

TOWN MEETING WARRANT

Norfolk ss:

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

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

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

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

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

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

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

ARTICLE 1

To see if the Town will vote to appropriate by transfer from available funds the sum of One Hundred Eighty-Five Thousand Dollars (\$185,000) to supplement the following fiscal year 2008 appropriations, or take any other action thereon:

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Articles 1 and 2

These articles make adjustments in various budgets that may have an increase in expenditures and require a supplemental budget. The funds are generally transferred from budgets that have an unanticipated surplus and from the reserve account.

ARTICLE 2

To see if the Town will vote to appropriate by transfer from available funds the sum of Two Hundred Sixty-Nine Thousand Six Hundred Eighty-One Dollars (\$269,681) to supplement the following fiscal year 2008 appropriations, or take any other action thereon:

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

ARTICLE 3

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The Finance Commission unanimously voted to approve the appropriation of \$25,000 to the Stabilization Fund. While this dollar amount represents a small token amount, the Commission feels it is important to demonstrate a continued commitment to funding the Stabilization account. We reiterate our long standing belief that a substantial fund remains vital to the Town. These funds represent a "savings" account for the Town and represent our only real emergency funds. They should not be viewed as "rainy day" funds to be used when the budget is tight but rather as funds needed for a "flood" - a significant unforeseeable emergency. The continued commitment to this account is critical to the Town's fiscal health and bond rating.

ARTICLE 4

To see if the Town will vote to appropriate and/or transfer from available funds the sum of pay the following unpaid bill of a prior fiscal year, or take any other action thereon:

Unpaid Bill	Amount	From Account
--------------------	---------------	---------------------

(Board of Selectmen)

At the time of printing this report, there were no unpaid bills. If necessary, a Finance Commission recommendation will be made at Town Meeting.

ARTICLE 5

To see if the Town will vote to rescind Article 11 of the 2007 Annual Town Meeting which appropriated the sum of One Million Six Hundred Fifty Thousand Dollars (\$1,650,000) for the costs associated with the permitting of the Westwood Station project, or to take any other action thereon.

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The 2007 Annual Town Meeting included an article that assumed that \$1.6M in building permit fees would be collected and allocated by vote of the Board of Selectmen for specific inspectional and other municipal services related to the construction of the Westwood Station project. Given the current schedule of the permitting process, it is unlikely that the Westwood Station project will pay the full amount of the \$1.6M. Therefore, the upcoming Town Meeting should adjust this vote consistent with MA Department of Revenue requirements in order to avoid an impact on the Town's available free cash funds.

ARTICLE 6

To see if the Town will vote to accept and reserve building permit fees paid by the proponents of the Westwood Station Project to the Town of Westwood and appropriate and allocate said funds by vote of the Board of Selectmen for the cost associated with the resources, staffing and equipment needs and facility plans and land acquisition related to the permitting, inspection and other services for the Westwood Station Project during and after construction; to authorize the Board of Selectmen to apply for and accept any State or Federal Grant, or assistance, or both, that may be available for any of the above purposes, or to take any other action thereon.

(Board of Selectmen)

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

As was the case in 2007, the Town is not certain about the actual timing of the build out of Westwood Station and therefore cannot fully project the additional resources which will be necessary to provide municipal services or the revenue stream from building permit fees that will fund these services. Therefore, this article seeks authority to allocate the necessary funds that are in fact received, to fund the municipal services during and after construction.

ARTICLE 7

To see what sum(s) of money the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow for the operation of the municipal departments and public school system for the fiscal year July 1, 2008, through June 30, 2009, as set forth in Appendix D of the Finance Commission's Report to the 2008 Annual Town Meeting, or take any other action thereon.

(Board of Selectmen)

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

***Town Budget
Appendix D – See Page 80***

Please refer to the Finance Commission's Education (page 4) and Municipal (page 15) Subcommittee reports for a full discussion of the Town's FY09 budget.

This article, traditionally known as the Omnibus Article, compiles all Town budgets and groups them into logically related areas for presentation. Each of the areas represents the work of municipal government or school budget function groups and Finance Commission subcommittees.

During the Moderator's reading of Appendix D, voters wishing to question a particular budget line may call out "hold" when the Moderator indicates the line number of interest. Following a complete reading of the Appendix, the Moderator will start over and read only those lines for which "holds" were called. Discussion may then take place by budget line. The Omnibus Budget Article also contains four additional appendices:

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

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

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

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

Appendix E - The School Department Budget Summary.

ARTICLE 8

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Stabilization Fund established in accordance with General Laws Chapter 40, Section 5B.

Purpose	Amount	Funding Source
Stabilization Fund	\$75,000	Westwood Station Guaranteed Payment

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The Town has an established policy to build up its stabilization reserves. This policy is an important item in the bond rating reviews which consider the Town's fiscal position when borrowing funds. To date the Town's efforts in establishing a policy have maintained our high bond rating; however, the rating agencies have already indicated they will need to see progress on these goals in the near future.

Westwood Station transitional FY09 funds to the Town (in the amount of \$1.75M) will permit an appropriation of \$75,000 to this very important fund, an effort the Finance Commission totally supports.

ARTICLE 9

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money for the Capital Improvements Stabilization Fund established in accordance with Massachusetts General Laws Chapter 40, Section 5B.

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

In 2005, Town Meeting approved the establishment of a special capital stabilization account for the purpose of investing in the long term maintenance of the Town's capital assets--primarily buildings and equipment. The state legislature recently amended MGLc. 40 Sec. 5B which permits cities and towns to establish such special purpose stabilization accounts. Funds designated to these accounts cannot be used for purposes other than the purpose for which the account was established. Funds can be saved in these accounts from year to year, and interest earned on these accounts remains with the account. The account can be funded from the proceeds of an override, or from other sources approved by Town Meeting. Appropriations into and from the stabilization account require a 2/3 vote of Town Meeting.

This article seeks the Town's first appropriation of \$75,000 into this account. As with Article 8, transitional funds received from the Westwood Station project is the source of funding.

ARTICLE 10

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seven Hundred Fifty-Seven Thousand Dollars (\$757,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

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

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Articles 10, 11, and 12

These articles seek approval from Town Meeting to fund from available funds items critical to the operations and maintenance of several municipal, school, and sewer departments. As noted in previous articles, transitional FY09 funding received from the Westwood Station project is providing an increased level of capital spending for some much needed municipal and school items.

Although not the entire solution to the capital needs of the community, these items represent an important component of an overall capital plan. The Finance Commission supports routinely reinvesting in the community's capital assets, rather than delaying problems that result in a larger infusion of financial resources to correct.

ARTICLE 11

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Four Hundred Eighty-Four Thousand Dollars (\$484,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

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

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

ARTICLE 12

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Five Hundred Sixteen Thousand Dollars (\$516,000) for the following capital equipment and improvements:

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

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

ARTICLE 13

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Romanow, Inc. d/b/a Romanow Container Company (Romanow) is a company that manufactures, stores, and distributes various commercial containers.

This Article seeks (1) the ratification of the Tax Increment Financing (TIF) Agreement between the Town, Romanow, and 346 University Avenue, LLC, in substantially the form as is on file with the Town Clerk; (2) confirmation of the Board of Selectmen’s designation of the location of the building expansion project at 346 University Avenue as the “346 University Avenue Economic

Opportunity Area”; and (3) authorization for the Board of Selectmen to take such other actions relative thereto.

Romanow is presently located in Westwood at 364 University Avenue. Prior to the establishment of the Town’s warrant articles for the 2007 Town Meeting, Romanow contacted the Board of Selectmen’s office in an effort to enter into a TIF agreement in connection with expansion of its offices and working facilities at 364 University Avenue. Because the Town was going to be considering its first TIF agreement as part of the Westwood Station project during the 2007 Town Meeting, the Board of Selectmen asked Romanow to postpone seeking a TIF agreement for its project last year, and instead encouraged Romanow to seek a TIF agreement for the 2008 Town Meeting. Romanow agreed to that course of action.

As part of the proposed TIF Agreement now before Town Meeting, the Town would exempt from taxation 10% of the annual increase in valuation of the development located at 346 University Avenue for each of the next 20 years. The annual dollar value for this exemption is expected to be approximately \$3,467.

The TIF Agreement would require Romanow to:

- 1. construct an approximately 64,000 sq. ft. addition to the existing building (at a cost of approximately \$3,500,000) located at 346 University Avenue (which the Finance Commission understands has actually been completed or is nearly complete) for manufacturing, warehousing, distribution and offices uses;*
- 2. create at least 15 new permanent, full-time jobs within 5 years of the completion of the building addition (with a priority given to properly qualified Westwood residents); and*
- 3. garage all of its vehicles (other than those used by executives that are garaged in their respective homes) in Westwood so that any local motor vehicle taxes owed by Romanow will be paid to Westwood.*

The Finance Commission supports the Board of Selectmen’s efforts to encourage our existing corporate citizens to remain located, and expand, in Westwood, and supports this Article unanimously. Because of external factors (such as rising construction costs), Romanow moved forward with the expansion of the building before securing the approval of the TIF Agreement by Town Meeting. Even so, we think that the good faith efforts Romanow took last year, as well as the continued commitment to grow jobs within Westwood (with priority to Westwood residents) warrants support for this TIF Agreement.

ARTICLE 14

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

This is a standard article which provides the Board of Selectmen with the authority to allocate State provided road improvement funds to maintain the Town's secondary roadways. The distribution of these funds is determined by a long range Road Improvement Plan adopted over 15 years ago which assesses the current condition of all Town streets on a regular basis and determines the appropriate level of maintenance to extend the life expectancy of our streets.

ARTICLE 15

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

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

or take any other action thereon.

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The Finance Commission voted to unanimously support this article, which creates a new stabilization fund for the deposit of Westwood station funds. Like other mitigation accounts, this account acts like a savings account in that it provides a depository for the funds until they are needed by the Town. Specific allocations have been provided as described in the article and appropriating and spending these funds requires Town Meeting approval.

ARTICLE 16

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

This article is intended to permit the Town to accept payments from the developer of Westwood Station for public safety mitigation as set forth in the Westwood Station Development Agreement and Special Permit. The Finance Commission supports the acceptance of these funds, and notes that Town officials advise that this sum should be sufficient to pay for and equip a third fire station to be constructed at Westwood Station. Town officials also advise that they may accept delivery of the new fire station from the developer in lieu of this payment if they get relief from the state's public bidding process.

ARTICLE 17

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Article 17 is a mechanical article intended to permit the Town to accept payments from the developer of Westwood Station for neighborhood traffic calming mitigation as set forth in the Westwood Station Development Agreement and Special Permit. The Finance Commission supports the acceptance of these funds, and notes that Town officials advise that this sum should be sufficient to pay for the traffic calming currently contemplated and vetted through the public Planning Board process.

ARTICLE 18

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution , for enactment of a special law substantially in the following form of the proposed act printed below as part of the article and entitled:

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

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Westwood may grant a single license for the sale of wine and malt beverages at a food store, not to be drunk on the premises, under Section 15 of said Chapter

138. Except as otherwise provided herein, such license shall be subject to all of said Chapter 138 except said Section 17.

