

**TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS**

<p>Annual Town Meeting April 11, 2016</p>
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At the Annual Town meeting, duly called and held in the P. Brent Trottier Middle School, Southborough, on Monday April 11, 2016 at 7:00 PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 voters = quorum); 512 voters were present.

MOTION MADE: To waive the reading of the Warrant.

MOTION PASSED.

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.*

MOTION MADE: That the Town hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

MOTION PASSED.

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, New England Regional Primate Research Center, 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.

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.*

MOTION MADE: That the Town vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, New England Regional Primate Research Center, 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.

MOTION PASSED.

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, 2015 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.*

MOTION MADE: That the Town 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, 2015 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.

MOTION PASSED.

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.*

MOTION MADE: That the Town will vote in accordance with 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.

MOTION PASSED.

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

**SALARY ADMINISTRATION PLAN AND PERSONNEL BY-LAWS
OF THE TOWN OF SOUTHBOROUGH
[revised at April 11, 2016 Annual Town Meeting]**

This by-law 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 by-law 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, 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 H ("Classification Schedule") as set forth in Section 20 of this by-law.

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 by-law, 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 by-laws 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 By-Laws 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, G and H 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”).

“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 this Salary Administration Plan and Personnel By-Laws of the Town of Southborough.

“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, and it shall be approved at an annual or special town meeting.

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. 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 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. 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 merit 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, or the appropriate Commissioners or Trustees.

Retroactive merit 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. 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 a merit 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 merit increases within their grade one year from the date of their last increase.

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. Eligible residents who have participated in the Senior Tax Work-Off Program must complete their annual hours [pursuant to MGL Chapter 59, Section 5K] before they shall be compensated for filling a temporary position in any town department. Such individuals shall be compensated through a bi-weekly payroll for the pertinent department, and be treated as a non-benefitted employee; applicable federal and state deductions will be taken.

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 and MERIT INCREASES

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

b. 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 Town Administrator [who shall have authorization to set pay rates up to the mid-point]. Department Heads shall notify the Personnel Board of the hiring of all personnel and their hiring rates.

c. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process. Henceforth, the Board agrees to allow the Town Administrator the ability to set a starting salary for new employees with comparable experience from the municipal, state or federal sector, up to and not exceeding the mid-point of the pay scale set forth in Schedule A and B of the Salary Administration Plan.

d. For new hires, the first six months of employment shall be a probationary period at the end of which the employee may receive a merit increase based on the approved annual percentage set by the Personnel Board, provided that the Department Head recommends and the Personnel Board approves. The employee shall thereafter be reviewed for a rate increase one year from the date of the employee's latest increase, **based on a submitted performance evaluation**. This probationary rate increase shall apply only at the start of employment and shall not apply in case of transfer or promotion from one job to another. **The effective date of the new position shall then become the employee's new anniversary date for merit increases. [Longevity and paid leave accruals shall be based on the original hire date]**. During any such probationary period, benefit eligible employee(s) nevertheless will earn vacation, sick and personal time in accordance with Section 11(b) hereof.

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
Patriot's Day
Memorial Day
Independence Day

Veteran's Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Day
Day before or 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.

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.

The probationary period for new hires would still apply.

- (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, 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** 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 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

Bachelor's Degree...\$1,200.00

Master's 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: As administered through the Personnel Board and subject to the procedure below, the Town may provide tuition reimbursement to any Full-Time employee for a course that applies to the employee's specific position and for which the employee attained a grade of "B" or better.

(3) Approval Procedure: Town funds must first be appropriated by Town Meeting in the Personnel Board's fiscal year budget. If funds are appropriated, then no later than August 31st of each year interested employees shall advise the Personnel Board in writing of their interest in taking work-related courses during the fiscal year. The request should be routed through the employee's Department Head **to the Assistant Town Administrator**, and should include detailed information regarding the desired coursework and cost of tuition. Thereafter the Personnel Board will review all such requests and make recommendations for reimbursement based on available funds and the number of requests. The Board will then notify the employee and their department head of the decision.

(4) Reimbursement: Tuition reimbursed shall be paid only after the employee presents to the Department Head written verification of (a) course completion (with a grade of at least B) and (b) full payment by the employee. If an employee resigns employment within twelve months of such reimbursement, the employee shall be responsible to repay the amount paid to them by the Town.

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 and Personnel By-Laws. 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.

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 thereof.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

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

b. 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 for the month of August. 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 and Personnel By-Laws.

c. 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 Assistant Town Administrator, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

d. 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 and Personnel By-Laws. 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 and Personnel By-Laws at the next Annual Town Meeting.

e. Between November and January of each fiscal year, 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 and Personnel By-Laws at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information.

f. 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. 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.

g. 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 and Personnel By-Laws 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 and Personnel By-Laws. 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 and Personnel By-Laws may be amended in the same manner that Town By-Laws 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 by-law, 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 by-law.

SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

	Minimum	Midpoint	Maximum
1	\$35,000	\$40,250	\$45,550
2	\$37,625	\$43,269	\$48,913
3	\$40,447	\$46,514	\$52,581
4	\$45,000	\$52,875	\$60,750
5	\$48,375	\$56,841	\$65,306
6	\$52,003	\$61,104	\$70,204
7	\$62,500	\$75,000	\$87,500
8	\$73,438	\$88,125	\$102,813
9	\$86,289	\$103,547	\$120,805

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

Principal Department Assistant	4
Maintenance Supervisor	
Assistant Treasurer/Collector	
Assistant Town Accountant	

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

*Increases in rates **exceeding the maximum** will be considered individually by the Personnel Board.

SCHEDULE B: [RESERVED FOR FUTURE USE]
 SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Seasonal Laborer	1
Electrician	2
Seasonal Laborer II	2
Summer Program Assistant, Youth Commission	2
Election Worker (P.T.)	3
Page, Library	3
Election Warden (P.T.)	4
Clerk, Library	5
Library Custodian	5
Substitute Custodian	5
Receptionist	8
Secretary, Town Committee	8
Interim Public Safety Communications Officer	9
Part-Time Police Dispatcher	9
Technical Specialist	9
Administrative Assistant	10
Animal Control Officer	11
Business Assistant	11
Cable Access Facilitator	11
Economic Development Coordinator	11
Reserve Police Officer	11
Technical Specialist II	11
Tree Warden	11
Information Technology Coordinator	12
Interim Police Officer (Reserve)	12
Nurse	13
Electrician	13
Public Health Director	13
Police Lieutenant	See Schedule G

*While serving as an Interim Police Officer (Reserve), an employee will fall under Grade 12. After the interim designation has ended, the employee will revert to the Grade 11 classification.

Hourly Rates for Part-Time Positions

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 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:

\$46.00 per hour

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent	\$8,000
Clerk, Board of Registrars	\$1,638.33
Emergency Management Coordinator	\$2,000
Registrar of Voters.....	\$205.66
Town Counsel (not including fees)	\$1,704.33
Tree Warden	\$4,000
Veterans' Agent and Director of Veterans' Services	\$15,000
Website Administrator	\$5,000

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

Classification grade is reflective of “Hourly Rates for Part-Time Positions” in this plan.

SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Effective July 1, 2011, the Police Lieutenant would be classified under Schedule G. 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.

Police Lieutenant:

Minimum	Midpoint	Maximum*
62,668	72,992	83,316

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

SCHEDULE H: COMMUNICATIONS OFFICERS

The role and responsibilities of Communications Officer(s) for the Town are non-traditional, as staff members are expected to work odd hours, nights, weekends and holidays. They are also expected to wear prescribed clothing, as representatives of the Southborough Police and Fire Departments. The below listed items are allowances made for these requirements:

Shift differential:

Communications Officers are required to work 24/7 shifts. As a result, shift differential are paid hourly to scheduled employees for evening and midnight shifts.

Differential is set at:

4pm – 12 am	\$.50/hour
12am - 8 am	\$.60/hour

Clothing Allowance:

Communications Officers are expected to wear clothing as prescribed by the Police Chief. A clothing allowance of \$350 per year, paid through reimbursement as receipts are provided, will be allowable.

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: At Town Meeting

Summary: *The Personnel By-Law governs policies and pay structures for non-union employees. The changes are noted in **bold**.*

MOTION MADE: That the Town vote to approve changes to the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL, and insert in its place the changes as printed in the warrant. Changes are noted in **BOLD** in the warrant.

FIRST AMENDMENT MADE: That the main motion be amended to classify the positions of Principal Assessor and Town Accountant as Grade 8 under Section 20, Schedule A.

FIRST AMENDMENT PASSED.

SECOND AMENDMENT MADE: That the main motion be amended by striking out Section 7 d. in its entirety.

SECOND AMENDMENT PASSED.

THIRD AMENDMENT MADE: That the main motion be amended by striking out Section 12 b. in its entirety.

THIRD AMENDMENT FAILED.

MAIN MOTION WITH AMENDMENTS PASSED.

ARTICLE 6: To see if the Town will vote to approve funding for the economic cost items under M.G.L. Chapter 150E, Section 7 for any particular collective bargaining agreements reached before Town Meeting, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This article will fund costs associated with the first year of any contract agreed upon before Town Meeting commences with the DPW, Police, Communication Officers, and/or Fire Union.*

MOTION MADE: That pursuant to Mass. General Laws Chapter 150E Section 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and **AFSCME Council 93** and to raise and appropriate \$17,303 for the purpose of funding the collective bargaining agreement; and further, pursuant to Mass. General Laws Chapter 150E Sections 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and **Local 167, Massachusetts Coalition of Police** and to raise and appropriate \$39,356 for the purpose of funding the collective bargaining agreement.

MOTION PASSED.

ARTICLE 7: To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2016, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

MOTION MADE: That the Town transfer the sum of \$47,540 between and among various accounts for the fiscal year ending June 30, 2016, as follows:

FROM:	TO:	AMOUNT:
Norfolk County Assessment 0100-5-305-000-56700	Algonquin Regional Assmt 0100-5-302-000-56700	\$33,540
Overlay Reserve	Assessors Comp Software 0100-5-141-000-52540	\$14,000

MOTION PASSED.

ARTICLE 8: 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 2017, and make appropriations of the same, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY17 recommendations.*

MOTION MADE: That the Town vote to raise a sum of money not to exceed the sum of \$50,351,021 as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	15,000
Transfer from Free Cash	1,155,194
Transfer from Overlay Reserve	156,000
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	366,440
Transfer from Aerial Ladder Donation Fund	32,000
Transfer from Septic Betterment Fund	63,123
Transfer from Premium Reserve	96
Transfer from Reserve SBAB Fund Balance	13,784
Transfer from Water Reserve	65,000

AND that the Balance of \$48,484,384 be raised and appropriated

MOTION MADE: To divide the question.

MOTION PASSED.

MOTION MADE: To take an umbrella vote on those budgets that do not have a hold on them. This one vote will have the effect of voting each question separately.

MOTION PASSED.

MOTION MADE: To pass all budgets that do not have a hold on them.

MOTION PASSED.

**General Government
110-119 LEGISLATIVE**

114 MODERATOR

51000-51990 Personal Services	50
52000-58990 Other Charges and Expenses	25
TOTAL	75

120-129 EXECUTIVE

121 ELECTED BOARD OF SELECTMEN

51000-51990 Personal Services	4,000
TOTAL	4,000

122 BOARD OF SELECTMEN

51000-51990 Personal Services	352,120
52000-58990 Other Charges and Expenses	50,689
TOTAL	402,809

130-149 FINANCIAL ADMINISTRATION

131 ADVISORY COMMITTEE

52000-58990 Other Charges and Expenses	1,306
ADVISORY COMMITTEE TOTAL	1,306

132 RESERVE FUND

52000-58990 Other Charges and Expenses	150,000
TOTAL	150,000

135 TOWN ACCOUNTANT

51000-51990 Personal Services	141,906
52000-58990 Other Charges and Expenses	2,705
TOTAL	144,611

136 AUDIT

52000-58990 Other Charges and Expenses	24,700
TOTAL	24,700

140 ELECTED BOARD OF ASSESSORS

51000-51990 Personal Services	2,250
TOTAL	2,250

Budget Name	FY 2017 Request
-------------	-----------------

141 ASSESSORS

51000-51990 Personal Services	158,652
52000-58990 Other Charges and Expenses	33,640
TOTAL	192,292

145 TREASURER/COLLECTOR

51000-51990 Personal Services	187,004
52000-58990 Other Charges and Expenses	9,985
TOTAL	196,989

150-159 OPERATIONS SUPPORT

151 LEGAL

52000-58990 Other Charges and Expenses	95,000
TOTAL	95,000

152 PERSONNEL BOARD

51000-51990 Personal Services	5,000
52000-58990 Other Charges and Expenses	10,620
TOTAL	15,620

153 SPECIAL LEGAL COUNSEL

52000-58990 Other Charges and Expenses	55,000
TOTAL	55,000

155 MANAGEMENT INFORMATION SYSTEMS

51000-51990 Personal Services	90,000
52000-58990 Other Charges and Expenses	148,161
TOTAL	238,161

159 OTHER OPERATION SUPPORT

52000-58990 Other Charges and Expenses	337,400
TOTAL	337,400

160-169 LICENSING AND REGISTRATIONS

160 ELECTED TOWN CLERK SALARY

51000-51990 Personal Services	50,284
TOTAL	50,284

161 TOWN CLERK

51000-51990 Personal Services	122,473
52000-58990 Other Charges and Expenses	80,089
TOTAL	202,562

Town Clerk budget(161) & Election & Registration budget(162) are now combined into new Town Clerk budget(161).

