

## TOWN MEETING WARRANT

Norfolk ss:

To either of the Constables of the Town of Westwood in said County, GREETING.

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of said Town who are qualified to vote in elections to vote at:

Precinct One - Senior Center  
Precinct Two - William E. Sheehan School  
Precinct Three - Paul R. Hanlon School  
Precinct Four - Downey School

on the last Tuesday in April, it being the twenty-ninth day of said month, A.D. 2008, from 7 a.m. to 8 p.m. for the following purpose:

To bring their vote for the following persons and on the following question to wit:

ONE ASSESSOR FOR THREE YEARS  
TWO LIBRARY TRUSTEES FOR THREE YEARS  
ONE MODERATOR FOR ONE YEAR  
ONE PLANNING BOARD MEMBER FOR THREE YEARS  
TWO SCHOOL COMMITTEE MEMBERS FOR THREE YEARS  
ONE SELECTMAN FOR THREE YEARS  
ONE SEWER COMMISSIONER FOR THREE YEARS  
ONE TAX COLLECTOR FOR THREE YEARS

and you are hereby further directed to notify the inhabitants of said Town of Westwood qualified to vote in elections and Town affairs to meet in the Westwood Senior High School, Nahatan Street, in said Westwood, on Monday, May 5, 2008 at 7:30 in the evening, there and then to act on the following articles:

## WESTWOOD RECORDS

### ANNUAL TOWN MEETING, MAY 5, 2008.

The Meeting was called to order at 7:37 P.M. by Moderator Stephen Gordet who declared the presence of a quorum. The Return of Warrant was read, after which all stood for the pledge of Allegiance to the Flag.

Three Resolutions were presented and read.

#### **First Resolution:**

WHEREAS, *Stephen Gordet* had served as a member of the Planning Board for ten years beginning in 1967 through 1977, and as Chairman in 1969, 1972, and 1977, and has served as the Town Moderator for twenty-two years beginning in 1986 through 2008, and

WHEREAS, during his terms of office, he gave generously of his time and consistently demonstrated the qualities of leadership, dedication and fairness throughout his service to the Town, and

WHEREAS, during his terms of office on the Planning Board, he was involved in overseeing the construction of roadways, acceptance of roadways, zoning changes, drainage systems, flood zones, and subdivision rules and regulations, and

WHEREAS, he was also involved in the planning of the town's first affordable elderly housing development, Westwood Glen, as well as the subsequent planning of the Highland Glen development, and

WHEREAS, during his term of office as Moderator, he was determined to conduct the Town Meetings in a fair and equitable manner, ensuring that all residents were heard and able to voice their opinion, that all votes were taken and recorded in an appropriate manner and that the execution of what has been termed the world's purest form of democracy functioned efficiently and fairly, and

BE IT THEREFORE RESOLVED, that the Town of Westwood, by vote of those present at the 2008 Annual Town Meeting, officially recognize and express its gratitude to Stephen Gordet for his dedicated service to the Town, and

BE IT FURTHER RESOLVED that this Resolution be placed in the official records of the Town and a copy be given to Stephen Gordet.

## **Second Resolution:**

WHEREAS, *William Riley* has served as the Girls Basketball Coach for eighteen years, beginning in 1990 through 2008, and

WHEREAS, during his years as coach, he gave generously of his time and consistently demonstrated the qualities of leadership, dedication and fairness throughout his service to the Town, and

WHEREAS, his involvement in the Westwood Girls' Basketball Program has had a profound affect on the lives of numerous young girls, their friends, families, and the Westwood High School community and during his years as coach, the Basketball program won fourteen Tri-Valley League Championships, two Division Championships, three State Championships, and eight undefeated Tri-Valley League seasons, and

WHEREAS, he led a program that is an extremely unique athletic activity that promotes inclusion for one and all, volunteerism in service to others, team work above the individual, and friendship above selflessness and this recognition is not so much for how many wins but how they played each and every time they took the court, and

WHEREAS, his example as displayed through his own life, has taught the girls of Westwood character, hard work, commitment to the team, and the privilege of giving to others and never quitting no matter how difficult the journey has become and they learned valuable life lessons about teamwork; the value of friendship, camaraderie and hard work, and

BE IT THEREFORE RESOLVED, that the Town of Westwood, by vote of those present at the 2008 Annual Town Meeting, officially recognize and express its gratitude to William Riley for his dedicated service to the Town, and

BE IT FURTHER RESOLVED that this Resolution be placed in the official records of the Town and a copy be given to William Riley.

### **Third Resolution:**

WHEREAS, Anthony J. Antonellis has served for four consecutive terms as a member of the Westwood Board of Selectmen from 1996 through 2008, and served as Chairman in 1997, 2000, 2003, and 2006 and

WHEREAS, during his terms of office, he gave unselfishly of his time and energy and was committed and compassionate to the issues and concerns of residents, especially the Town's senior citizens, students and staff, and

WHEREAS, he was instrumental in encouraging the concept of an Emerald Necklace contiguous ring of open space, through the establishment of OPEN and the Land Trust and advanced the Town's efforts to acquire open space and development rights, and

WHEREAS, he showed significant leadership by improving the town's athletic facilities, with the installation of new field lights at Morrison Park and the High School stadium field, as well as the installation of an artificial surface, and

WHEREAS, he was extremely supportive of the Town's seniors by his involvement in the construction of the Senior Center and the implementation of the Senior Work Off Program, and

WHEREAS, he was influential in the acquisition of the Islington Church, which became the Islington Community Center and continuing his interest in historic preservation, he oversaw the relocation of the Obed Baker House, and

BE IT THEREFORE RESOLVED, that the Town of Westwood, by vote of those present at the 2008 Annual Town Meeting, officially recognize and express its gratitude to Anthony J. Antonellis for his dedicated service to the Town, and

BE IT FURTHER RESOLVED that this Resolution be placed in the official records of the Town and a copy be given to Anthony J. Antonellis.