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

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

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

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

(Board of Selectmen)

The Finance Commission, by a vote of 7 in favor, 6 opposed and 1 abstention, recommends that the Town so vote.

Majority Opinion

This article is on the warrant to help attract Wegmans to Westwood Station. Wegmans is a highly-regarded grocery store business based in Rochester, New York. Known for its charitable work, the consideration it extends to the communities it serves, and its generous employee benefit and scholarship programs, Wegmans currently ranks 3rd on Fortune Magazine’s list of best companies to work for.

Westwood Station would be Wegmans first New England location. Therefore, the company wants this to be its flagship store. An integral part of Wegmans service is the ability to give its customers an opportunity to purchase beer and wine along with their other groceries.

Westwood officials brought in outside counsel with specific expertise in the sale of alcoholic beverages to ensure that the article is carefully drafted to serve its limited purpose- a license for the sale of wines and malt beverages (not liquor) to be consumed off the premises. The article authorizes the sale of beer and wine only at a single, large food store within Westwood Station that sells a large variety of products. It does not allow the sale of beer, wine, or liquor in any other stores in any other part of town. Any other business looking to sell alcohol to be consumed off-premises would need to present a new warrant article at a future Town Meeting.

Some FinCom members and a few residents expressed concern that the article's restrictions put a well-respected local business, Roche Bros., at a competitive disadvantage. All FinCom members agree that Roche Bros. is a valued corporate citizen and should be afforded every possible courtesy and consideration. In fact, the town administration ensured that Roche Bros. was the first prospective grocery tenant approached about leasing at Westwood Station. Roche Bros. declined the offer. In addition, Roche Bros. already sells beer and wine at three of its stores. Under state law, a corporate entity can have no more than three liquor licenses. Roche Bros. has already reached its state authorized legal limit for liquor licenses.

Some FinCom members are opposed to the sale of any beer, wine and liquor within town limits. In 2003, Town Meeting voted to allow the licensing of on premise liquor sales. FinCom members who support this article point out that nearby BJ's, Costco and soon Whole Foods sell or will sell liquor at their stores. Given the new reality of liquor sales in food stores, any new store would be at a competitive disadvantage if it could not sell beer and wine.

In summary, the majority of the Finance Commission believes that an off-premise beer and wine license at Westwood Station would provide a service that many Westwood residents are looking for and would help attract Wegmans as a critical anchor tenant to ensure the economic viability of the Westwood Station project.

Minority Opinion

Six members of the Finance Commission support the Westwood Station development project but feel that the proposed liquor license for a single anchor tenant goes too far. These six members have expressed the following reasons for their opposition to this article.

- *Westwood historically was a dry town. Several years ago, the Town voted to allow licenses for restaurants to serve alcohol for on-premises consumption. As a result, the Town could be headed towards licensing package stores and the potentially negative consequences that accompany them.*
- *If approved, the proposed article would set a precedent. If the Town makes this type of accommodation for Wegmans, would other prospective tenants feel that they have greater leverage to negotiate concessions from the Town.*

- *By restricting the requested licensing authority to one non-transferable license that may be granted only to a very large “food store,” the article would give preferential treatment to one pre-identified business, namely Wegmans. Special treatment should be reserved for businesses that have already demonstrated that they are exemplary corporate citizens of the Town and should not be granted to newcomers that have built their reputations elsewhere, no matter how favorable those reputations may be.*

ARTICLE 19

To see if the Town will vote to take the following several actions in furtherance of public necessity and convenience and in conjunction with certain improvements, changes and alterations to the location lines of a new roadway layout and underlying infrastructure existing or planned in that portion of the Town more commonly known as the Westwood Station project, as shown on a plan set entitled “Westwood Station Warrant Article Exhibit Plans” dated _____, 2008, prepared by Chas. H. Sells, Inc. (“Roadway Plans”), or to take any other action in relation thereto:

- (A) To authorize the Board of Selectmen, at no expense to the Town, to acquire by purchase, gift, eminent domain or otherwise, such land or interests in land, and to lay out as a town way, on terms acceptable to the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town or take any other action relative thereto as is necessary to lay out as a town way, those certain areas adjacent to Blue Hill Drive shown on Sheet No. 1 of the Roadway Plans and designated thereon as “New Roadway Area No. 1” and “New Roadway Area No. 2.”
- (B) To authorize the Board of Selectmen, at no expense to the Town, to acquire by purchase, gift, eminent domain or otherwise, such land or interests in land, and to lay out as town ways, on terms acceptable to the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town or take any other action relative thereto, as is necessary to lay out as town ways those certain areas adjacent to Canton Street:
 - (i) shown on Sheet No. 2 of the Roadway Plans and designated thereon as “New Roadway Area No. 4,” and
 - (ii) shown on Sheet No. 3 of the Roadway Plans and designated thereon as:
 - “New Roadway Area No. 5,”
 - “New Roadway Area No. 6,” and
 - “New Roadway Area No. 7;”

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

- (iii) shown on Sheet No. 2 of the Roadway Plans and designated thereon as “Temporary Construction Easement No. 3,” and

- (iv) shown on Sheet No. 3 of the Roadway Plans and designated thereon as
 - “Foundation Easement No. 1,”
 - “Foundation Easement No. 2,”
 - “Access Easement No. 1,”
 - “Access Easement No. 2,”
 - “Access Easement No. 3,”
 - “Temporary Construction Easement No. 4,”
 - “Temporary Construction Easement No. 5,” and
 - “Temporary Construction Easement No. 6.”

(C) To discontinue, at no expense to the Town, a portion of NStar Way substantially as shown on Sheet No. 4 of the Roadway Plans and designated thereon as “Discontinued Roadway Area D,” such discontinuance to be effective at such time as is determined by the Board of Selectmen in consideration of related roadway improvement plans in the project area, and to authorize the Board of Selectmen, at no expense to the town, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said discontinuance, and to accept temporary right of way easements for public travel and infrastructure facilities over any land necessary to serve as temporary replacement rights of way until completion of applicable portions of related infrastructure and roadway realignment, or take any other action relative thereto.

(D) To authorize the Board of Selectmen, upon finalization of the discontinuance of Discontinued Roadway Area D as set forth in clause (C) above, said area being owned in fee by the Town, to dispose of said discontinued portion, on terms acceptable to the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town or take any other action relative thereto.

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

As part of the Westwood Station project, the network of roadways and related infrastructure (e.g., utilities, water supply and sewer pipes) in the University Avenue area of town will be realigned and modified to fit the project design approved by the Planning Board. This realignment entails the discontinuance of portions of existing public ways and the laying out of new public ways that take the place of the discontinued portions. Much of this was accomplished through Article 8 of the 2007 Town Meeting. However, some of the roadway redesign was not yet complete for the 2007 Town Meeting. Moreover, in its review of the Westwood Station project, the Planning Board required certain changes in the design of the roadways. The result is the present article.

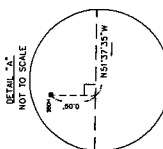
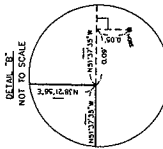
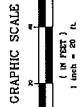
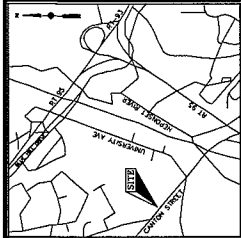
This year’s Westwood Station roadway article is limited to three aspects of the roadway system. First is the layout of the Blue Hill Drive Extension over property owned by Cabot, Cabot and Forbes. This is part of a roadway network designed to keep Westwood Station traffic off Whitewood Road and out of the adjoining neighborhood. Second is the layout of the intersection of Canton Street with Westwood Station Boulevard, the four-lane road that is designed to be the principal way through the Westwood Station project site. This layout entails widening portions of

the commercial section of Canton Street near University Avenue in order to make the Westwood Station Boulevard/Canton Street intersection function more fluidly. Third is the discontinuance of a portion of NSTAR Way. The 2007 Town Meeting already authorized the discontinuance of some of NSTAR Way. However, during Planning Board review of the project, Westwood Station Boulevard was moved slightly to the northeast, resulting in a change in the location of the Westwood Station Boulevard/NSTAR Way intersection. Accordingly, a new portion of NSTAR Way must be discontinued such that NSTAR Way ends where it intersects with Westwood Station Boulevard. Because the Town owns NSTAR Way in fee, as opposed to owning an easement for public highway purposes as is usually the case, the article also authorizes the Board of Selectmen to dispose of the town's interest in the discontinued portion of NSTAR Way.

As was noted for the 2007 roadway article, this roadway article is part of a series of actions by which the Board of Selectmen will be able to conform the sewage, drainage, and other municipal infrastructure to the redesigned roadway system for Westwood Station. Because it will help bring about an upgrade of the outdated infrastructure serving this area, the article poses environmental benefits, especially given that most of the area is located within the Water Resource Protection Overlay District. The article also gives the Board of Selectmen authority to take or accept temporary easements for public travel over any portion of the Westwood Station project site so that the public will not be impeded from traveling through this site while construction is underway.

The article imposes no financial burden on the Town. The Selectmen's actions are to be carried out "at no expense to the Town." Pursuant to an agreement with the Selectmen, Cabot, Cabot and Forbes will cover any expenses that arise from the relocation, alteration, construction and redesign of the roadways and associated infrastructure, including any claims arising from the exercise of eminent domain, if necessary.

In summary, the article would discontinue a portion of NSTAR Way that is inconsistent with the realigned roadway system for Westwood Station, authorize the Selectmen to layout the Blue Hill Drive extension and the intersection of Canton Street and Westwood Station Boulevard, and take the actions necessary to bring about improvements to the roadways and infrastructure serving the Westwood Station area and ensure public travel through the project site during construction, all while imposing no financial burden on the Town. It is therefore supported unanimously by the Finance Commission.