Budget Name	FY 2017 Request
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AMENDMENT MADE: That the Town amend Article 8, Budget 161 Town Clerk by deleting \$50,284, the Elected Town Clerk Salary amount from Personal Services line item and adding the amount of \$50,284 to a restored budget 160 Elected Town Clerk Personal Services line. The new total for budget 161 to be \$202,562 and the new total for budget 160 to be \$52,284.

AMENDMENT PASSED.

BUDGET PASSED WITH AMENDMENT.

170-189 LAND USE AND DEVELOPMENT

171 CONSERVATION COMMISSION

51000-51990 Personal Services	49,374
52000-58990 Other Charges and Expenses	10,775
TOTAL	60,149

175 PLANNING BOARD

51000-51990 Personal Services	133,987
52000-58990 Other Charges and Expenses	14,925
TOTAL	148,912

176 ZONING BOARD OF APPEALS

51000-51990 Personal Services	13,770
52000-58990 Other Charges and Expenses	3,650
TOTAL	17,420

177 OPEN SPACE

52000-58990 Other Charges and Expenses	1,500
TOTAL	1,500

182 ECONOMIC DEVELOPMENT COMMITTEE

51000-51990 Personal Services	20,544
52000-53990 Purchase of Services	15,165
TOTAL	36,164

190-199 OTHER

192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE

51000-51990 Personal Services	328,110
52000-58990 Other Charges and Expenses	134,158
TOTAL	462,268

200-299 PUBLIC SAFETY**210 POLICE DEPARTMENT**

51000-51990 Personal Services	1,715,776
52000-58990 Other Charges and Expenses	123,430
TOTAL	1,839,206

220 FIRE DEPARTMENT

51000-51990 Personal Services	1,805,866
52000-58990 Other Charges and Expenses	188,643
TOTAL	1,994,509

241 BUILDING DEPARTMENT

51000-51990 Personal Services	126,519
52000-58990 Other Charges and Expenses	10,575
TOTAL	137,094

291 CIVIL DEFENSE

51000-51990 Personal Services	2,926
52000-58990 Other Charges and Expenses	6,464
TOTAL	9,390

**292 ANIMAL CONTROL OFFICER
AND ANIMAL INSPECTOR**

52000-58990 Other Charges and Expenses	28,212
TOTAL	28,212

400-499 PUBLIC WORKS & FACILITIES**400, 420 DEPT. OF PUBLIC WORKS**

(Highway, Cemetery, Tree)

51000-51990 Personal Services	853,957
52000-58990 Other Charges and Expenses	1,206,840
TOTAL	2,060,797

450 DEPT. OF PUBLIC WORKS - WATER

51000-51990 Personal Services	336,106
52000-58990 Other Charges and Expenses	1,253,600
TOTAL	1,589,706

500-599 HUMAN SERVICES**510 ELECTED BOARD OF HEALTH**

51000-51990 Personal Services	450
TOTAL	450

Budget Name	FY 2017 Request
-------------	-----------------

512 BOARD OF HEALTH

51000-51990 Personal Services	102,493
52000-58990 Other Charges and Expenses	49,988
TOTAL	152,481

541 COUNCIL ON AGING

51000-51990 Personal Services	230,311
52000-58990 Other Charges and Expenses	58,135
TOTAL	288,446

542 YOUTH COMMISSION

51000-51990 Personal Services	128,687
52000-58990 Other Charges and Expenses	16,000
TOTAL	144,687

543 VETERANS' SERVICES

51000-51990 Personal Services	15,000
52000-58990 Other Charges and Expenses	35,975
TOTAL	50,975

600-699 CULTURE & RECREATION

610 LIBRARY

51000-51990 Personal Services	361,125
52000-58990 Other Charges and Expenses	123,437
TOTAL	484,562

630 RECREATION COMMISSION

51000-51990 Personal Services	120,590
52000-58990 Other Charges and Expenses	9,900
TOTAL	130,490

691 HISTORICAL COMMISSION

52000-58990 Other Charges and Expenses	1,240
TOTAL	1,240

692 MEMORIAL DAY

52000-58990 Other Charges and Expenses	2,950
TOTAL	2,950

700-799 DEBT SERVICE**DEBT PRINCIPAL AND DEBT INTEREST**

0100-710-59100 Principal General Fund	2,808,123
6161-710-59100 Principal Water Fund	290,000
0100-751-59150 Interest General Fund	400,981
6161-751-59150 Interest Water Fund	121,429
TOTAL	3,620,533

900-999 UNCLASSIFIED**910 EMPLOYEE BENEFITS**

51700 Police/Fire Accident and Workers' Comp.	206,414
51710 Unemployment Payments	35,000
51720 Health Insurance	4,084,506
51730 Retirement Fund	1,535,911
51740 Life Insurance	5,012
51750 Flexible Spending Account	0
51770 Medicare	318,682
51780 Dental Insurance	201,566
51785 Medicare B Penalty	16,100
59660 Transfer to OPEB Trust	250,000
TOTAL	6,653,191

930 BUDGET CAPITAL

<i>DPW - Sweeper, Toolcat, Refurbishing</i>	295,000
<i>DPW - Water: Diesel Cab</i>	55,000
<i>Fire - Mobile Radios Communications Trailer</i>	16,440
<i>Fire - Jaws of Life</i>	25,000
<i>Fire - Command Vehicle</i>	50,000
<i>Assessors - Assessing Software</i>	25,000
<i>Police - Taser Replacement Plan</i>	1,440
<i>Police - Rifle Replacement</i>	15,530
<i>Board of Selectmen - Town House Copier</i> <i>10,000</i>	
52000-58990 Other Charges and Expenses	493,410
TOTAL	493,410

941 COURT JUDGEMENTS

57600 Court Judgements	220,000
TOTAL	220,000

945 LIABILITY INSURANCE

52000-58990 Other Charges and Expenses	231,431
TOTAL	231,431

Budget Name	FY 2017 Request
-------------	-----------------

300-399 EDUCATION

300 ELECTED SCHOOL COMMITTEE

51000-51990 Personal Services	500
TOTAL	500

301 SOUTHBOROUGH SCHOOLS

REGULAR DAY PROGRAMS

Administration	562,326
Instruction	10,353,163
Other Student Services	785,917
Operation and Maintenance Buildings	1,695,499
Fixed Charges	4,100
Acquisition and Improvement of Equipment	0
TOTAL	13,401,005

SPECIAL EDUCATION PROGRAMS - CHAPTER 766

Administration	17,800
Instruction	4,387,012
Other Student Services	692,000
Operation and Maintenance Buildings	7,000
Programs, Other Systems in Massachusetts	831,046
Programs, Member of Collaborative	66,000
TOTAL	6,000,858

TOTAL OPERATING BUDGET

19,401,863

Note: Advisory Committee recommendation at Town Meeting

302 ALGONQUIN REGIONAL HIGH SCHOOL

REGULAR DAY PROGRAMS

Administration	615,887
Instruction	10,600,887
Other Student Services	1,889,703
Operation and Maintenance Buildings	1,795,817
Fixed Charges	3,390,748
New Equipment	97,410
Tuition, Other Public Schools	290,000
TOTAL	18,680,452

SPECIAL EDUCATION PROGRAMS - CHAPTER 766

Instruction	2,110,265
Other Student Services	221,489
Operation and Maintenance Buildings	2,000
Programs, Other Systems in Massachusetts	410,924
Programs, Member of Collaborative	62,795
TOTAL	2,807,473

TOTAL OPERATING BUDGET

21,487,925

Budget Name	FY 2017 Request
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	NON EXEMPT	EXEMPT	TOTAL
FY 2017 SOUTHBOROUGH ASSESSMENT	7,127,461	474,301	7,601,762
Note: Advisory Committee recommendation at Town Meeting			

304 ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL			
Southborough Operating Assessment			279,270
Renovation Project - Capital Assessment			50,794
SOUTHBOROUGH ASSESSMENT			330,064
Note: Advisory Committee recommendation at Town Meeting			

305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL			
Tuition/Transportation Assessment			43,600
TOTAL			43,600
Note: Advisory Committee recommendation at Town Meeting			

AMENDMENT MADE: That the Town move to amend Department 930 – Budget Capital by reducing the bottom line number from \$521410 to \$493410 (a reduction of \$28,000.)

AMENDMENT PASSED.

MAIN MOTION WITH AMENDMENT PASSED.

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	WATER AND OTHER FUNDS
A.	Phone system (DPW, Cordaville Hall)	\$35,000.00	\$35,000.00	
B.	Road Maintenance	\$250,000.00	\$250,000.00	
C.	Police – Fingerprint Device	\$19,200.00	\$19,200.00	
D.	DPW – Mechanical/storage building	\$38,000.00	\$38,000.00	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary:

A. The DPW, Recreation and Cordaville Hall departments are using outdated phone systems. Phone system breakdowns are common and replacement equipment for the system is no longer available. The new system will be compatible with the new phone systems at the Town House and Fire and Police Stations.

B. This is the annual request for road maintenance in conjunction with Chapter 90 funding. The amount is slightly less than in past years, as we received more Chapter 90 money in FY16 than anticipated.

C. The new live scan fingerprint device for the Police Department will be digital and will replace the current unit purchased in 2006. The current unit is now not supported and replacement parts are unavailable.

D. This article will provide the funds for a metal building that will provide mechanic and storage space for the DPW. This is in anticipation of the Town having reduced space due to the planned elimination of the “Station 2” lot the Town wishes to dispose of. Should “Station 2” remain a Town property, the building in question will not be purchased.

MOTION MADE: That the Town vote to raise and appropriate:

- \$35,000 for a phone system for Public Works and Cordaville Hall;
- \$250,000 for maintenance of Town roads
- \$19,200 for a new fingerprinting device for the Police Department;
- \$38,000 for a mechanical/storage building for Public Works;

MOTION PASSED

ARTICLE 10: To see if the Town will vote to borrow a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	DPW – Underground Fuel Tank Replacement	\$525,000.00	\$525,000.00	
B.	DPW – Water Main Cleaning and Lining	\$800,000.00		\$800,000.00

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary:

A. This will fund the design and construction costs associated with replacing the Town’s fuel station. Currently the DPW, Fire, Police, Facilities, Recreation and Building get fuel from one 12,000 gallon underground diesel fuel tank and one 12,000 gallon underground gasoline tank. Due to changes in fuel chemistry and environmental laws the Town would like to replace the two tanks with two smaller aboveground tanks. The Town will also replace the fuel pumps, canopy, fire suppression system and monitoring software.

B. This will fund the (replacement/cleaning and lining) of approximately 5000 feet of the 1931, 10-inch, cast iron, water main in Main Street. This work is outside of the Main Street Project and TIP funding because the Main Street Project is not affecting the water main. The replacement/cleaning and lining is a preventative measure/maintenance project. The bond will be paid back via Water funds.

MOTION MADE: That the Town vote to raise by borrowing:

- \$525,000 for the replacement of the Public Works underground fuel storage tanks;
- \$800,000 for Public Works cleaning and lining of existing water mains, which shall be repaid, in the first instance, by the Water Fund, although any borrowing for this project shall, nevertheless, constitute a pledge of the Town’s full faith and credit in accordance with the Massachusetts General Law.

Requires a 2/3 vote.

MOTION PASSED UNANIMOUSLY.

