

ANNUAL WARRANT
of the
TOWN OF SOUTHBOROUGH
MASSACHUSETTS



**For the Annual Town Meeting
on**

March 28, 2020

1:00 – 5:00 p.m.

7:00 – 11:00 p.m.

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Town Finance Terminology

The following terms are frequently used in the Advisory Committee Report and at Town Meeting. For your convenience, we provide the following definitions.

Surplus Revenue: (Often referred to as “Excess and Deficiency”)

The fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves.

Available Funds: (Often referred to as “Free Cash”)

The amount of the Unreserved Fund Balance (Surplus Revenue) account over and above uncollected taxes of prior years constitutes “free cash” or “available funds”.

Overlay:

The Overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and exemptions as granted.

Overlay Reserve:

This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay account for a given year, and may be used by vote of the town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

Stabilization Fund:

An outside section of Chapter 138 of the Acts of 1991 (the FY92 State budget) modifies limitations on the Stabilization Fund appropriation process by enabling communities to appropriate from this fund for any non-capital, lawful purpose without Emergency Finance Board approval (section 333). Beginning in FY92, the Stabilization Fund will thus become a source of revenue for general operating expenses for communities.

The Stabilization Fund is a mechanism for setting aside money for capital projects. It equalizes the effect of capital expenditures over time, as capital appropriations can change considerably from year to year. The balance in the fund will build up during years when expenditures for capital items are low. During years with high capital expenditures, the community will transfer money from the fund to reduce the project’s impact on the tax rate or the amount of borrowing required for the project.

A community may appropriate up to 10% of its tax levy each year, as long as the balance in the Stabilization Fund does not exceed 10% of the community’s equalized valuation. Interest earned on any fund balance is retained as part of the fund.

Appropriations into a Stabilization Fund can be made at either an annual or special town or district meeting. Chapter 94 of the Acts of 1985 permits appropriations to be made from a Stabilization fund at a special town or district meeting, not just at the annual meeting. Regardless of the timing, appropriations from the Stabilization Fund require a two-thirds vote by the appropriating authority. Until the FY92 state budget, a community could only appropriate from the Stabilization Fund for a none-capital purpose with the approval of the Emergency Finance Board.

Reserve Fund:

This fund is established by the voters at the Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both. Transfers from the Reserve fund may be made only by the Advisory Committee and are for “extraordinary or unforeseen expenditures” only.

Conservation Fund:

For land purchases and any other conservation use.

Introduction to the Rules of Town Meeting

Southborough's Town Meeting is an open town meeting in which all registered voters may participate. Town Meeting is a deliberative assembly, conducted via a defined process, charged with considering a maximum number of questions of varying complexity in a minimum amount of time and with full regard to the rights of the majority, strong minority, individuals, absentees and all of these together. In other words, we gather for the purpose of conducting the Town's business thoughtfully and efficiently.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of one hundred (100) registered voters or more, the Clerk and the Moderator. Of these three, the quorum is the most important.

The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall and keeping the record of the proceedings. He may also officiate Town Meeting in the absence of a Moderator.

The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is the Moderator's responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. The primary and most important purpose of the Warrant is to notify voters in advance the nature of the business to be taken up at Town Meeting. By state law, Town by-law or custom, several business articles (such as budget appropriations) must be presented in the Town Warrant each year for consideration. Other items are added by warrant articles proposed by Town officials, committees, boards, or groups of ten or more registered voters. The Advisory Committee reviews the Warrant, making recommendations on all the items of business to be presented. In accordance with the Town by-laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes to change the order for reasons that reasonable people would entertain.

PARTICIPATION

Any voter wishing to participate in Town Meeting must go to one of the floor microphones and wait to be recognized by the Moderator. Upon recognition by the Moderator, first state your name and address, and then state your business.

Anyone whose name is not on the list of registered voters requires the approval of either the Moderator or a majority of the Meeting to sit in the voting area.

All remarks shall be limited to the subject then under discussion. It is improper to indulge in references to personalities, and all expressions of approval or disapproval, such as applause or booing, are out of order. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from Town Meeting.

Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest. However, no Town Meeting voter should accept compensation for participating without disclosing that fact.

There is no fixed time limit to the debate of any question. However, out of consideration for the others in attendance and the need to give adequate time to all matters coming before Town Meeting, each individual who speaks should make an effort to be as brief as possible and avoid repeating facts, views or opinions already expressed by others.

Introduction to the Rules of Town Meeting (continued)

Anyone wishing to make a presentation with respect to any article must, prior to Town Meeting, obtain the Moderator's approval.

In order to give all a fair opportunity to speak, no one who has addressed any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

HOW ARE MOTIONS CLASSIFIED?

Main Motions

Motions of this group are for the bringing of questions, or propositions, before Town Meeting for consideration. Only one main motion can be considered at a given time, and once introduced such a motion excludes all other main motions until it has been disposed.

Subsidiary Motions

Motions of this group have are for the modification or disposition of the main motion that is being considered. Their existence as motions depends entirely upon the principal motion to which they are subordinate. Since they relate to the question then under consideration, it is in order to propose them when a main motion is pending and to vote upon them before voting upon the main motion.

Privileged Motions

Motions of this group have no connection whatsoever with any main motion, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business then before Town Meeting.

Incidental Motions

Motions of this group have few characteristics in common, but for convenience have been grouped into one class. The name "incidental" applies because they arise only incidentally out of the business of Town Meeting.

RULES RELATIVE TO MOTIONS

A motion is the means of bringing a proposal or question for consideration by Town Meeting. When first put forward it is a motion; after it is seconded and acknowledged by the Moderator, it becomes the question or proposal. Except for complimentary resolutions (the presentation of which must be approved in advance by the Moderator), no main motion shall be entertained unless its substance is contained within the scope of a Warrant article. Upon completion of debate, articles will be voted upon.

The Moderator shall determine whether a motion, or any discussion relative to a motion, is within the scope of the Warrant article under consideration. That is, the motion and the debate must be relevant to the article as written in the Warrant, since the purpose of the Warrant is to apprise voters of the actions to be taken at Town Meeting.

Articles only give notice to the voters and do not initiate action; motions do. Motions may be withdrawn; articles may not be withdrawn – articles must be acted upon by Town Meeting.

There are four types of amendments: striking out, inserting, striking out and inserting, and substitution. Motions to amend may be hostile as long as they are germane. An amendment to a motion is an amendment of the first rank; an amendment to an amendment is of the second rank; there can be no amendment beyond that of the second rank.

Some motions do not lead to a final determination by Town Meeting. A motion to commit or to refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to table which only temporarily delays a vote. As previously stated, articles may not be withdrawn; so when the Meeting does not wish to act on a particular article, the proper motion is to postpone consideration indefinitely.

Introduction to the Rules of Town Meeting (continued)

Motions to reconsider shall be entertained when new information is available that is materially different than was presented (or could have been presented) at the time of the original vote on the article. Articles may be reconsidered only once. If a motion to reconsider is passed by the necessary 2/3 vote, it brings the original article back to the floor (which requires a new motion and additional debate); if the motion to reconsider is defeated, then the original article stands as previously voted and may not be reconsidered again. Actions to reconsider can be taken at the same session or any subsequent session of Town Meeting. A notice of reconsideration may be filed in advance with the Town Clerk stating that, at a specific point during the current Town Meeting, a voter will move for reconsideration on a particular article, and the Moderator will inform the hall of said action. Note that such a motion so noticed in advance must still be in order (i.e., must comply with all conditions required of any reconsideration motion).

All motions other than purely procedural motions must be in writing and signed by the sponsor.

CHART OF PRECEDENCE OF MOTIONS AND SUMMARY OF GOVERNING RULES

	May interrupt <u>a speaker</u>	Req. a <u>sec.</u>	<u>Debatable</u>	<u>Vote Required</u>	<u>Motions that may apply</u>
<u>PRIVILEGED MOTIONS</u>					
1. To dissolve	no	yes	no	majority	none
2. To adjourn	no	yes	limited	majority	amend
3. Point of no quorum	no	no	no	none	none
4. Recess	no	yes	limited	majority	amend
5. Question of privilege	yes	no	no	chair rules	none
<u>SUBSIDIARY MOTIONS</u>					
6. To lay on the table	no	yes	no	2/3	none
7. Previous question	no	yes	no	2/3	none
8. Limit or extend debate	no	yes	no	2/3	amend, reconsider
9. To postpone to time certain	no	yes	limited	majority	amend, reconsider
10. To commit or refer	no	yes	limited	majority	amend, reconsider
11. To amend	no	yes	yes	majority	amend, reconsider
12. To postpone indefinitely	no	yes	yes	majority	reconsider
<u>MAIN MOTIONS</u>					
Main Motions	no	yes	yes	majority*	all
To reconsider or rescind	no	yes	yes	2/3	table previous question postpone definitely
To take from the table	no	yes	no	majority	none
To advance an article	no	yes	yes	majority	amend, reconsider
<u>INCIDENTAL MOTIONS</u>					
Point of order	yes	no	no	chair rules	none
Division of a question	no	yes	no	majority	none
Separate consideration	no	yes	no	majority	none
To withdraw a motion	no	no	no	majority	reconsider
To suspend rules	no	yes	no	2/3	none
Orders of the day	yes	no	no	none	none

*The vote required to pass an affirmative main motion is a matter of substantive law, but is usually a majority.