MAP 37, LOT 11
 NOW OR FORMERLY
 W.F. McCALL, JR., et al., Trustees
 PLAN 26294-T

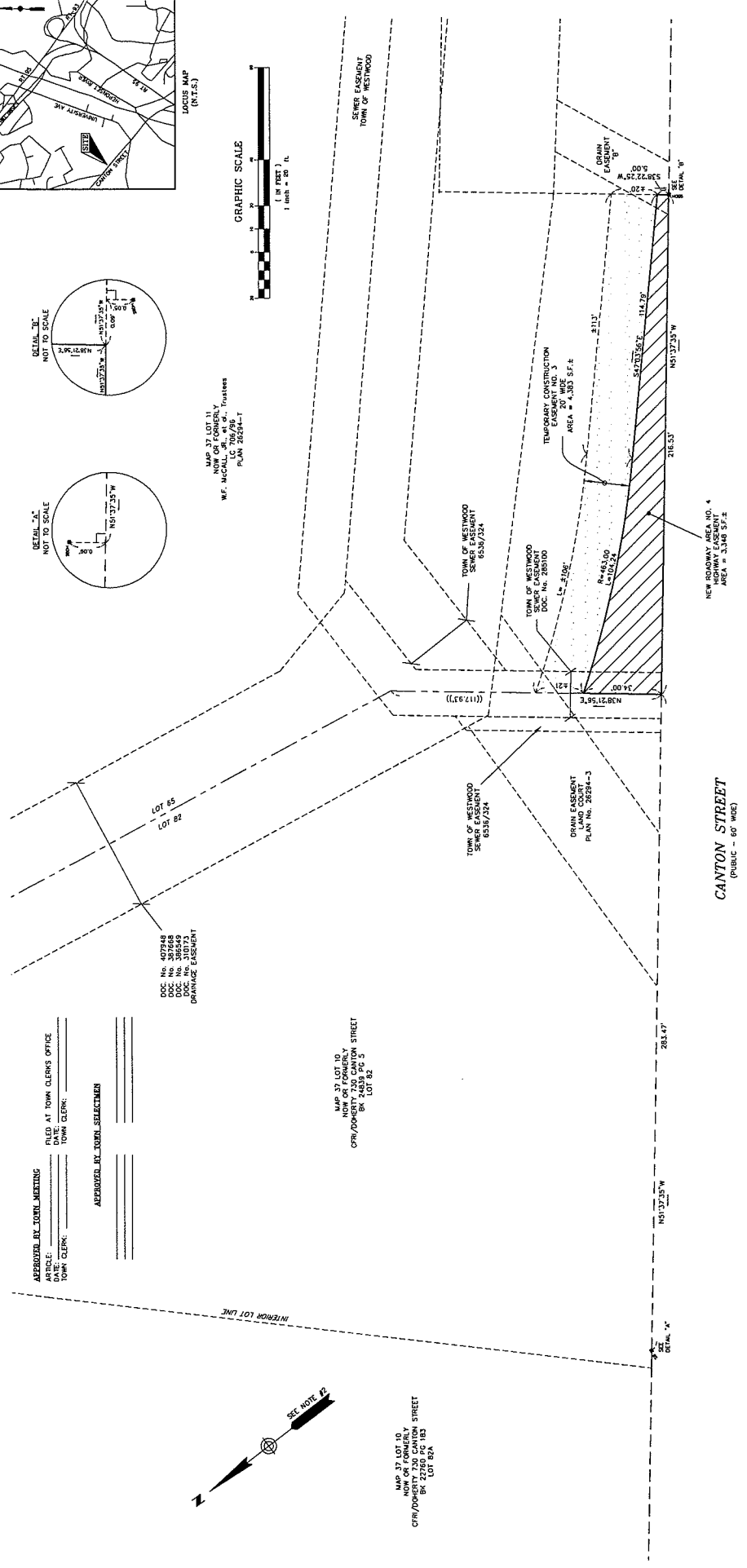
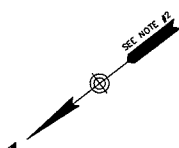
APPROVED BY TOWN MEETING
 ARTICLE: _____
 DATE: _____
 TOWN CLERK: _____

APPROVED BY TOWN SELECTMEN

DCC No. 407948
 DCC No. 386458
 DCC No. 386459
 DCC No. 310173
 GARINAGE EASEMENT

MAP 37, LOT 10
 NOW OR FORMERLY
 CPT/ROBERT TAYLOR AND SON STREET
 LOT 82

MAP 37, LOT 10
 NOW OR FORMERLY
 BK 22360 PC 183
 LOT 82A



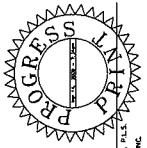
PROJECT TITLE
**WESTWOOD STATION
 WARRANT ARTICLE
 EXHIBIT PLANS**

SHEET NO. 2
 SHEET TITLE
**HIGHWAY EASEMENT
 CANTON STREET**

PREPARED FOR
**TOWN OF WESTWOOD
 WESTWOOD, MASSACHUSETTS**

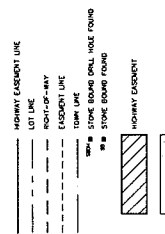
CHAS. H. SELLS, INC.
 100 NEW CORNHILL ST. SUITE 100
 WESTWOOD, MASSACHUSETTS 01887
 CONSULTING ENGINEERS, ARCHITECTS & SURVEYORS

Drawn By: ES Date: _____
 Surveyed By: SH, UF & JB Date: MARCH 14, 2018 (052621001)
 Checked By: DPT Scale: 1" = 20'
 Book No. W-215 & 215A Sheet No. 1 OF 1

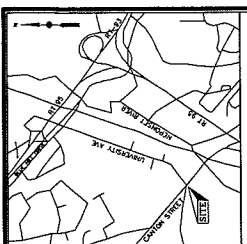
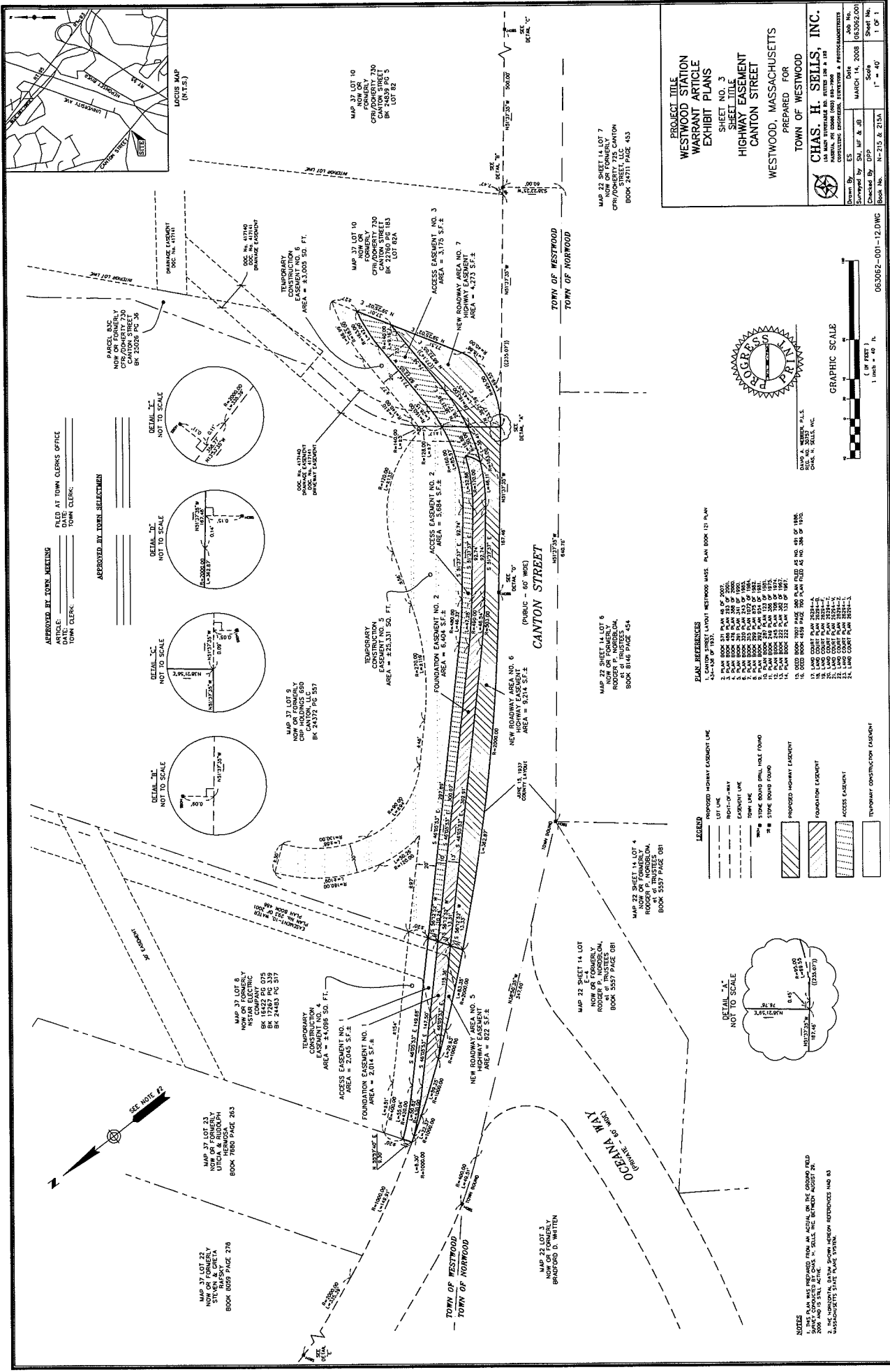


- PLAN REFERENCES
1. CANTON STREET LAYOUT WESTWOOD MASS. PLAN BOOK 17 PL. 4
 2. PLAN BOOK 21 PL. 49 OF 2002
 3. PLAN BOOK 219 PL. 107 OF 1984
 4. PLAN BOOK 219 PL. 107 OF 1984
 5. PLAN BOOK 219 PL. 107 OF 1984
 6. PLAN BOOK 219 PL. 107 OF 1984
 7. PLAN BOOK 219 PL. 107 OF 1984
 8. PLAN BOOK 219 PL. 107 OF 1984
 9. PLAN BOOK 219 PL. 107 OF 1984
 10. PLAN BOOK 219 PL. 107 OF 1984
 11. LAND COURT FILE #22360-A
 12. LAND COURT FILE #22360-B
 13. LAND COURT FILE #22360-C
 14. LAND COURT FILE #22360-D
 15. LAND COURT FILE #22360-E
 16. LAND COURT FILE #22360-F
 17. LAND COURT FILE #22360-G
 18. LAND COURT FILE #22360-H
 19. LAND COURT FILE #22360-I
 20. LAND COURT FILE #22360-J

- NOTES
1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS TO CENTER UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS TO CORNER UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS TO CENTER UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS TO CORNER UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS TO CENTER UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS TO CORNER UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 11. ALL DIMENSIONS TO CENTER UNLESS OTHERWISE NOTED.
 12. ALL DIMENSIONS TO CORNER UNLESS OTHERWISE NOTED.
 13. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 14. ALL DIMENSIONS TO CENTER UNLESS OTHERWISE NOTED.
 15. ALL DIMENSIONS TO CORNER UNLESS OTHERWISE NOTED.
 16. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 17. ALL DIMENSIONS TO CENTER UNLESS OTHERWISE NOTED.
 18. ALL DIMENSIONS TO CORNER UNLESS OTHERWISE NOTED.
 19. ALL DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
 20. ALL DIMENSIONS TO CENTER UNLESS OTHERWISE NOTED.