ARTICLE 11: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize and/or reauthorize the use of a revolving fund for the following purposes:

1. Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.
2. Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000.
3. Department of Public Works for 9-11 Field Maintenance and usage and DCR annual fee to a maximum of \$50,000.
4. Local Wetland Filing fees for Conservation Commission departmental and consultant costs for review, issuance and monitoring of projects to a maximum of \$30,000.

5. Public Safety and Public Works departments for responding to incidents involving hazardous material to a maximum of \$75,000.
6. CPR classes by the Fire Department for the cost of running CPR classes to a maximum of \$6,500.
7. Conservation Commission for the cost of running the community garden to a maximum of \$1,500.
8. Recreation Commission for a portion of recreation program costs to a maximum of \$342,094.
9. Tobacco Control Program to allow the Board of Health to conduct periodic compliance checks with vendors to a maximum of \$4,000.
10. Technology fee from permits for the annual costs of municipal licensing/permitting software to a maximum of \$40,000.

, 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 which provides for revolving funds must be approved annually and will cover the costs of the programs as described above. There are no new revolving funds being proposed for FY17.*

MOTION MADE: That the Town vote, pursuant to Massachusetts General Laws, Chapter 44 § 53E ½, to authorize and/or re-authorize the use of a revolving fund for the following purposes:

1. Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.
2. Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000.
3. Department of Public Works for 9-11 Field Maintenance and usage and DCR annual fee to a maximum of \$50,000.
4. Local Wetland Filing fees for Conservation Commission departmental and consultant costs for review, issuance and monitoring of projects to a maximum of \$30,000.
5. Public Safety and Public Works departments for responding to incidents involving hazardous material to a maximum of \$75,000.
6. CPR classes by the Fire Department for the cost of running CPR classes to a maximum of \$6,500.
7. Conservation Commission for the cost of running the community garden to a maximum of \$1,500.
8. Recreation Commission for a portion of recreation program costs to a maximum of \$342,094.
9. Tobacco Control Program to allow the Board of Health to conduct periodic compliance checks with vendors to a maximum of \$4,000.
10. Technology fee from permits for the annual costs of municipal licensing/permitting software to a maximum of \$40,000.

MOTION PASSED.

ARTICLE 12: 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 Capital Budget and Advisory Committees 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.*

Requires 2/3 vote.

MOTION MADE: That the Town vote to raise and appropriate \$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 Capital Budget and Advisory Committees, as requested.

MOTION PASSED.

Presentation made by Michael Weishan and Frederica Gillespie.

ARTICLE 13: To see if the Town will vote to acquire by grant, conveyance or transfer from the 84 Main Street Southborough LLC, a Preservation Restriction for historical preservation purposes, pursuant to M.G.L. c.184, §§ 31-33, as amended, to be held under the custody and control of the Southborough Historical Commission, as agent for the Town, pursuant to M.G.L. c.40, § 8D on over and in a certain parcel of land located in the Town of Southborough consisting of approximately 4.994 acres being shown on Plan of Land entitled, "Easement Plan of Land 9 Parkerville Road & 84 Main Street in Southborough, Massachusetts (Worcester County) Estate of Elinor F. Garfield" dated May 4, 2010, prepared by Engineering Design Consulting Inc., scale 1"= 40' and recorded in the Worcester Registry of Deeds as Plan No. 78 in Plan Book 822. For Grantor's Title, see deed dated August 7, 2014 and recorded in said Registry of Deeds in Book 32671, Page 4. Said Preservation Restriction to be granted in perpetuity in consideration of the amount specified in Article 14, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This article would allow the Town to acquire a Preservation Restriction on 84 Main Street, also known as the Burnett House. Proposed by Southborough Historical Commission, the Restriction will permanently protect the landscape and exterior of the buildings on this historically significant property. The Preservation Restriction will be under care, control and management of the Southborough Historical Commission.*

MOTION MADE: That the Town vote to acquire by grant, conveyance or transfer from the 84 Main Street Southborough LLC, a Preservation Restriction for historical preservation purposes, pursuant to M.G.L. c.184, §§ 31-33, as amended, to be held under the custody and control of the Southborough Historical Commission, as agent for the Town, pursuant to M.G.L. c.40, § 8D on over and in a certain parcel of land located in the Town of Southborough consisting of approximately 4.994 acres being shown on Plan of Land entitled, "Easement Plan of Land 9 Parkerville Road & 84 Main Street in Southborough, Massachusetts (Worcester County) Estate of Elinor F. Garfield" dated May 4, 2010, prepared by Engineering Design Consulting Inc., scale 1"= 40' and recorded in the Worcester Registry of Deeds as Plan No. 78 in Plan Book 822. For Grantor's Title, see deed dated August 7, 2014 and recorded in said Registry of Deeds in Book 32671, Page 4. Said Preservation Restriction to be granted in perpetuity in consideration of the amount specified in Article 14.

MOTION PASSED.

ARTICLE 14: To see if the Town will vote, pursuant to Mass. General Laws in Chapter 44, as amended, or any other enabling authority, to borrow a sum of money not to exceed the amount of One Million Forty-Five Thousand (\$1,045,000.00) Dollars for a period of not less than ten (10) years nor more than twenty (20) years, for historic preservation, pursuant to Mass. General Laws Chapter 44B, so as to fund the purchase of a perpetual Preservation Restriction held under the custody and control of the Southborough Historical Commission on property located at 84 Main Street, Southborough including payment of all costs incidental or related thereto. Said funds to be expended under the direction of the Community Preservation Commission in conjunction with the Board of Selectmen. Said

borrowing being contingent upon the review of a full written appraisal by the Community Preservation Commission, 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: *This article would allow the town to purchase a bond using Community Preservation Funds, to acquire a Preservation Restriction on 84 Main Street, also known as the Burnett House. Proposed by Southborough Historical Commission, the Restriction will permanently protect the landscape and exterior of the buildings on this historically significant property. The Preservation Restriction will be under care, control and management of the Southborough Historical Commission.*

MOTION MADE: That the Town vote, pursuant to Mass. General Laws in Chapter 44, as amended, or any other enabling authority, to borrow the sum of Nine Hundred and Seventy Thousand (\$970,000.00) Dollars for a period of not less than ten (10) years nor more than twenty (20) years, for historic preservation, pursuant to Mass. General Laws Chapter 44B, so as to fund the purchase of a perpetual Preservation Restriction held under the custody and control of the Southborough Historical Commission on property located at 84 Main Street, Southborough including payment of all costs incidental or related thereto. Said funds to be expended under the direction of the Community Preservation Commission in conjunction with the Board of Selectmen. Said borrowing being contingent upon the review of a full written appraisal by the Community Preservation Commission.

Requires a 2/3 vote.

MOTION PASSED UNANIMOUSLY.

ARTICLE 15: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2017 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 FY 17 Surcharge Receipts (based on Town Treasurer’s projections)	\$309,546.00
FY17 State Match (estimated 20% of FY16 surcharge)	\$60,399.00
Total Projected Revenue	<u>\$369,945.00</u>

Set Aside- Open Space

\$ 36,995.00 to be set aside, held in the Community Preservation Fund, and spent in FY2016 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

\$ 36,995.00 to be set aside, held in the Community Preservation Fund, and spent in FY2015 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

Set Aside – Community Housing

\$ 36,995.00 to be set aside, held in the Community Preservation Fund, and spent in FY2015 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.

Set Aside – Administrative Costs – Community Preservation Committee

\$ 18,497.00 to defray the administrative and operating expenses of the Community Preservation Committee in FY2017 for the Community Preservation Fund (discretionary)

Set Aside - Budgeted Reserve/Discretionary

\$ 88,758.00 Reserved for FY17 CPF (Undesignated Budgeted Reserve), or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: These set asides are an annual requirement under the Community Preservation Act.

MOTION MADE: That the Town vote to accept the report of the Community Preservation Committee for the FY 2017 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 printed in the warrant.

MOTION PASSED.

ARTICLE 16: To see if the Town will vote to appropriate \$ 188,700.00 (\$ 36,995.00 from the Open Space Reserve Fund, and \$ 151,705.00 from the CPA FY17 Receipts), to be applied to the Chestnut Hill Bond for the purpose of open space. Said funds to be expended under the direction of the Community Preservation Committee; 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's portion of the annual payment of the bond funding for the preservation of Chestnut Hill Farm.

MOTION MADE: That the Town vote to appropriate \$36,995.00 from the CPA Open Space Reserve Fund and \$151,705 from the CPA FY17 Receipts, to be applied to the Chestnut Hill Bond for the purpose of open space. Said funds to be expended under the direction of the Community Preservation Committee.

MOTION PASSED.

ARTICLE 17: To see if the Town will vote to appropriate \$ 98,200.00 from the CPA General Unreserved Fund to fund; \$92,000.00 to fund the Fay Memorial Playground Restoration Project, and \$6,200.00 for the resurfacing of Tennis Courts. This is for the purpose of recreation as requested by the Southborough Recreation Department. Said funds to be expended under the direction of the Community Preservation Committee; 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 would fund the installation of new playground equipment at the Harold E. Fay Memorial Playground located on Central Street. This playground is one of the most popular and heavily used facilities in town. The structure is composed of pressure treated wood and is falling into disrepair due to lack of replacement parts and needs to be replaced. At 2016 Annual Town Meeting, the warrant article for the Tennis Courts Resurfacing Project had a printing error and was approved at \$62,000.00 when the CPC recommendation was for \$68,200.00. \$ 6,200.00 corrects the mistake so the project can move forward. Both projects will be overseen by Doreen Ferguson Director Recreation Department.

MOTION MADE: That the Town vote to appropriate \$98,200.00 from the CPA General Unreserved Fund, of which \$92,000 is to fund the Fay Memorial Playground Restoration Project, and \$6,200 is to fund the resurfacing of Tennis Courts. Said funds are to be expended under the direction of the Community Preservation Committee.

MOTION PASSED.

ARTICLE 18: To see if the Town will vote to appropriate \$63,778. 00 from the CPA Historic Reserve Fund to fund the Restoration/Preservation of Historical permanent records of the Town of Southborough for the purpose of Historic Preservation as requested by James F. Hegarty, Town Clerk. Said funds to be expended under the direction of the Community Preservation Committee; 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 would fund a project for the Restoration/Preservation of Historical permanent records of the Town of Southborough as to be managed by Town Clerk James F. Hegarty.*

MOTION MADE: That the Town vote to appropriate \$63,778. 00 from the CPA Historic Reserve Fund to fund the Restoration/Preservation of Historical permanent records of the Town of Southborough for the purpose of Historic Preservation as requested by James F. Hegarty, Town Clerk. Said funds to be expended under the direction of the Community Preservation Committee.

MOTION PASSED.

At 10:13 pm, a motion was made to adjourn the Annual Town Meeting until Tuesday April 12, 2016 at 7:30 pm.

MOTION PASSED UNANIMOUSLY.

True Copy

Attest:

James F. Hegarty, Town Clerk

**Annual Town Meeting
Adjourned Session
April 12, 2016**

At the Adjourned Annual Town meeting, duly called and held in the P. Brent Trottier Middle School, Southborough, on Tuesday April 12, 2016 at 7:30 PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 voters = quorum); 307 voters were present

ARTICLE 19: To see if the Town will vote to appropriate \$13,800.00 from the CPA Historic Reserve Fund to fund the Southborough Library Historical Material Archival Project for the purpose of Historic Preservation as requested by Ryan Donovan, Director, Southborough Library. Said funds to be expended under the direction of the Community Preservation Committee; 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 would fund a project for the professional evaluation of Historical Material in the Southborough Historical Society Museum to be managed by Ryan Donovan, Director, Southborough Library. Working together the Southborough Library and the Southborough Historical Society propose the Southborough*

Library Historical Material Archival Project which will fund an evaluation of the material stored in the Southborough Historical Society Museum, and develop a plan by a preservationist for storage and display of the material.

MOTION MADE: That the Town vote to appropriate \$13,800.00 from the CPA Historic Reserve Fund to fund the Southborough Library Historical Material Archival Project for the purpose of Historic Preservation as requested by Ryan Donovan, Director, Southborough Library. Said funds to be expended under the direction of the Community Preservation Committee.

MOTION PASSED.

Presentation made by Brian Shea, member of the Board of Selectmen.