Introduction to the Rules of Town Meeting (continued)

FORM USED IN MAKING MOTIONS

- | | |
|---------------------------------------|--|
| 1. Main Motion | Mr. Moderator, I move that...(statement of the proposal) |
| 2. Adjourn | Mr. Moderator, I move to adjourn to...(state time) |
| 3. Amend | Mr. Moderator, I move to amend by adding...
Mr. Moderator, I move to amend by inserting...before...
Mr. Moderator, I move to amend by stroking out...
Mr. Moderator, I move to amend by striking out...and inserting...
Mr. Moderator, I move to substitute...for... |
| 4. Amend an Amendment | Mr. Moderator, I move to amend the pending amendment by (see above) |
| 5. Amend Something Previously Adopted | Mr. Moderator, I move to amend the resolution under Article...by... |
| 6. Commit or Refer | Mr. Moderator, I move that the proposal be referred to a committee of... |
| 8. Division of a Question | Mr. Moderator, I move to divide the question. |
| 9. Lay on the Table | Mr. Moderator, I move that the proposal be laid on the table. |
| 10. Point of Order | Mr. Moderator, I rise to a point of order. |
| 11. Postpone to a time certain | Mr. Moderator, I move to postpone the question to... |
| 12. Postpone Indefinitely | Mr. Moderator, I move that the question be postponed indefinitely. |
| 13. Previous Question | Mr. Moderator, I move the previous question. |
| 14. Question of Privilege | Mr. Moderator, I rise to a question of privilege. |
| 15. Recess | Mr. Moderator, I move to recess for... |
| 16. Reconsider | Mr. Moderator, I move to reconsider the vote under Article...
Mr. Moderator, I move to reconsider the vote on the amendment to... |
| 17. Separate Consideration | Mr. Moderator, I move for separate consideration. |
| 18. Suspend the Rules | Mr. Moderator, I move to suspend the rules which interfere with... |
| 19. Take from the Table | Mr. Moderator, I move to take from the table the motion relating to... |

INTERRUPTING A SPEAKER

No one may interrupt a speaker except for a point of order or a question of privilege.

POINT OF ORDER

A point of order is a question of the Moderator about whether the speaker is entitled to be speaking, or whether the current subject under discussion (or what the speaker is saying) is irrelevant, illegal or contrary to proper procedure. No other "point of order" is proper.

PREVIOUS QUESTION

To call or move the question is a request to stop discussion and to take an immediate vote. This requires a 2/3 vote.

VOTING

Voting is by hand vote and the Moderator declares the result of such votes. If seven or more voters immediately question the declared result, the Moderator shall determine the result by a standing count of votes by the Tellers. After the vote counted by the Tellers is presented to the Moderator and announced to the floor, any further motions for recount are out of order.

ADJOURNMENT AND DISSOLUTION

Sessions of Town Meeting normally adjourn at eleven o'clock in the evening but may adjourn at such earlier or later time as vote of the majority may determine. Town Meeting shall not dissolve until all articles in the warrant have been properly considered.

TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING

Worcester, ss.

February 25, 2020

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Southborough qualified to vote in town affairs, to meet in the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough, on

Saturday, March 28, 2020

at *1:00 p.m.*, then and there to take action on the following Articles:

ARTICLE 1: To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *To hear reports of Town Boards, Committees or Commissions.*

ARTICLE 2: To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

ARTICLE 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

ARTICLE 4: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Board Recommendation: Support

Summary: *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

ARTICLE 5: To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW
ENTITLED "THE SALARY ADMINISTRATION PLAN"
[revised at March 28, 2020 Annual Town Meeting]

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

SECTION 1. DEFINITIONS

As used in this bylaw, the following words and phrases shall have the following meanings:

"Administrative Authority" means the elected or appointed official or board having jurisdiction over a function or activity.

"Anniversary Date" means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

"Base Pay" means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

"Class" means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

"Classification Schedule" means any of Schedules A, B, C, D, E, F and G of Section 20 hereof.

"Compensation Grade" means a range of salary/wage rates as may appear in the Classification Schedules.

"Continuous Full-Time Service" means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Continuous Employment” means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Department” means a functional unit of Town government.

“Department Head” means the person appointed and responsible to carry out the duties of a Department.

“Full-Time Employment” means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

“Group” means a group of classes as may appear in the Classification Schedules.

“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a Range, and is normally the hiring rate of a new employee.

“On-Call Compensation” refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

“Part-Time Employment” means employment less than 20 hours per week.

“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

“Probationary Employee” means a first-time Town employee within his/her first six months of employment.

“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means the Personnel Bylaw *Entitled* “The Salary Administration Plan.”

“Single Rate” means a rate for a specific position class that is not in a designated range.

SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. The annual salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed \$200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a salary increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee in the case of departments within the jurisdiction of the Board of Selectmen, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Board of Selectmen.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase in the case of all employees in Full-Time Graded Positions under Schedule A. Evaluations of employees in Part-Time Hourly Graded Positions under Schedule C and Seasonal Personnel under

Schedule F may require performance evaluations under Personnel Policy enacted hereunder. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for salary increases within their grade one year from the date of their last increase, absent exceptional circumstances as may be authorized by the Personnel Board.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

d. Probationary Employees:

1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.

2. During the probationary period, paid leave accruals shall be based on the original hire date.

SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.

c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan.

d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any employee.

SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of “indirect pay” to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
	Day before <u>or</u> after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

- (1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

- (2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year

will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days’ leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Town Administrator or his/her delegatee may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee’s duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee’s normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....	\$ 800.00
Bachelors Degree...	\$1,200.00
Masters Degree.....	\$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

SECTION 12. UNPAID LEAVES OF ABSENCE

a. A leave of absence without compensation may be granted by the Personnel Board.

b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.

b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation. For purposes of this section, Election Workers and Wardens shall not be considered "employees of the Town."

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.

c. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except when there is no business before the Board. A majority of the Board shall

constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

f. Not later than six (6) months prior to Annual Town Meeting, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.

g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the

next available Special or Annual Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

POSITION TITLE	PAY GRADE
DEPARTMENT HEADS & MANAGEMENT STAFF	
Superintendent of Public Works*	9
Finance Director/Treasurer-Collector*	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
Principal Assessor*	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
SUPERVISORS & TECHNICAL STAFF	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
Police Business Administrator	
Program Manager, COA	
Business Administrator II	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Deputy Assessor	
Business Administrator I	4
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	

ADMINISTRATIVE & SUPPORT STAFF	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

*when not under contract

Rates for Full-Time Positions

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	\$38,504	\$18.51	\$44,307	\$21.30	\$50,111	\$24.09
2	\$41,392	\$19.90	\$47,601	\$22.89	\$53,810	\$25.87
3	\$44,496	\$21.39	\$51,171	\$24.60	\$57,846	\$27.81
4	\$49,505	\$23.80	\$58,169	\$27.97	\$66,833	\$32.13
5	\$53,219	\$25.59	\$62,531	\$30.06	\$71,844	\$34.54
6	\$57,210	\$27.50	\$67,221	\$32.32	\$77,233	\$37.13
7	\$68,757	\$33.06	\$82,509	\$39.67	\$96,260	\$46.28
8	\$80,790	\$38.84	\$96,948	\$46.61	\$113,106	\$54.38
9	\$94,927	\$45.64	\$113,913	\$54.77	\$132,899	\$63.89

SCHEDULE B: [RESERVED FOR FUTURE USE]

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Election Worker	1
Library Page	1
Election Warden	2
Seasonal Laborer	2
Custodian	2
Library Technician.....	2
Library Associate	3
Administrative Assistant.....	3
Police Dispatcher	3
Technical Specialist	4
Business Assistant	4
Economic Development Coordinator	4
Electrician.....	5
Nurse.....	5
Public Health Director	5

Rates for Part-Time Positions

Grade	Minimum		Maximum	
	Hourly	Annual*	Hourly	Annual*
1	\$11.23	\$23,360	\$14.29	\$29,732
2	\$12.25	\$25,484	\$17.36	\$36,103
3	\$18.38	\$38,226	\$25.53	\$53,092
4	\$22.46	\$46,721	\$31.65	\$65,834
5	\$28.59	\$59,463	\$42.88	\$89,195

**This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

Municipalities are subject to the federal minimum wage law, not the state law.