**The John Cronin Public Service Award was presented to Maureen Bleday by the Cronins.**

## ARTICLE 1

The Finance Commission recommended and the Town voted unanimously to appropriate by transfer from available funds the sum of One Hundred Eighty-Five Thousand Dollars (\$185,000) to supplement the following fiscal year 2008 appropriations, or take any other action thereon:

<b>Transfer</b>			
<b>From Account</b>	<b>Amount</b>	<b>To Account</b>	<b>Amount</b>
Waste Collection Reserve Fund	\$85,000 \$100,000	Snow and Ice Veterans' Services-Veterans' Benefits	\$172,000 \$13,000
<b>Total</b>	<b>\$185,000</b>	<b>Total</b>	<b>\$185,000</b>

## ARTICLE 2

The Finance Commission recommended and the Town voted unanimously to appropriate by transfer from available funds the sum of Two Hundred Sixty-Nine Thousand Six Hundred Eighty-One Dollars (\$269,681) to supplement the following fiscal year 2008 appropriations, or take any other action thereon:

<b>Transfer</b>			
<b>From Account</b>	<b>Amount</b>	<b>To Account</b>	<b>Amount</b>
Ambulance Receipts	\$81,681	Ambulance Services	\$81,681
Overlay Surplus	\$60,000	Assessors-Full List and Measure Services	\$60,000
Free Cash	\$128,000	Snow and Ice	\$128,000
<b>Total</b>	<b>\$269,681</b>	<b>Total</b>	<b>\$269,681</b>

## ARTICLE 3

The Finance Commission recommended and the Town voted by a 2/3's vote declared by the Moderator to raise and appropriate and/or transfer from available funds a sum of money for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

<b>Purpose</b>	<b>Amount</b>	<b>Funding Source</b>
Stabilization Fund	\$25,000	Free Cash

#### **ARTICLE 4**

There being no unpaid bills of the previous years, no action was taken on this article.

#### **ARTICLE 5**

The Finance Commission recommended and the Town voted unanimously to rescind Article 11 of the 2007 Annual Town Meeting which appropriated the sum of One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) for the costs associated with the permitting of the Westwood Station project, or to take any other action thereon.

#### **ARTICLE 6**

The Finance Commission recommended and the Town unanimously voted to raise and appropriate the sum of Two Million Nine Hundred Twenty-Six Thousand Dollars (\$2,926,000) and to allocate said funds by vote of the Board of Selectmen for the costs associated with resources, staffing and equipment needs and facility plans and land acquisition related to the permitting, inspection and other services for the Westwood Station Project during and after construction; to allocate for this purpose all permit fees paid by the proponents of the Westwood Station project to the Town of Westwood; to authorize the Board of Selectmen to apply for and accept any State or Federal Grant, or assistance, or both, that may be available for any of the above purposes.

#### **ARTICLE 7**

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds for the operation of the Town and public school system for the fiscal year July 1, 2008 through June 30, 2009 as set forth in Appendix D of this report.

*Appendix A - The classification and compensation plan for Town employees, as presented by the Personnel Board. This is printed for information only.*

*Appendix B - The classification and compensation plan for School employees, as voted by the School Committee. This is printed for information only.*

*Appendix C - The classification and compensation plan for elected officials as recommended by the Finance Commission. The Moderator will call for a vote on each of these positions.*

*Appendix D - As noted, the operating budget for all Town departments as recommended by the Finance Commission.*

*Appendix E - The School Department Budget Summary.*

**ARTICLE 8**

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds a sum of money for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

<b>Purpose</b>	<b>Amount</b>	<b>Funding Source</b>
Stabilization Fund	\$75,000	Westwood Station Guaranteed Payment

**ARTICLE 9**

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds a sum of money for the Capital Improvements Stabilization Fund established in accordance with Massachusetts General Laws Chapter 40, Section 5B.

<b>Purpose</b>	<b>Amount</b>	<b>Funding Source</b>
Capital Improvements Stabilization Fund	\$75,000	Westwood Station Guaranteed Payment

**ARTICLE 10**

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds the sum of Seven Hundred Fifty-Seven Thousand Dollars (\$757,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Main Library Building Plans/Proj. Manager	Library	\$45,000	Free Cash
Police Vehicles	Police	\$110,500	\$61,500 Taxation/ \$49,000 Free Cash
IS Townwide Software Upgrade	IS	\$135,000	Free Cash
Squad Truck Pumps	Fire	\$70,000	Free Cash
3 Yard Loader (1 <sup>st</sup> of 2 payments)	DPW	\$92,500	\$36,000 Westwood Station Guaranteed Payment/\$56,500 Free Cash
Heavy Duty Dump Truck, Sander, & Plow (1 <sup>st</sup> of 2 payments)	DPW	\$75,000	Westwood Station Guaranteed Payment
Vehicle Service Truck	DPW	\$26,000	
Backhoe	DPW	\$98,000	
One Ton Dump Truck & Plow	DPW	\$55,000	
One Heavy Duty Pickup Truck & Plow	DPW	\$50,000	

and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

**ARTICLE 11**

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds the sum of Four Hundred Eighty-Four Thousand Dollars (\$484,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Replace Pipe and Controls (oil tanks)	Sewer	\$35,000	Sewer User Fees
Pump Replacements	Sewer	\$44,000	Sewer User Fees
Electrical Control System Upgrade	Sewer	\$25,000	Sewer User Fees
Generator Replacement – Phase 1	Sewer	\$80,000	Sewer User Fees
Vacuum Truck	Sewer	\$300,000	Sewer User Fees

