

Westwood Records

Annual Town Meeting May 1, 2006

Pursuant to a Warrant dated April 10, 2006, signed by Patrick Ahearn, Nancy Hyde and Anthony J. Antonellis, Selectmen of Westwood, the inhabitants of Westwood qualified to vote in elections and Town affairs met in the Thurston Middle School in said Westwood on Monday, May 1, 2006 at 7:30 in the evening, there and then to act on the following articles. The meeting was called to order at 7:33 PM by Moderator Stephen Gordet who declared the presence of a quorum, and read the Return on Warrant. All present then stood for the Pledge of Allegiance to the Flag.

The Selectmen moved that the reading of the Articles be omitted, and also moved the 10:45 adjournment notice which provided that if the business of this Town Meeting was not completed this evening, the meeting would adjourn to the same time and place on May 2 at 7:30 PM., subject to the Moderator's discretion. Both motions were unanimously approved.

Three Resolutions were then presented. Patrick Ahearn read the following Resolutions honoring J. Ralph McGonigle and Joseph Celano, and Nancy Hyde read the third honoring Henry Gale.

WHEREAS, **J. Ralph McGonigle** served as a member of the Westwood Finance Commission from 1977 through 1978, and served on the Sewer Commission for twenty-five years from 1978 to 2005, and

WHEREAS, he was involved in the construction of the entire sewer system for the town, as well as securing State, Federal and MWRA grants to fund this project, and implemented the Master Plan, which involved placing sewers in ninety-eight percent of the town, and

WHEREAS, by ensuring that the best quality went into the sewer project, the system has run very efficiently and effectively, and that through the establishment of an enterprise fund, the system operation is self funded, which has been a great financial benefit to the town, and

WHEREAS, during his terms of office, he gave generously of his time and was committed and compassionate to the issues and concerns of residents, and

WHEREAS, he was extremely dedicated and conscientious and his opinions were valued by the Sewer Commission, Town Staff and the elected and appointed members of other Town boards and commissions, and

BE IT THEREFORE RESOLVED, that the Town of Westwood, by vote of those present at the 2006 Annual Town Meeting, officially recognize and express its gratitude to J. Ralph McGonigle 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 J. Ralph McGonigle.

WHEREAS, **Joseph D. Celano**, served as a member of the Westwood Sewer Commission for twenty-three years from 1982 to 2005, and as Chairman since 1992, and

WHEREAS, he was involved in the construction of the entire sewer system for the town, as well as securing State, Federal and MWRA grants to fund this project, and implemented the Master Plan, which involved placing sewers in ninety-eight percent of the town, and

WHEREAS, by ensuring that the Sewer Department was well integrated into the newly created Department of Public Works, and that through the establishment of an enterprise fund, the system operation was self funded, which has been a great financial benefit to the town, and

WHEREAS, he was extremely forthright, principled, and conscientious and always ensured that the Commission acted and decided in the best interest of the Town, and

WHEREAS, during his terms of office, he gave generously of his time and was committed and compassionate to the issues and concerns of residents, and

BE IT THEREFORE RESOLVED, that the Town of Westwood, by vote of those present at the 2006 Annual Town Meeting, officially recognize and express its gratitude to Joseph D. Celano 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 Joseph D. Celano.

Nancy Hyde read the following resolution honoring Henry Gale.

WHEREAS, **Henry W. Gale** was one of the longest serving elected members of the Planning Board, having served on the Board for twenty-one years from 1985 through 2006 and served as Chairman numerous times during his long tenure, 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 his opinions were valued by the Planning Board, elected and appointed Town boards and commissions and Town staff, and

WHEREAS, he was skilled in the review and assessment of often controversial planning and land use issues before the Planning Board and demonstrated a willingness to make difficult decisions based on the needs of the Town, and

WHEREAS, during his long tenure he made immeasurable contributions to the accomplishment of community goals identified in the Comprehensive Plan, including senior residential development, major residential development and open space and natural resource preservation, and

WHEREAS, he was instrumental in the development of the Town's first wireless communications overlay zoning district, and

BE IT THEREFORE RESOLVED that the Town of Westwood, by vote of those present at the 2006 Annual Town Meeting, officially recognize and express its gratitude to Henry W. Gale 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 Henry W. Gale.

The 4th John Cronin Public Service Award was presented to M. Roy London for his many years of service to the Town.