ARTICLE 20: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, donation, purchase or take by eminent domain, pursuant to Massachusetts General Laws, Chapter 79, as amended, certain permanent, temporary and aerial and drainage easements on, over and within certain parcels of land for the purpose of obtaining a secure and improved public right of way and access by widening and reconstructing of Main Street, Route 30, from Sears Road to Park Street.

Said acquisition of such easements comprising of 122 parcels of land located in the Town of Southborough is described as follows:

PARCEL NUMBER	OWNER	AREA OF EASEMENT	
		TYPE	AREA
E-1	MICHAEL A. SPATARO & SIMON N. MCRAE TRUST, now or formerly	PERM.	73 ±
TE-1	2 SEARS ROAD; ASSESSOR'S MAP 52 LOT 7	TEMP.	236 ±
TE-66	THOMAS W. & REGINA M. MANNIX, now or formerly	TEMP.	1970 ±
	1 SEARS ROAD; ASSESSOR'S MAP 53 LOT 6		
PUE-1	ROBERT NICOLS & DANE S. WORLEY, now or formerly	UTIL.	62 ±
TE-2	94 MAIN STREET; ASSESSOR'S MAP 53 LOT 5	TEMP.	4664 ±
E-26	CHARLES O. JR. & WENDY M. BLACK, now or formerly	PERM.	146 ±
TE-3	1 DEERFOOT ROAD; ASSESSOR'S MAP 53 LOT 5A	TEMP.	2160 ±
D-1	84 MAIN STREET SOUTHBOROUGH, LLC, now or formerly	DRAIN.	11261 ±
PUE-2	84 MAIN STREET; ASSESSOR'S MAP 53 LOT 1	UTIL.	95 ±
TE-4		TEMP.	813 ±
TE-61		TEMP.	943 ±
PUE-3	TIMOTHY J. NORTON & SHERRY COUNTRYMAN, now or formerly	UTIL.	100 ±
TE-5	65 MAIN STREET; ASSESSOR'S MAP 53 LOT 6B	TEMP.	478 ±
TE-62		TEMP.	758 ±
PUE-4	ERIC C. & AIMEE SIEGEL, now or formerly	UTIL.	538 ±
TE-6	61 MAIN STREET; ASSESSOR'S MAP 53 LOT 21	TEMP.	150 ±

TE-7	GEORGE ARTHUR FORSYTHE & DOROTHY ANNE HURD, now or formerly	TEMP.	2635 ±
	78 MAIN STREET; ASSESSOR'S MAP 53 LOT 18		
PUE-5	ALAN J. & WENDY SCOTT MCDONALD, now or formerly	UTIL.	276 ±
TE-8	59 MAIN STREET; ASSESSOR'S MAP 53 LOT 7	TEMP.	317 ±
PUE-6	ST. MARK'S SCHOOL, now or formerly	UTIL.	94 ±
TE-10	55 MAIN STREET; ASSESSOR'S MAP 53 LOT 8	TEMP.	365 ±
TE-11		TEMP.	286 ±
TE-9	FAY SCHOOL, INC.	TEMP.	1579 ±
	76 MAIN STREET; ASSESSOR'S MAP 53 LOT 19		
TE-54	FAY SCHOOL, INC.	TEMP.	1810 ±
	74 MAIN STREET; ASSESSOR'S MAP 53 LOT 20		
E-27	FAY SCHOOL, INC.	PERM.	208 ±
TE-55	70 MAIN STREET; ASSESSOR'S MAP 53 LOT 25	TEMP.	1253 ±
PUE-7	FAY SCHOOL, INC.	UTIL.	96 ±
PUE-8	66 MAIN STREET; ASSESSOR'S MAP 53 LOT 14	UTIL.	100 ±
PUE-9		UTIL.	86 ±
TE-56		TEMP.	1778 ±
TE-67		TEMP.	504 ±
TE-68		TEMP.	869 ±
TE-69		TEMP.	723 ±
TE-13	FAY SCHOOL, INC.	TEMP.	1777 ±
	56 MAIN STREET; ASSESSOR'S MAP 53 LOT 13		
E-2	FAY SCHOOL, INC.	PERM.	252 ±
TE-57	54 MAIN STREET; ASSESSOR'S MAP 53 LOT 12	TEMP.	1921 ±
E-3	FAY SCHOOL, INC.	PERM.	1788 ±
E-4	48 MAIN STREET; ASSESSOR'S MAP 53 LOT 11	PERM.	326 ±
E-5		PERM.	864 ±
E-28		PERM.	11 ±
TE-58		TEMP.	3268 ±
TE-59		TEMP.	4551 ±
E-23	FAY SCHOOL, INC.	PERM.	446 ±

TE-60	44 MAIN STREET; ASSESSOR'S MAP 54 LOT 2	TEMP.	1139 ±
PUE-22	ST. MARK'S SCHOOL	PERM.	215 ±
TE-12	30 MAIN STREET; ASSESSOR'S MAP 53 LOT 9	TEMP.	1466 ±
TE-70		TEMP.	1034 ±
PUE-23	FAY SCHOOL, INC.	PERM.	402 ±
TE-14	31 MAIN STREET; ASSESSOR'S MAP 53 LOT 10	TEMP.	1471 ±
E-29	ST. MARK'S CHURCH	PERM.	847 ±
PUE-10	27 MAIN STREET; ASSESSOR'S MAP 54 LOT 3	UTIL.	61 ±
PUE-24		UTIL.	312 ±
TE-16		TEMP.	989 ±
TE-63		TEMP.	1272 ±
E-6	TIMOTHY P. & VIRGINIA STONE, now or formerly	PERM.	488 ±
TE-18	42 MAIN STREET; ASSESSOR'S MAP 54 LOT 1	TEMP.	860 ±
TE-19	TOWN OF SOUTHBOROUGH	TEMP.	4007 ±
	17 COMMON STREET; ASSESSOR'S MAP 54 LOT 4		
E-21	PILGRIM CONGREGATIONAL CHURCH	PERM.	249 ±
TE-20	15 COMMON STREET; ASSESSOR'S MAP 54 LOT 5	TEMP.	331 ±
E-22	TOWN OF SOUTHBOROUGH	PERM.	692 ±
PUE-11	TOWN COMMON; ASSESSOR'S MAP 54 LOT 6	UTIL.	537 ±
TE-21		TEMP.	2907 ±
TE-64		TEMP.	5326 ±
TE-22	TOWN OF SOUTHBOROUGH OLD CEMETERY 1727	TEMP.	1064 ±
	ST MARK'S STREET; ASSESSOR'S MAP 54 LOT T		
TE-23	TOWN OF SOUTHBOROUGH LIBRARY	TEMP.	821 ±
TE-33	25 MAIN STREET;ASSESSOR'S MAP 54 LOT 7	TEMP.	2132 ±
E-7	DONALD C. & STEPHANIE MORRIS, now or formerly	PERM.	667 ±
TE-24	40 MAIN STREET; ASSESSOR'S MAP 54 LOT 11	TEMP.	2700 ±
E-8	STEPHEN D. & NANCY G. MORRIS, now or formerly	PERM.	104 ±
TE-25	36 MAIN STREET; ASSESSOR'S MAP 54 LOT 10	TEMP.	1067 ±
E-9	LEONORA A. & FRED B. WILLIAMS, now or formerly	PERM.	193 ±
TE-26	34 MAIN STREET; ASSESSOR'S MAP 54 LOT 9	TEMP.	911 ±

E-10	SOUTHBOROUGH HOUSING AUTHORITY	PERM.	72 ±
TE-27	1 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 25	TEMP.	394 ±
TE-28		TEMP.	1324 ±
E-13	ST MARK'S SCHOOL	PERM.	835 ±
TE-29	25 MARLBORO ROAD; ASSESSOR'S MAP 65 LOT 3	TEMP.	5994 ±
E-11	SOUTHBOROUGH VILLAGE SOCIETY	PERM.	910 ±
E-24	28 MAIN STREET; ASSESSOR'S MAP 58 LOT 2A	PERM.	263 ±
PUE-12		UTIL.	40 ±
PUE-13		UTIL.	41 ±
PUE-14		UTIL.	140 ±
TE-30		TEMP.	7284 ±
TE-31	CHRISTINE J. DONAHUE, now or formerly 3 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 24	TEMP.	1559 ±
TE-32	RAYMOND G. HULING, IV, now or formerly 5 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 23	TEMP.	864 ±
E-12	TOWN OF SOUTHBOROUGH WOODWARD SCHOOL	PERM.	237 ±
PUE-18	28 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 92	UTIL.	91 ±
TE-40		TEMP.	319 ±
TE-53		TEMP.	1960 ±
E-30	TOWN OF SOUTHBOROUGH PUBLIC SAFETY COMPLEX	PERM.	118±
TE-34	19 MAIN STREET; ASSESSOR'S MAP 54 LOT 26	TEMP.	2395 ±
PUE-15	STEPHEN G. & LAURIE D. PHILLIPS, now or formerly	UTIL.	256 ±
TE-35	26 MAIN STREET; ASSESSOR'S MAP 54 LOT 90	TEMP.	1782 ±
TE-36	BERNARD & SANDRA CAMPBELL, now or formerly 17 MAIN STREET; ASSESSOR'S MAP 54 LOT 27	TEMP.	437 ±
PUE-16	DONALD M. & ANN DANDO LEAVITT, now or formerly	UTIL.	145 ±
TE-37	24 MAIN STREET; ASSESSOR'S MAP 54 LOT 89	TEMP.	316 ±
TE-38	KRISTEN CONNELL, now or formerly 15 MAIN STREET; ASSESSOR'S MAP 54 LOT 28	TEMP.	1214 ±
PUE-17	DAVID W. PARRY, now or formerly	UTIL.	470 ±
TE-39	20-22 MAIN STREET; ASSESSOR'S MAP 54 LOT 88	TEMP.	708 ±

PUE-19	MARSTON & LOUISE F. CLOUGH, now or formerly	UTIL.	243 ±
TE-41	18 MAIN STREET; ASSESSOR'S MAP 54 LOT 87	TEMP.	323 ±
E-25	RICHARD A. HALLISEY LIMITED PARTNERSHIP, now or formerly	PERM.	159 ±
TE-42	11 MAIN STREET; ASSESSOR'S MAP 54 LOT 29	TEMP.	274 ±
TE-45		TEMP.	2243 ±
E-14	16 MAIN STREET REALTY TRUST, now or formerly	PERM.	23 ±
PUE-20	16 MAIN STREET; ASSESSOR'S MAP 54 LOT 86	UTIL.	425 ±
TE-43		TEMP.	1329 ±
E-15	JSO REALTY, LLC, now or formerly	PERM.	148 ±
TE-44	14 MAIN STREET; ASSESSOR'S MAP 54 LOT 85	TEMP.	1290 ±
E-16	RAYMOND D. & MICHELE A. HOKINSON, now or formerly	PERM.	34 ±
TE-46	12 MAIN STREET; ASSESSOR'S MAP 54 LOT 83	TEMP.	290 ±
E-17	RAYMOND D. & MICHELE A. HOKINSON, now or formerly	PERM.	158 ±
TE-47	10 MAIN STREET; ASSESSOR'S MAP 54 LOT 84	TEMP.	2151 ±
E-18	WARREN C. & LUCIA R. PROSPERI, now or formerly	PERM.	134 ±
PUE-21	8 MAIN STREET; ASSESSOR'S MAP 54 LOT 70	UTIL.	54 ±
TE-48		TEMP.	465 ±
E-19	9 MAIN STREET, LLC, now or formerly	PERM.	392 ±
TE-49	9 MAIN STREET; ASSESSOR'S MAP 54 LOT 39	TEMP.	3062 ±
TE-51	MASSACHUSETTS ELECTRIC COMPANY	TEMP.	975 ±
	MAIN STREET; ASSESSOR'S MAP 54 LOT 40		
E-20	THE HOUSE OF SOUTHBORO TRUST, now or formerly	PERM.	97 ±
TE-50	6 MAIN STREET; ASSESSOR'S MAP 54 LOT 65	TEMP.	1102 ±
TE-52	OLD FIRE STATION, LLC, now or formerly	TEMP.	504 ±
	5 MAIN STREET; ASSESSOR'S MAP 54 LOT 41		

Said parcels being shown on Plan entitled, Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plans Main Street (Route 30) in the Town of Southborough, Worcester County dated February 29, 2016" prepared by Vanasse Hangen Brustlin Inc. A copy of said Plan being on file with the Town Clerk's office.