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

<u>Grade</u>	<u>Proposed Pay Structure</u>	<u>Drills</u>	<u>Boxes</u>	<u>Signal 55</u>
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:

\$50.00 per hour

\$56.00 per hour/ for week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent	\$8,000
Clerk, Board of Registrars	\$1,638.33
Emergency Management Coordinator	\$2,000
Energy Management Stipend	\$6,000
Registrar of Voters.....	\$205.66
Town Council (not including fees)	\$1,704.33
Tree Warden	\$4,000
Veterans' Agent and Director of Veterans' Services	\$15,000

SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Assistant Instructor 3
 Camp Counselor 1 1
 Camp Counselor 2 2
 Lifeguard 5
 Coordinator 6
 Instructor I 6
 Monitors 6
 Program Driver 6
 Assistant Supervisor 9
 Supervisor 11
 Instructor II 12
 Master Instructor 13
 Seasonal Nurse 13

Hourly Rates for Recreation Seasonal Personnel

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	\$10.00
2	\$8.34	\$10.35	\$12.35
3	\$8.84	\$10.91	\$12.98
4	\$9.26	\$11.52	\$13.78
5	\$9.71	\$12.10	\$14.49
6	\$10.25	\$12.74	\$15.22
7	\$10.73	\$13.34	\$15.95
8	\$11.26	\$14.02	\$16.77
9	\$11.82	\$14.72	\$17.62
10	\$12.54	\$15.60	\$18.66
11	\$13.87	\$19.44	\$25.00
12	\$21.00	\$27.50	\$34.00
13	\$29.00	\$35.00	\$41.00

**Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Police Lieutenant:

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

**Increases in salary for long term employees will be considered case by case by Personnel Board.*

SCHEDULE H: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually at Anniversary Date

After 5 years \$400
 After 10 years \$600
 After 15 years \$700
 After 20 years \$850
 After 25 years \$1,000
 After 30 years \$1,200
 After 40 years \$1,500

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *The Personnel By-Law governs policies and pay structures for non-union employees.*

ARTICLE 6: To see if the Town will vote to rescind the authorized, but unissued debt of the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc., and for the construction costs for a public safety facility, approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *The Public Safety Building Committee completed the new Public Safety Facility, nearly on time and well under budget. As a result of their efforts, the total cost of the project, including land purchase, has been reduced from the original appropriation. As those funds have not been permanently borrowed yet, and are not needed to complete the project, the Town is seeking approval to rescind a portion of the borrowing authority approved by Town Meeting under Article 1 on March 8, 2017.*

ARTICLE 7: To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGETS ON THE FOLLOWING PAGES

100-199 GENERAL GOVERNMENT

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
114 MODERATOR						
51000-51990 Personal Services	50	50	50	50	50	
52000-58990 Other Charges and Expenses	25	0	25	25	25	
MODERATOR TOTAL	75	50	75	75	75	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
121 ELECTED BOARD OF SELECTMEN						
51000-51990 Personal Services	3,800	3,800	4,000	4,000	4,000	
ELECTED BOARD OF SELECTMEN TOTAL	3,800	3,800	4,000	4,000	4,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
122 BOARD OF SELECTMEN						
51000-51990 Personal Services	370,070	381,878	390,087	402,498	402,498	
52000-58990 Other Charges and Expenses	62,432	74,567	50,268	61,687	61,687	
BOARD OF SELECTMEN TOTAL	432,502	456,445	440,355	464,185	464,185	5.41%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
131 ADVISORY COMMITTEE						
52000-58990 Other Charges and Expenses	341	180	2,500	2,500	2,500	
ADVISORY COMMITTEE TOTAL	341	180	2,500	2,500	2,500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
132 RESERVE FUND						
52000-58990 Other Charges and Expenses	150,000	152,853	180,000	180,000	180,000	
RESERVE FUND TOTAL	150,000	152,853	180,000	180,000	180,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
135 TOWN ACCOUNTANT						
51000-51990 Personal Services	128,230	143,345	157,963	170,255	170,255	
52000-58990 Other Charges and Expenses	2,439	3,473	2,265	2,650	2,650	
TOWN ACCOUNTANT TOTAL	130,669	146,818	160,228	172,905	172,905	7.91%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
136 AUDIT						
52000-58990 Other Charges and Expenses	32,500	26,000	34,450	28,010	28,010	
AUDIT TOTAL	32,500	26,000	34,450	28,010	28,010	-18.69%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
140 ELECTED BOARD OF ASSESSORS						
51000-51990 Personal Services	2,250	2,250	2,250	2,250	2,250	
ELECTED BOARD OF ASSESSORS TOTAL	2,250	2,250	2,250	2,250	2,250	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
141 ASSESSORS						
51000-51990 Personal Services	167,235	171,757	177,243	185,672	185,672	
52000-58990 Other Charges and Expenses	31,165	33,273	34,045	55,045	55,045	
ASSESSORS TOTAL	198,400	205,030	211,288	240,717	240,717	13.93%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
145 TREASURER/COLLECTOR						
51000-51990 Personal Services	198,938	204,732	214,439	242,779	242,779	
52000-58990 Other Charges and Expenses	10,302	12,152	10,375	10,075	10,075	
TREASURER/COLLECTOR TOTAL	209,240	216,884	224,814	252,854	252,854	12.47%
* Advisory Committee recommends reducing Personal Services by \$23,180						

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
151 LEGAL						
52000-58990 Other Charges and Expenses	94,158	100,000	95,000	95,000	95,000	
LEGAL TOTAL	94,158	100,000	95,000	95,000	95,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
152 PERSONNEL BOARD						
51000-51990 Personal Services	2,000	1,369	5,000	5,000	5,000	
52000-58990 Other Charges and Expenses	21,160	7,397	11,435	17,000	17,000	
PERSONNEL BOARD TOTAL	23,160	8,766	16,435	22,000	22,000	33.86%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
153 SPECIAL LEGAL COUNSEL						
52000-58990 Other Charges and Expenses	89,492	54,688	50,000	50,000	50,000	
SPECIAL LEGAL COUNSEL TOTAL	89,492	54,688	50,000	50,000	50,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
154 MUNICIPAL TECNOLOGY COMMITTEE						
52000-58990 Other Charges and Expenses	0	0	1,000	2,964	1,000	
MUNI. TECHNOLOGY COMMITTEE TOTAL	0	0	1,000	2,964	1,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
155 TECHNOLOGY						
51000-51990 Personal Services	94,195	96,446	99,615	128,745	128,745	
52000-58990 Other Charges and Expenses	185,364	214,351	210,239	222,994	222,994	
MANAGEMENT INFORMATION SYSTEMS TOTAL	279,559	310,797	309,854	351,739	351,739	13.52%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
159 OTHER OPERATION SUPPORT						
52000-58990 Other Charges and Expenses	332,818	352,868	359,895	455,728	455,728	
OTHER OPERATION SUPPORT TOTAL	332,818	352,868	359,895	455,728	455,728	26.63%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
160 ELECTED TOWN CLERK						
51000-51990 Personal Services	66,674	83,064	85,141	87,695	87,695	
TOWN CLERK TOTAL	66,674	83,064	85,141	87,695	87,695	3.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
161 TOWN CLERK						
51000-51990 Personal Services	117,342	124,516	125,247	133,622	133,622	
52000-58990 Other Charges and Expenses	95,695	83,269	66,479	48,267	48,267	
TOWN CLERK TOTAL	213,037	207,785	191,726	181,889	181,889	-5.13%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
171 CONSERVATION COMMISSION						
51000-51990 Personal Services	56,395	55,115	68,866	70,252	70,252	
52000-58990 Other Charges and Expenses	9,639	13,886	21,125	31,235	31,235	
CONSERVATION COMMISSION TOTAL	66,034	69,001	89,991	101,487	101,487	12.77%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
175 PLANNING BOARD						
51000-51990 Personal Services	113,316	109,691	135,546	143,668	143,668	
52000-58990 Other Charges and Expenses	29,556	41,236	23,060	27,720	27,720	
PLANNING BOARD TOTAL	142,872	150,927	158,606	171,388	171,388	8.06%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
176 ZONING BOARD OF APPEALS						
51000-51990 Personal Services	44,838	27,426	25,550	22,854	22,854	
52000-58990 Other Charges and Expenses	454	5,601	3,400	3,200	3,200	
ZONING BOARD OF APPEALS TOTAL	45,292	33,027	28,950	26,054	26,054	-10.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
177 OPEN SPACE						
52000-58990 Other Charges and Expenses	1,500	1,500	2,000	2,000	2,000	
OPEN SPACE TOTAL	1,500	1,500	2,000	2,000	2,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
182 ECONOMIC DEVELOPMENT COMMITTEE						
51000-51990 Personal Services	8,540	24,712	27,885	26,563	26,563	
52000-58990 Other Charges and Expenses	19,755	9,263	10,850	22,900	22,900	
ECONOMIC DEVELOPMENT COMMITTEE TOTA	28,295	33,975	38,735	49,463	49,463	27.70%
<i>* Advisory Committee recommends reducing Other Charges and Expenses by \$10,000</i>						

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE						
51000-51990 Personal Services	347,726	311,905	348,212	377,744	377,744	
52000-58990 Other Charges and Expenses	166,245	222,279	170,179	177,421	177,421	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	513,971	534,184	518,391	555,165	555,165	7.09%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
193 PUBLIC ACCESSIBILITY COMMITTEE						
51000-51990 Personal Services	0	0	0	0	0	
52000-58990 Other Charges and Expenses	0	0	0	5,000	2,500	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	0	0	0	5,000	2,500	100.00%

