

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF WESTFORD
WARRANT**

**Middlesex, ss.
To the Constable of the Town of Westford, in said County,**

GREETINGS:

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

Saturday, March 23, 2019

(voter registration deadline, Friday, March 1, 2019 at 8:00pm)

at 10:00 o'clock in the morning, then and there to act upon the following articles:

REPORTS

ARTICLE 1: Accept Town Reports

Town Manager

To see if the town will vote to accept the Reports of Town Officers, Boards and Committees for the Fiscal Year 2018;

Or act in relation thereto.

FINANCIAL - FISCAL YEAR 2019

ARTICLE 2: Approve Fiscal Year 2019 Supplemental Appropriations

Town Manager

To see if the Town will vote to appropriate various sums in order to supplement operating budgets for the Fiscal Year ending June 30, 2019;

Or act in relation thereto.

CAPITAL APPROPRIATIONS - FISCAL YEAR 2019

ARTICLE 3: Approve Capital Appropriations

Capital Planning Committee

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof, the sum of \$4,496,428 (FOUR MILLION FOUR HUNDRED NINETY SIX THOUSAND FOUR HUNDRED TWENTY EIGHT DOLLARS) to provide for the following capital requests and all costs incidental and related thereto:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Technology	\$30,000	Town computer replacements
Technology	\$356,931	School computer replacements
Technology	\$65,000	Server & storage replacements
Technology	\$50,000	Network upgrades
Public Buildings	\$200,000	General building repairs & maintenance
Public Safety Communications	\$65,000	Upgrades to the public safety intercom system, including costs incidental and related thereto
Fire Department	\$62,315	Fire Chief's car, purchase and equip
Schools	\$7,782	Westford Academy Trustee Field Phase 2 Design, including costs incidental and related thereto
Schools	\$45,000	Compressor replacement for Westford Academy, including costs incidental and related thereto
Schools	\$200,000	Town and School Safety Task Force Recommendations
Engineering	\$100,000	Plain Road, Oak Hill Road, and Moore Road right of way assessments, including costs incidental and related thereto
Engineering	\$210,000	Complete Streets construction for the Abbot School and Acton Road, including costs incidental and related thereto

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Engineering	\$80,000	Stormwater Permit Compliance
Highway	\$246,000	Heavy six-wheel plow, purchase and equip
Highway	\$74,146	One-ton truck, purchase and equip
Highway	\$102,000	Tree and brush reduction unit (chipper)
Highway	\$500,000	Repairing roadways, including costs incidental and related thereto
Board of Health	\$30,000	Vehicle, purchase and equip
Water Enterprise	\$40,000	Uninterrupted Power Supply (UPS), including costs incidental and related thereto
Water Enterprise	\$35,000	Vehicle, purchase and equip
Water Enterprise	\$1,200,000	Town Farm Road water tank rehabilitation, including costs incidental and related thereto
Water Enterprise	\$500,000	Emerson and Jonas Roads water main replacement, including costs incidental and related thereto
Ambulance Enterprise	\$27,254	Ambulance cots, including costs incidental and related thereto
Stabilization	\$270,000	Capital Stabilization

Or act in relation thereto.

COMMUNITY PRESERVATION FUNDS

ARTICLE 4:	Approve Community Preservation Committee Recommendations	<i>Community Preservation Committee</i>
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To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money not exceeding 5% of the FY2020 estimated annual revenues to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2020; and further to reserve for future appropriation a sum of money from the Community Preservation Fund for open space, historic resources, community housing purposes, and outdoor recreation, and further to appropriate from the Community Preservation Fund or borrow pursuant to Massachusetts General Laws Chapter 44B, Section 11, or any other enabling authority, a sum or sums of money for Community Preservation projects or purposes, including acquisition of interests in land, all as recommended by the Community Preservation Committee;

Or act in relation thereto.

FINANCIAL-FISCAL YEAR 2020

ARTICLE 5:	Authorize Revolving Funds	<i>Town Manager</i>
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To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44, Section 53E ½ 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 of the General Bylaws, entitled, "Revolving Funds" as follows:

Revolving Account	FY 2020 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

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East Boston Camps Maintenance	\$60,000
Immunizations and Clinical Services	\$60,000
Community Gardens	\$10,000
Town Forest Management	\$25,000

Or act in relation thereto.