And further authorize the Board of Selectmen to have full and exclusive power and authority to defend, settle, compromise, make agreement and order payments of any and all claims, suits and actions which may exist or arise

from or on account of the acquisition by gift, purchase or taking by eminent domain, the propriety interests specified herein, or any modifications thereof, and as shown on said plans including structures and trees thereon if any.

To carry out the provisions of this Article, Chapter 90 funds already available will be utilized, 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 Selectmen to accept as gifts, or to negotiate, temporary and permanent easements for use on the Main Street Reconstruction Project. Securing easements will be done in accordance with the MassDOT's rules which include compliance with the Federal Aid Acquisition Guide for Property Owners, posted on the Town's website. Appraisals will be developed and reviewed by MassDOT approved appraisers, on each parcel.*

MOTION MADE: That the Town vote to authorize the Board of Selectmen to acquire by gift, donation, purchase or take by eminent domain, pursuant to Massachusetts General Laws, Chapter 79, as amended, certain permanent, temporary and aerial and drainage easements on, over and within certain parcels of land for the purpose of obtaining a secure and improved public right of way and access by widening and reconstructing of Main Street, Route 30, from Sears Road to Park Street.

Said acquisition of such easements comprising of 122 parcels of land located in the Town of Southborough is described as follows:

PARCEL NUMBER	OWNER	AREA OF EASEMENT	
		TYPE	AREA
E-1	MICHAEL A. SPATARO & SIMON N. MCRAE TRUST, now or formerly	PERM.	73 ±
TE-1	2 SEARS ROAD; ASSESSOR'S MAP 52 LOT 7	TEMP.	236 ±
TE-66	THOMAS W. & REGINA M. MANNIX, now or formerly	TEMP.	1970 ±
	1 SEARS ROAD; ASSESSOR'S MAP 53 LOT 6		
PUE-1	ROBERT NICOLS & DANE S. WORLEY, now or formerly	UTIL.	62 ±
TE-2	94 MAIN STREET; ASSESSOR'S MAP 53 LOT 5	TEMP.	4664 ±
E-26	CHARLES O. JR. & WENDY M. BLACK, now or formerly	PERM.	146 ±
TE-3	1 DEERFOOT ROAD; ASSESSOR'S MAP 53 LOT 5A	TEMP.	2160 ±
D-1	84 MAIN STREET SOUTHBOROUGH, LLC, now or formerly	DRAIN.	11261 ±
PUE-2	84 MAIN STREET; ASSESSOR'S MAP 53 LOT 1	UTIL.	95 ±
TE-4		TEMP.	813 ±
TE-61		TEMP.	943 ±
PUE-3	TIMOTHY J. NORTON & SHERRY COUNTRYMAN, now or formerly	UTIL.	100 ±
TE-5	65 MAIN STREET; ASSESSOR'S MAP 53 LOT 6B	TEMP.	478 ±
TE-62		TEMP.	758 ±

PUE-4	ERIC C. & AIMEE SIEGEL, now or formerly	UTIL.	538 ±
TE-6	61 MAIN STREET; ASSESSOR'S MAP 53 LOT 21	TEMP.	150 ±
TE-7	GEORGE ARTHUR FORSYTHE & DOROTHY ANNE HURD, now or formerly	TEMP.	2635 ±
	78 MAIN STREET; ASSESSOR'S MAP 53 LOT 18		
PUE-5	ALAN J. & WENDY SCOTT MCDONALD, now or formerly	UTIL.	276 ±
TE-8	59 MAIN STREET; ASSESSOR'S MAP 53 LOT 7	TEMP.	317 ±
PUE-6	ST. MARK'S SCHOOL, now or formerly	UTIL.	94 ±
TE-10	55 MAIN STREET; ASSESSOR'S MAP 53 LOT 8	TEMP.	365 ±
TE-11		TEMP.	286 ±
TE-9	FAY SCHOOL, INC.	TEMP.	1579 ±
	76 MAIN STREET; ASSESSOR'S MAP 53 LOT 19		
TE-54	FAY SCHOOL, INC.	TEMP.	1810 ±
	74 MAIN STREET; ASSESSOR'S MAP 53 LOT 20		
E-27	FAY SCHOOL, INC.	PERM.	208 ±
TE-55	70 MAIN STREET; ASSESSOR'S MAP 53 LOT 25	TEMP.	1253 ±
PUE-7	FAY SCHOOL, INC.	UTIL.	96 ±
PUE-8	66 MAIN STREET; ASSESSOR'S MAP 53 LOT 14	UTIL.	100 ±
PUE-9		UTIL.	86 ±
TE-56		TEMP.	1778 ±
TE-67		TEMP.	504 ±
TE-68		TEMP.	869 ±
TE-69		TEMP.	723 ±
TE-13	FAY SCHOOL, INC.	TEMP.	1777 ±
	56 MAIN STREET; ASSESSOR'S MAP 53 LOT 13		
E-2	FAY SCHOOL, INC.	PERM.	252 ±
TE-57	54 MAIN STREET; ASSESSOR'S MAP 53 LOT 12	TEMP.	1921 ±
E-3	FAY SCHOOL, INC.	PERM.	1788 ±
E-4	48 MAIN STREET; ASSESSOR'S MAP 53 LOT 11	PERM.	326 ±
E-5		PERM.	864 ±
E-28		PERM.	11 ±
TE-58		TEMP.	3268 ±

TE-59		TEMP.	4551 ±
E-23	FAY SCHOOL, INC.	PERM.	446 ±
TE-60	44 MAIN STREET; ASSESSOR'S MAP 54 LOT 2	TEMP.	1139 ±
PUE-22	ST. MARK'S SCHOOL	PERM.	215 ±
TE-12	30 MAIN STREET; ASSESSOR'S MAP 53 LOT 9	TEMP.	1466 ±
TE-70		TEMP.	1034 ±
PUE-23	FAY SCHOOL, INC.	PERM.	402 ±
TE-14	31 MAIN STREET; ASSESSOR'S MAP 53 LOT 10	TEMP.	1471 ±
E-29	ST. MARK'S CHURCH	PERM.	847 ±
PUE-10	27 MAIN STREET; ASSESSOR'S MAP 54 LOT 3	UTIL.	61 ±
PUE-24		UTIL.	312 ±
TE-16		TEMP.	989 ±
TE-63		TEMP.	1272 ±
E-6	TIMOTHY P. & VIRGINIA STONE, now or formerly	PERM.	488 ±
TE-18	42 MAIN STREET; ASSESSOR'S MAP 54 LOT 1	TEMP.	860 ±
TE-19	TOWN OF SOUTHBOROUGH	TEMP.	4007 ±
	17 COMMON STREET; ASSESSOR'S MAP 54 LOT 4		
E-21	PILGRIM CONGREGATIONAL CHURCH	PERM.	249 ±
TE-20	15 COMMON STREET; ASSESSOR'S MAP 54 LOT 5	TEMP.	331 ±
E-22	TOWN OF SOUTHBOROUGH	PERM.	692 ±
PUE-11	TOWN COMMON; ASSESSOR'S MAP 54 LOT 6	UTIL.	537 ±
TE-21		TEMP.	2907 ±
TE-64		TEMP.	5326 ±
TE-22	TOWN OF SOUTHBOROUGH OLD CEMETERY 1727	TEMP.	1064 ±
	ST MARK'S STREET; ASSESSOR'S MAP 54 LOT T		
TE-23	TOWN OF SOUTHBOROUGH LIBRARY	TEMP.	821 ±
TE-33	25 MAIN STREET;ASSESSOR'S MAP 54 LOT 7	TEMP.	2132 ±
E-7	DONALD C. & STEPHANIE MORRIS, now or formerly	PERM.	667 ±
TE-24	40 MAIN STREET; ASSESSOR'S MAP 54 LOT 11	TEMP.	2700 ±
E-8	STEPHEN D. & NANCY G. MORRIS, now or formerly	PERM.	104 ±
TE-25	36 MAIN STREET; ASSESSOR'S MAP 54 LOT 10	TEMP.	1067 ±

E-9	LEONORA A. & FRED B. WILLIAMS, now or formerly	PERM.	193 ±
TE-26	34 MAIN STREET; ASSESSOR'S MAP 54 LOT 9	TEMP.	911 ±
E-10	SOUTHBOROUGH HOUSING AUTHORITY	PERM.	72 ±
TE-27	1 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 25	TEMP.	394 ±
TE-28		TEMP.	1324 ±
E-13	ST MARK'S SCHOOL	PERM.	835 ±
TE-29	25 MARLBORO ROAD; ASSESSOR'S MAP 65 LOT 3	TEMP.	5994 ±
E-11	SOUTHBOROUGH VILLAGE SOCIETY	PERM.	910 ±
E-24	28 MAIN STREET; ASSESSOR'S MAP 58 LOT 2A	PERM.	263 ±
PUE-12		UTIL.	40 ±
PUE-13		UTIL.	41 ±
PUE-14		UTIL.	140 ±
TE-30		TEMP.	7284 ±
TE-31	CHRISTINE J. DONAHUE, now or formerly 3 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 24	TEMP.	1559 ±
TE-32	RAYMOND G. HULING, IV, now or formerly 5 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 23	TEMP.	864 ±
E-12	TOWN OF SOUTHBOROUGH WOODWARD SCHOOL	PERM.	237 ±
PUE-18	28 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 92	UTIL.	91 ±
TE-40		TEMP.	319 ±
TE-53		TEMP.	1960 ±
E-30	TOWN OF SOUTHBOROUGH PUBLIC SAFETY COMPLEX	PERM.	118±
TE-34	19 MAIN STREET; ASSESSOR'S MAP 54 LOT 26	TEMP.	2395 ±
PUE-15	STEPHEN G. & LAURIE D. PHILLIPS, now or formerly	UTIL.	256 ±
TE-35	26 MAIN STREET; ASSESSOR'S MAP 54 LOT 90	TEMP.	1782 ±
TE-36	BERNARD & SANDRA CAMPBELL, now or formerly 17 MAIN STREET; ASSESSOR'S MAP 54 LOT 27	TEMP.	437 ±
PUE-16	DONALD M. & ANN DANDO LEAVITT, now or formerly	UTIL.	145 ±
TE-37	24 MAIN STREET; ASSESSOR'S MAP 54 LOT 89	TEMP.	316 ±
TE-38	KRISTEN CONNELL, now or formerly 15 MAIN STREET; ASSESSOR'S MAP 54 LOT 28	TEMP.	1214 ±

PUE-17	DAVID W. PARRY, now or formerly	UTIL.	470 ±
TE-39	20-22 MAIN STREET; ASSESSOR'S MAP 54 LOT 88	TEMP.	708 ±
PUE-19	MARSTON & LOUISE F. CLOUGH, now or formerly	UTIL.	243 ±
TE-41	18 MAIN STREET; ASSESSOR'S MAP 54 LOT 87	TEMP.	323 ±
E-25	RICHARD A. HALLISEY LIMITED PARTNERSHIP, now or formerly	PERM.	159 ±
TE-42	11 MAIN STREET; ASSESSOR'S MAP 54 LOT 29	TEMP.	274 ±
TE-45		TEMP.	2243 ±
E-14	16 MAIN STREET REALTY TRUST, now or formerly	PERM.	23 ±
PUE-20	16 MAIN STREET; ASSESSOR'S MAP 54 LOT 86	UTIL.	425 ±
TE-43		TEMP.	1329 ±
E-15	JSO REALTY, LLC, now or formerly	PERM.	148 ±
TE-44	14 MAIN STREET; ASSESSOR'S MAP 54 LOT 85	TEMP.	1290 ±
E-16	RAYMOND D. & MICHELE A. HOKINSON, now or formerly	PERM.	34 ±
TE-46	12 MAIN STREET; ASSESSOR'S MAP 54 LOT 83	TEMP.	290 ±
E-17	RAYMOND D. & MICHELE A. HOKINSON, now or formerly	PERM.	158 ±
TE-47	10 MAIN STREET; ASSESSOR'S MAP 54 LOT 84	TEMP.	2151 ±
E-18	WARREN C. & LUCIA R. PROSPERI, now or formerly	PERM.	134 ±
PUE-21	8 MAIN STREET; ASSESSOR'S MAP 54 LOT 70	UTIL.	54 ±
TE-48		TEMP.	465 ±
E-19	9 MAIN STREET, LLC, now or formerly	PERM.	392 ±
TE-49	9 MAIN STREET; ASSESSOR'S MAP 54 LOT 39	TEMP.	3062 ±
TE-51	MASSACHUSETTS ELECTRIC COMPANY	TEMP.	975 ±
	MAIN STREET; ASSESSOR'S MAP 54 LOT 40		
E-20	THE HOUSE OF SOUTHBORO TRUST, now or formerly	PERM.	97 ±
TE-50	6 MAIN STREET; ASSESSOR'S MAP 54 LOT 65	TEMP.	1102 ±
TE-52	OLD FIRE STATION, LLC, now or formerly	TEMP.	504 ±
	5 MAIN STREET; ASSESSOR'S MAP 54 LOT 41		

Said parcels being shown on Plan entitled, Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plans Main Street (Route 30) in the Town of Southborough, Worcester County dated February 29, 2016” prepared by Vanasse Hangen Brustlin Inc. A copy of said Plan being on file with the Town Clerk’s office.