ARTICLE 1

The Finance Commission recommended and the Town voted unanimously to appropriate by transfer from available funds the sum of One Hundred Seventy-Eight Thousand Seven Hundred Twenty-Seven Dollars (\$178,727) to supplement the following fiscal year 2006 appropriations:

Transfer			
From Account	Amount	To Account	Amount
Personnel Board Expense	\$9,000	Personnel Board Salary	\$9,000
Sewer MWRA Assessment	\$4,000	Sewer Salary	\$4,000
Reserve Fund	\$165,727	Animal Control Expense	\$4,500
		Fire Salary	\$15,180
		Snow and Ice	\$75,000
		Municipal Building Expense – Fire	\$51,047
		Municipal Building Expense – Town Hall	\$20,000
Total	\$178,727	Total	\$178,727

ARTICLE 2

The Finance Commission recommended and the Town voted unanimously to appropriate by transfer from available funds the sum of One Hundred Fifty-Nine Thousand Four Hundred Thirty-Three Dollars (\$159,433) to supplement the following fiscal year 2006 appropriations:

Transfer			
From Account	Amount	To Account	Amount
Ambulance Receipts	\$59,433	Ambulance Services	\$59,433
Free Cash	\$100,000	Snow and Ice	\$75,000
		Move Veterans Park	\$25,000
Total	\$159,433	Total	\$159,433

ARTICLE 3

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

Department	Amount	Funding Source
Stabilization Fund	\$25,000	Free Cash

ARTICLE 4

There being no unpaid bills of the prior fiscal year, there was no action taken on this article.

ARTICLE 5

This being the omnibus article, the Moderator read all line item numbers. No holds for information were heard, and the Town then voted unanimously in favor of the article as recommended by the Finance Commission to raise and appropriate and/or transfer from available funds and/or borrow for the operation of the municipal departments and public school system for the fiscal year July 1, 2006, through June 30, 2007, as set forth in Appendix D of the Finance Commission's Report to the 2006 Annual Town Meeting. (See appendices at end of report.)

ARTICLE 6

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds the sum of Four Hundred Seventeen Thousand Dollars (\$417,000) 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>
1500 GPM Engines (5 th of 6 payments)	Fire	\$117,535	\$56,035 free cash/\$61,500 taxation
(2) Heavy Duty Pick-up & Plow	DPW	\$94,000	Free Cash
Medical Van – Town Share	COA	\$10,000	Free Cash
End User Technology/Application Upgrades	IS	\$92,620	Free Cash
Replacement of Police Vehicles	Police	\$102,845	Free Cash

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.

ARTICLE 7

The Finance Commission recommended and the Town voted in favor to transfer from available funds the sum of Three Hundred Fifty-Five Thousand Dollars (\$355,000) 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>
Sedan	Sewer	\$30,000	Sewer User Fees
Line Rehabilitation and Manhole Sealing	Sewer	\$325,000	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.

ARTICLE 8

The Finance Commission recommended and the Town voted unanimously to raise and appropriate and/or transfer from available funds the sum of Four Hundred Six Thousand Dollars (\$406,000) for the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Technology	School	\$100,000	\$38,500 Free Cash/ \$61,500 Taxation
Furniture, Fixtures and Equipment	School	\$70,800	Free Cash
HVAC	School	\$15,000	Free Cash
Repair and Maintenance	School	\$31,000	Free Cash
Copiers	School	\$51,000	Free Cash
Thurston School Portables-Yr. 5 of 5 Yr. Lease	School	\$138,200	Free Cash

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.

ARTICLE 9

The Finance Commission recommended and the Town voted unanimously to transfer from available funds the sum of Four Hundred Fifty Thousand Dollars (\$450,000) for the following capital equipment and improvements:

<u>Equipment/Project</u>	<u>Requesting Department</u>	<u>Cost</u>	<u>Funding Source</u>
Sidewalk Plow	Municipal/School	\$110,000	Overlay Surplus
Middle School Roof	School	\$340,000	Overlay Surplus

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.

ARTICLE 10

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to raise and appropriate the sum of One Hundred Ninety-Five Thousand Dollars (\$195,000) necessary to purchase and install street lights related to the reconstruction of High Street; and to raise this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of One Hundred Ninety-Five Thousand Dollars (\$195,000) under and pursuant to Chapter 44, Section 7, Clause 14 of the General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the Town therefor; and further recommends that the Board of Selectmen is authorized to apply for and accept any State, Federal, or other grant or assistance that may be available for such projects.

ARTICLE 11

The Finance Commission recommended and the Town voted unanimously to appropriate the sum of One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000) to supplement the fiscal year 2001 appropriation to renovate, expand and equip the Westwood High School and to construct a new athletic field and make repairs to existing athletic fields, and for the payment of all other costs incidental and related thereto; and to raise this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000) under and pursuant to Chapter 44, Section 7(3) and Chapter 70B of the Massachusetts General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and further recommends that the Board of Selectmen and/or the School Committee is authorized to apply for and accept any State or Federal grant or assistance, or both, that may be available for such projects.

ARTICLE 12

The Finance Commission recommended and the Town voted unanimously 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.

ARTICLE 13

The Finance Commission recommended and the Town voted unanimously, pursuant to General Laws, Chapter 59, Section 5, Clause 41A, to set the interest rate for tax deferrals, authorized by that statute, at 03%, as provided in Chapter 136 of the Acts of 2005, for the fiscal year beginning on July 1, 2006.

ARTICLE 14

The Finance Commission made its recommendation on the floor, after which the Town voted unanimously in favor of this recommendation – for indefinite postponement.

(To see if the Town will vote to accept as a Town Way the street listed below as laid out by the Selectmen, or take any other action thereon.