ARTICLE 6: Appropriate for Perchlorate Expenses *Town Manager*

To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof, the sum of \$53,909 (FIFTY THREE THOUSAND NINE HUNDRED NINE DOLLARS) for the purpose of providing funds to address associated issues regarding perchlorate contamination;

Or act in relation thereto.

ARTICLE 7: Approve Fiscal Year 2020 Operating Budget *Town Manager*

To see if the Town will vote to appropriate a sum of money by taxation, by transfer from available funds, by borrowing, or any combination thereof, for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2019 through June 30, 2020, and that such sums be expended for such purposes under the direction of the respective Town Officers, Boards and Committees;

Or act in relation thereto.

ARTICLE 8: Create a Stormwater Management Utility Enterprise Fund *Board of Selectmen*

To see if the Town will vote to adopt General Laws Chapter 44, Section 53F^{1/2}, and to create a Stormwater Utility Enterprise Fund for the fiscal year commencing on July 1, 2020;

Or act in relation thereto.

ARTICLE 9: Nashoba Valley Technical High School MSBA Roof, Window, and Door Replacement *Nashoba Valley Technical High School Committee*

To see if the Town will approve the Three Million, Seven Hundred Four Thousand, Six Hundred and Sixteen Dollars (\$3,704,616) borrowing authorized by the Nashoba Valley Technical High School District for the purpose of paying costs of the Replacement of Roofs, Windows, and Doors at Nashoba Valley Technical High School, 100 Littleton Road, Westford, MA 01886, including the payment of all costs incidental or related thereto (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 District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-five percent (55%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

Or act in relation thereto.

ARTICLE 10: Appropriate Excess Premium from Town Hall Refunding to Roudenbush Rehabilitation Project *Town Manager*

To see if the Town will vote to reauthorize and transfer a sum of money from the Town Hall Refunding to pay for costs for the Roudenbush Rehabilitation, Preservation, and Accessibility Improvements Project authorized at the March 25, 2017 Annual Town Meeting;

Or act in relation thereto.

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ARTICLE 11: Appropriate Chapter 90 Local Transportation Funds for Roadway Maintenance

Town Manager

To see if the Town will vote to appropriate a sum of money from the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90 for the purposes set forth in said Chapter;

Or act in relation thereto.

ARTICLE 12: Appropriate Funds from Water Enterprise Other Post Employment Benefits Stabilization Fund to the Water Enterprise Budget

Water Commissioners

To see if the Town will vote to transfer a sum of money from the Water Enterprise Other Post Employment Benefits Stabilization Fund to Water Enterprise expenses to pay for the FY20 retiree benefits;

Or act in relation thereto.

ARTICLE 13: Adopt the Provisions of Chapter 159 of the Acts of 2000 to Set the Minimum Personal Property Assessment at \$10,000

Board of Assessors

To see if the Town of Westford will vote to adopt a Small Personal Property Exemption under MGL Chapter 59 Section 5 Clause 54 thereby setting a minimum Personal Property assessment of \$10,000 for taxation purposes beginning FY 2020 as of the assessment date of January 1, 2019. Amending and revising the exemption adopted at the Special Town Meeting October 2006 setting said exemption at \$2,000.

{All Personal Property accounts with an assessment of \$10,000 and over will be taxed and all accounts with assessments of less than \$10,000 shall not be taxed. This does not excuse filing a Form of List with the Assessors Office. Currently, based on FY 2019 data, this would affect 578 existing accounts with a cumulative FY 2019 assessed value of \$2,939,873. Based on the FY 2019 tax rate of \$16.56 the amount of revenue loss equals \$48,684 in taxes.}

Or act in relation thereto.

ARTICLE 14: 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

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 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 per cent 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 clause forty-first D of section 5 of

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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.

SECTION 10. This act shall take effect upon its passage.

ADMINISTRATIVE

ARTICLE 15: Authorize the Board of Selectmen to Accept Easements

Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen, during Fiscal Year 2020, to accept any and all easements for sidewalk, drainage, or other utility purposes, as they may deem in the Town's best interests;

Or act in relation thereto.