And further authorize the Board of Selectmen to have full and exclusive power and authority to defend, settle, compromise, make agreement and order payments of any and all claims, suits and actions which may exist or arise from or on account of the acquisition by gift, purchase or taking by eminent domain, the propriety interests specified herein, or any modifications thereof, and as shown on said plans including structures and trees thereon if any.

To carry out the provisions of this Article, Chapter 90 funds already available will be utilized.

Requires a 2/3 vote.

AMENDMENT MADE: That the Town amend Article 20 by striking the words by eminent domain in the first paragraph, second sentence, or taking by eminent domain.”

AMENDMENT FAILED.

MAIN MOTION FAILED.

ARTICLE 21: To see if the Town will vote to accept as a water easement land at 70 and 72 Turnpike Road, from Gloria Aspesi, on land between the State right-of-way and a line labelled as “approximate limits of disturbance (LOD)” on the plan entitled “Figure 1” prepared by Pare Corporation dated October 2015, said plan being on file with the Town Clerk’s Office, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This easement was needed in order to replace the 1931 Route 9 cast iron water main out of the travelled ways on Route 9.*

MOTION MADE: That the Town vote to accept as a water easement land at 70 and 72 Turnpike Road, from Gloria Aspesi, on land between the State right-of-way and a line labelled as “approximate limits of disturbance (LOD)” on the plan entitled “Figure 1” prepared by Pare Corporation dated October 2015, said plan being on file with the Town Clerk’s Office.

MOTION PASSED.

MOTION MADE TO RECONSIDER ARTICLE 20.

MOTION FAILED.

ARTICLE 22: To see if the Town will vote to authorize the Board of Selectmen to grant a sewer easement over a discontinued section of Washington Street, shown as a 30’ wide utility easement on a plan entitled “Easement Plan Prepared by Beals and Thomas dated December 7, 2015”. A copy of said Plan being on file with the Town Clerk’s office and that the Board of Selectmen be further authorized to negotiate a price for the conveyance of said Easement, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *Washington Street was relocated and the section that intersected with Route 9 was discontinued. There is infrastructure work being constructed on Coslin Drive and Crystal Pond Road to prepare the area for development. As part of these infrastructure improvements, a sewer main will be running to the site along the southern side of Route 9. The sewer main crosses the abandoned piece of Washington Street.*

MOTION MADE: That the Town vote to authorize the Board of Selectmen to grant a sewer easement over a discontinued section of Washington Street, shown as a 30' wide utility easement on a plan entitled "Easement Plan Prepared by Beals and Thomas dated December 7, 2015". A copy of said Plan being on file with the Town Clerk's office and that the Board of Selectmen be further authorized to negotiate a price for the conveyance of said Easement.

Requires a 2/3 vote.

MOTION PASSED.

ARTICLE 23: To see if the Town will vote to initiate the process to aggregate electrical load, pursuant to M.G.L. c. 164, § 134, and further, to adopt the following resolution:

Whereas, the Commonwealth of Massachusetts is engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry;

Whereas, citizens of Southborough have a substantial economic and social interest at stake, and;

Whereas the Town of Southborough hereby finds that it may be in the interest of the electric ratepayers, both residential and commercial/industrial, to enter into an aggregation agreement,

Be it therefore resolved that the Town of Southborough hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business communities, and;

Will negotiate and enter into a contract for power supply independently. If such a contract is affected, individual consumers would retain the option not to participate and to choose any alternatives they desire, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *The Board of Selectmen has issued an RFQ to engage a consultant, at no cost to the Town, to assist the Town through the approval process with the Department of Public Utilities and the local utilities to allow the Town to aggregate its electrical load. Aggregation will allow the Town to purchase electricity on behalf of the entire Town, with the goal being to obtain a lower rate than residents could receive on their own through competitive supply contracts. Residents who do not want to participate can easily opt-out of the process and remain with local carriers such as National Grid. Town Meeting acceptance of the MGL is required in order for the Town to proceed with the approval process.*

MOTION MADE: That the Town vote to initiate the process to aggregate electrical load, pursuant to M.G.L. c. 164, § 134, and further, to adopt the following resolution:

Whereas, the Commonwealth of Massachusetts is engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry;

Whereas, citizens of Southborough have a substantial economic and social interest at stake, and;

Whereas the Town of Southborough hereby finds that it may be in the interest of the electric ratepayers, both residential and commercial/industrial, to enter into an aggregation agreement,

Be it therefore resolved that the Town of Southborough hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business communities, and;

Will negotiate and enter into a contract for power supply independently. If such a contract is affected, individual consumers would retain the option not to participate and to choose any alternatives they desire, or do or act anything in relation thereto.

MOTION PASSED.

ARTICLE 24: To see if the Town will vote to accept as a public way William Colleary Lane as described on a plan entitled "Roadway Acceptance of William Colleary Lane in Southborough, MA", prepared by Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, Massachusetts 01532, dated September 25, 2015. A copy of said plan is on file with the Board of Selectmen's office and the Town Clerk's office, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This article will allow the Town to accept William Colleary Lane as a public way; its construction and subsequent maintenance complies with the Town's rules and regulations and as such may now be accepted as a permanent public way in the Town.*

MOTION MADE: That the Town vote to vote to accept as a public way William Colleary Lane as described on a plan entitled "Roadway Acceptance of William Colleary Lane in Southborough, MA", prepared by Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, Massachusetts 01532, dated September 25, 2015. A copy of said plan is on file with the Board of Selectmen's office and the Town Clerk's office.

MOTION PASSED.

ARTICLE 25: To see if the Town will vote to accept as a public way Foxhill Drive as described on a Plan entitled "Street Acceptance Plan of Land of Foxhill Drive in Southborough, Massachusetts (Worcester County)", prepared by Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, scale 1" =40', dated November 2, 2015 (revised February 3, 2016) together with a deed of conveyance of such Street and drainage easements and a water easement all as shown on the Plan. A copy of said Plan is on file with the Board of Selectmen's office and the Town Clerk's office, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article will allow the Town to accept Foxhill Drive as a public way; its construction and subsequent maintenance complies with the Town's rules and regulations and as such may now be accepted as a permanent public way in the Town.*

MOTION MADE: That the Town vote to accept as a public way Foxhill Drive as described on a Plan entitled "Street Acceptance Plan of Land of Foxhill Drive in Southborough, Massachusetts (Worcester County)", prepared by Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, scale 1" =40', dated November 2, 2015 (revised February 3, 2016) together with a deed of conveyance of such Street and drainage easements and a water easement all as shown on the Plan. A copy of said Plan is on file with the Board of Selectmen's office and the Town Clerk's office.

MOTION PASSED.

ARTICLE 26: To see if the Town will vote to accept an open space parcel, approximately 7.57+/- acres, as shown on a plan of land entitled "Definitive Flexible Subdivision Plan of Killam Farm Plan of Land in Southborough, Massachusetts by Sullivan, Connors & Associates Dated November 11, 1998, revised March 15, 1999 and recorded with the Worcester District Registry of Deeds in Plan Book 739, Plan 64 together with perpetual rights and easements in and over those portions of Lots 6 & 7 as shown on a plan of land entitled "A Plan of Land in

Southborough, Massachusetts Owners: Albert E. & Helen O. Killam 43 Richards Road Southborough, MA 01772 and George F. Killam 62 Richards Road, Southborough, MA 01772 by Sullivan, Connors & Associates dated November 30, 1998, and recorded with the Worcester District Registry of Deeds in Plan Book 738, Plan 111 as a 12 foot wide right of way easement, 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: *Per both the Definitive Subdivision and Special Permit approvals dated February 23, 1999, this 7.57+/- acres of open space is to be deeded to the Town as permanent open space. The warrant article is the final step in Town acceptance and ownership of the open space.*

MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 26.

MOTION PASSED.

MOTION MADE TO BRING ARTICLE 28 FORWARD.

MOTION PASSED.

Presentation by Carl Guyer, Chairman of the Green Technology and Recycling Committees.

ARTICLE 28: To see if the Town will vote to accept 780 CMR 115.AA (MA Board of Building Regulations and Standards Stretch Energy Code), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This is a requirement of becoming a Green Community, as designated by the Commonwealth. It is anticipated that the new version of the building code slated for release in the summer of 2016 will incorporate the majority of these requirements. Despite that fact, the Commonwealth still requires acceptance of the CMR in order to become a Green Community and be eligible for grant funding.*

MOTION MADE: That the Town vote to accept Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, for the purpose of regulating the design and construction of buildings for the effective use of energy, with an effective date of January 1, 2017, a copy of which is on file with the Town Clerk.

That the Town vote to accept 780 CMR 115.AA (MA Board of Building Regulations and Standards Stretch Energy Code).

Requires a 2/3 vote.

MOTION PASSED.

ARTICLE 27: To see if the Town will vote to amend Article III of the Zoning Bylaw by adding thereto a new Section 174-13.7 entitled *As of Right Commercial Large Scale Ground Mounted Solar Energy Systems*.

A.

Purpose and intent.

(1)

The purpose of this bylaw is to provide a permitting process and standards for the creation of new commercial solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety and minimize impacts on residential neighborhoods and scenic, natural and historic resources.

(2)

The provisions set forth in this section shall apply to the construction, operation, repair and/or decommissioning of a commercial solar energy system that is structurally mounted on the ground and has a minimum nameplate capacity of 250 kW.

B.

Applicability.

(1)

Commercial large-scale ground-mounted solar energy systems with 250 kW or larger of rated nameplate capacity shall be erected or installed in compliance with the provisions of this section and other applicable sections of the Zoning Bylaw, as well as local, state and federal law and regulations. Such use shall not create a nuisance which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisances as determined by the site plan review granting authority. The site plan approval granting authority is the Planning Board.

(2)

Commercial large-scale ground-mounted solar energy systems with 250 kW or larger of rated nameplate capacity identified in the Industrial and Industrial Park Districts Overlay District shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

(3)

This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

C.

Definitions.

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a Special Permit. As-of-Right solar installations under this section are subject to site plan review and regulated by the building commissioner.

Building Commissioner: Charged with the enforcement of the Zoning Bylaw.

Building Permit: A construction permit issued by the building commissioner; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing commercial large scale ground mounted solar energy systems.

Designated Location: The location(s) designated by the Town of Southborough, in accordance with Massachusetts General Laws Chapter 40A, Section 5, where commercial large scale ground mounted solar energy systems may be sited as-of-right. Said locations(s) are shown on a Zoning Map "Southborough Massachusetts Zoning Map" pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the office of the Southborough Town Clerk.

D.

General requirements

(1)

Dimensional requirements. A commercial solar energy system shall comply with all requirements in the Schedule of Dimensional Regulations in Addendum No. 2 of the Zoning Code of the Town of Southborough.

(2)

Structures and panels. All structures and panels and all associated equipment and fencing, including the commercial solar energy system, shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building.

(3)

Visual impact. The visual impact of the commercial solar energy system, including all accessory structures and appurtenances, shall be minimized. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered if practical to avoid adverse visual impacts as deemed necessary by and in the sole discretion of the Planning Board. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.

(4)

Compliance with laws, ordinances and regulations. The construction and operation of all commercial solar energy systems shall be consistent with all applicable local regulations and bylaws, as well as state and federal laws, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a commercial solar energy system shall be constructed in accordance with the State Building Code as may be determined by the Building Commissioner.

E.

Design standards.

(1)

Lighting. Lighting of the commercial solar energy system, including all accessory structures and appurtenances, shall not be permitted unless required by the Planning Board, special permit and site plan approval decision or required by the State Building Code.

(2)

Signs and advertising.