Shoe String Lane)

ARTICLE 15

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator 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 AUTHORIZING THE TOWN OF WESTWOOD TO INSTALL A TRAFFIC CONTROL SIGNAL AT THE ENTRANCE TO HIGHLAND GLEN, AN AGE RESTRICTED HOUSING DEVELOPMENT, LOCATED AT 1100 HIGHLAND GLEN ROAD IN WESTWOOD.

Section 1.

Notwithstanding the provisions of any general or specific law to the contrary, the Town of Westwood is authorized, for the safety and well being of the residents of Highland Glen, an Age Restricted Housing Development, located at 1100 Highland Glen Road in Westwood, to install a traffic control signal at the entrance to said complex.

Section 2.

This act shall take effect upon its passage.

ARTICLE 16

The Finance Commission recommended and the Town voted 255 YES to 73 NO 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 AUTHORIZING THE TOWN OF WESTWOOD T O GRANT INNKEEPERS LICENSES FOR THE SALE OF ALL ALCOHOL BEVERAGES AND/OR WINES, LIQUORS, AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES PURSUANT TO SECTION 12 OF CHAPTER 138, MGL.

SECTION 1.

Notwithstanding the provisions of any general or specific law to the contrary the licensing authority in the Town of Westwood shall be authorized to issue licenses for the sale of alcohol beverages and/or wines, liquor, and malt beverages pursuant to Section 12 of Chapter 138, MGL.

SECTION 2.

This act shall take effect upon its passage.

ARTICLE 17

The Finance Commission recommended and the Town voted 229 YES to 90 NO to support the Board of Selectmen's recommendation to amend the Rules and Regulations adopted for the licensing of restaurants to serve all alcohol beverages and/or wine and/or malt liquor beverages in a manner that allows restaurants to include full service bars.

At this time (10:45 PM) it was moved and voted to adjourn to Tuesday night, May 2, at 7:30 PM (same location).

The first adjourned session of the 2006 Annual Town Meeting was called to order at 7:33 PM on May 2nd. The Moderator declared the presence of a quorum, and read the Selectmen's 10:45 adjournment notice. Action resumed with Article 18.

ARTICLE 18

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

(To see if the Town will vote to direct the Board of Selectmen to petition the General Court for enactment of special legislation substantially in the following form of the proposed act printed below, or take any other action relative thereto:

AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT TWO LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES AND WINE AND MALT BEVERAGES TO BE DRUNK OFF THE PREMISES.

SECTION 1. Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the Town of Westwood may grant two licenses under section 15 of chapter 138 for the sale of all alcoholic beverages and for the sale of wine and malt beverages not to be drunk on the premises. The licenses shall be subject to all of said chapter 138, except sections 11 and 17.

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

(Before voting on the next article (19), the Selectmen moved to take Article 25 out of order, to follow Article 20, as there was a commonality with 20 and 25. This was unanimously voted)

Article 19

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to authorize the Board of Selectmen to accept a gift of a restrictive covenant which will impose certain restrictions on certain uses and operations on portions of the property known and numbered as 213 Whitewood Road, which property is more particularly shown on the sketch plan attached hereto as Exhibit A, and described below as the "Burdened Land," the form of which restrictive covenant is to be approved by the Board of Selectmen, and which will be for the benefit of adjacent land owned by the Town, which property is shown on the plan attached hereto as Exhibit B and described below as the "Benefited Land".

Burdened Land: The Burdened Land consists of the following three parcels:

1. All of the land shown as 6.21 acres on "Plan of Land in Westwood, Mass., Whitewood Gardens" dated January 11, 1973 by Philip Bonanno, Registered Engineer, said plan being recorded with Norfolk County Registry of Deeds as Plan No. 62 of 1973 in Plan Book 235.
2. The land being a triangular parcel forming the southeasterly corner of Lot 18 on a plan entitled "Plan of Land in Westwood, Mass.," dated September 22, 1967, prepared by Pilling Engineering Co., Inc., filed as Plan No. 23 of 1968 in Book 4488, Page 130, and which triangular parcel is bounded and described as follows:

Beginning at a point in the Southeasterly corner of said Lot 18, thence running North 16 degrees, 40 minutes, 55 seconds West 55.0 feet to a point;

Thence turning and running South 30 degrees, 50 minutes, 34 seconds West 56.5 feet to a point;

Thence turning and running South 84 degrees, 40 minutes 9 seconds East 44.95 feet to the point and place of the beginning;

Containing approximately 1,146 square feet

3. Lot 76 on Land Court Plan 26294-Y, filed with the Norfolk County Registry District of the Land Court with Certificate of Title 104041, Sheet 2, Book 521.

Benefited Land: The Benefited Land is that parcel identified as "Area = 12 acres - 24 SF" as shown on a plan entitled "Plan of Land in Westwood, Mass.," dated February 7, 1966, prepared by Norwood Engineering Co., Inc., recorded with Norfolk County Registry of Deeds as Plan No. 1051--1966, Plan Book 221.

(See exhibits at end of Town Meeting report.)