ARTICLE 16: Authorize the Board of Selectmen to Amend the Agricultural Preservation Restriction at 66-68 Boston Road to Allow the Construction of a Restaurant

Citizens' Petition

To see if the Town will vote to authorize the Board of Selectmen to amend the Agricultural Preservation Restriction recorded with Middlesex North District Registry of Deeds in Book 10124, Page 169 ("APR 3") and on file with the Town Clerk, as follows:

Add the following new subparagraph (7) to Article III, Section A, to allow the property owner to make the following use of the subject property:

(7) The construction and operation of up to a 8,130 gross square foot building footprint farm to table restaurant with no more than 13,696 sq. ft. of gross occupied floor area with related parking and utilities (including storm water management features and a septic system) to be used for restaurant purposes, as shown on the conceptual plan attached hereto and on file with the Town Clerk, provided that said use is related to and in support of the agricultural uses of the two contiguous parcels, which are described in the deeds recorded at the Middlesex North Registry of Deeds at Book 2201, page 621 and Book 2421, Page 433. The exercise of the rights retained in this paragraph are expressly contingent upon the aforementioned contiguous parcels being actively engaged in agricultural use and said rights shall be forfeited if the use of said contiguous parcels is abandoned or changed. If the Grantor exercises the rights retained in this paragraph, there will be no change in use or transfer of any interest in the Premises without the express written approval of the Grantee.

And further to authorize the Board of Selectmen to take all actions, enter into all agreements and execute on behalf of the Town any and all documents as may be necessary or convenient to effectuate the purposes of this Article; or act in relation thereto.

ARTICLE 17: Require the Town to Publicly Bid the Development Rights of 66-68 Boston Road in Accordance with MGL 184 Chapter 30B Section 16

Citizens' Petition

To see if the Town will vote that if the town should become compelled to sell, give away, or transfer by any other means the Development Rights it owns on the property at 66-68 Boston Road, Westford, MA and/or to sell, give away, transfer by any means, release, amend or modify any of the three Agricultural Preservation Restrictions it owns on the same property, that the town be required to put these assets out for public bidding in accordance with the procedure specified in MGL 184 Chapter 30B Section 16 for the disposal of an interest in real property, and to follow that procedure in order to ensure that the town receive the market value of these interests and to provide the maximum possible financial benefit to the town; or act in relation thereto.

ARTICLE 18: Establish a Policy to Limit the use of Artificial Lights at Recreational Spaces from Dusk to 10 PM

Citizens' Petition

To see if the Town will vote to establish a policy to limit the use of artificial lights from dusk to 10PM at all locations where they are used to illuminate outdoor recreation spaces and activities.

Or act in relation thereto.

GENERAL BYLAW AMENDMENTS

ARTICLE 19: Amend Section 58 of the Town Bylaws to Establish New Requirements and Limitations for the Possession and Consumption of Alcohol on any Public Property

Citizens' Petition

To see if the Town will vote to amend the Bylaws of the Town of Westford by adopting the following changes to Section 58 as shown below, with additions appearing as underlined text and deletions indicated by the placement of a line through the affected word(s) or act in relation thereto:

§ 58.1 Definitions.

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

Alcoholic beverages shall mean any beverage defined as an alcoholic beverage in section 1 of chapter 138 of the Massachusetts General Laws.

Common shall mean the triangular parcel of land owned by the Town in Westford center, which is bounded by Main Street, Lincoln Street and Boston Road.

Private property shall mean any real property within the Town of Westford which is not owned by the Town.

Public property shall mean and include the Common, municipal parking lots, municipal parks, municipal playgrounds and the area of any real property, building, or office owned by or leased to the Town or occupied or used by any board, department, committee, commission, or office of the Town.

Public way shall mean the entire width between the lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and shall include the entire width of any sidewalk within the lines of such way. In the case of ways established by prescription or

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concerning which no official layouts exist, the edges of the surface of the traveled way shall be deemed to be the lines of such public ways.

Single use permit shall mean a permit issued by the Board of Selectmen allowing the possession and consumption of alcoholic beverages on a named public property for a single day.

§ 58.3 Possession on private and public property.

No person shall bring any alcoholic beverage onto any private property ~~or onto any public property~~, or possess or consume any alcoholic beverage in or upon any ~~public property or private property~~ without the permission of the owner or person lawfully in charge or control of such private ~~or public~~ property. No person shall bring any alcoholic beverage onto any public property, or possess or consume any alcoholic beverage in or upon any public property without having received a single use permit granted by the Board of Selectmen. The number of such permits shall be limited to one permit per week for each public space. No more than one such permit shall be granted to the same person or organization within a one month period.