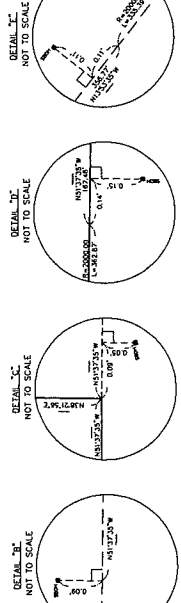


05262-001-11.DWG



APPROVED BY TOWN MEETING
 ARTICLE: _____ FILED AT TOWN CLERKS OFFICE
 TOWN CLERK: _____

APPROVED BY TOWN SELECTMEN



MAP 37 LOT 8
 NOW OR FORMERLY
 CHANTON STREET
 BK 24372 PG 557

MAP 37 LOT 9
 NOW OR FORMERLY
 CHANTON STREET
 BK 24372 PG 557

MAP 37 LOT 10
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 37 LOT 11
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 37 LOT 12
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 37 LOT 13
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 37 LOT 14
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 37 LOT 15
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 37 LOT 16
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 37 LOT 17
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 37 LOT 18
 NOW OR FORMERLY
 CHANTON STREET
 BK 14819 PG 3

MAP 22 SHEET 14 LOT 7
 NOW OR FORMERLY
 CANTON STREET, LLC
 BOOK 24711 PAGE 453

MAP 22 SHEET 14 LOT 6
 NOW OR FORMERLY
 RODGERS TRUSTEES, LLC
 BOOK 8146 PAGE 454

MAP 22 SHEET 14 LOT 4
 NOW OR FORMERLY
 RODGERS TRUSTEES, LLC
 BOOK 5537 PAGE 081

MAP 22 SHEET 14 LOT 3
 NOW OR FORMERLY
 RODGERS TRUSTEES, LLC
 BOOK 5537 PAGE 081

PROJECT TITLE
 WESTWOOD STATION
 WARRANT ARTICLE
 EXHIBIT PLANS

SHEET NO. 3
 SHEET TITLE
 HIGHWAY EASEMENT
 CANTON STREET

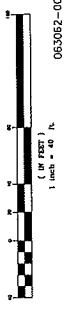
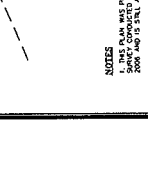
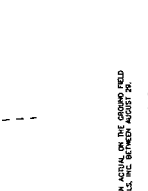
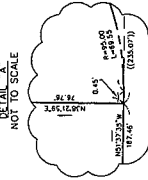
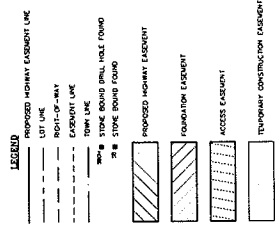
PREPARED FOR
 TOWN OF WESTWOOD

CHAS. H. SELLS, INC.
 100 STATE STREET, SUITE 101
 WESTWOOD, MASSACHUSETTS 01981
 PHONE: 978-335-1100
 FAX: 978-335-1101
 E-MAIL: CHASSEL@CHSEL.COM

Drawn By: ES
 Checked By: JF & JB
 Date: MARCH 14, 2008 (03/28/2008)
 Scale: 1" = 40'
 Sheet No.: 1 OF 1

PLAN REFERENCES

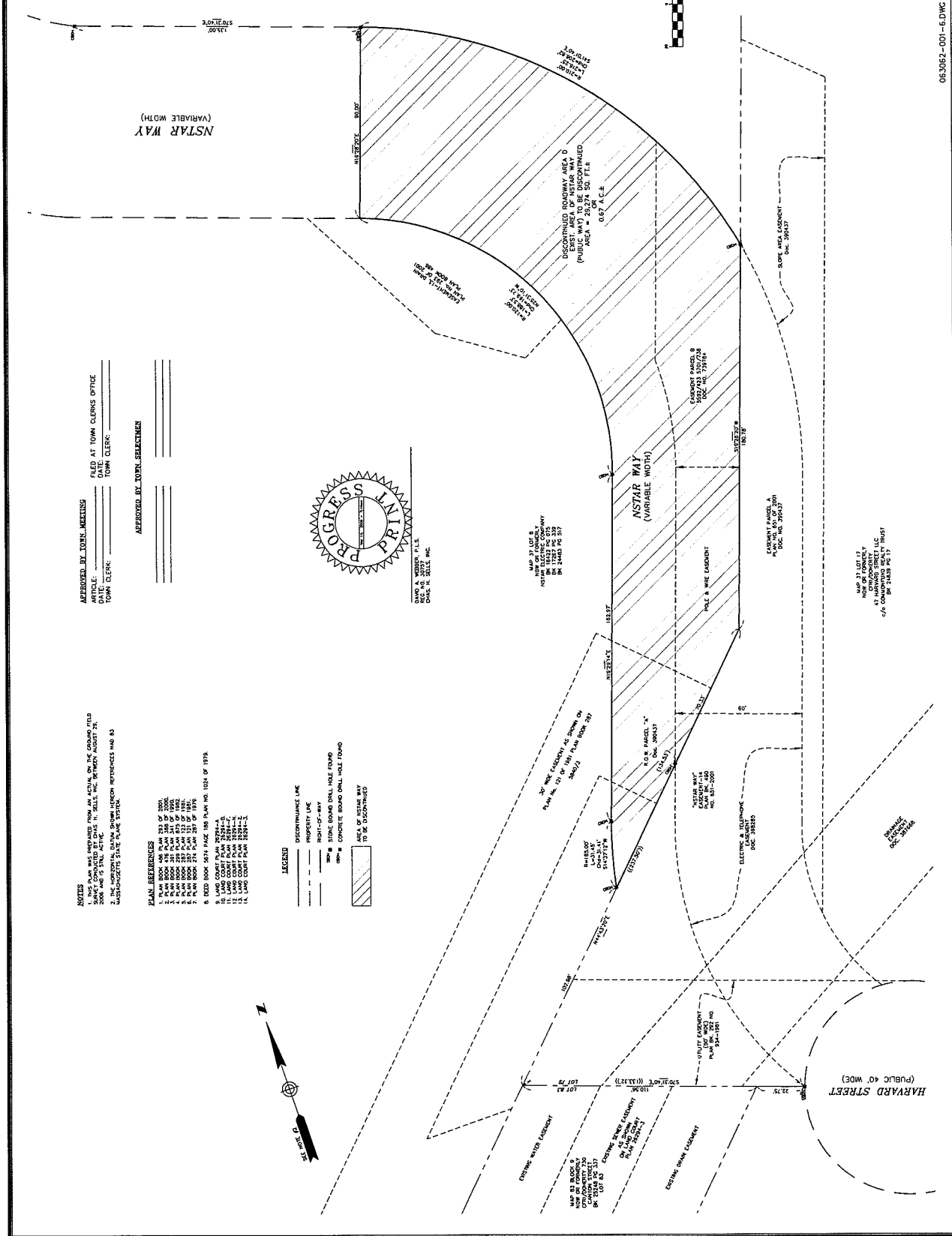
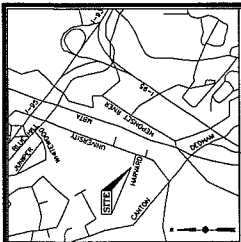
- CANTON STREET LAYOUT WESTWOOD MASS. PLAN BOOK 12 PL 40
- MAP 37 SHEET 14 LOT 7
- MAP 37 SHEET 14 LOT 8
- MAP 37 SHEET 14 LOT 9
- MAP 37 SHEET 14 LOT 10
- MAP 37 SHEET 14 LOT 11
- MAP 37 SHEET 14 LOT 12
- MAP 37 SHEET 14 LOT 13
- MAP 37 SHEET 14 LOT 14
- MAP 37 SHEET 14 LOT 15
- MAP 37 SHEET 14 LOT 16
- MAP 37 SHEET 14 LOT 17
- MAP 37 SHEET 14 LOT 18
- MAP 37 SHEET 14 LOT 19
- MAP 37 SHEET 14 LOT 20
- MAP 37 SHEET 14 LOT 21
- MAP 37 SHEET 14 LOT 22
- MAP 37 SHEET 14 LOT 23
- MAP 37 SHEET 14 LOT 24
- MAP 37 SHEET 14 LOT 25
- MAP 37 SHEET 14 LOT 26
- MAP 37 SHEET 14 LOT 27
- MAP 37 SHEET 14 LOT 28
- MAP 37 SHEET 14 LOT 29
- MAP 37 SHEET 14 LOT 30
- MAP 37 SHEET 14 LOT 31
- MAP 37 SHEET 14 LOT 32
- MAP 37 SHEET 14 LOT 33
- MAP 37 SHEET 14 LOT 34
- MAP 37 SHEET 14 LOT 35
- MAP 37 SHEET 14 LOT 36
- MAP 37 SHEET 14 LOT 37
- MAP 37 SHEET 14 LOT 38
- MAP 37 SHEET 14 LOT 39
- MAP 37 SHEET 14 LOT 40
- MAP 37 SHEET 14 LOT 41
- MAP 37 SHEET 14 LOT 42
- MAP 37 SHEET 14 LOT 43
- MAP 37 SHEET 14 LOT 44
- MAP 37 SHEET 14 LOT 45
- MAP 37 SHEET 14 LOT 46
- MAP 37 SHEET 14 LOT 47
- MAP 37 SHEET 14 LOT 48
- MAP 37 SHEET 14 LOT 49
- MAP 37 SHEET 14 LOT 50
- MAP 37 SHEET 14 LOT 51
- MAP 37 SHEET 14 LOT 52
- MAP 37 SHEET 14 LOT 53
- MAP 37 SHEET 14 LOT 54
- MAP 37 SHEET 14 LOT 55
- MAP 37 SHEET 14 LOT 56
- MAP 37 SHEET 14 LOT 57
- MAP 37 SHEET 14 LOT 58
- MAP 37 SHEET 14 LOT 59
- MAP 37 SHEET 14 LOT 60
- MAP 37 SHEET 14 LOT 61
- MAP 37 SHEET 14 LOT 62
- MAP 37 SHEET 14 LOT 63
- MAP 37 SHEET 14 LOT 64
- MAP 37 SHEET 14 LOT 65
- MAP 37 SHEET 14 LOT 66
- MAP 37 SHEET 14 LOT 67
- MAP 37 SHEET 14 LOT 68
- MAP 37 SHEET 14 LOT 69
- MAP 37 SHEET 14 LOT 70
- MAP 37 SHEET 14 LOT 71
- MAP 37 SHEET 14 LOT 72
- MAP 37 SHEET 14 LOT 73
- MAP 37 SHEET 14 LOT 74
- MAP 37 SHEET 14 LOT 75
- MAP 37 SHEET 14 LOT 76
- MAP 37 SHEET 14 LOT 77
- MAP 37 SHEET 14 LOT 78
- MAP 37 SHEET 14 LOT 79
- MAP 37 SHEET 14 LOT 80
- MAP 37 SHEET 14 LOT 81
- MAP 37 SHEET 14 LOT 82
- MAP 37 SHEET 14 LOT 83
- MAP 37 SHEET 14 LOT 84
- MAP 37 SHEET 14 LOT 85
- MAP 37 SHEET 14 LOT 86
- MAP 37 SHEET 14 LOT 87
- MAP 37 SHEET 14 LOT 88
- MAP 37 SHEET 14 LOT 89
- MAP 37 SHEET 14 LOT 90
- MAP 37 SHEET 14 LOT 91
- MAP 37 SHEET 14 LOT 92
- MAP 37 SHEET 14 LOT 93
- MAP 37 SHEET 14 LOT 94
- MAP 37 SHEET 14 LOT 95
- MAP 37 SHEET 14 LOT 96
- MAP 37 SHEET 14 LOT 97
- MAP 37 SHEET 14 LOT 98
- MAP 37 SHEET 14 LOT 99
- MAP 37 SHEET 14 LOT 100



NOTES

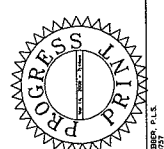
- THIS PLAN WAS PREPARED FROM AN ACTUAL ON THE GROUND FIELD SURVEY AND IS ACCURATE TO THE DEGREE OF PRECISION SHOWN ON THIS PLAN.
- THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THIS PLAN.