and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

**ARTICLE 12**

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds the sum of Five Hundred Sixteen Thousand Dollars (\$516,000) for the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Technology	School	\$185,000	\$61,500 Taxation/ \$123,500 Free Cash
Furniture, Fixtures and Equipment	School	\$7,000	Free Cash
Repair and Maintenance	School	\$59,300	Free Cash
Copiers	School	\$76,300	Free Cash
Modulars-Hanlon (2 <sup>nd</sup> of 3 payments)	School	\$78,400	Free Cash
Middle School Expansion Project	School	\$110,000	Westwood Station Guaranteed Payment

and to direct the Board of Selectmen to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for any of the above purchases, or take any other action thereon.

### **ARTICLE 13**

The Finance Commission recommended and the Town voted by a Majority vote to approve the Tax Increment Financing Agreement between the Town and Romanow, Inc. and 346 University Avenue, LLC substantially in the form as is on file with the Town Clerk (the “TIF Agreement”), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen’s designation of the location of the project at 346 University Avenue shown on Westwood Assessors’ records as Map 38, Lot 10 as an Economic Opportunity Area designated as the “346 University Avenue Economic Opportunity Area”; (the “346 University Avenue Economic Opportunity Area ”), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 346 University Avenue Economic Opportunity Area , and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action thereon.

### **ARTICLE 14**

The Finance Commission recommended and the Town unanimously voted to authorize the Board of Selectmen to apply for and accept state funds to be received as reimbursement for road improvements and deposit said funds into the Town’s road improvement account to be used as reimbursement for expenditures made or to continue the Town’s road improvement program of crack sealing, secondary resurfacing and major reconstruction; to authorize the Board of Selectmen to enter into contracts for the expenditure of any funds allotted or to be allotted by the Commonwealth for the improvement of Chapter 90 and other public roads within the Town of Westwood and to authorize the Board of Selectmen to make any necessary takings of land and/or easements to accomplish said program or take any other action thereon.

### **ARTICLE 15**

The Finance Committee recommended and the Town voted unanimously to establish, under Chapter 40 Section 5B of the Massachusetts General Laws, a new stabilization fund, the Westwood Station Mitigation Fund, for the purpose of accepting mitigation payments related to the Westwood Station project; and to further see if the Town will vote to appropriate into this mitigation account upon receipt the following mitigation payments:

- \$3,000,000 School Capital Mitigation.
- \$1,000,000 School Operating Budget Mitigation.
- \$1,500,000 Public Safety Equipment Mitigation.
- \$1,000,000 Municipal Operating Budget Mitigation.

or take any other action thereon.

## **ARTICLE 16**

The Finance Commission recommended and the Town voted by a Majority vote to accept a mitigation payment related to Westwood Station and appropriate and/or transfer from available funds the sum of \$3,900,000 for the construction and equipping of a public safety building on land and under construction supervision provided by the Westwood Station developer; and to allocate for this purpose Westwood Station mitigation payments to the Town of Westwood; to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for this purpose, or to take any other action thereon.

## **ARTICLE 17**

The Finance Commission recommended and the Town voted by a majority vote to accept a mitigation payment related to the Westwood Station Project and appropriate and/or transfer from available funds the sum up to \$2,000,000 for the purpose of designing and installing Westwood Station neighborhood traffic calming measures and to address potential traffic issues; and to authorize the Board of Selectmen to allocate for this purpose Westwood Station mitigation payments to the Town of Westwood; and further to authorize the Board of Selectmen to apply for and accept any State or Federal grant or assistance, or both, that may be available for this purpose, or to take any other action thereon.

## **ARTICLE 18**

The Finance Commission recommended and the Town voted **410 YES to 372 NO** to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution, for enactment of a special law substantially in the following form of the proposed act printed below as part of the article and entitled:

### **AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES AT A FOOD STORE IN THE MIXED USE OVERLAY DISTRICT:**

**SECTION 1.** Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Westwood may grant a single license for the sale of wine and malt beverages at a food store, not to be drunk on the premises, under Section 15 of said Chapter 138. Except as otherwise provided herein, such license shall be subject to all of said Chapter 138 except said Section 17.

For the purposes of this act, a “food store” shall mean a grocery store or supermarket with a gross floor area of more than one hundred thousand square feet which sells at retail, food for consumption on or off the premises either alone or in combination with grocery items or other non durable items typically found in a grocery store and sold to individuals for personal family or household use; provided, however, that such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items, notwithstanding the foregoing, a food store shall specifically exclude a convenience store or specialty store; provided, however, that the board of selectmen shall determine whether an applicant is a food store under this Act. In making such determination, the board of selectmen shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of the license under this Act may sell wine and malt beverages alone or in combination with any other items

offered for sale and the licensed premises must be located in the mixed use overlay zoning district. The amount of any initial or renewal fee for such license shall be determined by the licensing authority issuing or renewing that license.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted to a new operator at the same location if an applicant has followed any and all rules prescribed by the board of selectmen as the licensing authority related to the application and procedures for approval of such a transfer including filing a complete application for the transfer of the license to the new operator at the same location, and filing a letter or writing from the Department of Revenue evidencing that the license is in good standing with the Department of Revenue and that all applicable taxes have been paid.