ARTICLE 20: Amend Chapter 1 of the Town Bylaws: Penalties for Violating Bylaws and Regulations

Citizens' Petition

To see if the Town will approve the following amendments to our Town Bylaws:

Chapter 1: Penalties for Violating Bylaws and Regulations

[Adopted 2-17-47 ATM Art. 35.

Replaced 5-11-87 Adj. ATM Art. 17. Amended 5-11-02 ATM Art. 30 Replaced 3-28-2011 Adj. ATM. Amendments noted where applicable.]

Sec. 1.1 Violations

Any bylaw of the Town of Westford, or rule or regulation of its boards, commissions, and committees, shall be enforced, when observed or reported, in the method provided in Section 21D of Chapter 40 of the General Laws.

Sec 1.2 Enforcement

- A. "Enforcing person" shall mean the Board of Selectmen or any Police Officer of the Town of Westford, with respect to any offense;
- B. The Town Manager and the Board of Selectmen shall instruct Town Counsel to take such legal action as may be necessary to restrain a violation of this by-law, and enforce regulations and the bylaws hereunder, and the Town Counsel shall forthwith comply with such instructions.

Sec. 1.3. Penalties

- A. When enforced through this noncriminal disposition procedure, the penalty for violation of any Town bylaw, rule, or regulation, unless otherwise specified therein, shall be as follows: First offense: \$100 Second offense: \$200 Third offense: \$300 Fourth and subsequent offenses: \$300
- B. Each day upon which a violation exists shall be deemed to be a separate offense

ARTICLE 21: Add Delinquent Fire Box Alarm Fees to Tax Bills

Town Manager

To see if the Town will vote to establish a municipal charges lien pursuant to General Laws Chapter 40, Section 58 for unpaid fire alarm box fees assessed by the Town pursuant to Chapter 94 of the Town of Westford General Bylaws;

Or act in relation thereto.

AMENDMENT TO TOWN CHARTER

ARTICLE 22: Petition the General Court to Increase Board of Cemetery Commissioners from Three to Five Members

Board of Cemetery Commissioners

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to increase the size of the Cemetery Commission from 3 to 5 members 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:

AN ACT RELATIVE TO THE WESTFORD HOME RULE CHARTER ACT.

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

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SECTION 1. Section 9 of chapter 480 of the acts of 1989, as amended, is hereby amended by deleting the words “the cemetery commission” and inserting in place thereof the following words:- a cemetery commission of five members.

SECTION 2. Upon the effective date of this act, the town manager shall appoint one new cemetery commissioner for a term of three years and one new cemetery commissioner for a term of two years.

SECTION 3. This act shall take effect upon its passage.

Or act in relation thereto.

CARE AND CUSTODY OF TOWN LAND

ARTICLE 23: Accept Shannon Circle as a Public Way

Board of Selectmen

To see if the Town will vote to accept Shannon Circle as a Town public way pursuant to Massachusetts General Laws Chapter 82, as laid out by the Board of Selectmen, and further to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, as easement in said way for all purposes for which public ways are used and maintained;

Or act in relation thereto.

ARTICLE 24: Rename the Stony Brook School in Recognition of Everett “Bill” Olsen, Jr.

The Naming Committee

To see if the Town will vote to name the Stony Brook School the “Everett V. Olsen, Jr. Middle School” in recognition of his dedication and service to the community of Westford as the former Business Manager, former Assistant Superintendent of Schools and current Superintendent of Schools;

Or act in relation thereto.

ARTICLE 25: Rename the Millennium Building and any Subsequent School Administration Building the “Everett V. Olsen Jr. Building”

Citizens’ Petition

To see if the Town will vote to rename the Millennium Building the “Everett V. Olsen Jr. Building” and to carry that name to any subsequent school department administration building. This renaming would take place upon Mr. Olsen’s retirement in recognition of his service to the community as a long-serving Superintendent of Westford Schools.


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

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

Given under our hands this 26 day of February in the Year of our Lord 2019.


Mark Kost (Chair)


Elizabeth Almeida (Vice-Chair)


G. Thomas Clay (Clerk)


J. Scott Hazelton

Andrea Peraner-Sweet

**A TRUE COPY
ATTEST:**

Constable of Westford

DATE:

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