ARTICLE 20

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to amend the Westwood Zoning Map as follows: add the parcel of land shown on Westwood Board of Assessors' Map 33 Lot 20 (213 Whitewood Road) and described below to Mixed Use Overlay District 1 (MUOD 1) and Mixed Use Overlay District 2 (MUOD 2). [See map at end of Town Meeting report.]

ARTICLE 25

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to amend the Westwood Zoning Map to rezone a portion of the parcel of land shown on Westwood Board of Assessor's Map 33, Lot 20 (213 Whitewood Road) from Single Residence C to Industrial. [See map at end of Town Meeting report.]

ARTICLE 21

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to amend the Westwood Zoning Bylaw Section 9.6.5 by deleting the words "Except as otherwise provided herein and" at the beginning of the first sentence and inserting the following words "unless otherwise provided herein" after the words "applicable to the underlying district" so that the sentence reads as follows: "Subject to the provisions of this Bylaw applicable to the underlying district, unless otherwise provided herein, land and buildings within a MUOD may be used for any purpose permitted as of right or by special permit in the underlying district."

ARTICLE 22

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to amend the Westwood Zoning Bylaw as follows: amend Section 9.6.9.1 by inserting the following Section 9.6.9.1.5: "In an Area Master Plan, the Planning Board may vary the requirements of Section 6.1.23 to allow for access or egress points to a parking area to be closer than one hundred fifty (150) feet to the centerline of an intersecting street and to allow for more than two (2) access and two (2) egress points to any one parking area."

ARTICLE 23

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to amend the Westwood Zoning Bylaw as follows: amend Section 9.6.10.5 by inserting the following at the end of the last sentence " ; provided that such two (2)-year period shall not include such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17."

ARTICLE 24

The Selectmen proposed an amendment to refer this article back to the Planning Board for further study. This amendment was approved on a voice vote, after which the Town voted in favor of the article as amended.....specifically to refer back to the Planning Board the article as printed.

(To see if the Town will vote to amend the Westwood Zoning Bylaw Section 9.6.5 by inserting a new Section 9.6.5.7 that read as follows:

“9.6.5.7 Restaurant with entertainment;” , or take any other action in relation thereto.)

ARTICLE 26

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Map as follows: to include the entirety or a portion of the parcels of land shown on Westwood Board of Assessor’s Map 33, Lots 11 and 12 in Mixed Use Overlay District 2 (MUOD 2). [See map at end of Town Meeting report.]

ARTICLE 27

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw as follows: change the numbering of existing Section 9.6.5.7 to Section 9.6.5.8 and amend it to read as follows: “Uses accessory to the uses cited above and to the uses permitted in the underlying zoning district.”.

ARTICLE 28

The Finance Commission recommended and the Town voted unanimously to 1) amend the Westwood Zoning Bylaw Section 9.6.7 by inserting into the first sentence the words “Section 5.5.4, Corner Clearance, Section 5.5.5 Uses within Setbacks,” after the words “Section 5.4, Height Regulations”; and 2) amend Section 9.6.7.3 to insert the words “lot area,” after the words “lot frontage”.

ARTICLE 29

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw Section 9.6.9 to 1) insert a new add Section 9.6.9.2 as provided below; and 2) renumber existing Section 9.6.9.2 as 9.6.9.3; renumber existing Section 9.6.9.3 as 9.6.9.4:

“9.6.9.2 **Water Resource Protection District.** The requirements of Section 9.3, Water Resource Protection Overlay District (WRPOD), shall apply within areas subject to both the WRPOD and the MUOD, except as follows:

- 9.6.9.2.1 For purposes of Section 9.3.4, the reference to uses for any purpose by special permit in the underlying district shall also refer to uses for any purpose by special permit in the MUOD.
- 9.6.9.2.2 Petroleum products in the fuel tanks of vehicles within parking structures within the MUOD shall not be considered storage of liquid petroleum products.
- 9.6.9.2.3 Within the MUOD, minimum lot area shall be consistent with Section 9.6.7.3.
- 9.6.9.2.4 For purposes of calculating the minimum amount of vegetation area and the amount of impervious materials coverage in Section 9.3.7.3, the references to “lot” shall be deemed to be to the area subject to an Area Master Plan Special Permit or application therefor. If an Area Master Plan includes areas within both the MUOD and WRPOD, and if impervious materials cover more

than fifteen percent (15%) of the portion of such area within the WRPOD, then all storm drainage other than roadway runoff, and as allowed by the Department of Environmental Protection (DEP), parking lot runoff, shall be recharged within the area subject to the Area Master Plan and roadway and such parking lot runoff shall comply with the stormwater management standards adopted by the Massachusetts Department of Environmental Protection.”.

ARTICLE 30

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to amend the Zoning Map by rezoning the following three parcels of land located on Allied Drive from the Highway Business District to the Industrial District:

1. 40 Allied Drive, shown on Assessors’ Map Number 17 as Lot 172;
2. 100 Allied Drive, shown on Assessors’ Map Number 17 as Lot 173;
and
3. 122 Allied Drive, shown on Assessors’ Map Number 17 as Lot 174.