200-299 PUBLIC SAFETY

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
210 POLICE DEPARTMENT						
51000-51990 Personal Services	1,816,508	1,912,130	2,055,082	2,220,434	2,220,434	
52000-58990 Other Charges and Expenses	119,274	134,101	129,980	146,270	146,270	
POLICE DEPARTMENT TOTAL	1,935,782	2,046,231	2,185,062	2,366,704	2,366,704	8.31%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
220 FIRE DEPARTMENT						
51000-51990 Personal Services	1,905,704	1,941,336	2,020,937	2,089,909	2,089,909	
52000-58990 Other Charges and Expenses	187,857	210,404	187,176	232,000	232,000	
FIRE DEPARTMENT TOTAL	2,093,561	2,151,740	2,208,113	2,321,909	2,321,909	5.15%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
241 BUILDING DEPARTMENT						
51000-51990 Personal Services	121,418	114,742	120,228	149,584	149,584	
52000-58990 Other Charges and Expenses	8,226	39,200	10,775	10,205	10,205	
BUILDING DEPARTMENT TOTAL	129,644	153,942	131,003	159,789	159,789	21.97%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
291 CIVIL DEFENSE						
51000-51990 Personal Services	2,926	2,926	3,926	2,926	2,926	
52000-58990 Other Charges and Expenses	6,395	6,422	8,224	7,225	7,225	
CIVIL DEFENSE TOTAL	9,321	9,348	12,150	10,151	10,151	-16.45%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR						
52000-58990 Other Charges and Expenses	27,720	27,592	28,490	28,490	28,490	
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL	27,720	27,592	28,490	28,490	28,490	0.00%

400-499 PUBLIC WORKS & FACILITIES

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
400, 420 DEPT. OF PUBLIC WORKS (Highway, Cemetery, Tree)						
51000-51990 Personal Services	901,522	916,585	985,396	1,011,955	1,011,955	
52000-58990 Other Charges and Expenses	1,308,742	1,330,150	1,287,950	1,388,970	1,388,970	
DEPT. OF PUBLIC WORKS TOTAL	2,210,264	2,246,735	2,273,346	2,400,925	2,400,925	5.61%

500-599 HUMAN SERVICES

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
510 ELECTED BOARD OF HEALTH						
51000-51990 Personal Services	150	0	450	450	450	
ELECTED BOARD OF HEALTH TOTAL	150	0	450	450	450	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
512 BOARD OF HEALTH						
51000-51990 Personal Services	104,297	106,820	109,605	112,887	112,887	
52000-58990 Other Charges and Expenses	55,148	54,262	55,817	57,830	57,830	
BOARD OF HEALTH TOTAL	159,445	161,082	165,422	170,717	170,717	3.20%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
541 COUNCIL ON AGING						
51000-51990 Personal Services	248,607	258,083	267,038	277,842	277,842	
52000-58990 Other Charges and Expenses	59,213	57,881	60,915	63,240	63,240	
COUNCIL ON AGING TOTAL	307,820	315,964	327,953	341,082	341,082	4.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
542 YOUTH COMMISSION						
51000-51990 Personal Services	134,032	141,070	172,300	230,671	230,671	
52000-58990 Other Charges and Expenses	10,752	9,072	11,300	13,700	13,700	
YOUTH COMMISSION TOTAL	144,784	150,142	183,600	244,371	244,371	33.10%

* Advisory Committee recommendation at Town Meeting

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
543 VETERANS' SERVICES						
51000-51990 Personal Services	15,000	15,000	15,000	15,000	15,000	
52000-58990 Other Charges and Expenses	18,278	24,319	35,120	20,845	20,845	
VETERANS' SERVICES TOTAL	33,278	39,319	50,120	35,845	35,845	-28.48%

600-699 CULTURE & RECREATION

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
610 LIBRARY						
51000-51990 Personal Services	375,071	383,123	412,366	425,217	425,217	
52000-58990 Other Charges and Expenses	129,518	137,402	127,799	138,772	138,772	
LIBRARY TOTAL	504,589	520,525	540,165	563,989	563,989	4.41%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
630 RECREATION COMMISSION						
51000-51990 Personal Services	125,622	124,478	135,814	138,362	138,362	
52000-58990 Other Charges and Expenses	8,979	9,900	9,900	9,900	9,900	
RECREATION COMMISSION TOTAL	134,601	134,378	145,714	148,262	148,262	1.75%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
691 HISTORICAL COMMISSION						
52000-58990 Other Charges and Expenses	3,500	3,500	2,500	2,500	2,500	
HISTORICAL COMMISSION TOTAL	3,500	3,500	2,500	2,500	2,500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
692 MEMORIAL DAY						
52000-58990 Other Charges and Expenses	3,050	2,432	3,150	3,000	3,000	
MEMORIAL DAY TOTAL	3,050	2,432	3,150	3,000	3,000	-4.76%

700-799 DEBT SERVICE

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
DEBT PRINCIPAL AND DEBT INTEREST						
0100-710-59100 Principal General Fund	2,507,043	2,602,060	2,397,976	2,352,547	2,352,547	
0100-751-59150 Interest General Fund	317,778	575,634	914,032	1,003,977	1,003,977	
DEBT PRINCIPAL AND DEBT INTEREST TOTAL	2,824,821	3,177,694	3,312,008	3,356,524	3,356,524	1.34%

900-999 UNCLASSIFIED

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
910 EMPLOYEE BENEFITS						
51700 Police/Fire Accident and Workers' Comp.	224,210	231,685	238,636	243,223	243,223	
51710 Unemployment Payments	1,740	4,350	25,000	25,000	25,000	
51720 Health Insurance	4,402,669	4,611,358	5,038,971	5,177,566	5,177,566	
51730 Retirement Fund	1,611,713	1,777,093	1,959,533	2,170,625	2,170,625	
51740 Life Insurance	4,840	5,669	5,110	5,297	5,297	
51750 Flexible Spending Account	7,056	7,551	6,912	7,440	7,440	
51770 Medicare	333,997	347,606	357,495	375,970	375,970	
51780 Dental Insurance	216,688	225,444	239,549	236,306	236,306	
51785 Medicare B Penalty	17,527	17,644	17,740	17,750	17,750	
59660 Transfer to OPEB Trust	250,000	250,000	250,000	250,000	250,000	
EMPLOYEE BENEFITS TOTAL	7,070,440	7,478,400	8,138,946	8,509,177	8,509,177	4.55%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
930 BUDGET CAPITAL						
<i>POLICE: CRUISERS (2)</i>			97,528			
<i>LIBRARY: NEW ROOF (ENG & INSTALLATION)</i>			175,000			
<i>POLICE: TASER PROGRAM</i>			9,892	10,857	10,857	
<i>POLICE: CHIEF VEHICLE</i>				38,650	38,650	
<i>FIRE: CHIEF VEHICLE C20</i>				60,000	60,000	
<i>DPW: TREE MAINT FUNDING</i>				8,850	8,850	
<i>DPW: EQUIPMENT TRAILER 2006 REPLACEMENT</i>				12,000	12,000	
52000-58990 Other Charges and Expenses	70,211	324,343	282,420	130,357	130,357	
BUDGET CAPITAL TOTAL	70,211	324,343	282,420	130,357	130,357	-53.84%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
941 COURT JUDGMENTS						
57600 Court Judgments	217,999	220,659	225,000	225,000	225,000	
COURT JUDGMENTS TOTAL	217,999	220,659	225,000	225,000	225,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
945 LIABILITY INSURANCE						
52000-58990 Other Charges and Expenses	245,886	267,230	272,340	284,595	284,595	
LIABILITY INSURANCE TOTAL	245,886	267,230	272,340	284,595	284,595	4.50%

300-399 EDUCATION

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
300 ELECTED SCHOOL COMMITTEE						
51000-51990 Personal Services	150	100	500	500	500	
ELECTED SCHOOL COMMITTEE TOTAL	150	100	500	500	500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
301 SOUTHBOROUGH SCHOOLS						
REGULAR DAY PROGRAMS						
Administration	589,899	618,461	642,676	676,950	676,950	
Instruction	10,527,116	10,810,917	11,310,744	11,218,716	11,218,716	
Other Student Services	789,631	825,698	826,273	852,194	852,194	
Operation and Maintenance Buildings	1,855,870	1,924,422	1,680,550	1,558,613	1,558,613	
Fixed Charges	3,879	3,827	4,100	4,100	4,100	
Contractual Obligation	0	0	0	716,904	716,904	
REGULAR DAY PROGRAMS TOTAL	13,766,395	14,183,325	14,464,343	15,027,477	15,027,477	
SPECIAL EDUCATION PROGRAMS						
Administration	18,163	6,075	18,500	18,000	18,000	
Instruction	4,590,421	4,765,718	4,886,531	4,803,676	4,803,676	
Other Student Services	451,445	487,917	578,500	455,000	455,000	
Operation and Maintenance Buildings	5,880	4,348	5,000	4,000	4,000	
Programs, Other Systems in Massachusetts	909,182	881,965	775,000	1,259,236	1,259,236	
Programs, Member of Collaborative	39,772	76,638	93,000	90,680	90,680	
SPECIAL EDUCATION TOTAL	6,014,863	6,222,661	6,356,531	6,630,592	6,630,592	
GRAND TOTAL OPERATING BUDGET	19,781,258	20,405,986	20,820,874	21,658,069	21,658,069	4.02%

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
302 ALGONQUIN REGIONAL HIGH SCHOOL						
REGULAR DAY PROGRAMS						
Administration	657,991	681,816	688,349	732,407	732,407	
Instruction	10,874,658	11,320,115	11,440,824	11,485,060	11,485,060	
Other Student Services	1,930,658	1,959,871	2,029,191	2,072,430	2,072,430	
Operation and Maintenance Buildings	1,615,313	1,700,449	1,736,088	1,749,785	1,749,785	
Fixed Charges	3,525,866	3,641,881	3,875,748	4,049,667	4,049,667	
New Equipment	110,116	153,603	26,000	16,500	16,500	
Tuition, Other Public Schools	460,816	319,030	290,000	240,000	240,000	
Contractual Obligation	0	0	0	828,080	828,080	
REGULAR DAY PROGRAMS TOTAL	19,175,418	19,776,765	20,086,200	21,173,929	21,173,929	