063062-001-12.DWC



APPROVED BY TOWN MEETING
 ARTICLE: _____
 FILED AT TOWN CLERKS OFFICE
 TOWN CLERK: _____

APPROVED BY TOWN SELECTMEN



MAP 31 LOT 8
 NOW OF FORMERLY
 22 MARSHBURY AVENUE, LLC
 474 WASHINGTON AVENUE, WEST
 WESTWOOD, MASSACHUSETTS 01981
 DATE: N. SELLS, INC.

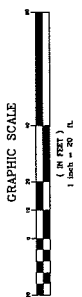
MAP 31 LOT 8
 NOW OF FORMERLY
 22 MARSHBURY AVENUE, LLC
 474 WASHINGTON AVENUE, WEST
 WESTWOOD, MASSACHUSETTS 01981
 DATE: N. SELLS, INC.

MAP 31 LOT 13
 NOW OF FORMERLY
 47 MARSHBURY AVENUE, LLC
 474 WASHINGTON AVENUE, WEST
 WESTWOOD, MASSACHUSETTS 01981
 DATE: N. SELLS, INC.

- NOTES**
1. THIS PLAN WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY.
 2. THE HORIZONTAL DATUM SHOWS LOCATION REFERENCES AND IS MASSACHUSETTS STATE PLANE SYSTEM.

- PLAN REFERENCES**
1. PLAN BOOK 400 PLAN 203 OF 2000
 2. PLAN BOOK 400 PLAN 204 OF 2000
 3. PLAN BOOK 400 PLAN 205 OF 2000
 4. PLAN BOOK 400 PLAN 206 OF 2000
 5. PLAN BOOK 400 PLAN 207 OF 2000
 6. PLAN BOOK 400 PLAN 208 OF 2000
 7. PLAN BOOK 400 PLAN 209 OF 2000
 8. PLAN BOOK 400 PLAN 210 OF 2000
 9. PLAN BOOK 400 PLAN 211 OF 2000
 10. PLAN BOOK 400 PLAN 212 OF 2000
 11. PLAN BOOK 400 PLAN 213 OF 2000
 12. PLAN BOOK 400 PLAN 214 OF 2000
 13. PLAN BOOK 400 PLAN 215 OF 2000
 14. PLAN BOOK 400 PLAN 216 OF 2000
 15. PLAN BOOK 400 PLAN 217 OF 2000
 16. PLAN BOOK 400 PLAN 218 OF 2000
 17. PLAN BOOK 400 PLAN 219 OF 2000
 18. PLAN BOOK 400 PLAN 220 OF 2000
 19. PLAN BOOK 400 PLAN 221 OF 2000
 20. PLAN BOOK 400 PLAN 222 OF 2000
 21. PLAN BOOK 400 PLAN 223 OF 2000
 22. PLAN BOOK 400 PLAN 224 OF 2000
 23. PLAN BOOK 400 PLAN 225 OF 2000
 24. PLAN BOOK 400 PLAN 226 OF 2000
 25. PLAN BOOK 400 PLAN 227 OF 2000
 26. PLAN BOOK 400 PLAN 228 OF 2000
 27. PLAN BOOK 400 PLAN 229 OF 2000
 28. PLAN BOOK 400 PLAN 230 OF 2000
 29. PLAN BOOK 400 PLAN 231 OF 2000
 30. PLAN BOOK 400 PLAN 232 OF 2000
 31. PLAN BOOK 400 PLAN 233 OF 2000
 32. PLAN BOOK 400 PLAN 234 OF 2000
 33. PLAN BOOK 400 PLAN 235 OF 2000
 34. PLAN BOOK 400 PLAN 236 OF 2000
 35. PLAN BOOK 400 PLAN 237 OF 2000
 36. PLAN BOOK 400 PLAN 238 OF 2000
 37. PLAN BOOK 400 PLAN 239 OF 2000
 38. PLAN BOOK 400 PLAN 240 OF 2000
 39. PLAN BOOK 400 PLAN 241 OF 2000
 40. PLAN BOOK 400 PLAN 242 OF 2000
 41. PLAN BOOK 400 PLAN 243 OF 2000
 42. PLAN BOOK 400 PLAN 244 OF 2000
 43. PLAN BOOK 400 PLAN 245 OF 2000
 44. PLAN BOOK 400 PLAN 246 OF 2000
 45. PLAN BOOK 400 PLAN 247 OF 2000
 46. PLAN BOOK 400 PLAN 248 OF 2000
 47. PLAN BOOK 400 PLAN 249 OF 2000
 48. PLAN BOOK 400 PLAN 250 OF 2000
 49. PLAN BOOK 400 PLAN 251 OF 2000
 50. PLAN BOOK 400 PLAN 252 OF 2000
 51. PLAN BOOK 400 PLAN 253 OF 2000
 52. PLAN BOOK 400 PLAN 254 OF 2000
 53. PLAN BOOK 400 PLAN 255 OF 2000
 54. PLAN BOOK 400 PLAN 256 OF 2000
 55. PLAN BOOK 400 PLAN 257 OF 2000
 56. PLAN BOOK 400 PLAN 258 OF 2000
 57. PLAN BOOK 400 PLAN 259 OF 2000
 58. PLAN BOOK 400 PLAN 260 OF 2000
 59. PLAN BOOK 400 PLAN 261 OF 2000
 60. PLAN BOOK 400 PLAN 262 OF 2000
 61. PLAN BOOK 400 PLAN 263 OF 2000
 62. PLAN BOOK 400 PLAN 264 OF 2000
 63. PLAN BOOK 400 PLAN 265 OF 2000
 64. PLAN BOOK 400 PLAN 266 OF 2000
 65. PLAN BOOK 400 PLAN 267 OF 2000
 66. PLAN BOOK 400 PLAN 268 OF 2000
 67. PLAN BOOK 400 PLAN 269 OF 2000
 68. PLAN BOOK 400 PLAN 270 OF 2000
 69. PLAN BOOK 400 PLAN 271 OF 2000
 70. PLAN BOOK 400 PLAN 272 OF 2000
 71. PLAN BOOK 400 PLAN 273 OF 2000
 72. PLAN BOOK 400 PLAN 274 OF 2000
 73. PLAN BOOK 400 PLAN 275 OF 2000
 74. PLAN BOOK 400 PLAN 276 OF 2000
 75. PLAN BOOK 400 PLAN 277 OF 2000
 76. PLAN BOOK 400 PLAN 278 OF 2000
 77. PLAN BOOK 400 PLAN 279 OF 2000
 78. PLAN BOOK 400 PLAN 280 OF 2000
 79. PLAN BOOK 400 PLAN 281 OF 2000
 80. PLAN BOOK 400 PLAN 282 OF 2000
 81. PLAN BOOK 400 PLAN 283 OF 2000
 82. PLAN BOOK 400 PLAN 284 OF 2000
 83. PLAN BOOK 400 PLAN 285 OF 2000
 84. PLAN BOOK 400 PLAN 286 OF 2000
 85. PLAN BOOK 400 PLAN 287 OF 2000
 86. PLAN BOOK 400 PLAN 288 OF 2000
 87. PLAN BOOK 400 PLAN 289 OF 2000
 88. PLAN BOOK 400 PLAN 290 OF 2000
 89. PLAN BOOK 400 PLAN 291 OF 2000
 90. PLAN BOOK 400 PLAN 292 OF 2000
 91. PLAN BOOK 400 PLAN 293 OF 2000
 92. PLAN BOOK 400 PLAN 294 OF 2000
 93. PLAN BOOK 400 PLAN 295 OF 2000
 94. PLAN BOOK 400 PLAN 296 OF 2000
 95. PLAN BOOK 400 PLAN 297 OF 2000
 96. PLAN BOOK 400 PLAN 298 OF 2000
 97. PLAN BOOK 400 PLAN 299 OF 2000
 98. PLAN BOOK 400 PLAN 300 OF 2000
 99. PLAN BOOK 400 PLAN 301 OF 2000
 100. PLAN BOOK 400 PLAN 302 OF 2000
 101. PLAN BOOK 400 PLAN 303 OF 2000
 102. PLAN BOOK 400 PLAN 304 OF 2000
 103. PLAN BOOK 400 PLAN 305 OF 2000
 104. PLAN BOOK 400 PLAN 306 OF 2000
 105. PLAN BOOK 400 PLAN 307 OF 2000
 106. PLAN BOOK 400 PLAN 308 OF 2000
 107. PLAN BOOK 400 PLAN 309 OF 2000
 108. PLAN BOOK 400 PLAN 310 OF 2000
 109. PLAN BOOK 400 PLAN 311 OF 2000
 110. PLAN BOOK 400 PLAN 312 OF 2000
 111. PLAN BOOK 400 PLAN 313 OF 2000
 112. PLAN BOOK 400 PLAN 314 OF 2000
 113. PLAN BOOK 400 PLAN 315 OF 2000
 114. PLAN BOOK 400 PLAN 316 OF 2000
 115. PLAN BOOK 400 PLAN 317 OF 2000
 116. PLAN BOOK 400 PLAN 318 OF 2000
 117. PLAN BOOK 400 PLAN 319 OF 2000
 118. PLAN BOOK 400 PLAN 320 OF 2000
 119. PLAN BOOK 400 PLAN 321 OF 2000
 120. PLAN BOOK 400 PLAN 322 OF 2000
 121. PLAN BOOK 400 PLAN 323 OF 2000
 122. PLAN BOOK 400 PLAN 324 OF 2000
 123. PLAN BOOK 400 PLAN 325 OF 2000
 124. PLAN BOOK 400 PLAN 326 OF 2000
 125. PLAN BOOK 400 PLAN 327 OF 2000
 126. PLAN BOOK 400 PLAN 328 OF 2000
 127. PLAN BOOK 400 PLAN 329 OF 2000
 128. PLAN BOOK 400 PLAN 330 OF 2000
 129. PLAN BOOK 400 PLAN 331 OF 2000
 130. PLAN BOOK 400 PLAN 332 OF 2000
 131. PLAN BOOK 400 PLAN 333 OF 2000
 132. PLAN BOOK 400 PLAN 334 OF 2000
 133. PLAN BOOK 400 PLAN 335 OF 2000
 134. PLAN BOOK 400 PLAN 336 OF 2000
 135. PLAN BOOK 400 PLAN 337 OF 2000
 136. PLAN BOOK 400 PLAN 338 OF 2000
 137. PLAN BOOK 400 PLAN 339 OF 2000
 138. PLAN BOOK 400 PLAN 340 OF 2000
 139. PLAN BOOK 400 PLAN 341 OF 2000
 140. PLAN BOOK 400 PLAN 342 OF 2000
 141. PLAN BOOK 400 PLAN 343 OF 2000
 142. PLAN BOOK 400 PLAN 344 OF 2000
 143. PLAN BOOK 400 PLAN 345 OF 2000
 144. PLAN BOOK 400 PLAN 346 OF 2000
 145. PLAN BOOK 400 PLAN 347 OF 2000
 146. PLAN BOOK 400 PLAN 348 OF 2000
 147. PLAN BOOK 400 PLAN 349 OF 2000
 148. PLAN BOOK 400 PLAN 350 OF 2000
 149. PLAN BOOK 400 PLAN 351 OF 2000
 150. PLAN BOOK 400 PLAN 352 OF 2000
 151. PLAN BOOK 400 PLAN 353 OF 2000
 152. PLAN BOOK 400 PLAN 354 OF 2000
 153. PLAN BOOK 400 PLAN 355 OF 2000
 154. PLAN BOOK 400 PLAN 356 OF 2000
 155. PLAN BOOK 400 PLAN 357 OF 2000
 156. PLAN BOOK 400 PLAN 358 OF 2000
 157. PLAN BOOK 400 PLAN 359 OF 2000
 158. PLAN BOOK 400 PLAN 360 OF 2000
 159. PLAN BOOK 400 PLAN 361 OF 2000
 160. PLAN BOOK 400 PLAN 362 OF 2000
 161. PLAN BOOK 400 PLAN 363 OF 2000
 162. PLAN BOOK 400 PLAN 364 OF 2000
 163. PLAN BOOK 400 PLAN 365 OF 2000
 164. PLAN BOOK 400 PLAN 366 OF 2000
 165. PLAN BOOK 400 PLAN 367 OF 2000
 166. PLAN BOOK 400 PLAN 368 OF 2000
 167. PLAN BOOK 400 PLAN 369 OF 2000
 168. PLAN BOOK 400 PLAN 370 OF 2000
 169. PLAN BOOK 400 PLAN 371 OF 2000
 170. PLAN BOOK 400 PLAN 372 OF 2000
 171. PLAN BOOK 400 PLAN 373 OF 2000
 172. PLAN BOOK 400 PLAN 374 OF 2000
 173. PLAN BOOK 400 PLAN 375 OF 2000
 174. PLAN BOOK 400 PLAN 376 OF 2000
 175. PLAN BOOK 400 PLAN 377 OF 2000
 176. PLAN BOOK 400 PLAN 378 OF 2000
 177. PLAN BOOK 400 PLAN 379 OF 2000
 178. PLAN BOOK 400 PLAN 380 OF 2000
 179. PLAN BOOK 400 PLAN 381 OF 2000
 180. PLAN BOOK 400 PLAN 382 OF 2000
 181. PLAN BOOK 400 PLAN 383 OF 2000
 182. PLAN BOOK 400 PLAN 384 OF 2000
 183. PLAN BOOK 400 PLAN 385 OF 2000
 184. PLAN BOOK 400 PLAN 386 OF 2000
 185. PLAN BOOK 400 PLAN 387 OF 2000
 186. PLAN BOOK 400 PLAN 388 OF 2000
 187. PLAN BOOK 400 PLAN 389 OF 2000
 188. PLAN BOOK 400 PLAN 390 OF 2000
 189. PLAN BOOK 400 PLAN 391 OF 2000
 190. PLAN BOOK 400 PLAN 392 OF 2000
 191. PLAN BOOK 400 PLAN 393 OF 2000
 192. PLAN BOOK 400 PLAN 394 OF 2000
 193. PLAN BOOK 400 PLAN 395 OF 2000
 194. PLAN BOOK 400 PLAN 396 OF 2000
 195. PLAN BOOK 400 PLAN 397 OF 2000
 196. PLAN BOOK 400 PLAN 398 OF 2000
 197. PLAN BOOK 400 PLAN 399 OF 2000
 198. PLAN BOOK 400 PLAN 400 OF 2000