ARTICLE 31

The Finance Commission proposed its planned amendment to this article which was unanimously approved. The town then voted unanimously on the article as amended. This amendment to the 2nd sentence of section 4.1.1. of the Zoning Bylaw is shown within the text in bold/italics.

“Will the Town vote to amend the Zoning By-law by deleting Section 4.1.1 in its entirety and substituting therefore the following Section 4.1.1:

4.1.1 **General.** No building or structure shall be constructed, and no building, structure or land shall be used in whole or in part, for any purpose other than for one or more of the uses herein set forth as permitted in the district in which said building, structure or land is located, or set forth as permissible by special permit in said district, and so authorized. In the case of lots lying partly within *the Industrial District of the Town of Westwood and partly within another abutting municipality, that portion of the lot lying outside of the Town of Westwood may be used to meet the zoning requirements of this Bylaw, and such lot may have effective access through such abutting municipality. However, in all other cases, no* building or structure shall be constructed or used on a lot lying only partly within the Town of Westwood unless the Westwood portion of the lot shall meet the zoning requirements herein set forth, and the lot shall have effective access to the Town of Westwood. There shall be no more than one non-agricultural principal use for each lot in a Residential District, except as may otherwise be provided herein.”

ARTICLE 32

The Finance Commission recommended and the Town voted 184 YES to 84 NO in favor of indefinite postponement of this Article.

(To see if the Town will vote to authorize the Selectmen to petition the legislature to enact legislation establishing a fund for Westwood Public School capital projects and maintenance.

AN ACT ESTABLISHING THE WESTWOOD EDUCATION CAPITAL PURCHASE BANK FUND

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. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Education bank", the Westwood Education Capital Purchase Bank, established by section two.

"Fund", shall refer to the Westwood Education Capital Purchase Bank Fund established under the provisions of section four.

"Institutional lender", any bank as defined in section one of chapter one hundred and sixty-seven of the General Laws, any insurance company as defined in section one of chapter one hundred and seventy-five of the General Laws, and any mortgage company or investment company that made more than twenty mortgage loans in the calendar year preceding the year of the relevant mortgage for the purposes of subsection (m) of section twelve, and any national bank, federal savings and loan, federal savings bank, bank holding company, or state or federally chartered credit union.

"Legal representative", with respect to any person, shall mean any other person acting pursuant to a written power-of-attorney executed by such person; provided, however, that any affidavit attesting to the true and compete purchase price of real property, submitted to the School Committee or assessors pursuant to section six, may also be signed on behalf of such person by an attorney admitted to practice in the commonwealth.

"Purchaser", the transferee, grantee or recipient of any real property interests.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred, all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; and the fair market value at the time of transfer of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds

any legal or equitable interest in real property, but shall not include any interest which is limited to any or all of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance, and any estate for years having a term of less than thirty years; the reversionary right, condition, or right of entry for condition broken; the interest of a mortgagee or other secured party in any mortgage or security agreement; and the interest of a stockholder in a corporation, or a partner in a partnership, unless any real property interest has been transferred to such corporation or partnership for the purpose of evading the fee imposed by section eight.

"Seller", the transferor, grantor or immediate former owner of any real property interests.

"Time of transfer", of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

SECTION 2. There is hereby established a Westwood Education Capital Purchase bank, to be administered by the Westwood School Committee and school superintendent, for the purpose of maintaining and improving permanent school buildings in Westwood. The education bank is hereby constituted a body politic and corporate and a public instrumentality and the exercise of the powers hereby conferred upon the education bank shall be deemed to be the performance of an essential governmental function.

This act shall not affect the eligibility of the town of Westwood to receive funds under the school financing rules of Chapter 90 of the General Laws, or under any similar state program.

SECTION 3. The School Committee shall also adopt a maintenance and management plan for managing each of the School Department facilities and properties. In preparing a management plan, the committee shall use, as guidelines, the capital plans, if any, of the school or town boards.

SECTION 4. The School Committee shall supplement its capital purchase budget by drawing upon a fund, to be set up as a revolving or sinking account within the treasury of the town of Westwood. Deposits into the fund shall include (a) funds appropriated, borrowed, or transferred to be deposited into the fund by vote of the Board of Selectmen, School Committee or of town meeting; (b) voluntary contributions of money and other liquid assets to the fund; and (c) revenues from fees imposed upon the transfer of real property interests as set forth in section six occurring after the effective date of this act as set forth in section thirteen, together with payments of interest and penalties under section nine. Grants or gifts of money or other assets to the education bank shall be expended only for the purpose of the grant or gift and subject to any restrictions or limitations imposed thereon by the grantor or donor thereof. All expenses lawfully incurred through the education bank in carrying out the provisions of this act shall be evidenced by proper vouchers and shall be paid by the town of Westwood only upon submission of warrants duly approved by the School Committee. The treasurer of said town shall prudently invest available assets of the fund in accordance with regulations and procedures adopted by the School Committee, and all income thereon shall accrue to the fund.

