.

- The manufacture and use of single-use checkout bags have a significant impact on the environment, including, but not limited to: contributing to pollution of land, waterways, and oceans; contributing to the death of marine animals through ingestion and entanglement; 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.
- Plastic bags also affect human health by adding pollutants to the air we breathe during the process of extracting oil from the ground, when they are disposed of by incineration, and when they break down adding toxic chemicals to the groundwater.
- Plastic bags are rarely recycled and are not biodegradable. Residents of Westford are justifiably proud of their environmental awareness. The reduction of plastic bags is another way to demonstrate that we care about the health of where we live and our Planet.

§2.1. Definitions

A. **Single-use plastic bags** shall mean a plastic bag including but not limited to bags with integral handles made of non-biodegradable plastic that is less than 3.0 mils in thickness, and is intended for single-use transport of purchased items provided by an establishment to a customer at the point of sale.

B. **Recyclable paper bag** means a paper bag that is 100% recyclable and displays in a visible manner on the outside of the bag the word “recyclable” or a symbol identifying the bag is recyclable.

C. **A reusable checkout bag** shall be a bag with handles that is specifically designed for multiple use, preferably made of natural fibers, that is at least 3.0 mils or thicker.

D. **Establishment** shall mean any business or vendor that sells or provides food, merchandise, goods, or personal services to the public. However, the term Establishment does not include bazaars or festivals operated by nonprofit organizations or religious institutions.

§3.1. Regulations

A. Single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any Establishment within the Town of Westford.

B. Other thin-film bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, perishables and other similar merchandise, typically without handles, are still permissible.

C. If a retail store provides or sells checkout bags to customers, the bags must be one of the following:

1. Recyclable paper bag, as defined above or
2. Reusable checkout bag, as defined above

§4.1. Enforcement and Penalties

A. Enforcement of this bylaw shall be the responsibility of the Board of Health. The Board of Health may promulgate regulations with regard to the enforcement of this bylaw and make provisions for variances.

B. Any Establishment found to be in violation of this bylaw shall be subject to a non-criminal disposition as provided in the M.G.L., ch. 40, § 21D and appropriate chapter of the General Bylaws of the Town of Westford. The following penalties shall apply:

First Offense: written warning

Second Offense: \$50.00 fine

Third Offense: \$75.00 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense.

§5.1. Effective Date

A. This bylaw shall take effect January 1, 2019.

B. Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.

Petitioner's motion presented to Selectmen at March 20, 2018 Meeting. Selectmen recommend (3-1)

ARTICLE 26: Town Bylaw Amendment: Section 123.2: Annual List of Delinquent Parties

Board of Selectmen

Motion: (Majority Vote Required)

That the Town vote to amend the Bylaws of the Town of Westford by adopting the following changes to Section 123.2 as shown below, with additions appearing as underlined text and deletions indicated by the placement of a line through the affected word(s):

The Treasurer/Collector of the Town shall annually no later ~~than that~~ and may periodically, furnish to each department, board, officer or commission (hereinafter referred to as the "licensing authority") that ~~issued~~ issues licenses or permits a list of persons, corporations, or business enterprises (hereinafter referred to as "the party") that has, ~~as of October 1 of the year,~~ neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges ~~for a period of 12 months or more~~ and that such party has not filed in good faith an application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Selectmen recommend (5-0)

CARE AND CUSTODY OF TOWN LAND

ARTICLE 27: Name the Boston Road Fire Station the "Fletcher Station 1"

Board of Selectmen

Motion: (Majority Vote Required)

That the Town vote to name the Boston Road Fire Station the "Fletcher Station 1" in recognition of the many contributions from members of the Fletcher family for our community.

Selectmen recommend (5-0)

ARTICLE 28: Rename the Norman E. Day Elementary School Gymnasium in Recognition of Kevin Regan

School Committee

Motion: (Majority Vote Required)

That the Town vote to name the Norman E. Day Elementary School gymnasium the "Kevin Regan Gymnasium" in recognition of his service to the community as a Physical Education Teacher and longtime Norman E. Day School principal.

Selectmen recommend (5-0)