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

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

## **ARTICLE 19**

The Finance recommended and the Town voted by a 2/3's vote declared by the Moderator to take the following several actions in furtherance of public necessity and convenience and in conjunction with certain improvements, changes and alterations to the location lines of a new roadway layout and underlying infrastructure existing or planned in that portion of the Town more commonly known as the Westwood Station project, as shown on a plan set entitled "Westwood Station Warrant Article Exhibit Plans" dated \_\_\_\_\_, 2008, prepared by Chas. H. Sells, Inc. ("Roadway Plans"), or to take any other action in relation thereto:

- (A) To authorize the Board of Selectmen, at no expense to the Town, to acquire by purchase, gift, eminent domain or otherwise, such land or interests in land, and to lay out as a town way, on terms acceptable to the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town or take any other action relative thereto as is necessary to lay out as a town way, those certain areas adjacent to Blue Hill Drive shown on Sheet No. 1 of the Roadway Plans and designated thereon as "New Roadway Area No. 1" and "New Roadway Area No. 2."
- (B) To authorize the Board of Selectmen, at no expense to the Town, to acquire by purchase, gift, eminent domain or otherwise, such land or interests in land, and to lay out as town ways, on terms acceptable to the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town or take any other action relative thereto, as is necessary to lay out as town ways those certain areas adjacent to Canton Street:
  - (i) shown on Sheet No. 2 of the Roadway Plans and designated thereon as "New Roadway Area No. 4," and
  - (ii) shown on Sheet No. 3 of the Roadway Plans and designated thereon as:  
- "New Roadway Area No. 5,"

- “New Roadway Area No. 6,” and
- “New Roadway Area No. 7;”

and, as is necessary to lay out the above town ways, at no expense to the Town, to acquire by purchase, gift, eminent domain or otherwise, such land or interests in land, on terms acceptable to the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town or take any other action relative thereto, in those certain areas:

- (iii) shown on Sheet No. 2 of the Roadway Plans and designated thereon as “Temporary Construction Easement No. 3,” and
  - (iv) shown on Sheet No. 3 of the Roadway Plans and designated thereon as
    - “Foundation Easement No. 1,”
    - “Foundation Easement No. 2,”
    - “Access Easement No. 1,”
    - “Access Easement No. 2,”
    - “Access Easement No. 3,”
    - “Temporary Construction Easement No. 4,”
    - “Temporary Construction Easement No. 5,” and
    - “Temporary Construction Easement No. 6.”
- (C) To discontinue, at no expense to the Town, a portion of NStar Way substantially as shown on Sheet No. 4 of the Roadway Plans and designated thereon as “Discontinued Roadway Area D,” such discontinuance to be effective at such time as is determined by the Board of Selectmen in consideration of related roadway improvement plans in the project area, and to authorize the Board of Selectmen, at no expense to the town, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said discontinuance, and to accept temporary right of way easements for public travel and infrastructure facilities over any land necessary to serve as temporary replacement rights of way until completion of applicable portions of related infrastructure and roadway realignment, or take any other action relative thereto.
- (D) To authorize the Board of Selectmen, upon finalization of the discontinuance of Discontinued Roadway Area D as set forth in clause (C) above, said area being owned in fee by the Town, to dispose of said discontinued portion, on terms acceptable to the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town or take any other action relative thereto.

## **ARTICLE 20**

The Finance Commission recommended and the Town voted by a 2/3’s vote to appropriate the sum of Four Million Five Hundred Thousand Dollars (\$4,500,000) to pay costs of designing and constructing a modular classroom addition to the Thurston Middle School, including the payment of all other costs incidental and related thereto; that the School Committee and/or the Board of Selectmen are each authorized to enter into all agreements and to execute any documents necessary to carry out the purposes of this vote; that to meet this appropriation, the Town Treasurer, with the approval of the Board

of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3A) and Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that the Board of Selectmen and/or the School Committee is authorized to apply for and accept any State, Federal, or other grants or assistance that may be available for such projects.

## **ARTICLE 21**

The Finance Commission recommended and the Town voted by a Majority vote to amend the Senior Property Tax Work-Off Program by deleting therefrom the second sentence of the first paragraph in its entirety and substituting therefor, "The program will abate the allowable state maximum dollar amount to 100 seniors".

## **ARTICLE 22**

The Finance Commission recommended and the Town voted by a Majority vote to accept Section 18 of Chapter 32B of the General Laws which requires that Medicare eligible retirees, spouses and/or dependants enroll in Medicare Extension Plans provided that the benefits under the Medicare Extension Plan plus Medicare Part A and Part B together are of comparable actuarial value to benefits under the retirees existing coverage, the effective date is January 1, 2009, and that the Town will arrange to be billed for any late enrollment penalty assessed on retirees, spouses, and/or dependents who waive their Medicare eligibility until the adoption of said Section or take any other action thereon.

## **ARTICLE 23**

The Finance Commission recommended and the Town voted by a Majority vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution, for enactment of a special law substantially in the following form of the proposed act printed below as part of the article and entitled:

An Act Authorizing the Town of Westwood to establish a Post Employment Health Insurance Trust Fund

**Section 1.** The following words and phrases are used in this Act and shall have the following meanings:

- a. "Normal cost of post retirement benefits" – That portion of the actuarial present value of premium costs and or claim costs payable by the town on behalf of or direct payments payable by the town to retired employees, including school teachers, of the town and the eligible surviving spouses or dependents of deceased employees, including school teachers, of the town, pursuant to this act which is allocable to a particular fiscal year, as determined by an actuary pursuant to section 2.
- b. "Post retirement benefit liability" – The present value of the town's obligation for premium payments and or claim costs on behalf of or direct payments to retired and prospective retired employees of the town and the eligible surviving spouses or

dependents of deceased and prospectively deceased employees of the town, pursuant to this chapter as determined by the actuary, pursuant to section 2.