SECTION 5. The School Committee shall keep a full and accurate account of its actions including a record as to when, from or to whom, and on what account money has been paid or received relative to this act, and as to when, from and to whom and for what consideration real

property interests have been improved. Said records or accounts shall be subject to examination by the director of accounts or his agent pursuant to section forty-five of chapter thirty-five of the General Laws.

Said town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the education bank. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws. The balance of said account shall be reported to the School Committee and school superintendent on a regular basis.

SECTION 6. There is hereby imposed a fee equal to two percent of the purchase price upon the transfer of any real property interest in any real property situated in the town of Westwood. The fee percentage may be reduced by a two-thirds vote in favor of such reduction at the annual town meeting; provided, however, that no reduction in the fee percentage shall take effect until all projects underway by the education bank shall have been paid in full. Said fee shall be the liability of the purchaser of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. Such fee shall be paid to the School Committee or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Westwood assessor's office, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds county of Norfolk County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, relative to a real property interest in land situated in the town of Westwood to which has not been affixed such a certificate, executed by the committee or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The School Committee shall deposit all fees received hereunder with the treasurer of the town of Westwood as part of the fund established by section four. The fee imposed hereunder shall be due simultaneously with the time of transfer upon which it is imposed.

SECTION 7. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section eight, the purchaser or his legal representative may return said certificate to the School Committee or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties or perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the purchase or his legal representative.

SECTION 8. The following transfer of real property interests shall be exempt from the fee established by section six. Except as otherwise provided, the purchaser shall have the burden of proof that any transfer is exempt hereunder:

- (a) transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies, or subdivisions;
- (b) transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made;

(c) transfers made as gifts without consideration; in any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interests transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interests transferred and the amount of consideration claimed by the purchaser to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interests transferred, at the time of transfer;

(d) transfer to the trustees of a trust in exchange for a beneficial interest received by the seller in such trust; distributions by the trustees of a trust to the beneficiaries of such trust;

(e) transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death of bankruptcy of the owner of real property interest;

(f) transfers made in partition of land and improvements thereto, under the provisions of chapter two hundred and forty-one of the General Laws;

(g) transfers to any charitable organization as defined in clause third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interests so transferred shall be held by the charitable or religious organization solely for its public, charitable or religious purposes;

(h) transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage;

(i) transfers made to a corporation or partnership at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one of the Internal Revenue Code of 1954;

(j) transfers made to a stockholder of a corporation in liquidation of the corporation, and transfers made to a partner of a partnership in dissolution of the partnership;

(k) transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law;

(l) transfers of property consisting in part of real property interests situated within Westwood and in part of other property interests, to the extent that property transferred consists of property other than real property situated within Westwood provided that the purchaser shall furnish School Committee with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers; and

(m) the first one hundred thousand dollars of the purchase price of a transfer made to a natural person who, or whose spouse, at the time of such transfer has at no time owned or possessed any real property interest as defined in section one either within or without any member town, provided that such person makes the real property interest which is the subject of the transfer his or her actual domicile within two years of the time of transfer; provided, further, that in the event of a subsequent transfer within five years of the transfer exempted from the fee under this

subsection, other than the transfer or a mortgage to an institutional lender, the fee exempted shall become due, together with accumulated interest and penalties, and in addition to any fee otherwise due as a result of the subsequent transfer. The purchaser shall certify as to the foregoing, and the assessor's office shall attach to the deed a certificate which shall recite the fact that there is running with the land a lien equal to the amount of the fee exempted plus accumulated interest and penalties until such time as all conditions of this subsection have been met. The School Committee shall have the power, at any time and from time to time, to require any purchaser claiming the exempting provided by this subsection to furnish such evidence of compliance with the requirements of this subsection as the committee shall deem necessary or appropriate. If any requirement or condition of this subsection is not met within the time specified, the amount of the fee exempted plus accumulated interest and penalties shall automatically become due and payable.

SECTION 9. A purchaser who fails to pay all or any portion of the fee established by section six on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest. The purchaser shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties. Any person who, without fraud or willful intent to defeat or evade a fee imposed by this act, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the School Committee for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the School Committee determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the School Committee shall be paid by the purchaser in addition to said fee.

SECTION 10. All fees, penalties and interest required to be paid pursuant to this act shall constitute a personal debt of the purchaser and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the School Committee; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(b) If any purchaser liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the School Committee upon all property and rights to property, whether real or personal, belonging to such purchaser. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledge, purchaser or judgment creditor unless notice thereof has been filed by the committee (i) with respect to real property or fixtures, in the town of Westwood as recorded by the registry of deeds for the county of Norfolk County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitation as set forth in section fifty of chapter sixty-two of the General Laws.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the committee, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the School Committee under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The School Committee may issue a waiver or release of any lien imposed by this section with the approval of the Board of Selectmen. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 11. This act, being necessary for the welfare of the Westwood Public School system and the inhabitants of the town of Westwood, shall be liberally construed to effect the purpose hereof.

