

Annual Town Meeting

March 24, 2018

At a legal meeting of the inhabitants of the Town of Westford, qualified by law to vote in Town affairs, held at the Abbot School on Saturday, March 24, 2018, called to commence at 10:00 am, the following business was transacted:

Election officers, using voting lists, acted as tellers at the doors.

Susan McNeill Spuhler, Town Moderator, called the 289th meeting to order at 10:00 am and led the Pledge of Allegiance. A total of 540 voters were in attendance throughout the day.

It was voted unanimously to allow consultants, Town Counsel, and staff who are not residents to sit with their respective boards on the floor of Town Meeting and to address the meeting.

It was voted to waive the reading of the motions and accept as the official motions the document printed on blue paper dated and filed with the Town Clerk on March 23, 2018.

It was announced that if needed, Town Meeting would reconvene to Monday, March 26, 2018.

A motion was made and seconded to vote for Article 1, 15, 17 and 22 as part of a Consent Agenda. The motion passed unanimously.

Article 1: Accept Town Reports

It was voted unanimously under the Consent Agenda to accept the Reports of Town Officers, Boards and Committee for the Fiscal Year 2017.

Article 15: Authorize Revolving Funds

It was voted unanimously under the Consent Agenda 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

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

It was voted unanimously under the Consent Agenda to appropriate the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90.

Article 22: Authorize Board of Selectmen to Accept Easements

It was voted unanimously under the Consent Agenda to 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.

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

It was voted unanimously to 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.

Article 3: Approve Fiscal Year 2018 Supplemental Appropriations

It was voted unanimously 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 Service	\$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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Article 4: Approve Fiscal Year 2018 Budget Transfers

It was voted unanimously 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 Services	\$5,300

Article 5: Appropriate to the Health Insurance Stabilization Fund

It was voted unanimously 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.

Article 6: Establish Special Education Reserve Fund

It was voted unanimously 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.

Town Manager Jodi Ross presented her State of the Town address, a copy of which is filed with these minutes.

Article 7: Appropriate Perchlorate Expenses

It was voted unanimously 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.

Article 8: Approve Capital Appropriations – Fiscal Year 2018

It was passed by a majority vote 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:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
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

And further

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

<i>PROJECT</i>	<i>AMOUNT</i>	<i>TOWN MEETING VOTE</i>
Keys culvert reconstruction	\$482,000	Article 6 ATM March, 2015

To provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
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:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
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:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Ambulance Enterprise	\$321,902	Ambulance, purchase and equip

The request for a \$320,000 for design fees for a new center replacement building generated extensive dialogue. Hajo Koester of 65 Providence Road made a motion to postpone the appropriation indefinitely. After discussion, a vote was taken, and a hand count was requested. The motion failed with 135 voters saying yes and 230 voters saying no. There was lengthy discussion about the intersection work at Dunstable and Groton Roads.

Further:

It was voted unanimously 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.

Further:

It was voted unanimously 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.

Further:

It was voted unanimously 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.

Further:

It was voted unanimously that the Town appropriate from Free Cash the sum of \$40,000 (FORTY

THOUSAND DOLLARS) and transfer said amount to the Capital Stabilization Fund.

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

This article was placed on the Town Meeting warrant by citizen's petition and called for the town to appropriate \$55,000 (FIFTY-FIVE THOUSAND DOLLARS) 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. Resident Bill Taffel of 90 Cold Spring Road sponsored the petition and spoke to the article.

A secret ballot was called for and the tellers distributed the ballots and collected the votes. There were 204 yes votes and 224 no votes. The article failed for lack of majority.

Board of Selectman Chairman Scott Hazelton made a motion to take Article 28 out of order. The motion was seconded and approved.

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

It was voted 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.

School Superintendent Bill Olson presented the Gordon Seavey Award to Kevin Regan for his tireless efforts on behalf of the Day School and the community. Town Meeting gave Mr. Regan a well-deserved standing ovation.

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

It was voted unanimously 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 to our community.

Article 10: Approve Capital Appropriations: MSBA Abbot Roof

It was voted unanimously that the Town 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, 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 the School Committee, in conjunction with 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 and pursuant to 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 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 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 the 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 MSBA.

At 12:58 the Town Meeting adjourned for lunch.

At 1:45 Town Meeting reconvened.

Article 11: Accept Statutory Authorization for Water Betterments

It was voted unanimously that the Town 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;

Article 12: Authorize Vine Brook Water System Improvements

It was voted unanimously 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.

Article 13: Approve Community Preservation Committee Recommendations

It was voted by the majority 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

Further:

It was voted unanimously 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.

Article 14: Amend the Wage and Classification Plan

It was voted unanimously 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

Article 16: Approve Fiscal Year 2019 Operating Budget

Each line item of the budget was read. If further clarification was needed on any item, it was addressed and discussed by Town Meeting.

Robert Jefferies, 11 Boston Road, wanted to amend the budget to reflect an additional \$25,000 in the Police Department expenses budget to be used to buy back weapons. Town Counsel John Giorgio said to accomplish this funding would have to be taken from another budget line item He said that Town Meeting can increase a budget item, but cannot designate it for a specific purpose. Town Manager Ross said another budget would have to be decreased and another Town Meeting would have to be called.

Police Chief Thomas McEnaney said he would put the funds toward a buy-back program. Mr. Giorgio said that this would have to be an executive decision made by Town Meeting and the Board of Selectmen. Several residents thought the issue should be discussed as a separate warrant article at the Special Town Meeting in the Fall. The selectmen voted 5-0 to not recommend this amendment and resolved to bring it back to the Special Town Meeting in the Fall. A vote was taken and the amendment failed for a lack of majority.

It was voted unanimously 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.

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

It was voted unanimously 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.

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.

The motion was amended by the Board of Selectmen at the March 20, 2018 meeting. It was amended to change the original Section 2, which then became Section 3.

It was voted unanimously 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 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 C 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 C 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 3. This act shall take effect upon its passage.

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

This article was dismissed unanimously.

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

This article was dismissed unanimously.

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

It was voted by the majority that the Town 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;

Article 24: Town Bylaw Amendment: Section 51.2(a): Date and Time of Special Town Meetings

It was voted unanimously that the Town amend the Bylaws of the Town of Westford by adopting the following changes to Section 51.2 (A) as shown below:

Date and Time of Special Town Meetings. Special Town Meetings may be called on any day not earlier than 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

Petitioner Richard Coleman gave a presentation. He offered an amendment to his original petition that changed the penalties and the enforcement authority.

It was voted by the majority to accept the Article 25 with the amendment as follows:

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. This bylaw may be enforced by any lawful means in law or in equity including, but not limited 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: \$100.00 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.

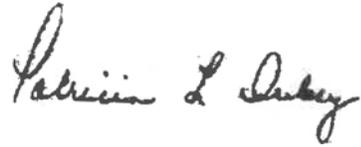
Article 26: Town Bylaw Amendment: Section 123.2: Annual List of Delinquent Parties

It was voted unanimously that the Town 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~~ October 15, 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.

With no further business to conduct the 289th Annual Town Meeting adjourned at 6:50 pm

A true copy attest,

A handwritten signature in cursive script that reads "Patricia L. Dubey". The signature is written in black ink and is positioned above the printed name.

Patricia L. Dubey, Town Clerk