- LEGEND**
- DISCONTINUANCE LINE
 - PROPERTY LINE
 - ROAD-CURVE
 - CONCRETE ROAD
 - CONCRETE ROAD ON OLD ROAD
 - AREA OF NSTAR WAY TO BE DISCONTINUED



PROJECT TITLE
 WESTWOOD STATION
 WARRANT ARTICLE
 EXHIBIT PLANS
 SHEET NO. 4
 SHEET TITLE
 DISCONTINUANCE PLAN FOR A
 PORTION OF NSTAR WAY
 WESTWOOD, MASSACHUSETTS
 PREPARED FOR
 TOWN OF WESTWOOD
CHAS. H. SELLS, INC.
 100 WASHINGTON AVENUE, WEST
 WESTWOOD, MASSACHUSETTS 01981
 Drawn By: ES Date: _____
 Surveyed by: SH, UF & JB MARCH 14, 2008 063062-001
 Checked by: DPB Scale: 1" = 20'
 Book No. 40-215 & 215A Sheet No. 1 OF 1

063062-001-6.DWG

ARTICLE 20

To see if the Town will vote to authorize the Board of Selectmen to raise and appropriate and/or borrow, and/or transfer from available funds for the purpose of designing and constructing a modular classroom addition to the Thurston Middle School, and to enter into all agreements and to execute any documents necessary thereto, or to take any other action relative thereto as may be necessary on behalf of the Town, or to take any other action thereon.

(School Committee)

The Finance Commission, by unanimous vote of those present,

Recommends: That the Town votes to appropriate the sum of Four Million Five Hundred Thousand Dollars (\$4,500,000) to pay costs of designing and constructing a modular classroom addition to the Thurston Middle School, including the payment of all other costs incidental and related thereto; that the School Committee and/or the Board of Selectmen are each authorized to enter into all agreements and to execute any documents necessary to carry out the purposes of this vote; that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3A) and Section 7(9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and that the Board of Selectmen and/or the School Committee is authorized to apply for and accept any State, Federal, or other grants or assistance that may be available for such projects.

This article comes before the Town in anticipation of the need to fund a modular classroom addition to the Thurston Middle School in FY10. The School Department plans for the addition to be installed in time for the start of school in September 2009. However, the lead times required for the bidding process are such that Town Meeting approval must be sought now for FY09. In evaluating the merits of this article, the Finance Commission examined whether the demonstrated space needs at the middle school justify the proposed construction project and whether the costs of the project are manageable. Having concluded that the answer to both questions is "yes," the Finance Commission unanimously supports this article.

With respect to space needs, the middle school is already overcrowded and, unless the school is expanded, would become more so as the population bubble in the elementary grades moves through the middle school. As demonstrated by a comprehensive demographic and facilities study conducted by Symmes, Maini & McKee Associates (SMMA), the teaching and public spaces at the middle school are deficient. With input from SMMA and school administrators, the School Department voted to pursue a modular classroom addition that includes a single-story addition at the rear of the building, an expanded dining space, a new entrance vestibule for the gymnasiums, and four handicapped accessible toilets. Although the rear parking lot/drop off area would be reconfigured to maintain most of the existing parking spaces, the soccer field adjacent to the school would not be affected. Notably, the proposed construction project is the least expensive of four options that were considered. In weighing the space needs against the scope of the proposed

project, the Finance Commission believes that the project is justified and should go forward as long as it can be funded.

With respect to funding, the Town is not being asked to approve a particular source of funds at this time. Nonetheless, the Finance Commission examined the timing of the anticipated expenditures and the likely sources of funding to assess whether the costs can be managed. During FY09, the School Department intends to use up to \$110,000 from its capital budget to cover design costs and the bidding process. Any funds left over would be applied to the overall costs of the project. The projected cost of approximately \$4.5 million takes inflation into account, includes a contingency amount of approximately \$300,000, and covers the furniture, fixtures, and equipment needed to outfit the new space. Additional personnel needs related to the new space are expected to be modest. In light of the foregoing, the Finance Commission believes that the middle school addition should go forward.

ARTICLE 21

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

This article proposes changes to the existing Senior Property Tax Work Off Program which has been very successful since its inception four years ago. This program allows senior citizens to work in the community at minimum wage to earn property tax credit.

This article increases the number of participants in the program from 75 to 100.

Seniors are an important component of our community. Because of their fixed incomes, they are less able to handle increases in their property taxes. We need to continue to help them find tax relief. This change would provide the tax credit opportunity to a greater number of seniors at a minimal cost to the Town.

ARTICLE 22

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

(Board of Selectmen)

The Finance Commission, by a vote of 13 in favor and 1 abstention, recommends that the Town so vote.

This article will provide for the migration of retirees' health care coverage from the Town's current plans to Medicare. The move will affect approximately 50 current retirees and will provide them with equal or better medical coverage along with saving each retiree approximately \$1,000 annually. Correspondingly, the Town will save approximately \$110,000 on an annual basis. This plan has been tested in other towns, as Westwood is the last in the 15-town West Suburban health care consortium to make this change.

ARTICLE 23

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution, for enactment of a special law substantially in the following form of the proposed act printed below as part of the article and entitled:

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

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

- a. "Normal cost of post retirement benefits" – That portion of the actuarial present value of premium costs and or claim costs payable by the town on behalf of or direct payments payable by the town to retired employees, including school teachers, of the town and the eligible surviving spouses or dependents of deceased employees, including school teachers, of the town, pursuant to this act which is allocable to a particular fiscal year, as determined by an actuary pursuant to section 2.
- b. "Post retirement benefit liability" – The present value of the town's obligation for premium payments and or claim costs on behalf of or direct payments to retired and prospective retired employees of the town and the eligible surviving spouses or dependents of deceased and prospectively deceased employees of the town, pursuant to this chapter as determined by the actuary, pursuant to section 2.
- c. "Unfunded post-retirement" benefit liability" – The difference between the post-retirement benefit liability on a given date and the actuarial value of the assets of the group insurance liability fund on the same date, as determined by the actuary, pursuant to section 2.
- d. "Unfunded post-retirement benefit liability amortization payments" – The amount which, when paid into the post-retirement benefit fund annually over a period of years together with the normal cost of post-retirement benefits for year of said period of years, will reduce to zero at the end of said period the unfunded post-retirement benefit liability in existence as of the beginning of said period, as determined by the actuary.

Section 2. There shall be a fund to be known as the group insurance liability fund, which shall be under the supervision and management of the town's Finance Director in consultation with the

Town Administrator. The town treasurer shall be the custodian of the fund or may employ an outside custodial service.