SECTION 12. The School Committee shall submit no amendment of this act to the general court unless and until such amendment has been approved by two-thirds of the voters at a town meeting.

SECTION 13. Acceptance of this act shall be by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.)

ARTICLE 33

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to 1) amend the Westwood Zoning Bylaw, Section 7.1 EARTH MATERIAL MOVEMENT, 7.1.1 Special Permit Required by inserting into the last sentence the number “1)” between the words “with” and “the” and by inserting “; or 2) a plan submitted pursuant to Section 8.5, Major Residential Development (MRD) or Section 8.6, Senior Residential Development (SRD).” after the word “plan” so that the sentence reads as follows: “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 8.5, Major Residential Development (MRD) or Section 8.6, Senior Residential Development (SRD).”; 2) amend Section 4.2 NOTES FOR PRINCIPAL USES by inserting into Notation #9 the number “1)” between the words “with” and “the” and by inserting “; or 2) a plan submitted pursuant to Section 8.5, Major Residential Development (MRD) or Section 8.6, Senior Residential Development (SRD)” after the word “plan” so that Notation #9 reads as follows: “⁹The Planning Board shall be the Special Permit Granting Authority for an Earth Material Movement special permit application 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 8.5, Major Residential Development (MRD) or Section 8.6, Senior Residential Development (SRD).”.

ARTICLE 34

The Finance Commission recommended and the Town voted unanimously to amend the Westwood Zoning Bylaw Section 3.3 LOCATION OF DISTRICTS to delete the year “2005” and substitute the year “2006”.

ARTICLE 35

This article failed to get the two-thirds vote required by a vote of 101 YES to 64 NO.

(To see if the Town will vote to 1) amend the Westwood Zoning Bylaw Section 8.6 SENIOR RESIDENTIAL DEVELOPMENT, Section 8.6.1 Special Permit Required by inserting a new sentence after the word “Section” that reads as follows: “A SRD shall not be deemed a Major Residential Development or a Residential Retirement Community, nor shall a SRD require a special permit pursuant to Section 8.5, Major Residential Development or a special permit pursuant to Section 8.7, Residential Retirement Community.”; 2) amend Section 8.7 RESIDENTIAL RETIREMENT COMMUNITY, Section 8.7.1 Special Permit Required by inserting a new sentence after the word “Section” that reads as follows: “A RRC shall not be deemed a Major Residential Development or a Senior Residential Development, nor shall a RRC require a special permit pursuant to Section 8.5, Major Residential Development or a special permit pursuant to Section 8.6, Senior Residential Development.”; 3) amend Section 8.5, MAJOR RESIDENTIAL DEVELOPMENT Section 8.5.3 Special Permit Required by inserting a new sentence after the word “Section” that reads as follows: “A MRD shall not be deemed a Senior Residential Development or a Residential Retirement Community, nor shall a MRD require a special permit pursuant to Section 8.6, Senior Residential Development or a special permit pursuant to Section 8.7, Residential Retirement Community.”, or take any other action in relation thereto.)

At 11:15 PM it was moved and voted to adjourn to Monday, May 8th at 7:30 PM.

The third session of the Annual Town Meeting met at the High School Auditorium. The meeting was called to order at 7:55 PM by the Moderator. The Selectmen’s 10:45 PM motion was read and voted.

ARTICLE 36

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

(To see if the town will vote to amend the Zoning Bylaw by adding a new section 8.6.9 as follows:

“8.6.9 Compliance with the Major Residential Development Bylaw. An application for a special permit for a SRD shall also be subject to the MRD provisions of this Bylaw, Section 8.5 if it proposes the development of four (4) or more residential units. To the extent that any provisions of Section 8.5 are inconsistent with the provisions of Section 8.6, the Planning Board shall determine which provisions to apply in such manner as may be necessary or appropriate, with due regard to preserving the purpose of the MRD By-law as set forth in section 8.5.1. The Planning Board shall hold hearings and issue or deny a special permit for an SRD pursuant to the provisions of the Zoning Bylaw, Sections 8.5 and 8.6, as well as other relevant sections of the Bylaw.”

or to do or take any action related thereto.)

ARTICLE 37

The Finance Commission recommended and the Town voted 198 YES to 77 NO in favor of Indefinite Postponement.

(To see if the town will vote to amend the Zoning Bylaw by revising section 8.6.4.1 thereof by adding the following before the last sentence of the section:

“Provided further that allowable density pursuant to this section shall not exceed 1.5 times the density permitted by conventional development at the site unless the Planning Board make specific findings, supported by substantial evidence, that development of an SRD project at the site at a density greater than 1.5 times that which would be allowed by conventional development at the site will not have any deleterious impacts on the neighborhood, or on the natural environment, or have any negative impact on public safety. In order to provide a basis for evaluation of the proposed density, the Applicant shall submit a conventional plan as that term is defined in section 8.5.8.1 of this By-law, showing the maximum number of dwelling units that could be created through conventional development as set forth in section 8.5.11 of the By-law.