- c. “Unfunded post-retirement” benefit liability” – The difference between the post-retirement benefit liability on a given date and the actuarial value of the assets of the group insurance liability fund on the same date, as determined by the actuary, pursuant to section 2.
- d. “Unfunded post-retirement benefit liability amortization payments” – The amount which, when paid into the post-retirement benefit fund annually over a period of years together with the normal cost of post-retirement benefits for year of said period of years, will reduce to zero at the end of said period the unfunded post-retirement benefit liability in existence as of the beginning of said period, as determined by the actuary.

**Section 2.** There shall be a fund to be known as the group insurance liability fund, which shall be under the supervision and management of the town’s Finance Director in consultation with the Town Administrator. The town treasurer shall be the custodian of the fund or may employ an outside custodial service.

Such fund shall be credited with all amounts appropriated or otherwise made available by the town for the purposes of meeting the current and future cost of premiums payable by the town on behalf of or direct payments payable by the town to retired employees of the town and the eligible surviving spouses or dependents of deceased employees of the town pursuant to this act. Amounts in said fund including any earnings or interest accruing from the investment of such amounts shall be expended only for the payment of such premiums or direct payments, except as otherwise provided in this act, and only in accordance with a schedule of such payments developed by the actuary in consultation with the town’s retirement board. Subject in each instance to the approval of the town’s contributory retirement board the town treasurer shall invest and reinvest the amounts in said fund not needed for current disbursement consistent with sound investment policy; provided however that no funds are to be invested directly in mortgages or in collateral loans.

The Town may employ any qualified bank, trust company, corporation, firm or person to advise it on the investment of the fund and may pay for such advice and such other services as determined by the town’s finance director in consultation with the Town Administrator.

### **Section 3.**

- a. The actuary shall determine, as of January first, **two thousand nine**, and no less frequently than every second year thereafter, the normal cost of post-retirement benefits, the post-retirement benefit liability, and the unfunded post-retirement benefit liability. All such determinations shall be made in accordance with generally accepted actuarial standards, and the actuary shall make a report of such determinations. Said report shall, without limitation, detail the demographic and economic actuarial assumptions used in making such determinations, and each such report subsequent to the first such report shall also include an explanation of the changes, if any, in the demographic and economic actuarial assumptions employed and the reasons for any such changes, and shall also include a comparison of the actual expenses by the town for premium or direct payments constituting the post-retirement benefit liability during the period since the last such determination, and the amount of such expenditures which were predicted pursuant to the

previous such report for the said period.

- b. The actuary, in consultation with the town's finance director and Executive secretary, shall establish a schedule of annual payments to be made to the group insurance liability fund designed to reduce to zero the unfunded post-retirement benefit liability. Each such annual payment shall be equal to the sum of the unfunded post-retirement benefit amortization payment required for such year and the payments required to meet the normal cost of post-retirement benefits for such fiscal year.
- c. All payments for the purposes of meeting the town's share of premium costs for direct payments to retired employees of the town and the surviving spouses or dependents of deceased employees of the town pursuant to this act shall be made from the group insurance liability fund in accordance with a schedule of disbursements established by the actuary.

**Section 4.** This act shall take effect upon its passage.

## **ARTICLE 24**

The Finance Commission recommended and the Town voted by a 2/3's vote declared by the Moderator to amend the General Bylaws, Article 19, Communications & Technology Advisory Board by deleting all sections therefrom and replacing with the following:

### *Communications & Technology Advisory Board*

#### **SECTION 1. Purpose.**

The Information Technology (IT) Department shall have the sole responsibility to provide information technology services and systems to all Town offices and department. All information services and systems shall be selected, purchased and operated under the guidance of the Communications & Technology Advisory Board (CTAB).

**SECTION 2. Organization.** There shall be a department of the Town Government, the Information Technology Department which shall be part of the General Government function. There shall be a Communications & Technology Advisory Board (CTAB), as described in Section 3, below. The Department's operations shall be under the management and control of the Board of Selectmen. The Advisory Board shall serve in an advisory capacity for long-range planning, capital acquisitions and system selection, shall assist in the development of information technology policies and standards. The CTAB shall also provide guidance for matters relating to cable licensing to the Town's issuing authority, Board of Selectmen.

**SECTION 3. Communications & Technology Advisory Board.** There shall be a Communications & Technology Advisory Board consisting of nine (9) members, appointed by the Board of Selectmen and constituted as follows: The Town Administrator, the Director of Information Technology, and seven (7) members at-large who shall not be full time employees of the Town. At least four (4) four of the at-large members shall possess technical knowledge and experience in the fields of information technology or telecommunications. The Town Administrator and the Director of

Information Technology shall serve in an ex-officio capacity, and thus, would not be voting members.

The at-large members of the Advisory Board shall serve three (3) year terms, on a staggered basis so that at least one (1) member will be appointed each year. In the event of a vacancy other than the normal expiration of the term of a member of the Advisory Board, the Selectmen shall, within ninety (90) days after the vacancy occurs, appoint a successor to serve for the balance of the unexpired term.

Meetings of the Advisory Board should be held on a regular basis, not less than four (4) times each calendar year. The Town Administrator, the Chairperson or a majority of the Advisory Board may call a meeting at any and all reasonable times. Four (4) voting members of the Advisory Board shall constitute a quorum at all meetings.

The Advisory Board shall within thirty (30) days after the annual appointment, elect from its membership a Chairperson who shall not be an employee of the Town.