Such fund shall be credited with all amounts appropriated or otherwise made available by the town for the purposes of meeting the current and future cost of premiums payable by the town on behalf of or direct payments payable by the town to retired employees of the town and the eligible surviving spouses or dependents of deceased employees of the town pursuant to this act. Amounts in said fund including any earnings or interest accruing from the investment of such amounts shall be expended only for the payment of such premiums or direct payments, except as otherwise provided in this act, and only in accordance with a schedule of such payments developed by the actuary in consultation with the town's retirement board. Subject in each instance to the approval of the town's contributory retirement board the town treasurer shall invest and reinvest the amounts in said fund not needed for current disbursement consistent with sound investment policy; provided however that no funds are to be invested directly in mortgages or in collateral loans, and provided further that no funds are to be invested in any bank or financial institution which directly or through any subsidiary has outstanding loans to any individual corporation engaged in the manufacture, distribution, or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use of deployment in Northern Ireland, and no asset shall be invested in the stocks, securities or other obligations of any such company so engaged.

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

Section 3.

- a. The actuary shall determine, as of January first, **two thousand nine**, and no less frequently than every second year thereafter, the normal cost of post-retirement benefits, the post-retirement benefit liability, and the unfunded post-retirement benefit liability. All such determinations shall be made in accordance with generally accepted actuarial standards, and the actuary shall make a report of such determinations. Said report shall, without limitation, detail the demographic and economic actuarial assumptions used in making such determinations, and each such report subsequent to the first such report shall also include an explanation of the changes, if any, in the demographic and economic actuarial assumptions employed and the reasons for any such changes, and shall also include a comparison of the actual expenses by the town for premium or direct payments constituting the post-retirement benefit liability during the period since the last such determination, and the amount of such expenditures which were predicted pursuant to the previous such report for the said period.
- b. The actuary, in consultation with the town's finance director and Executive secretary, shall establish a schedule of annual payments to be made to the group insurance liability fund designed to reduce to zero the unfunded post-retirement benefit liability. Each such annual payment shall be equal to the sum of the unfunded post-retirement benefit amortization payment required for such year and the payments required to meet the normal cost of post-retirement benefits for such fiscal year.
- c. All payments for the purposes of meeting the town's share of premium costs for direct payments to retired employees of the town and the surviving spouses or dependents of deceased employees of the town pursuant to this act shall be made from the group

insurance liability fund in accordance with a schedule of disbursements established by the actuary.

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Currently, Westwood, similar to other governmental entities, reports the cost of retiree health care costs, on a "pay-as-you-go" basis. This means that the costs for these benefits are recognized when they are actually paid. The Governmental Accounting Standards Board ("GASB") does not believe that the "pay-as-you-go" method accurately reflects the true costs of a town's retiree benefits. This is because the right of town employees to receive retiree health care benefits is earned while they are still working for the town. GASB believes that the town's commitment to pay future benefits is a present expense that must be recorded when the commitment occurs rather than when the benefit payments are actually made. As a result of the newly enacted GASB 45, beginning in FY09, Westwood will be required to disclose the status and amount of the actuarially determined unfunded liability to provide health insurance costs for current and future retirees.

In 2006, the Town employed the services of an actuarial consultant to determine the Town's liability cost. Westwood's current liability for current and future retiree's health care costs is estimated at \$53 million.

This article seeks Town Meeting approval for establishment of the fund in order to accept future appropriations. The Finance Commission feels the Town should take steps to address this liability by establishing this trust fund.

ARTICLE 24

To see if the Town will vote to amend the General Bylaws, Article 19, Communications & Technology Advisory Board by deleting all sections therefrom and replacing with the following:

Communications & Technology Advisory Board

SECTION 1. Purpose.

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

SECTION 2. Organization. There shall be a department of the Town Government, the Information Technology Department which shall be part of the General Government function. There shall be a Communications & Technology Advisory Board (CTAB), as described in Section 3, below. The Department's operations shall be under the

management and control of the Board of Selectmen. The Advisory Board shall serve in an advisory capacity for long-range planning, capital acquisitions and system selection, shall assist in the development of information technology policies and standards. The CTAB shall also provide guidance for matters relating to cable licensing to the Town's issuing authority, Board of Selectmen.

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

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

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

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

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

The Town Administrator with the assistance of the Director of Information Technology and the Advisory Board consistent with General Law chapter 41, Section 23D, and all fiscal and budgetary requirements, shall continue to bring together under the jurisdiction

of the Town's budgetary systems all information technology systems and services for all Town offices and departments into one or more centralized unit(s) of operation.

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

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

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

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

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The Communications and Technology Advisory Board (CTAB), which consolidated the Information Systems Advisory Board and the Cable Television Advisory Board into one Board, was adopted by the 2003 Annual Town Meeting. Included in the current bylaw is a requirement that Town Meeting reauthorize the Board every five years.

This article seeks to update current job titles in the bylaw and eliminate the requirement that the Town Meeting must readopt the bylaw every five years.

ARTICLE 25

To see if the Town will vote to amend Section 9.6.5.6 [MUOD PERMITTED USES] to delete the word “interior” so that so that Section 9.6.5.6 reads as follows, or take any other action in relation thereto:

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The proposed article would eliminate the requirement that fast food establishments within the MUOD 2 and MUOD 3 districts be limited to interior establishments. This would permit the operation of fast food establishments as individual street front entities within those districts.

Fundamentally the Finance Commission views this as a housekeeping article also. The article simply means that a restaurant can be located along the store frontage of a building and can have exterior windows. This also prevents food courts.

ARTICLE 26

To see if the Town will vote to amend Section 9.6.8.4.1 [MUOD RESIDENTIAL CONTROLS] to insert the following after the word “Bylaw”: “, unless the Planning Board determines a proposed alternative to be at least equivalent in serving the Town’s housing needs” so that Section 9.6.8.4.1 reads as follows, or take any other action in relation thereto:

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

(Board of Selectmen)

The Finance Commission, by a vote of 12 in favor and 2 opposed, recommends that the Town so vote.

One of the zoning provisions previously adopted by the Town for the Mixed Use Overlay District requires that a minimum of 12% of the housing units in the Mixed Use Overlay District Area Master Plan be offered as “affordable” as defined in the Town’s Bylaws. This Article seeks to afford the Planning Board with the flexibility to either (1) require a Mixed Use Overlay District Area Master Plan to include a minimum of 12% of the housing units as “affordable,” or (2) determine whether alternative housing proposals in the Mixed Use Overlay District Area Master Plan better serve the Town’s housing needs.

The Finance Commission continues to support the creation of additional affordable housing units within the Town, and we think that the existing zoning provision was intended to increase the

Town's affordable housing stock. The 12% threshold implemented by the Town is actually higher than the affordable housing goal encouraged by the Commonwealth (which is 10% of housing units). In today's difficult economic climate, however, we understand that the existing provision is serving as an unintended obstacle to construction financing of the Westwood Station project.

The Finance Commission thinks it is important to point out that our support of this Article does not mean that we have approved of the alternative housing arrangement recently agreed upon by the Board of Selectmen and developer of Westwood Station. Although we recognize that an analysis of this Article frequently leads to discussion of the revised affordable housing proposal for the Westwood Station project, it is, in fact, premature to evaluate the merits of that proposal. Rather, we understand that approval of this Article allows the Planning Board to review a revised proposal if one is submitted by the developer. We are confident that any such proposal will be thoroughly evaluated by the Planning Board and subjected to comprehensive public review and discussion.

To be clear, this Article would in no way limit or bind the Planning Board's decision-making authority with regard to affordable housing requirements it may establish. For example, the Planning Board could consider the kind of proposals suggested to us by Jerold Wolfe, the Chairman of the Town's Housing Authority. In his letter to us, Mr. Wolfe said that the Planning Board could require 'linkage' payments similar to those required by the City of Boston, and also stated that "[i]t is clear that the financial markets are going through some difficult times, lending has been curtailed, or commitments have been reduced by significant amounts. [Mr. Wolfe] would support the proposed amendment to enable CC&F to secure the financing they need to proceed with the first phase. However, [the Town] would need guarantees that phase two would require twelve percent affordable housing and five percent moderate as stated in the zoning. Anything less than this would be unacceptable." This statement reflects a worthwhile commitment to increasing the Town's affordable housing stock, while at the same time recognizing that the cessation of the project will not yield any increase in the Town's affordable housing units.

We think proposals such as the one proposed by the Board of Selectmen, as well as other alternatives and requirements, can be properly vetted by the Planning Board, and support this Article so that such discussions can be held.

ARTICLE 27

To see if the Town will vote to amend Section 9.6.9 [MUOD CONDITIONS] to insert a new Section 9.6.9.5 that reads as follows, or take any action in relation thereto:

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

this Bylaw shall apply to signs erected and maintained other than in accordance with an Area Master Plan special permit that establishes signage guidelines.”

(Planning Board)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The proposed article would permit the Planning Board’s consideration and approval of on-site and off-site signs related to proposed developments within the Mixed Use Overlay District as part of the Environmental Impact Design Review for such developments.

ARTICLE 28

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

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

(Planning Board)

The Finance Commission, by a vote of 8 in favor and 6 opposed, recommends that the Town vote Indefinite Postponement.

As a general rule, Massachusetts law prohibits the restriction on selling or leasing housing to people based on age. There is an exception to this general anti-discrimination rule for housing developments that are restricted to people 55 years of age or older, provided that these developments comply with certain rules. From 1973 to 1987, so-called “retirement communities” were exempt from this restriction if they were located on a single parcel of at least 20 acres. The 20 acre rule was modified to 10 acres in 1987, five acres in 2001 and recently, the acreage requirement was eliminated as long as the operators of the developments register biennially with the Massachusetts Department of Housing and Community Development.

With this modification, the Planning Board was left to consider whether the Town would favor application for senior residential projects on land parcels that are less than five acres (provided they registered with the DOH). In a split decision, the Planning Board recommended that the Town consider adopting the same five acre limit that existed under prior state law, which would have the effect of prohibiting the consideration of senior residential programs on smaller lots. (At the time of this writing, we understand that the Planning Board intends to hold public hearings on this issue.)

In an eight-to-six vote, the Finance Commission voted to recommend indefinite postponement to the Town on this Article. The majority took note of two overarching principles supported by the FinCom: (i) belief that the Town desires to offer its senior citizens ample opportunities to remain in Westwood at affordable prices throughout their lives if they so chose and (ii) confidence in our democratically elected Planning Board and their open processes. We believe that it is possible

that a senior housing project of less than five acres can have great merit to the Town, and the majority has confidence that the Planning Board would not permit such a development if it is of inappropriate scope, design or location.