SPECIAL EDUCATION PROGRAMS						
Administration	21,107	46,389	16,800	17,300	17,300	
Instruction	2,158,008	2,326,097	2,504,494	2,506,734	2,506,734	
Other Student Services	234,956	212,631	253,780	259,280	259,280	
Operation and Maintenance Buildings	1,050	1,524	2,000	2,000	2,000	
Fixed Charges	1,636	1,636	1,595	1,595	1,595	
Programs, Other Systems in Massachusetts	494,861	459,185	840,979	424,279	424,279	
Programs, Member of Collaborative	60,452	46,525	69,600	177,256	177,256	
SPECIAL EDUCATION TOTAL	2,972,070	3,093,987	3,689,248	3,388,444	3,388,444	
GRAND TOTAL OPERATING BUDGET	22,147,488	22,870,752	23,775,448	24,562,373	24,562,373	3.3%

	NON EXEMPT	EXEMPT	TOTAL	BOS/ADV RECOMM	Percent Inc./Decr.
FY 2021 SOUTHBOROUGH ASSESSMENT	7,473,257	410,021	7,883,278		-2.11%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL						
Southborough Operating Assessment	296,635	329,255	293,357	349,405	349,405	
Renovation Project - Capital Assessment	39,981	38,417	37,405	36,393	36,393	
SOUTHBOROUGH ASSESSMENT	336,616	367,672	330,762	385,798	385,798	16.64%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL						
Tuition/Transportation Assessment	0	0	0	89,268	89,268	
NORFOLK COUNTY AGRICULTURAL HIGH SCHO	0	0	0	89,268	89,268	100.00%

Proposed by: BOARD OF SELECTMEN

Summary: See budget report including Advisory Committee and Board of Selectmen’s FY21 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.

ARTICLE 8: To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund’s use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

		FY 2018	FY 2019	FY2020	FY2021	BOS	Percent
BUDGET NAME		ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
450 DEPT. OF PUBLIC WORKS - WATER							
51000-51990 Personal Services		334,049	339,522	343,867	355,405	355,405	
52000-58990 Other Charges and Expenses		1,310,228	1,223,790	1,317,400	1,341,950	1,341,950	
59100 Principal Water Fund		290,000	290,000	318,233	340,000	340,000	
59150 Interest Water Fund		114,622	107,604	119,603	142,490	142,490	
59510 Indirect Costs		90,000	90,000	131,239	160,847	160,847	
DEPT. OF PUBLIC WORKS - WATER TOTAL		2,138,899	2,050,916	2,230,342	2,340,692	2,340,692	4.9%

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates, which supports all aspects of the department’s operation.

ARTICLE 9: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.	DPW – Transfer Station E&D for renovation	\$ 35,000	\$ 35,000	
B.	DPW – Large Truck & Equipment Body Work	\$ 12,000	\$ 12,000	
C.	DPW – Road Maintenance	\$325,000	\$325,000	
D.	Fire/Police – Repeater site for Radio System	\$ 45,000	\$ 45,000	
E.	Library – Replacement Boiler	\$ 85,000	\$ 85,000	
F.	Library – Energy Management System	\$ 75,000	\$ 75,000	
G.	ADA Title II Self-evaluation	\$ 40,000	\$ 40,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary:

A. These funds will be used by the ad-hoc Capital Planning Committee for review, analysis, and public input on Transfer Station operations, and will lead to recommendations for future improvements to the layout, management, and traffic flow for that facility;

B. This annual funding addresses maintenance of various DPW capital equipment to extend the life of these assets. This year it will be used for body work (strip, prime, paint) on one 35,000GVW truck;

C. These funds are for public roadway, sidewalks and walkway maintenance, repair and construction throughout town. These are expended in conjunction with Chapter 90 roadway improvement funding from the Commonwealth;

D. These funds will be used to seek a new repeater site for the public safety radio system, which allows Police, Fire and DPW vehicles to communicate throughout Town. No funds will be spent prior to confirmation with the Town's communication consultants that any proposed upgrade to the radio system will improve the coverage of the existing system;

E. These funds will provide the necessary engineering related to and the replacement of the existing 30+ year old boiler and associated components at the Southborough Library;

F. These funds will provide the necessary engineering related to and the replacement of the existing building energy management system (EMS) and associated pneumatic components with a new EMS with Direct Digital Control (DDC) electronic components at the Southborough Library;

G. The Massachusetts Office of Disability (MOD) recently informed the Town that it is required to perform an accessibility review of its public buildings and facilities. The Town will be applying for a MOD grant to offset these costs. The results of the review, and any corresponding improvements, will be incorporated into the Town's capital plan.

ARTICLE 10: To see if the Town will appropriate a sum of money to pay costs of the equipment listed below, and for the payment of costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing, transfer from available funds, or otherwise:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	Fire Pumper	\$600,000	\$600,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary:

A. These funds will be used to replace a 2001 E-One Typhoon Pumper, which is at its useful lifespan for this type of vehicle (20 years). The normal procurement process, including the construction of the vehicle, is 12-15 months. Delivery of the new vehicle is anticipated in early FY2022.

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: This article will fund any vacation and sick pay due to employees upon their retirement.

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of \$10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.

ARTICLE 13: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities

Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

ARTICLE 14: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for replacement of the boiler at the Mary E. Finn Elementary School, 60 Richards Road, Southborough, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, or do or act anything in relation thereto.

Proposed by: SCHOOL COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This project would replace the school's 21-year-old heating system with new oil boilers, with an estimated efficiency of 85%. The project also includes providing the hardware to convert to natural gas if it becomes available in the future. This project is a partnership with the Massachusetts School Building Authority (MSBA) Accelerated Repair Project. The total cost of the project is estimated to be \$990,180.00. The Town of Southborough's cost for the project is \$624,903.00 and MSBA's contribution is \$365,276, which reflects the Town of Southborough's MSBA reimbursement rate of 36.89%.*

ARTICLE 15: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2021:

1. Immunization/emergency dispensing clinic; \$12,000.
2. Inspectional services; \$100,000.
3. 9-11 Field Maintenance; \$100,000.
4. Wetland Protection; \$30,000.
5. Hazardous materials; \$75,000.
6. CPR classes; \$6,500.
7. Community garden; \$2,500.
8. Recreation programs; \$400,000.
9. Tobacco Control Program; \$4,000.
10. Golf Course maintenance; \$30,000.

, or do or act anything in relation thereto.

Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

ARTICLE 16: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2021 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer’s projections).....	\$376,373
State Match (projected FY2021 State match).....	\$ 54,547
FY2020 State Match Adjustment.....	\$ 31,049
Total Projected Revenue.....	\$461,969

Set Aside- Open Space

\$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Set Aside – Historic Preservation

\$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

Set Aside – Community Housing

\$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

Administrative Costs – Community Preservation Committee

\$23,098 to defray the administrative and operating expenses of the Community Preservation Committee in FY2021 for the Community Preservation Fund (discretionary)

Set Aside -Budgeted Reserve/Discretionary

Reserved For FY21 CPF (Budgeted Reserve/Discretionary) \$300,280

, or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *The budget and set asides are an annual requirement under the Community Preservation Act.*

ARTICLE 17: To see if the Town will vote to appropriate \$85,437.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. \$32,278 from the CPA Historic Preservation Reserve Fund and \$53,159.50 from the CPA FY2021 Budgeted Reserve Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article is the Community Preservation Fund payment towards the FY2021 debt funding for the Preservation Restriction of 84 Main Street as approved at the 2016 Annual Town Meeting.*

ARTICLE 18: To see if the Town will vote to appropriate a total of \$114,753 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building, \$19,749 for interest due September 2020 and \$95,004 to be applied towards the bond for the purpose of Historic Preservation. \$32,278 from the CPA historic Preservation Reserve Fund and \$82,475 from CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article is the Community Preservation Fund payment toward the FY2021 debt funding for the renovation and restoration of the Historic Southborough Library as approved at the 2019 Annual Town Meeting.*

ARTICLE 19: To see if the Town will vote to appropriate \$238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of \$210,100 in project costs and an additional \$28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to restore and renovate Kallander Field, to address significant drainage issues that plague the field.*

ARTICLE 20: To see if the Town will vote to appropriate \$300,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. \$23,061.76 from the CPA Historic Preservation Reserve Fund and \$276,938.24 from CPA General Unreserved Fund. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *Under the direction of the St. Mark's Building Committee said funds will be used to restore and preserve the St. Marks Bell Tower in conformance with a Preservation Restriction held by the Massachusetts Historical Commission. The goal is to preserve St. Mark's Bell Tower for many future generations of Southborough residents to enjoy. Built in 1891 on land donated by Joseph Burnett, the tower has fallen into major disrepair over the years. Issues include water penetration, unevenly faced stones, cracked mortar joints, and stone slippage. Without restoration of the tower, the historic viewscape of our town will be forever changed. Satisfying the Community Preservation Act goal to preserve and maintain historic landmarks, this project would preserve the tower and keep its historical significance. St. Mark's Church is part of the Southborough Historical Commission project to add downtown Southborough to the State and National Register of Historic Places. The tower restoration project strictly falls under historic preservation and does not contain any religious depiction. This \$300,000 request is for partial funding of total project costs of \$565,000 with remainder raised by St. Mark's.*