*SECTION 4. Information Technology Department.* The Town Administrator, with the approval of the Board of Selectmen, shall appoint a Director of Information Technology who shall manage the daily operations of the Information Technology Department. It shall be the responsibility of the Information Technology Department, through the Town Administrator and the Director of Information Technology to provide information technology services for all Town offices and departments to the extent possible and practical. The Information Technology Department, with the guidance of the Advisory Board, shall be responsible for overseeing and coordinating all information technology activities, including, but not limited to, the selection, acquisition, implementation, operation and maintenance of the Town's information technology, including hardware, software, and applications. The Department shall attempt to accommodate all requests from all departments whenever economically feasible and within the limits of the equipment capability of the Town's resources. All departments shall therefore cooperate to the fullest extent with the Information Technology Department personnel, including the Town Administrator and the Director of Information Technology, provided however, the department's duties as provided by any Federal, State, of Local law, bylaw, rule, or regulation. Materials or equipment used in the school department for classroom instruction shall be excluded from the above provision.

The Town Administrator with the assistance of the Director of Information Technology and the Advisory Board consistent with General Law chapter 41, Section 23D, and all fiscal and budgetary requirements, shall continue to bring together under the jurisdiction of the Town's budgetary systems all information technology systems and services for all Town offices and departments into one or more centralized unit(s) of operation.

Each office or department of the Town utilizing any service provided by the Information Technology Department covered by this Article shall have control over and be responsible for the data under its jurisdiction as it finds necessary to control its own affairs.

Access to information, issuance of reports, forms controls, operations, commitments, costs of services, training and users approvals as they relate to the Information Technology Department shall be considered appropriate subjects to be covered by rules and regulations to be developed by the Information Technology Department with the assistance of the Advisory Board.

SECTION 5. *Confidentiality*. Although municipal records are generally of a public nature, it is recognized that certain information to be processed by systems under the jurisdiction of the Information Technology Department is of a classified or confidential nature. The head of any department, board, or commission, or other official tribunal having control of such classified or confidential information shall notify the Town Administrator in writing of the classified or confidential nature of the information, who shall thereafter take the necessary steps to protect such classified or confidential information from unauthorized access.

It shall be unlawful for any person to disclose or make known in any manner the contents or nature of any data while in the custody of the Department for processing, or any information originated by the Department without the express consent of the head of the department, board, commission or other official tribunal supplying the information; or tamper with, modify or destroy any data while in the custody of the Department except in accordance with approved routines for processing the data. Whoever violated any provision of this section shall be subject to appropriate disciplinary action.

SECTION 6. *Emerging Technologies*. It will be the responsibility of the IT department and CTAB to look forward and accept new systems, technologies and infrastructure issues as they present themselves. This will continue with CTAB and be expanded as new technologies develop.

## **ARTICLE 25**

The Finance Commission recommended and the Town voted by a 2/3's vote declared by the Moderator to amend Section 9.6.5.6 [MUOD PERMITTED USES] to delete the word "interior" so that so that Section 9.6.5.6 reads as follows, or take any other action in relation thereto:

"9.6.5.6 In MUOD 2 and MUOD 3 only, establishments selling fast order food;"

## **ARTICLE 26**

The Finance Commission recommended and the Town voted by a 2/3's vote (234 YES to 47 NO) to amend Section 9.6.8.4.1 [MUOD RESIDENTIAL CONTROLS] to insert the following after the word "Bylaw": ", unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town's housing needs" so that Section 9.6.8.4.1 reads as follows, or take any other action in relation thereto:

"9.6.8.4.1 A minimum of twelve percent (12%) of the housing units in the Area Master Plan shall be "affordable" as defined in this Bylaw, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town's housing needs."

## **ARTICLE 27**

The Finance Commission recommended and the Town voted by a 2/3's vote declared by the Moderator to amend Section 9.6.9 [MUOD CONDITIONS] to insert a new Section 9.6.9.5 that reads as follows, or take any action in relation thereto:

“9.6.9.5 Signs. Notwithstanding the requirements of Section 6.2 of this Bylaw, the Planning Board may through the Environmental Impact and Design Review process under Section 7.3 of this Bylaw approve the erection and maintenance of such signs that (a) are located within the boundaries of, or relate to, a project for which an MUOD Area Master Plan special permit has been issued under Section 9.6.4 of this Bylaw, and (b) comply with signage guidelines approved by the Planning Board in connection with the issuance of such Area Master Plan special permit and with the conditions of any consolidated special permit issued as part of such Area Master Plan special permit pursuant to Sections 9.6.4 and 6.2.17 of this Bylaw. The provisions of Section 6.2 of this Bylaw shall apply to signs erected and maintained other than in accordance with an Area Master Plan special permit that establishes signage guidelines.”

## **ARTICLE 28**

The Finance Commission recommended and the Town voted unanimously in favor of Indefinite Postponement of this Article:

To amend Section 8.6 [SENIOR RESIDENTIAL DEVELOPMENT] to insert a new Section 8.6.2.6 that reads as follows, or take any other action in relation thereto:

“8.6.3.6 The minimum lot area shall be five (5) acres.”