ARTICLE 29

To see if the Town will vote to amend Section 6.3 [ENCLOSURE, SCREENING AND BUFFERS] 1) to insert the words “Screening Standards” after the number “6.3.9” so that the section title reads as “Screening Standards Special Permit”; 2) to insert a new Section 6.3.10 that reads as follows, or take any other action in relation thereto:

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

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

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

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

(Planning Board)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Under the current Zoning Bylaw, no boundary fence can exceed six (6) feet in height unless a variance is granted by the Zoning Board of Appeals. The proposed article would allow a boundary fence (or a fence in combination with a wall) up to eight (8) feet in height to be allowed by special permit. The definition of “structure” would also be amended to specify that where a fence is installed on top of a wall, the combined height of the wall and the fence together would be considered in determining compliance with the height requirement.

ARTICLE 30

To see if the Town will vote 1) to amend Section 2 [DEFINITIONS] by inserting the following definition and redesignating others to maintain appropriate alphabetical order or take any action in relation thereto:

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

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

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

3) to amend Section 4.3.3.2 [ACCESSORY USES IN RESIDENTIAL DISTRICTS] to insert “Private garage or the parking or storage area for” in place of the words “The garaging or maintaining of”, to delete the word “passenger”, and to insert the words “with a gross vehicle weight of less than 26,000 pounds” after the word “vehicle” so that Section 4.3.3.2 reads as follows, or take any other action in relation thereto:

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

(Planning Board)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Currently, the Zoning Bylaw allows for one commercial vehicle by right in residential districts, and permits more than one commercial vehicle by special permit in residential districts, with no size restrictions. In addition, any commercial vehicle in excess of 8,500 pounds and 20 feet in length that is parked overnight in a residential district must be screened so that it can not be seen at normal eye level from any abutting lot in a residential district. The proposed article would provide for a definition of “commercial vehicle”, and would restrict the size of commercial vehicles allowed in residential districts (both as of right and by special permit) to a gross vehicle weight of 26,000 pounds or less. This would prohibit Class 7 and Class 8 vehicles with a gross vehicle weight of more than 26,000 pounds from being parked or stored in residential districts (i.e. tractor trailers 40 feet or more in length, moving trucks, dump trucks, concrete trucks) regardless of screening.

ARTICLE 31

To see if the Town will vote to amend Section 7.1.1 [EARTH MATERIAL MOVEMENT] so that it reads as follows, or take any other action in relation thereto:

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

(Planning Board)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The proposed article would designate the Planning Board as the Special Permit Granting Authority for the Earth Material Movement special permit for commercial projects which also require special permits from the Planning Board for Section 7.2 Major Business Development, Section 7.3 Environmental Impact and Design Review, and Section 9.5 Planned Development Area Overlay District. This would allow required hearings to be held simultaneously, and would result in site development and site disturbance issues being dealt with by a single board.

ARTICLE 32

To see if the Town will vote to amend Section 4.5.8 [RECONSTRUCTION AFTER CATASTROPHE OR VOLUNTARY DEMOLITION] so that it reads as follows, or take any

other action in relation thereto:

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

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

4.5.8.2 The building as reconstructed shall:

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

4.5.8.2.2 comply with all current setback, yard and building coverage requirements and shall have a maximum building height of twenty-five (25) feet regardless of whether the lot complies with current lot area and lot frontage requirements.

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

(Planning Board)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Currently, the Zoning Bylaw permits additions to non-conforming one and two family structures. However, in the case where an applicant chooses to demolish a non-conforming structure and reconstruct it to match exactly the existing structure with a new addition, a special permit is required from the Board of Appeals. The proposed amendment would allow for more flexibility in the voluntary demolition and reconstruction of non-conforming one and two family residential structures, where the stated conditions are met.

ARTICLE 33

To see if the Town will vote to amend Section 9.4.7.5 [WIRELESS COMMUNICATIONS OVERLAY DISTRICT] to insert the words “on a Major Wireless Communications facility” after the first recitation of the word “antennae”, and replace the word “antennae” where it appears in this section with the word “antennas”, so that Section 9.4.7.5 reads as follows, or take any action in relation thereto:

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

(Planning Board)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The proposed article would clarify that the Wireless Communications Overlay District requirement for cross-polar antennas refers only to those located on monopoles. Most antennas that are located on existing structures, by virtue of current technology, can not be cross-polar.

ARTICLE 34

To see if the Town will vote 1) to amend Section 4.3.3.7 [ACCESSORY USES IN RESIDENTIAL DISTRICTS] to insert the word “vehicle” after the word “passenger” so that it reads as follows, or take any other action in relation thereto:

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

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

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

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

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

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

(Planning Board)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

The proposed article would clarify certain sections of the Zoning Bylaw, and correct minor errors in the drafting of those sections.

ARTICLE 35

To see if the Town will vote to amend Article 10 of the 1997 Special Town Meeting to authorize the Board of Selectmen, to raise and appropriate and/or borrow, and/or transfer from available funds for the purpose of preparing for the acquisition of real property authorizing the Board of Selectmen to enter into purchase and sales agreement for such acquisitions, place a deposit, conduct appraisals, and to enter into all agreements and to execute any documents necessary thereto, or to take any other action relative thereto as may be necessary on behalf of the Town or to take any other action in relation thereto.

(Board of Selectmen)

The Finance Commission, by a vote of 12 in favor, 1 abstention and 1 opposed, recommends that the Town so vote.

The land option account was established in 1997 at Special Town Meeting for the purpose of acquiring open space. The Board of Selectmen wishes to expand the use of this land option account to include real property as well as open space.

A forthcoming Town Facilities Report will identify many deficiencies in existing Town buildings and properties. Giving the Selectmen the ability to use this account for deposits, appraisals and options on parcels that may become available for use as Town property could greatly facilitate these acquisitions, as it has for open space secured in the past.

The final decision to acquire property will be made by Town Meeting. The expanded use of this land option account will not change that. We believe that by committing to use proceeds from Westwood Station building fees to supplement and replace funds expended from this account, the Selectmen are maintaining their commitment to open space in the Town of Westwood.

ARTICLE 36

To see if the Town will vote to accept Sections 3 to 7 inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of open space, land for recreational use and community housing that is acquired or created as provided under such Act; that the amount of such surcharge on real property shall be 1.5% of the annual real estate tax levy against real property commencing in the fiscal year 2010; and that the Town

hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: the first \$100,000 of taxable value of residential real estate be exempted; and property owned and occupied as a domicile by low-income residents and low to median income senior citizens be exempted.

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town vote Indefinite Postponement.

The Community Preservation Act (“CPA”) provides a state sponsored option for cities and towns to adopt it and get authorization to increase property taxes up to 3% annually, a surcharge. The Board of Selectman has requested authorization to charge up to 1 1/2 % in additional property taxes annually. The proceeds from the property tax increase would be allocated to preservation of open space, historical preservation and affordable housing with some availability of state funds

This is not the time to increase property taxes.

First, the Finance Commission notes that this request comes one year after the Town approved a \$2.8M operational override for the schools and at a time when the Town continues to work diligently to review and approve the Westwood Station project in order to increase the tax revenues to the Town and to realize long-term economic benefits.

The Finance Commission emphasizes the added tax burden the CPA would impose on Westwood residents. Even though the increase in taxes would provide an opportunity to obtain state matching funds, now is not the time. Proposing the CPA at a time when much work needs to be done to stabilize and increase the Town’s finances is premature. The Finance Commission stresses that, financially, there is no option to fund the CPA within Proposition 2 ½.

Finally, the Finance Commission has concerns with the structure of the Community Preservation Act itself. Adoption of the CPA requires the establishment of a new town governing body charged with administering the CPA, and we believe the Town currently has agencies with the necessary planning tools to address these goals without the creating another bureaucratic entity.

ARTICLE 37

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution, for enactment of a special law substantially in the following form:

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

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

SECTION 1. Notwithstanding sections 58, 61A and 61B of Chapter 31 of the General Laws or any other general or special law to the contrary, Richard Corcoran of the Town of Mendon and Kazimierz R. Piorkowski, Jr. of the Town of Millis may have their names certified for original appointment to the position of firefighters in the Town of Westwood, notwithstanding having reached the age of 32 before taking any civil service examination in connection with such appointment. In all other respects, Richard Corcoran and Kazimierz Piorkowski, Jr. shall be eligible for appointment to the position of firefighter in the Town of Westwood only insofar as they qualify and are selected for employment under Chapter 31 of the General Laws, any regulations of the Civil Service Commission and any lawful hiring practices of the Town of Westwood.

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Approval of this article exempting two individuals from the maximum age requirement of 32 as firefighters in Westwood would allow the Town to appoint two extremely well qualified and experienced firefighters. Both are certified paramedics, hazmat trained, with special rescue training including trench and high angle rescue. One is a certified fire inspector. This would allow the Town of Westwood to consider hiring individuals who are already trained and experienced.

ARTICLE 38

To see if the Town will vote to amend the General Bylaws of the Town Article 11, Use of Ways, by adding a new section 9 that shall read as follows:

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

(Board of Selectmen)

The Finance Commission, by unanimous vote of those present, recommends that the Town so vote.

Article 38 proposes to designate the Director of the Westwood Department of Public Works as the person responsible for issuing permits with respect to trench safety on private or town land under new Chapter 82A of the Massachusetts General Laws. Chapter 82A, also referred to as "Jackie's Law," was enacted by the Commonwealth following the death of 4-year-old Jaclyn

Moore, who died when a trench collapsed in a private backyard. The chief elements of the new state law are:

- A requirement that excavators obtain a permit prior to creating any “trench” (defined in the regulations as “an excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet”);*
- The establishment of standards for securing a trench when it is unattended; and*
- Providing the authority to state and town regulators to fine excavators for the failure to adhere to the state law and local permitting requirements.*

The state law requires towns to establish a permitting authority to act as the permit-granting body for the town where trenches are created on a public way, municipal property, or private property. The Mass. Department of Safety has delayed the enforcement of their regulations until January 1, 2009 to provide municipalities and excavators with the opportunity to become familiar with the regulations and take necessary steps to implement the required provisions.

The Finance Commission believes that Chapter 82A is, in effect, an unfunded mandate on the Town by the Commonwealth as it requires already over-worked Town officials to take on another potentially time-consuming duty without commensurate economic aid from the state. In addition, the FinCom is concerned that vagueness of the mandate could result in overly broad regulation, compliance with which could be expensive or time-consuming for residents in instances where there are no legitimate public safety concerns. Notwithstanding these concerns, the Finance Commission recognizes the requirement to appoint a Town official to oversee these new permitting requirements. We have seen ample evidence that our DPW director can manage these processes fairly and efficiently.

ARTICLE 39

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

(Edward Richardson, 67 Webster Street)

The Finance Commission, by unanimous vote of those present, recommends that the Town vote Indefinite Postponement.

Articles 39 and 40

The Finance Commission voted Indefinite Postponement on these articles because the petitioner stated he is no longer interested in pursuing the issues.

ARTICLE 40

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

(Edward Richardson, 67 Webster Street)

The Finance Commission, by unanimous vote of those present, recommends that the Town vote Indefinite Postponement.

Proposed Retail
Neighborhood Center
Development