ARTICLE 21: To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100 percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2020, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *Adoption of this local option will increase the property tax abatement benefits to Southborough veterans and non-veterans who currently meet eligibility requirements for personal exemptions on their property. Funds for these abatements are carried in the Assessor's overlay account.*

ARTICLE 22: To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *Currently, elected and appointed officials have 15 days to be sworn in by the Town Clerk's office; this article will allow those officials additional time to be sworn in following their appointment or election. The current requirement of 15 days was found to be too limiting, as appointment dates often conflicted with the 4th of July holiday and summer vacations. The Board of Selectmen was having to reappoint certain positions multiple times due to the inability of individuals to be sworn in within the required timeframe.*

ARTICLE 23: To see if the Town will vote to adopt MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article provides the Selectmen with the authority to reduce speed limits on certain town-owned streets in the interest of public safety.*

ARTICLE 24: To see if the Town will vote to adopt MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Not Support

Summary: *This article provides the Selectmen with the authority to establish safety zones on streets in the interest of public safety.*

ARTICLE 25: To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article will require all local restaurants to charge an additional .75% in meals tax, which will come back to the Town as unallocated revenue through State Local Aid. Most other communities in our area have adopted*

this local option as well. The local meals tax has been identified as an additional revenue source to help alleviate increases to residential property taxes.

ARTICLE 26: To see if the Town will vote to adopt as Chapter 9, Article IX Southborough Public Accessibility Committee, Sections 9.34 through 9.35 of the Town bylaws, the following:

Article IX Southborough Public Accessibility Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and increasing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be a Southborough Public Accessibility Committee (“SPAC”), which shall consist of five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum for the SPAC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a “Town officer” means a Town official who serves in an elected position) or a Town employee (where a “Town employee” is any person holding a non-elected, paid position in the Town other than a volunteer who is deemed a Special Municipal employee solely for the purposes of MGL Chapter 268A).

The Board of Selectmen shall designate a Public Accessibility Coordinator (“Coordinator”), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

§9.34.C Organization

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

§9.34.D Funding

The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

§9.35 Powers and Duties

The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all Town citizens have equal access to:
 - Town government offices and communications
 - Public and commercial buildings
 - Programs
 - Goods and services
 - Transportation
 - Telecommunications, including the internet
 - Recreational facilities and programs
- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of its comments. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town,
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.
- The SPAC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising such concerns shall be confidential, unless confidentiality is waived by such person.

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

ARTICLE 27: To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws "Office hours on Saturday": "Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday."

;or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

ARTICLE 28: To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Zoning Article I entitled “Miscellaneous Provisions” and Article V entitled “Nonconforming Uses and Structures” by amending thereto Section 174-9 entitled “Special Permit Requirements” and 174-19 entitled “Extensions” as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

Article I: Miscellaneous provisions

§ 174-9 Special permit requirements.

[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension, ~~or~~ alteration, **reconstruction or structural change** of legally nonconforming uses, structures and lots, including a change in the non-conforming use to another non-conforming use, provided that the Board of Appeals finds that such extension, alteration, **reconstruction or structural change** shall not be substantially more detrimental to the neighborhood, will not increase the extent of non-conformance in size or in impact and that the cost thereof shall not exceed 50% of the assessed value of the non-conforming structure at the time of application, and further provided that the estimate of the cost of any extension, ~~or~~ alteration, **reconstruction or structural change** utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension, ~~or~~ alteration, **reconstruction or structural change** based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals. ~~No special permits under this subsection shall be granted for nonconforming signs subject to Chapter 93 or 93D of the General Laws.~~

[Amended 4-15-2008 ATM by Art. 38]

§ 174-19 **Extensions, ~~or~~ alterations, reconstruction or structural changes.**

[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended, ~~or~~ altered, **reconstructed or structural changes made** except to make them conforming; unless the Board of Appeals authorizes such extension, ~~or~~ alteration, **reconstruction or structural change** by special permit upon making findings as provided in § 174-9E.

~~B. Single family and two family residential structures. In the following circumstances, Notwithstanding the provisions of Section A above, as provided in M.G.L. c.40A, § 6, if any proposed extension, alteration, reconstruction, extension or structural change to a single or two-family residential structure complies with one of the conditions set forth in subsections (1) through (5) below, such extension, alteration, reconstruction or structural change structure shall not be considered an increase in the non-conforming nature of the structure and shall be permitted as of right.~~

[Amended 10-7-2013 STM by Art. 9]

(1) **Extension, aAlteration, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.;

(2) **Extension, aAlteration, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.;

(3) **Extension, aAlteration, reconstruction or structural change** to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this sSubsection ~~B (3)~~ shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) **Extension, alteration, reconstruction or structural change to the rear, side or fascia of a structure which encroaches upon a required yard or setback area where the alteration will not encroach upon such area to a distance greater than the existing structure. The provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.**

(5) Extension, alteration, reconstruction or structural change to a non-conforming structure which will not increase the footprint of the existing structure providing that existing height restrictions shall not be exceeded.

In the event that the Building Commissioner determines that none of the exemptions set forth in subsections (1) through (5) apply, and the Building Commissioner determines that the non-conforming nature of such structure would be increased by the proposed extension, alteration, reconstruction or structural change, then the Board of Appeals may, by special permit, allow such extension, alteration, reconstruction or structural change where the proposed modification will not be substantially detrimental than the existing non-conforming structure to the neighborhood.

; or do or act anything in relation thereto.

Proposed by: ZONING BOARD OF APPEALS

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article proposes to amend the Special Permit Requirements and Exemptions by the addition of language for the purpose of clarity and the inclusion of exemptions to comply with current case law.*

ARTICLE 29: To see if the Town will vote to amend the Zoning Code of the Town of Southborough Article III entitled "Use Regulations" by replacing thereto Section 174-12.1 thereof entitled "Outdoor illumination" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

§ 174-12.1

Outdoor illumination.

[Added 4-11-2005 ATM by Art. 40]

A. Purpose. This section recognizes the benefits of outdoor lighting and provides clear guidelines for its installation, so as to help maintain and complement Southborough's character. The intent of this section is to:

- (1) encourage lighting that provides safety, utility and security, **productivity, enjoyment and commerce;**
- (2) prevent glare on public roadways;
- (3) protect the privacy of residents;
- (4) promote energy-efficient outdoor lighting;
- (5) limit the total allowable illumination of lots located in the Town of Southborough; ~~to reduce atmospheric light pollution.~~
- (6) **minimize adverse offsite impact such as light trespass, and obtrusive light;**
- (7) **curtail light pollution and reduce skyglow to create a healthy night-time environment for residents of Southborough**

The Planning Board is authorized to promulgate rules and regulations to carry forth the purpose and intent of these Bylaw provisions. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Southborough.

B. Applicability. Outdoor illumination by flood or spot luminaries rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) shall be subject to the provisions of this section **including application to single and two-family residential lots**, with the following exceptions:

- (1) emergency lighting;
- (2) hazard warning;
- (3) temporary decorative or holiday lighting ~~or public roadway illumination.~~

It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

(1) ~~The replacement of existing fixtures shall be subject to the provisions of this section; however, the replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted.~~

The replacement of fixtures or luminaires shall be subject to the provisions of this section and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. Non-conforming fixtures or luminaires requiring replacement for any reason (including but not limited to end of life, breakdown, vandalism) shall be replaced in compliance with this Bylaw.

(2) The Planning Board, in performing review pursuant to § 174-10, Site plan approval, may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and, in such cases, may modify the requirements of this section.

C. Enforcement. The owner of any lot or property on which a luminaire subject to this Bylaw is located or proposed to be located shall have the burden of demonstrating that the existing or proposed luminaire complies with the standards established by this Bylaw. The manufacturer's specification sheet may be used to establish the lumen level of a luminaire, correlated color temperature (CCT) and, if required, to verify the use of fully shielded fixture design. Illumination levels may be verified through the use of manufacturer's photometric data sheet and/or photometric site drawing or through on-site calibrated light level meter readings. A site visit at night by a representative of the Town in the form of a visual observation and/or photograph may be required to determine if a nuisance has occurred.

(1) Violations of this Bylaw shall be subject to the provisions of the Town of Southborough Article III entitled "Use Regulations" Section 174-24 thereof entitled "Enforcement; procedures; violations and penalties."

D. Definitions. For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if in § 174-2 of this Bylaw.

BACKLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located behind and below the light source. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG RATING – A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) per IES TM-15-11.

CORRELATED COLOR TEMPERATURE (CCT) – A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

FIXTURE – The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

FRONTLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located in front and below the luminaire.

FULL CUTOFF – A luminaire designed with an opaque shield surrounding and extending below the lamp, such that no direct light is emitted above a horizontal plane.

FULLY SHIELDED LUMINAIRE — A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

GLARE – Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see, and in extreme cases causing momentary blindness.

HARDSCAPE – Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is 100 feet or less in width. Materials may include but are not limited to concrete, asphalt, stone, and gravel.

INDIRECT LIGHT – Light scatter caused by direct light being redirected from a surface.

LAMP – The component of a luminaire that produces the actual light.