## **ARTICLE 29**

The Finance Commission recommended and the Town voted by a 2/3's vote declared by the Moderator to amend Section 6.3 [ENCLOSURE, SCREENING AND BUFFERS] 1) to insert the words “Screening Standards” after the number “6.3.9” so that the section title reads as “Screening Standards Special Permit”; 2) to insert a new Section 6.3.10 that reads as follows, or take any other action in relation thereto:

“6.3.10 Perimeter Fence Special Permit. The Board of Appeals may grant a special permit to install a freestanding fence a maximum of eight (8) feet in height, or a fence attached to a wall with a combined height of a maximum of eight (8) feet in height, measured from the lowest point of grade adjacent to the fence or wall attached to the fence, on a lot line only upon its written determination that the adverse effects of the project will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the project in relation to the site. In

addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- 6.3.10.1 degree to which existing landscaping, vegetation and other screening will be maintained;
- 6.3.10.2 proximity to abutting residences;
- 6.3.10.3 proximity to heavily traveled roadways; and
- 6.3.10.4 consistency with the interests of public safety, particularly sight distances for traffic visibility.”;

3) to amend Section 2 [DEFINITIONS] definition of “Structure” to delete the second sentence in its entirety and replace it as follows so that the definition of “Structure” reads as follows and redesignating others to maintain appropriate alphabetical order, or take any other action in relation thereto:

“Structure An assembly of materials forming a construction for occupancy or use including among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, communication towers, flag poles, water tanks, trestles, piers, wharfs, open sheds, coal bins, shelters, fences and display signs, tanks in excess of 500 gallons used for the storage of any fluid other than water and swimming pools. A freestanding fence or wall six (6) feet or less in height, or a fence attached to a wall (other than a retaining wall as defined in the Massachusetts Building Code as amended from time to time) with a combined height of six (6) feet or less, measured from the lowest point of grade adjacent to the fence or wall attached to the fence, will not be considered a structure.”

## **ARTICLE 30**

The Finance Commission recommended and the Town voted by a 2/3’s vote declared by the Moderator 1) to amend Section 2 [DEFINITIONS] by inserting the following definition and redesignating others to maintain appropriate alphabetical order or take any action in relation thereto:

“Commercial Vehicle Any motor vehicle bearing commercial plates, or on which is affixed any writing or logo to designate the business or professional affiliation of said vehicle, or any vehicle with ladders, tools, stock or supplies visibly stored on the exterior of the vehicle.” ;

2) to amend Section 4.3.3.1 [ACCESSORY USES IN RESIDENTIAL DISTRICTS] to delete the word “passenger” and to delete the parentheses and insert the words “with a gross vehicle weight of less than 26,000 pounds” at the end of the sentence so that Section 4.3.3.1 reads as follows, or take any other action in relation thereto:

“4.3.3.1 Private garage for not more than three (3) motor vehicles including not more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds.”;

3) to amend Section 4.3.3.2 [ACCESSORY USES IN RESIDENTIAL DISTRICTS] to insert “Private garage or the parking or storage area for” in place of the words “The garaging or

maintaining of”, to delete the word “passenger”, and to insert the words “with a gross vehicle weight of less than 26,000 pounds” after the word “vehicle” so that Section 4.3.3.2 reads as follows, or take any other action in relation thereto:

“4.3.3.2 Private garage and/or the parking or storage area of more than three (3) motor vehicles, or of more than one (1) commercial vehicle with a gross vehicle weight of less than 26,000 pounds, but only where in connection with a Principal Use on the same premises.”

## **ARTICLE 31**

The Finance Commission recommended and the Town voted by a 2/3’s vote declared by the Moderator to amend Section 7.1.1 [EARTH MATERIAL MOVEMENT] so that it reads as follows, or take any other action in relation thereto:

“7.1.1 Special Permit Required. No soil, loam, sand, gravel, topsoil, borrow, rock, sod peat, humus, clay, stone or other earth material shall be exported, imported and/or regraded on any premises within the Town unless such export, import and/or regrading will constitute an exempt operation as hereinafter provided or is done pursuant to a special permit therefor granted by the Board of Appeals. The Planning Board shall be the Special Permit Granting Authority for the export, import and/or regrading of earth material on any parcel of land in connection with 1) the construction of streets and the installation of municipal services as shown on a subdivision plan; or 2) a plan submitted pursuant to Section 7.2, Major Business Development (MBD), Section 7.3, Environmental Impact and Design Review, Section 8.5, Major Residential Development (MRD), Section 8.6, Senior Residential Development (SRD) or Section 9.5, Planned Development Area Overlay District (PDAOD).”

## **ARTICLE 32**

The Finance Commission recommended and the Town voted by a 2/3’s vote declared by the Moderator to amend Section 4.5.8 [RECONSTRUCTION AFTER CATASTROPHE OR VOLUNTARY DEMOLITION] so that it reads as follows, or take any other action in relation thereto:

“4.5.8 Single and Two-Family Reconstruction after Catastrophe or Voluntary Demolition. Any single and two-family nonconforming structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following provisions:

4.5.8.1 Reconstruction of said premises shall commence within one (1) year after such catastrophe or demolition.

4.5.8.2 The building as reconstructed shall:

4.5.8.2.1 be located on the same footprint as the original structure, and shall only be as great in volume or area as the original nonconforming structure; or;

4.5.8.2.2 comply with all current setback, yard and building coverage requirements and shall have a maximum building height of

twenty-five (25) feet regardless of whether the lot complies with current lot area and lot frontage requirements.

- 4.5.8.3 In the event that the proposed reconstruction does not meet the provisions of Sections 4.5.8.1 and 4.5.8.2, a special permit shall be required from the Board of Appeals for such demolition and reconstruction.”

### **ARTICLE 33**

The Finance Commission recommended and the Town voted by a 2/3’s vote declared by the Moderator to amend Section 9.4.7.5 [WIRELESS COMMUNICATIONS OVERLAY DISTRICT] to insert the words “on a Major Wireless Communications facility” after the first recitation of the word “antennae”, and replace the word “antennae” where it appears in this section with the word “antennas”, so that Section 9.4.7.5 reads as follows, or take any action in relation thereto:

- “9.4.7.5 All antennas on a Major wireless communications facility shall be single unit cross-polar antennas.”

