

2018 SPECIAL TOWN MEETING MOTIONS



**Monday, October 15, 2018
7:00 PM
Abbot School Gymnasium**

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FINANCIAL

ARTICLE 1: Approve Unpaid Bills from Previous Fiscal Year(s) *Town Manager*

Motion: *(Majority Vote Required)*
That Article 1 be dismissed.

Selectmen recommend dismissal and Finance Committee recommendation at Town Meeting

ARTICLE 2: Approve Fiscal Year 2019 Budget Adjustments *Town Manager*

Motion: *(Majority Vote Required)*
That the Town appropriate from Free Cash the sum of \$80,000 (EIGHTY THOUSAND DOLLARS) in order to supplement the following Fiscal Year 2019 Operating Budgets:

432 Recycling Expenses	\$80,000
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Selectmen recommend 4-0 and Finance Committee recommends 7-0

And further

That the Town appropriate from Free Cash the sum of \$200,000 (TWO HUNDRED THOUSAND DOLLARS) in order to supplement the following Fiscal Year 2019 Operating Budgets to fund the Town and School Safety Task Force Consultant requests for proposals;

123 Town Manager Expenses	\$200,000
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Selectmen recommend 4-1 and Finance Committee recommendation at Town Meeting

And further

That the Town appropriate from Water Enterprise retained earnings the sum of \$208,000 (TWO HUNDRED EIGHT THOUSAND DOLLARS) in order to supplement the following Fiscal Year 2019 Operating Budgets:

600 Water Enterprise Personal Services	\$8,000
600 Water Enterprise Reserve Fund	\$200,000

Selectmen recommend 4-0 and Finance Committee recommends 7-0

ARTICLE 3: Approve Fiscal Year 2019 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, 2019:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
135 Town Accountant Personal Services	141 Assessors Personal Services	\$8,733

Selectmen recommend 4-0 and Finance Committee recommends 7-0

ARTICLE 4: Approve Fiscal Year 2019 Capital Appropriations *Capital Planning Committee*

Motion: *(Majority Vote Required)*

That the Town appropriate from Free Cash the sum of \$217,800 (TWO HUNDRED SEVENTEEN THOUSAND EIGHT HUNDRED 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	\$217,800	Vinebrook Estates Street Paving and any other related costs

Selectmen recommend 4-0, Finance Committee recommends 7-0, and Capital Planning Committee recommends 9-0

ARTICLE 5: Fiscal Year 2019 Asphalt Plant Monitoring Appropriation *Board of Selectmen*

Motion: *(Majority Vote Required)*

That the Town vote to raise and appropriate the sum of \$40,000 (FORTY THOUSAND DOLLARS) to conduct baseline environmental testing to include air, water, and noise in the vicinity of 540 Groton Road, including all costs incidental and related thereto.

Selectmen recommend \$40,000 4-0 and Finance Committee recommended \$10,000 6-0-1 but will reconsider prior to Town Meeting.

ARTICLE 6: Acquisition of 63 Main Street *Board of Selectmen*

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

That the Town vote to authorize the Board of Selectmen to acquire, by gift, purchase, eminent domain, or otherwise, on such terms and conditions as the Board shall deem appropriate, for general municipal purposes, a parcel of land located at 63 Main Street, being Tax Map 54, Parcel 43, and described in a deed recorded with the Middlesex North Registry of Deeds in Book 10206, Page 141, and to execute any and all documents and instruments necessary or convenient in relation thereto; and, further, to transfer the sum of \$700,000 (SEVEN HUNDRED THOUSAND DOLLARS) from the capital stabilization fund to acquire said parcel, including costs associated with environmental testing, repairs to existing structures and all other costs incidental and related thereto.

Selectmen recommend 5-0 and Finance Committee recommendation at Town Meeting

ARTICLE 7: Reduce Amount Raised by Taxes in Fiscal Year 2019 *Board of Selectmen*

Motion: *(Majority Vote Required)*

That the Town transfer the following available funds to reduce the net amount to be raised by taxes for Fiscal Year 2019;

\$ 19,629.57 From Fund Balance Designated for Debt Exclusion Reduction

Selectmen recommend 4-0 and Finance Committee recommends 7-0

ARTICLE 8: Apply Fire Station Premium to Reduce Bond Payments *Board of Selectmen*

Motion: *(Majority Vote Required)*

That the Town appropriate the amount of \$265,902, representing a portion of the net premium paid to the Town upon the sale of the Town's \$12,615,000 General Obligation Municipal Purpose Loan of 2018 Bonds dated February 1, 2018, to pay costs of the fire station project authorized by a vote of the Town passed March 28, 2015 (Article 8), and to reduce the amount authorized to be borrowed for such project by a like amount.

Selectmen recommend 4-0 and Finance Committee recommends 7-0

ARTICLE 9: Supplement Prior Borrowing Votes to Permit the Application of Sale of Premium to Pay Project Costs *Board of Selectmen*

Motion: *(Majority Vote Required)*

That the Town votes to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Selectmen recommend 4-0 and Finance Committee recommends 7-0

ARTICLE 10: Adoption of MGL Chapter 59, Section 5K to Establish a Senior Tax Program *Board of Selectmen*

Motion: *(Majority Vote Required)*

That the Town vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5K to authorize the Board of Selectmen to establish a program to allow persons over the age of 60 to volunteer to provide services to the Town in exchange for which the Town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills, in addition to any exemption or abatement to which any such person is otherwise entitled, provided, however, that no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,500 in a given tax year; provided that the exemption so allowed shall be adjusted by allowing an approved representative, for persons physically unable, to provide such services to the Town; provided further that the Board of Selectmen is authorized to create local rules and procedures for implementing this program consistent with this vote and General Laws Chapter 59, Section 5K.

Selectmen recommend 5-0 and Finance Committee recommendation at Town Meeting

ARTICLE 11: 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 *Board of Selectmen*

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.

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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 more than 200 per cent in assets allowed under section 5 of chapter 59 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 75 per cent;
- (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 less 20 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 .25 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. 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.

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.

SECTION 9. This act shall expire after 3 years of implementation of the exemption.

Selectmen recommend 4-0 and Finance Committee recommends 7-0

ARTICLE 12: 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 *Board of Selectmen*

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 [Massachusetts General Laws 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 4-0 and Finance Committee recommends 7-0