LED LAMP– (Light Emitting Diode) An electric lamp with a much longer lifespan than incandescent lighting and low energy consumption.

LIGHT TRESPASS – The shining of direct or indirect light produced by a luminaire beyond the boundaries of the lot on which it is located.

LUMEN – A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

LUMINAIRE – A complete lighting system, including a lamp or lamps and a fixture unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

LUMINAIRE LUMENS - For luminaires with relative photometry per Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

MOUNTING HEIGHT - The height of the photometric center of a luminaire in feet above grade level. Feet above grade level refers to the overall average grade of the area being illuminated.

UPLIGHT - For an exterior luminaire is all of the light escaping above the luminaire.

E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.

LZ-0: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

Zoning Districts: Conservation and Research, Scientific & Professional

LZ-1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Zoning Districts: Residence A and Residence B

LZ-2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

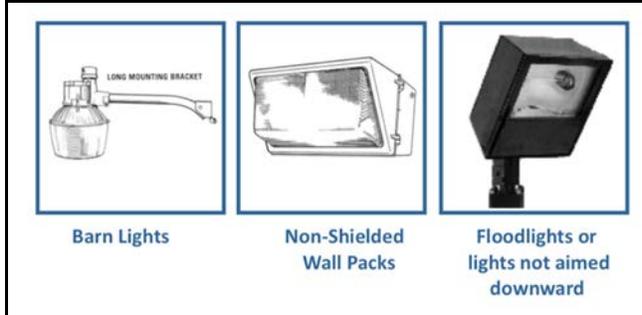
Zoning Districts: Business Village

LZ-3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

Zoning Districts: Business Highway, Industrial and Industrial Park

Non-shielded wall-packs, barn lights, and floodlights not aimed downward are prohibited in all zones.



F. Total site lumen limit. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using the hardscape area and table below. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires.

Table 1: Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Method

LZ-0	LZ-1	LZ-2	LZ-3
<ul style="list-style-type: none"> • Conservation • Research, Scientific & Professional 	<ul style="list-style-type: none"> • Residential A • Residential B 	<ul style="list-style-type: none"> • Business Village 	<ul style="list-style-type: none"> • Business Highway • Industrial • Industrial Park
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

G. Correlated Color Temperature (CCT). All proposed LEDs shall have a correlated color temperature (CCT) between 2200K and 3000K.

H. Exterior lighting plan. Applications subject to the provisions of § 174-10, Site plan approval, shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said § 174-10 does not require a lighting plan but shall meet the standards as set forth in this ~~Bylaw section~~, unless as may otherwise be provided herein. **The installation of fixtures or luminaires shall be subject to the provisions of this bylaw and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board.** The lighting plan shall include the following information **and comply with the regulations adopted pursuant to this Bylaw:**

- (1) Location, orientation and type of outdoor luminaire, including the height of the luminaire, both existing and proposed;
- (2) Type of lamp, such as metal halide, compact fluorescent, high pressure sodium, **LED**;
- (3) Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, as well as a description of all illuminating devices, fixtures, lamps, supports, reflectors, both existing and proposed; this may include, but is not limited to, catalog cuts and illustrations by manufacturers;

(4) Complete report of BUG rating data for all luminaires (if not already included in the manufacturer's specification data) calculated from photometric data (as per IES TM-15-11) showing compliance with the Planning Board Rules and Regulations for Outdoor Illumination;

(5) Photometric plan showing the intensity of illumination expressed in footcandles at ground level within the interior of the property and at the property boundaries **that also includes the Total Site Lumen Limit; Limits to Off Site Impact; Light Shielding for LED lighting; and the Correlated Color Temperature; according to adopted regulations;**

(6) Evidence that the plan complies with light trespass restrictions as set forth herein.

I. Waivers. An applicant may make a waiver request to the Planning Board for increased lighting levels within any given lighting zone and the Planning Board shall have such waiver authority hereunder.

J. Lighting control requirements. Automatic switch controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device. The Exterior Lighting Plan shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. Lighting reductions are not required for any of the following:

(1) Lighting for residential properties including multiple residential properties not having common areas; with the exception of landscape lighting

(2) When the outdoor lighting consists of only one luminaire.

(3) Code required lighting for steps, stairs, walkways, and building entrances.

(4) Lighting under canopies, in tunnels, parking garages, and similar conditions.

(5) When in the opinion of the Planning Board, lighting levels must be maintained.

(6) Motion activated lighting.

(7) Lighting regulated by special use in which times of operation are specifically identified.

(8) Businesses that operate on a 24-hour basis.

K. Community outdoor sports/recreational lighting requirements. These requirements are an exemption from the total site lumen limit based on hardscape metrics. Community outdoor sports or recreational facilities will be held to the IDA, IES criteria for outdoor sports lighting. On-field illuminance values will be determined by current IDA, IES set forth in the Rules and Regulations for Outdoor Illumination adopted to implement the intent and purpose of this bylaw. Standard regulations include:

(1) Color, luminaire correlated color temperature (CCT) may not exceed 4000 Kelvin;

(2) Other lighting, parking and concession area lighting will be considered a separate luminaire system and must meet the applicable lighting standards for the relevant lighting zones;

(3) Shut-off, curfew time shall be no later than 10:00PM (2200 hrs.); for good cause shown, the Planning Board may waive the compliance requirement of this subsection

L. Street lights. Light emitted by the fixture shall have a correlated color temperature no greater than 3000 Kelvin and/or comply with Massachusetts DPU Tariff standards if applicable. All other street light features are exempt from regulation under this bylaw.

M. Light shielding for parking lot illumination. All parking lot lighting shall have no light emitted above 90 degrees from the installed vertical axis.

N. Flickering and flashing lights. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

O. Fixture mounting heights.

(1) ~~F~~. Wall-mounted fixtures. In nonresidential districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare. ~~"Wall-pac" lighting fixtures are prohibited.~~

(2) ~~P~~. Pole-mounted fixtures. Pole-mounted exterior lighting fixtures **shall not exceed the pole-mounted height limitation of 20 feet in all zones.** ~~types are defined and restricted as follows:~~

Existing non-conforming light heights may remain as mounted until modification is proposed, at which time the height must be brought into compliance.

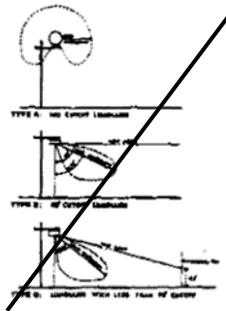
(1) Type A: no light cutoff.

(2) Type B: luminaire shielded such that peak candlepower is at an angle of 75° or less from straight down, and essentially no light is emitted above the horizontal.

(3) Type C: luminaire shielded such that total cutoff is at less than 90° from straight down, and no light source is in direct view of an observer five feet above the ground at any point off the premises.

~~H. Pole-mounted fixtures height limitation. Illustrations of pole-mounted exterior lighting fixture types are shown in Chart I herein. Pole-mounted fixtures shall not exceed the applicable pole-mounted height limitation set forth in Chart II in any district. The Type A pole-mounted exterior lighting fixture is prohibited in all nonresidential districts, unless equipped with shields.~~

CHART I. ILLUSTRATIONS



HART II. POLE MOUNTING HEIGHT LIMITATIONS

Maximum Luminaire Mounting Height

(feet above grade)*

"District" is that in which fixtures are located.

District

	Residential	Nonresidential
Fixture Type A	10	Not allowed (unless shielded)
Fixture Type B	15	20
Fixture Type C	20	20

* Note: Feet above grade refers to the overall average grade of the area being illuminated.

P. Ceiling-mounted fixtures. In nonresidential districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

Q. Lighting levels. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) and all flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one 60-watt incandescent light bulb) shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. If any spot or flood luminaire rated 900 lumens or less is directed or focused such as to cause direct light from the luminaire to be cast toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions. The Planning Board reserves the right to limit and regulate the amount of illumination on a project site between the hours of 10:00 p.m. and 6:00 a.m., while understanding the need for safety and security lighting.

R. Light trespass limitations. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located, except as within a street right-of-way for which there shall be no limit.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *The article proposes to replace the current language in Section 174-12.1 Outdoor illumination with new language to reduce blue lighting and increase public health based on recommendations from the American Medical Association and the International Dark-sky Association.*

ARTICLE 30: To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Article III entitled "Use Regulations" by amending thereto Section 174-10, entitled "Site Plan Approval" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

§ 174-10

Site plan approval.

[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM by Art. 4; 4-26-1990 ATM by Art. 41]

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

- (1) Any nonresidential development that results in an increase in on-site parking.
- (2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).
- (3) Any change in use or reactivation of a facility that has not been in use for a period of two years.
[Added 4-8-1996 ATM by Art. 51]
- (4) Multifamily housing for the elderly.
[Added 4-15-1997 ATM by Art. 56]
- (5) Adaptive reuse of historic buildings.
[Added 4-25-2017 ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

- (1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the **Planning Board Site Plan Review Committee**. ~~The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or~~

~~its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The **Planning Board Committee** shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.

[Amended 4-8-1996 ATM by Art. 51]

(a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.~~ All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

- [1] All existing and proposed buildings, including setbacks.
- [2] Existing and proposed parking.
- [3] Driveway openings.
- [4] All property and street lines.
- [5] Existing and proposed landscaping.
- [6] Existing and proposed signs.
- [7] Surfacing, indicating treatment of all surfaces.
- [8] Location of all wetlands.
- [9] Method of sewage disposal.
- [10] Water supply.
- [11] Stormwater drainage.
- [12] Such other information as the **Planning Board Site Plan Review Committee** may reasonably request.