### **ARTICLE 34**

The Finance Commission recommended and the Town will voted by a 2/3’s vote declared by the Moderator 1) to amend Section 4.3.3.7 [ACCESSORY USES IN RESIDENTIAL DISTRICTS] to insert the word “vehicle” after the word “passenger” so that it reads as follows, or take any other action in relation thereto:

- “4.3.3.7 Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one of the following: one (1) unoccupied recreational vehicle of less than thirty (30) feet length; one (1) inoperative passenger vehicle which has not been partially or wholly dismantled.”;

2) to amend Section 4.3.3.8 [ACCESSORY USES IN RESIDENTIAL DISTRICTS] to delete the words “one of the following:” so that it reads as follows, or take any other action in relation thereto:

- “4.3.3.8 Parking or storage area, for use by the occupant of the dwelling, for the purpose of parking or storing in the rear of the yard and not substantially visible from the street one (1) unoccupied recreational vehicle of thirty (30) feet length or more.”;

3) to amend Section 4.4.3.3 [ACCESSORY APARTMENTS] to delete the word “habitable” in the first sentence so that it reads as follows, or take any other action in relation thereto:

- “4.4.3.3 The accessory apartment shall contain not less than five hundred (500) square feet of floor area, and the floor area of the accessory apartment shall not exceed either thirty-three (33%) of the floor area of the combined dwelling or dwellings if the footprint of the principal dwelling is not changed or twenty-four percent (24%) in other cases. In no case shall the accessory apartment exceed nine hundred (900) square feet.”

4) To amend Section 2.60 [DEFINITION OF HEIGHT, BUILDING], Section 5.4.2 [HEIGHT DETERMINATION AND EXCEPTIONS] and Section 9.4 [WIRELESS COMMUNICATION OVERLAY DISTRICT] to replace the word “antennae” with the word “antennas”.

### **ARTICLE 35**

The Finance Commission recommended and the Town voted by a 2/3's vote declared by the Moderator to amend Article 10 of the 1997 Special Town Meeting to authorize the Board of Selectmen, to raise and appropriate and/or borrow, and/or transfer from available funds for the purpose of preparing for the acquisition of real property authorizing the Board of Selectmen to enter into purchase and sales agreement for such acquisitions, place a deposit, conduct appraisals, and to enter into all agreements and to execute any documents necessary thereto, or to take any other action relative thereto as may be necessary on behalf of the Town or to take any other action in relation thereto.

### **ARTICLE 36**

The Finance Commission recommended and the Town voted 137 YES to 69 NO in favor of Indefinite Postponement of this Article.

To see if the Town will vote to accept Sections 3 to 7 inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of open space, land for recreational use and community housing that is acquired or created as provided under such Act; that the amount of such surcharge on real property shall be 1.5% of the annual real estate tax levy against real property commencing in the fiscal year 2010; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: the first \$100,000 of taxable value of residential real estate be exempted; and property owned and occupied as a domicile by low-income residents and low to median income senior citizens be exempted.

### **ARTICLE 37**

The Finance Commission recommended and the Town voted by a Majority vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution, for enactment of a special law substantially in the following form:

**AN ACT EXEMPTING RICHARD CORCORAN AND KAZIMIERZ R. PIORKOWSKI, JR. FROM THE MAXIMUM AGE REQUIREMENT AS FIREFIGHTERS IN THE TOWN OF WESTWOOD.**

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 sections 58, 61A and 61B of Chapter 31 of the General Laws or any other general or special law to the contrary, Richard Corcoran of the Town of Mendon and Kazimierz R. Piorkowski, Jr. of the Town of Millis may have their names certified for original

appointment to the position of firefighters in the Town of Westwood, notwithstanding having reached the age of 32 before taking any civil service examination in connection with such appointment. In all other respects, Richard Corcoran and Kazimierz Piorkowski, Jr. shall be eligible for appointment to the position of firefighter in the Town of Westwood only insofar as they qualify and are selected for employment under Chapter 31 of the General Laws, any regulations of the Civil Service Commission and any lawful hiring practices of the Town of Westwood.

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

### **ARTICLE 38**

The Finance Commission recommended and the Town voted by a 2/3's vote declared by the Moderator to amend the General Bylaws of the Town Article 11, Use of Ways, by adding a new section 9 that shall read as follows:

Section 9. Trenches: The Director of the Department of Public Works is hereby designated, pursuant to Massachusetts General Laws, Chapter 82A, Section 2, as the Officer to issue permits for the excavation of trenches on privately owned land and for the excavation of a public way of the Town of Westwood, subject to the requirements of said Chapter 82A and the Regulations promulgated thereunder, or take any other action thereon.

### **ARTICLE 39**

The Finance Commission recommended and the Town voted in favor of Indefinite Postponement of this Article.

To permit the sale of the Town owned parcel, currently being used as a parking lot on Washington Street, Assessors Map 23, Lot 163, and a certain tax title parcel, Assessors Map 23, Lot 156, for a sum to be determined by a request for proposal for development.

### **ARTICLE 40**

The Finance Commission recommended and the Town voted in favor of Indefinite Postponement of this Article.

To amend the official Zoning Map of the Town of Westwood by adding four parcels to the existing Local Business B district located on Washington Street. The parcels to be added are Assessors Map Lots 156, 161 and 165, currently zoned as Single Residence A, and Assessors Map 23, Lot 163. The general location of the change in the Zoning Map is shown on the attached sheet.

All Business on the Warrant having been acted upon, a motion was made and seconded to adjourn at 11:27 P.M.

Attest:

Dorothy A. Powers, Town Clerk