This section may, at the discretion of the Planning Board, take precedence over some or all of the provisions of Sections 8.5.11 through 8.5.14 of this By-law to the extent that these provisions might otherwise apply to a proposed SRD. In determining the area of the lot or lots that is reasonably suited for residential development, the Planning Board shall consider any limitations imposed by as soil conditions, slope, topography, wetlands, access, utility access, or other conditions that may pertain. Any lot or portion of a lot that could not be developed for residential dwellings under the existing zoning scheme shall not be considered suitable for residential development as a SRD. In order to provide a basis for evaluation of the proposed density, the Applicant shall submit a conventional plan as that term is defined in section 8.5.8.1.”

“Thereby revising section 8.6.4.1 to read as follows:

8.6.4 Specific Restrictions. A SRD shall also be subject to the following specific restrictions:

8.8.4.1 The dwelling unit density shall not exceed sixteen (16) dwelling units per acre. To determine whether the dwelling unit density rate does not exceed this maximum, all land in the development lot or parcel not reasonably suited for residential development shall be excluded, and (subject to such exclusion), all land therein utilized for access and egress, parking, buffer areas or dedicated to public ownership as open space shall be included. **Provided further that allowable density pursuant to this section shall not exceed 1.5 times the density permitted by conventional development at the site unless the Planning Board make specific findings, supported by substantial evidence, that development of an SRD project at the site at a density greater than 1.5 times that which would be allowed by conventional development at the site will not have any deleterious impacts on the neighborhood, or on the natural environment, or have any negative impact on public safety. In order to provide a basis for evaluation of the proposed density, the Applicant shall submit a conventional plan as that term is defined in section 8.5.8.1 of this By-law, showing the maximum number of dwelling units that could be created through conventional development as set forth in section 8.5.11 of the By-law.**

This section may, at the discretion of the Planning Board, take precedence over some or all of the provisions of Sections 8.5.11 through 8.5.14 of this By-law to the extent that these provisions might otherwise apply to a proposed SRD. In determining the area of the lot or lots that is reasonably suited for residential development, the Planning Board shall consider any limitations imposed by as soil conditions, slope, topography, wetlands, access, utility access, or other conditions that may pertain. Any lot or portion of a lot that could not be developed for residential dwellings under the existing zoning scheme shall not be considered suitable for residential development as a SRD. In order to provide a basis for evaluation of

the proposed density, the Applicant shall submit a conventional plan as that term is defined in section 8.5.8.1. The determination of compliance with this provision shall be made by the Planning Board, which shall take into consideration any graphic or analytic materials provided by the applicant.

Or to do or take any action related thereto.)

ARTICLE 38

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

(To see if the town will vote to amend the Zoning Bylaw by revising section 8.5.2 thereof by inserting therein the following words:

“development or construction of four (4) or more dwelling units on, or”

and by adding a comma after the words “purposes of”

thereby revising section 8.5.2 to read as follows:

8.5.2 Definition. Major Residential Development shall mean *the development or construction of four (4) or more dwelling units on, or* the division or subdivision for residential purposes of, any parcel of land or set of contiguous parcels of land which were in common ownership as of July 1, 1998, which would cumulatively result in one or more of the following, unless each lot has lot area, lot frontage and lot width at least fifty (50) percent greater than that required by Section 5.2, Table of Dimensional Requirements:

or to do or take any action related thereto.)

ARTICLE 39

The Finance Commission recommended and the Town voted unanimously to amend the General Bylaws, Article 16, Fire Alarm System Bylaw, by adding the following:

- (i) *all newly permitted (commercial and/or multi-unit residential) buildings ~~after July 1, 2006,~~ will be required to install a radio repeater system to bolster and re-transmit signals from portable radios during emergencies. Said radio repeat system will be in accordance with the requirements and specifications of the Fire Chief.*

Deleted by Attorney General 9-6-06.

ARTICLE 40

The Finance Commission recommended and the Town voted unanimously to amend the General Bylaws, Article 16, Fire Alarm System Bylaw, by adding the following:

- (h) *all newly permitted (commercial and/or multi-unit residential) buildings ~~after July 1, 2006,~~ will be required to install a radio master fire alarm box in place of the hard wire boxes now utilized.*

Deleted by Attorney General 9-6-06.

ARTICLE 41

The Finance Commission recommended and the Town voted unanimously, in accordance with section 4A of Chapter 40 of the Massachusetts General Laws, to authorize the Board of Selectmen on behalf of the Board of Health to enter into an intermunicipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Intermunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units.

ARTICLE 42

The Finance Commission recommended and the Town voted by a two-thirds vote declared by the Moderator to authorize the Selectmen to grant an easement to the owner and/or occupant of 129 Dover Road to pass and repass over Town property to access said property.

ARTICLE 43

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

(To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Thousand Dollars (\$100,000.00) for the lease/purchase of a new sidewalk plow.)

At this time, all articles on the Warrant having been acted upon, a motion to adjourn was made, seconded and voted, and the meeting adjourned at 9:30 PM.

Attest:

Town Clerk