~~(b) Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

[Amended 4-8-1996 ATM by Art. 51]

(b) Minor site plan is not a public hearing.

(c) The ~~Planning Board Site Plan Review Committee~~ shall approve, ~~or disapprove or refer to the Planning Board~~ all submittals for minor site plan review within **the required 30 days** of a completed application to the office of the Planning Board, **but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk. The actions allowed by the minor site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application will be required.**

(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

(2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:

[Amended 4-8-1996 ATM by Art. 51]

(a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

(b) All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum, all site features, existing or proposed, including but not limited to the following:

- [1] Driveways, including widths.
- [2] Parking facilities, including dimensions thereof.
- [3] Loading facilities.
- [4] Service areas.
- [5] Street line, including widths.
- [6] Roadways, including widths.
- [7] Pedestrian walks, including widths and types of surface.
- [8] Landscaping designation, specific plantings.
- [9] Screening.
- [10] Signs, including proposed sizes, mounting heights, types and drafted design.
- [11] Lighting, including plan location and detail information, size, type and wattage.
- [12] Surfacing, indicating treatment of all surfaces.
- [13] Existing trees on the site which are a caliper of six inches or larger.
- [14] Wetlands.
- [15] Drainage, including detailed design data, pipe sizing, etc.
- [16] Stone walls.
- [17] Topography at two-foot contour intervals.
- [18] Sewage disposal, including detailed design information.
- [19] Water supply.
- [20] Curbing.
- [21] Such other information as the Planning Board may reasonably request.

(c) The construction of the work as detailed on the site plan shall not deviate from the work shown on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission.

(3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the **application**/plan for completeness within three business days of the submission. Completeness shall be based on the requirements of **the this respective subsections for minor or major review**. If the submission is determined incomplete by the Planning Board or its agent, notice will be **provided** ~~mailed~~ to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

C. The plans for **minor or major site plan approval** shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts. **A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** ~~and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.~~

D. Approval required.

(1) Site plan approval shall be granted **by a majority vote** upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment; **shall provide** ~~and~~ adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land; ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

(a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

(b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

(c) Minimize obstruction of scenic views from publicly accessible locations.

(d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet except adjacent to Route 9; and avoiding unreasonable departure from the character of buildings in the vicinity.

(2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.

E. The Planning Board shall hold a public hearing on the application for **major** site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the application until it has received and given due consideration to the recommendations of the Board of Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.

F. The Planning Board shall act on a ~~an~~ **complete** application for **major** site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building Inspector of its action within 60 days of the receipt of ~~a the~~ **complete application, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk.** ~~Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan.~~ The actions allowed by the **major** site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application notice and hearing will be required.

G. Any person aggrieved by the action of the Planning Board on a **either minor or major** site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17, **as amended.**

[Amended 5-22-2018 STM by Art. 3]

H. Minor departures from the site plan as approved, may be authorized by the Building ~~Commissioner Inspector~~ after approval of the ~~Planning Board Site Plan Review Committee~~ **Planning Board** if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building ~~Commissioner Inspector's~~ **Commissioner Inspector's** signature and the date.

I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.

J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.

; or do or act anything in relation thereto

Proposed by: PLANNING BOARD

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

ARTICLE 31: To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

SOUTHBOROUGH NOISE BYLAW

1.1 Declaration of Policy

Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the "Town") to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

1.2 Definitions

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

- A. **BACKGROUND SOUND LEVEL** shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- B. **CONSTRUCTION** shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- C. The abbreviation **dba** shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation **dbc** shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.
- D. **EMERGENCY VEHICLE**: shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.
- E. **EMERGENCY WORK**: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
- F. **ENFORCING PERSON**: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.
- G. **IMPACT DEVICE**: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of amoil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.
- H. **INTRUDING NOISE**: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.
- I. **PERSON**: shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.
- J. **SOUND LEVEL**: shall mean the instantaneous A-weighted sound pressure level, in decibels, (dba) as measured with a sound level meter set to the “A” weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

Sound Level - dB	Source
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
V Increasing risk of hearing loss V	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

K. SOUND LEVEL METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

1.3 Designated Noise Zones

The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

NOISE ZONE II: All other property used in accordance with the Town's Zoning Bylaw.

1.4 Exterior Noise Standards

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

- A. The maximum allowable exterior sound level outlined in Table I; or
- B. Five dB over the background sound level.

Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA
II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

1.5 Construction Noise Standards

A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;
2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

1.6 Maintenance Noise Standards

A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

1.7 Commercial Trash Collection and Deliveries or Pick-up

A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

1.8 Motor Vehicles or Motorcycles

Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of 85 dBA. It is also in violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

1.9 Special Provisions

Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

A. Emergency work or emergency vehicles.

B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.

C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.

D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment

E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.

F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

1.10 Prima Facie Violations

Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

1.11 Penalties for Violations

A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.

B. The penalty for a violation under this Bylaw shall be \$100 for a first offense, \$250 for a second offense, \$500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

Proposed by: PETER LAPINE, et al.

Board of Selectmen Recommendation: Not Support

Advisory Committee Recommendation: At Town Meeting

Summary: *As the population of Southborough grows, it has transitioned from a rural community to one that is more suburban. People move to Southborough to enjoy its natural beauty and peaceful environment. With increased housing density, practices of earlier times increasingly encroach upon the tranquility of Town residents, resulting in conditions characterized as being out of balance. There is an ever-growing requirement to place limits on these practices – a rebalancing - so that everyone, business owners and homeowners alike, may prosper. This article, a Noise Bylaw, seeks to harmonize the needs of Town residents with those of local business owners.*

ARTICLE 32: To see if the Town of Southborough will vote to pass a bylaw to reduce plastic waste

Section 1 Purpose and Intent

The production and use of single-use plastics such as polystyrene food packing and thin-film plastic checkout bags have significant impacts on the environment, including, but not limited to, contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. Additionally, polystyrene contains known carcinogens, and readily leaches into certain foodstuffs. Measurable levels of polystyrene are now found almost 100% of human fat samples.

The purpose of this bylaw is to preserve the Town’s water, wildlife and natural resources—as well as to enhance the health of its citizens—by banning within the Town of Southborough two of the largest contributors of non-recyclable plastics to the environment—single-use polystyrene retail food packaging and single-use plastic checkout bags—while promoting the adoption of more environmentally friendly alternatives.

Section 2 Definitions

“Polystyrene food packaging” – means any holder of food or beverage made from polystyrene, either in solid or foam (Styrofoam) form, such as cups, plates, or take-out containers, as well all other single-use plastic products made to facilitate the consumption of foods, such as straws, lids and utensils made from polystyrene or other non-compostable plastic materials.

“Checkout bag” – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

“Retail Store” – means any business facility that sells goods directly to the consumer whether for or not-for-profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, as well as seasonal and temporary businesses.

“Reusable checkout bag” – means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

“Thin-film single-use plastic bags” – are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness

“Recyclable paper bag” – means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag

Section 3 Use Regulations

(A) Polystyrene food packaging shall not be distributed, used, or sold by any retail store within the town of Southborough.

(B) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Southborough.

(C) If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. The retail store may charge for said bags.

(D) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

(E) Violation of the By-Law to Reduce Plastic Waste: First offense – written warning; 2nd offense - \$100 per offense; 3rd and subsequent offenses - \$250 per offense.

Section 4 Effective Date

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a retail store from the requirements of this section for a period of up to two (2) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of straws or checkout bags.

Section 5 Enforcement

Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and incorporating the monitoring process into other town duties as appropriate. Any retail store distributing plastics in violation of this bylaw shall be subject to fines as described in Section 3 (E) above. Any such fines shall be paid to the Town of Southborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

Section 6 Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

; or to do or act anything in relation thereto.

Proposed by: MICHAEL WEISHAN, ET AL.

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

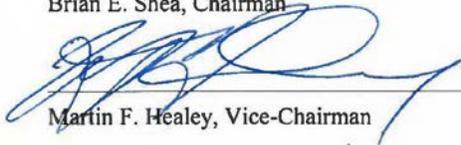
Summary: *This proposed bylaw would make a marked contribution to the health of both the citizens of Southborough and the overall environment by banning single-use plastic bags, Polystyrene cups, straws, utensils etc. at all retail establishments in Southborough.*

And you are to give notice hereby by posting true and attested copies of the Warrant on the Town website, the Southborough Town House, 17 Common Street, Southborough Senior Center, 9 Cordaville Road, Southborough Library, 25 Main Street, and Southborough Transfer Station, 147 Cordaville Road; seven (7) days at least before the time appointed for such meeting.

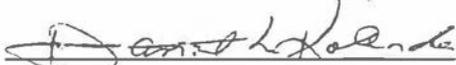
Given under our hand this twenty-fifth (25th) day of February, 2020.



Brian E. Shea, Chairman



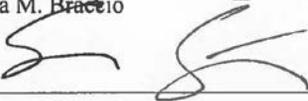
Martin F. Healey, Vice-Chairman



Daniel L. Kolenda



Lisa M. Braccio



Sam Stivers

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Attest:



Kenneth M. Paulhus, Constable