(a)

Section 174-11, Signs, of the Code of the Town of Southborough shall not apply to this section. Signage for commercial solar energy systems shall be limited in size as determined by the Planning Board.

(b)

Commercial solar energy systems shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the commercial solar energy system and emergency contact information.

(3)

Utility connections. All utility connections from the commercial solar energy system shall be underground unless specifically permitted otherwise by a special permit and site plan approval decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be aboveground if required by the utility provider.

(4)

Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation and trees shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar energy system or otherwise prescribed by applicable laws, regulations and bylaws or the special permit and site plan review decisions.

F.

Modifications. All substantive material modifications to the commercial solar energy system made after site plan approval shall require modification to the site plan approval decision.

G.

Abandonment and removal.

(1)

Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the commercial solar energy system shall be considered abandoned when it fails to operate at 50% capacity for more than one year without the written consent of the Planning Board. If the owner or operator of the commercial solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

(2)

Removal requirements. Any commercial solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board, by First Class and Certified Mail, return receipt requested, of the proposed date of discontinued operations and plans for removal.

H.

To the extent permissible by applicable law, before issuance of any building permits for the commercial solar energy system, such construction and installation shall be secured in accordance with this bylaw and/or any regulations adopted pursuant to the commercial solar energy system for this purpose.

I.

Building permit and building inspection. No commercial solar energy system shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

J.

The Planning Board may promulgate Rules and Regulations to implement the intent and purpose of this Bylaw.

K.

Permit continuances. The site plan approval decision shall be valid for a twelve-month period unless renewed or extended by the Planning Board following an application made by the applicant.

L.

When acting on a site plan review of the application pursuant to this article, the Planning Board shall conduct its review, conduct a public hearing and file its decision with the Town Clerk.

M.

Approval criteria. In reviewing any application for a site plan pursuant to this article, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no structure or use that is injurious, noxious, offensive or detrimental to its neighborhood.

N. Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to the Zoning Board of Appeals as provided in Article VI of the Southborough Code.

, 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: *This Bylaw was created to reasonable standards to facilitate development of As-of-Right Commercial large scale ground mounted solar energy systems in order to satisfy the Green Communities Act as-of-right zoning requirement.*

MOTION MADE: That the Town vote to amend Article III of the Zoning Bylaw by adding thereto a new Section 174-13.7 entitled *As of Right Commercial Large Scale Ground Mounted Solar Energy Systems*, as printed in the warrant.

Requires a 2/3 vote.

MOTION PASSED.

Approved by the Attorney General on July 10, 2016.

ARTICLE 29: To see if the Town will vote to amend Article III of the Zoning Code entitled "Use Regulations" by specifically amending the following Sections.

§ 174-8.2. RA Residence A District.

Subsection B(8) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multi-family housing for the elderly".

§ 174-8.4. BV Business Village District.

Subsection C(7) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multi-family housing for the elderly".

§ 174-8.5. BH Highway Business District.

Subsection C(9) thereof by striking the words "owned by a public or a non-profit community housing organization" so that the subsection will now read, "multi-family housing for the elderly".

§ 174-8.6. IP Industrial Park District.

Subsection C(5) thereof by striking the words “owned by a public or a non-profit community housing organization” so that the subsection will now read, “multi-family housing for the elderly”.

§ 174-8.8. SP Research, Scientific and Professional District.

Subsection A(8) thereof by striking the words “owned by a public or a non-profit community housing organization” so that the subsection will now read, “multi-family housing for the elderly”.

, or do or act anything in relation thereto.

Proposed by: PLANNING BOARD

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Not support

Summary: *The current clause which limits ownership of a multifamily elderly housing to a “public or non-profit community housing organization” is an invalid exercise of the Town’s zoning authority in that a town can regulate use, but not ownership.*

MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 29.

MOTION PASSED.

ARTICLE 30: To see if the Town will vote to accept by grant from the Preservation Trust, Inc., a duly organized and existing Massachusetts, non-profit corporation, for conservation and open space purposed, with public access, a Conservation Restriction, pursuant to M.G.L. c. 184 Sections 31-33, as amended, to be held under the custody and control of the Conservation Commission pursuant to M.G.L. c.40 Section 8C on and over certain parcels of land located in the Town of Southborough, Massachusetts and consisting of approximately 26.59+/- acres being shown as lots 4-5, 4-6 and 4-7 on an ANR plan entitled “Plan of Land in Southborough, Massachusetts” dated January 26, 1999, scale 1’+100’, by Connorstone Consulting Civil Engineers and Land Surveyors as endorsed by the Southborough Planning Board on March 22, 1999 and recorded in the Worcester Registry of Deeds as Plan #12 in Plan Book 741. For Grantor’s Title, see deed dated December 31, 1999 from Robert A and Alice Lebewohl to Preservation Trust in Plan Book 22202, Page 164 and the Special Permit Grant for a major residential development, 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: *This article would place the open space parcels, currently owned by The Preservation Trust, into a Conservation Restriction (CR) to be held by the Conservation Commission, as monitoring agent, for permanent protection.*

MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 30.

MOTION PASSED.

ARTICLE 31: To see if the Town will vote to authorize the Board of Selectmen to dispose of certain parcels of land with structures thereon deemed surplus property with no further public purpose, by deed of conveyance, grant or transfer after appraisals have been obtained and upon such terms and conditions as the Board of Selectmen deem appropriate. Said parcels of land being described as follows: 40 Central Street, having been acquired by deed dated May 13, 1999 and recorded in the Worcester Registry of Deeds at Book 21382, Page 260; 42 Central Street, commonly known as Fayville Village Hall, having been acquired by deed dated May 2, 1911 and recorded in said Registry of Deeds at Book 1962, Page 46; 2 Harrington Street, commonly known as Fire Department Station 2, having been acquired by deed dated June 15, 1954 and recorded in said Registry of Deeds at Book 3597, Page 559, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support

Summary: *The Board of Selectmen have identified three properties which are currently under-utilized and in need of various levels of repair (Fayville Hall, Fire Station #2, and 40 Central Street). The Selectmen are seeking authorization to dispose of these properties, as they are quickly reaching the end of their useful life as municipal properties, and will soon become financial liabilities.*

MOTION MADE: That the Town vote to authorize the Board of Selectmen to dispose of certain parcels of land with structures thereon deemed surplus property with no further public purpose, by deed of conveyance, grant or transfer after appraisals have been obtained and upon such terms and conditions as the Board of Selectmen deem appropriate. Said parcels of land being described as follows: 40 Central Street, having been acquired by deed dated May 13, 1999 and recorded in the Worcester Registry of Deeds at Book 21382, Page 260; 42 Central Street, commonly known as Fayville Village Hall, having been acquired by deed dated May 2, 1911 and recorded in said Registry of Deeds at Book 1962, Page 46; 2 Harrington Street, commonly known as Fire Department Station 2, having been acquired by deed dated June 15, 1954 and recorded in said Registry of Deeds at Book 3597, Page 559.

Requires a 2/3 vote.

MOTION FAILED. 134 votes in favor, 69 opposed.

MOTION MADE TO MOVE ARTICLES 37, 38 AND 39 FORWARD.

MOTION PASSED.

MOTION MADE TO COMBINE ARTICLES 37, 37 AND 39 FOR PURPOSES OF DISCUSSION.

MOTION PASSED.

Approved by the Attorney General on July 10, 2016.

ARTICLE 37: To see if the Town will vote to amend Chapter 174 (Zoning) of the Code of the Town of Southborough, Massachusetts, by adjusting the following:

First, in § 174-9J (2) (a) [3], amend subsection as follows:

[3] A registered marijuana dispensary and/or cultivation activities shall only be located (i) on property that borders Route 9, (ii) not less than 1000 linear feet from a property line of a school, recreational facility, day-care center, or any facility in which children commonly congregate [see definitions in § 174-9J(2)(c) below] located in the Town of Southborough, and (iii) not less than 100 linear feet from a property line of a residence located in the Town of Southborough. The required distances shall be measured from all property lines of the proposed facility.

Proposed by: MARNIE L. HOOLAHAN

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *The current bylaw is not in harmony with our Town's vision expressed in the language of the special permitting language. Specifically, the current bylaw in § 174-9J (2) (a) [3] states "A registered marijuana dispensary and/or cultivation activities shall only be located (i) on property that borders Route 9, and (ii) not less than 500 linear feet from a property line of a school, recreational facility or day-care center [see definitions in § 174-9J(2)(c) below] located in the Town of Southborough. The distance of 500 linear feet shall be measured from all property lines of the proposed facility." Citizens seek to amend language and key attributes (distance from schools, daycare and recreation facilities as well as abutting residential properties) in § 174-9J (2) (a) [3] to better align with the opening paragraph of special permitting language which reads "No special permit shall issue except upon a general finding that the use sought and its characteristics shall be in harmony with the intent and purpose of this chapter, shall not be in conflict with public health, safety, convenience and welfare and shall not be substantially detrimental or offensive to the neighborhood or destructive of property values therein." The amendment also includes language on "congregating children" that Massachusetts Department of Health recommends in this bylaw. This new bylaw language would be consistent with the language used in the Special*

Permitting § 174-9I (3) (a) of Adult Use businesses which restrict zoning to 1000 linear feet of school, recreation, daycare, residential district zoning and other facilities with congregating children.

MOTION MADE: That the Town vote to amend Chapter 174 (Zoning) of the Code of the Town of Southborough, Massachusetts, by adjusting the following:

First, in § 174-9J (2) (a) [3], amend subsection as follows:

[3] A registered marijuana dispensary and/or cultivation activities shall only be located (i) on property that borders Route 9, (ii) not less than 1000 linear feet from a property line of a school, recreational facility, day-care center, or any facility in which children commonly congregate [see definitions in § 174-9J(2)(c) below] located in the Town of Southborough, and (iii) not less than 100 linear feet from a property line of a residence located in the Town of Southborough. The required distances shall be measured from all property lines of the proposed facility. Requires a 2/3 vote.

MOTION MADE TO MOVE THE QUESTION.

MOTION PASSED.

MAIN MOTION PASSED.

Approved by the Attorney General on July 10, 2016.

ARTICLE 38: To see if town will vote to amend Chapter 174 (Zoning) of the Code of the Town of Southborough, Massachusetts, by adding the following:

In § 174-9J (1), add subsections (e) and (f):

(e) If the Massachusetts Department of Public Health cancels, revokes or non-renews the certificate of registration for the Registered Marijuana Dispensary, the special permit shall immediately become void.

(f) Nothing in this § 174-9J shall be construed to authorize operations in the Town of a recreational marijuana dispensary.

, or do or act anything in relation thereto.

Proposed by: MARNIE L. HOOLAHAN

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *Citizens seek to add a subsection to provide clarity of restrictions of use for a medical marijuana dispensary in our town. The subsection to § 174-9J (1) would add language that is consistent with the Massachusetts Department of Health language that specifically would void a special permit if Massachusetts Department of Health cancels, revokes or non-renews the certificate of registration for RMD. Additionally the proposed bylaw would prevent the sale of marijuana for recreational purposes. Our goal is to restrict any special permit granted to medical marijuana use only. This is not otherwise stated in the current bylaw.*

MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 38.

MOTION PASSED.

ARTICLE 39: To see if the town will vote to amend Chapter 174 (zoning) of the Code of the Town of Southborough, Massachusetts, by adding the following

In § 174-9J (2) (a) [3], amend subsection as follows: § 174-9J (2) (a) [7], add subsection (7) as follows:

(7) A registered marijuana dispensary shall operate only Monday-Friday from 8:00am to 2:30 pm or will dispense marijuana only by appointment.

, or do or act anything in relation thereto.

Proposed by: MARNIE L. HOOLAHAN

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *Citizens seek to amend and add language to § 174-9J (2) (a) [7] to restrict the Medical Marijuana Dispensaries open hours of operation to coincide with the time period that children are in school and will limit dispensing to appointment only whereby limiting unanticipated traffic and activity. Citizens seek this provision to further support harmony with the special permitting language and assure that the medical marijuana dispensing shall not be in conflict with public health, safety, convenience and welfare and shall not be substantially detrimental or offensive to the neighborhood.*

MOTION MADE: That the Town vote to amend Chapter 174 (zoning) of the Code of the Town of Southborough, Massachusetts, by adding the following:

In § 174-9J (2) (a) [3], amend subsection as follows: § 174-9J (2) (a) [7], add subsection (7) as follows:

(7) A registered marijuana dispensary shall operate only Monday-Friday from 8:00am to 2:30 pm or will dispense marijuana only by appointment.

Requires a 2/3 vote.

MOTION FAILED. 105 votes in favor, 96 opposed.

ARTICLE 32: To see if the Town will vote to amend Chapter 36 (Selectmen) of the Code of the Town of Southborough, Massachusetts, by amending Article III. Transfer Station; Violations and Fines as follows, with the changes added in **BOLD** and those deleted in *ITALICS*, or do or act anything in relation thereto:

Chapter 36. SELECTMEN

Article III. Transfer Station; Violations and Fines
[Adopted 4-11-2005 ATM, Art. 54]

§ 36-6. Stickers required.

Pursuant to the duly promulgated rules and regulations of the Board of Selectmen, valid transfer station stickers will be required for all residents utilizing the transfer station and its related facilities.

§ 36-7. Rules and regulations violations.

Failure to adhere to the provisions of the Selectmen's rules and regulations, as duly posted at the transfer station, will result in the issuance of a warning letter from the Superintendent of the Department of Public Works.

§ 36-8. Subsequent violations.

[Amended 4-10-2007 ATM, Art. 39]

Subsequent violations of the rules and regulations at the transfer station, after the first warning letter has been issued, will result in a \$100 fine for each subsequent violation. *Anyone who enters the transfer station without a valid transfer station sticker shall be subject to a \$250 fine for each offense.* Fines **are set annually by the Board of Selectmen and** shall be paid within 30 days on notification from the Board of Selectmen or their designee.

§ 36-9. Appeal to Board of Selectmen.

[Amended 4-10-2007 ATM, Art. 39]

The Board of Selectmen will govern the process for administrating the imposition of fines, which may be appealed to the Board of Selectmen or their designee within 30 days of the dates of notification, by the Town. After due notice and hearing, the Selectmen or their designee shall have the authority to uphold, modify or repeal any such fine imposed. No fine will be delinquent while an appeal is pending before the Board or their designee. Violators shall

have 10 days to pay said fines if notified by the Selectmen or their designee that the appeal has been denied. No transfer station sticker will be issued to residents with delinquent fines.

§ 36-10. Police Department enforcement.

The Police Department is further authorized to prosecute any delinquent unpaid fines pursuant to the applicable provisions of state statute.

Proposed by: GREEN TECHNOLOGY AND RECYCLING COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This is a proposed bylaw change from the Green Technology and Recycling Committee, with the support of the Public Works Planning Board. This change will allow the Board of Selectmen to address the fine structure annually during their review of the Transfer Station Rules and Regulations.*

MOTION MADE: That the Town vote to amend Chapter 36 (Selectmen) of the Code of the Town of Southborough, Massachusetts, by amending Article III. Transfer Station; Violations and Fines, as printed in the warrant.

MOTION PASSED.

Approved by the Attorney General on July 10, 2016.

ARTICLE 33: To see if the Town will vote to amend Chapter 81 of the Code of the Town of Southborough, Massachusetts, entitled *Dogs and Other Animals* by amending Article II thereof by inserting a new Section 81-11 as follows:

§81-11: Removal of Dog Litter

- A. It shall be the duty of the owner and each person who possesses or controls a dog to remove and properly dispose of any feces discharged by such dog on any sidewalk, walkway, street, park, public area, any other public property, or any private property in the Town.
- B. Any owner or other person who violates the provisions of this section shall be punished by a fine of \$25.00 for each offense.
- C. The Animal Control Officer or any duly appointed Police Officer of the Town shall be authorized to enforce the provisions of this by-law.

, or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *If adopted, this article would require owners to remove dog waste from public areas or private property owned by others. This article subjects violators to a fine of \$25. This article was proposed after consultation with the Animal Control Officer, who pointed out that there was no "Pooper Scooper" law on the books in Southborough, and remarked on its success in other local towns.*

MOTION MADE: That the Town vote to amend Chapter 81 of the Code of Southborough, Massachusetts, entitled *Dogs and Other Animals* by amending Article II thereof by inserting a new Section 81-11, as printed in the warrant.

MOTION PASSED.

Approved by the Attorney General on July 10, 2016.

ARTICLE 34: To see if the Town will vote to amend Chapter 81 of the Code of the Town of Southborough, Massachusetts, Article II thereof entitled *Dogs and Other Animals* by striking from Section 81-7 subsections A, B and C and inserting a new fee schedule in said subsections as follows:

- 1) Any owner or keeper of a dog in the Town that is found to be in violation of the provisions of Chapter 81 of the Code of the Town of Southborough shall be liable to a penalty according to the following schedule:
 - a. First Violation (Up to 30 days past deadline): \$25
 - b. Second Violation (30 days or more past deadline): \$50

And further by striking Sections 81-8 through 81-10 in their entirety, and inserting in place thereof the following text:

§81-8. Dog Licensing Fees.

Revised Text:

- A. The fee for every dog license issued in the Town shall be posted in the Schedule of Fees in the Office of the Town Clerk.
- B. The deadline to renew a license shall be thirty (30) days following the expiration of the prior license. After that date, a penalty will be added to the license fee, as posted in the Schedule of Fees in the Office of the Town Clerk.
 - a. Any dog acquired or moved into the Town shall be required to obtain a license within thirty (30) days, or upon reaching the age of 6 months, whichever occurs last. After thirty (30) days, the owner shall be subject to late fees as posted in the Schedule of Fees in the Office of the Town Clerk.
- C. If any matter relating to an expired license remains unresolved after sixty (60) days, either the owner of the Town may bring an action in the District Court of Westborough requesting that the matter be adjudicated.
- D. Fee Exemptions:
 - a. No fee shall be charged for any service dog as defined by the Americans with Disabilities Act (ADA), provided that the dog has been trained and is in the actual service of a resident of the Town.
 - b. Even if exempt from the licensing fee, all dogs in the Town must obtain a license following normal procedures, or will be subject to the fines and penalties posted in the Schedule of Fees in the Office of the Town Clerk.
- E. Once a dog license fee has been paid to the Town, no fee or portion thereof shall be refunded.

§81-9. Disposition of Fees

- A. The Town Clerk, the Animal Control Officer, and the Police Chief shall have authority to issue fines for violations relating to dog licenses.
- B. All funds received by the Town Clerk as payment for dog licenses, replacement tags, and related fees and fines shall be paid over to the Town Treasurer.

, or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *If accepted, this measure would establish a clearer framework for licensing dogs in the Town. It accomplishes this by setting guidelines for acquisition and renewal of dog licenses. It also outlines a new fine structure for penalties relating to dog licenses, as well as an avenue for appeals. The article also establishes fee exemptions for service dogs, as defined by federal disability statutes. The final measure gives authority to the Town Clerk and Animal Control Officer, and the Police Chief to issue fines related to dog licenses. Currently, this authority rests solely with the Police Chief. However violations are tracked by the Town Clerk and penalties are paid to the Clerk's Office. Sharing the authority to issue fines would significantly reduce this administrative overlap.*

MOTION MADE: That the Town vote to amend Chapter 81 of the Code of the Town of Southborough, Massachusetts, Article II thereof entitled Dogs by striking from Section 81-7 subsections A, B and C and inserting a new fee schedule in said subsections, as printed in the warrant.

MOTION PASSED.

Approved by the Attorney General on July 10, 2016.

ARTICLE 35: To see if the Town will vote to amend Chapter 9 of the Code of the Town of Southborough, Massachusetts, entitled *Committees*, by amending Article VI thereof by inserting the following new subsections in said Article:

§9-25. Meeting Minutes

- A. Each Board, Committee, or Commission shall provide minutes for each of its meetings to the Town Clerk within 45 days of the meeting.
 - a. The minutes shall indicate whether they have or have not been approved by the board, committee or commission when submitted to the Town Clerk.
 - b. Minutes shall be submitted in a manner consistent with the Open Meeting Law (MGL c.30A §22), including a record of the date, time and place of the meeting, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, and the decisions made and the actions taken at the meeting, including the record of all votes.
 - c. If after 45 days from the date of a posted public meeting of a board, committee, or commission, the Town Clerk has not received a copy of the minutes, then the Town Clerk shall notify the chairperson of the board, committee, or commission that the minutes have not been received and that the board, committee or commission is not in compliance with the provisions of this by-law.
- B. The Town Clerk shall log the receipt of all minutes and the Town Clerk will post minutes on the Town website. Minutes shall be kept by the Town Clerk for a period as required by applicable State law. Any minutes received that have not been approved at the time of their receipt shall be labeled “Draft.”

§9-26. Social Media Retention Policy

- F. The Town Clerk will maintain archive copies of each website and social media site that is maintained by or on behalf of any Town department, board, committee, or elected or appointed official. These archives will be maintained and be made available to the public to comply with the Massachusetts Public Records Law.
- G. The Committee Chairperson or Department head who controls or maintains any website or social media site that is maintained by or on behalf of any Town department, board, committee, or elected or appointed official must notify the Town Clerk of the creation of the website or social media site before that site is made available to the public.

, or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *If accepted, this article would create a procedure for the Town Clerk to retain meeting minutes from the various boards and committees in the Town, and post them online for public access and reference. Currently, there is no requirement for the Clerk to retain minutes and public access to the minutes is dependent on each committee. Since this dependence may result in inconsistent compliance with State requirements, the Town Clerk sees this change as necessary to ensure consistent compliance.*

This article would also create a Social Media Retention Policy which would authorize the Town Clerk to maintain an archive of the content of all websites and social media maintained by or on behalf of any Town department, board, committee, or elected or appointed official. Any information posted on a Town controlled website or social media site is a public record under Massachusetts law and must be retained in accordance with the Public Record law.

MOTION MADE: That the Town vote to amend Chapter 9 of the Code of the Town of Southborough, Massachusetts, entitled *Committees*, by amending Article VI thereof by inserting new subsections in said Article, as printed in the warrant.

FIRST AMENDMENT MADE: That the Town vote to amend the main motion by striking the words “a list of documents and other exhibits used at the meeting.” in Section 9-25, A, b.

AMENDMENT PASSED BY A MAJORITY VOTE.

SECOND AMENDMENT MADE: That the Town vote to amend the main motion by adding the following sentence in 9-25 A, b “Minutes should also include copies of all documents and other exhibits used at the meeting if reasonably possible. If copies of documents or other exhibits used at the meeting cannot be provided, the specific location of the documents or exhibits should be identifies. After the words “including the record of all votes.”

SECOND AMENDMENT PASSED BY MAJORITY VOTE.

MAIN MOTION AS AMMENDED PASSED BY MAJORITY VOTE.

ARTICLE 36: To see if the Town will vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled *Town Meetings Article 1 thereof Miscellaneous Provisions* by striking subsections B and C in their entirety and by inserting the following as a new Chapter 42:

Chapter 42
Town Elections

Article 1

§42-1. The election of Town officers and the voting on questions required by General or Special Acts on laws shall be held on the second Tuesday of May.

§42-2. Pursuant to M.G.L. c.54 § 64 as amended, the polls shall be opened from 8:00 a.m. to 8:00 p.m. or earlier as may be determined and by the Board of Selectmen.

, or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *If adopted, this article would change the date of the Town Election from the second Monday of May to the second Tuesday of May. All elections would be held on a Tuesday eliminating the current confusion about whether an election is held on a Monday or Tuesday. It also recognizes the authority of the Board of Selectmen to open the polls at an earlier time if they should chose to do so. Finally, this Article creates a new chapter in the Town Code for bylaws regarding town elections; to this point it had been lodged under Town meeting requirements. This Article has been developed in cooperation with the Northborough Town Clerk who will also propose an Article at their Town Meeting to change Northborough's Town Election to the second Tuesday of May. Both Towns must hold Town Elections on the same day because voters in both towns vote for the Regional School Committee candidates.*

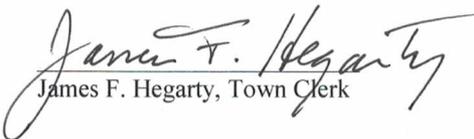
MOTION MADE: That the Town vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled *Town Meetings Article 1 thereof Miscellaneous Provisions* by striking subsections B and C in their entirety and by inserting a new Chapter 42, as printed in the warrant.

MOTION PASSED.

Approved by the Attorney General on July 10, 2016.

At 11:37PM it was voted unanimously to close the ANNUAL TOWN MEETING.

True Copy
Attest:


James F. Hegarty, Town Clerk