



Norfolk ss:

To the Constable of the Town of Westwood in said County, GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of said Town of Westwood qualified to vote in elections and Town affairs to meet at Westwood High School Flahive Field, located at 200 Nahatan Street, in said Westwood, on Wednesday, June 17, 2020 at 5:00 pm in the evening, with a rain date of Thursday, June 18, 2020 at 5:00 pm in the evening.

Please be advised that per the order of Norfolk Superior Court C.A. NO. 20 0476, the Town Meeting quorum has been reduced to 44 (25%) registered voters from 175 registered voters as per our Town Bylaws, §138-12. Nothing in this order prevents anyone from attending said Town Meeting (order attached). Further, as per the above referenced order, only financial warrant articles will be taken up and the remaining articles will be deferred to a Fall Town Meeting, Special Town Meeting or the next Annual Town Meeting to be determined.

There and then to act on the following articles:

ARTICLE 1 - FY20 Budget Adjustments by Transfers

To see if the Town will vote to appropriate by transfer from available funds the sum of dollars (\$,000) to supplement the following fiscal year 2020 appropriations, or take any other action thereon:

| Transfer | | | |
|--------------|--------|------------|--------|
| From Account | Amount | To Account | Amount |
| Total | | | |

(Select Board)



Office of the Constable
Sgt. Paul Sicard

Keep Posted Until

6/25/20

ARTICLE 2 - FY20 Budget Adjustments by Appropriation

To see if the Town will vote to appropriate by transfer from available funds the sum of Four Hundred and Forty-Four Thousand Dollars (\$444,000) to supplement the following fiscal year 2020 appropriations, or take any other action thereon:

| Transfer | | | |
|---------------------------|------------------|--|------------------|
| From Account | Amount | To Account | Amount |
| Ambulance Receipts | \$62,500 | Ambulance Services/Equipment | \$62,500 |
| Overlay Surplus | \$31,500 | Assessing Revaluation Services | \$31,500 |
| Free Cash | \$350,000 | Schools Special Education Reserve | \$350,000 |
| Total | \$444,000 | Total | \$444,000 |

(Select Board)

ARTICLE 3 - FY21 Operating Budget

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, 2020, through June 30, 2021, as set forth in Appendix D of the Finance and Warrant Commission's Report to the 2020 Annual Town Meeting, or take any other action thereon.

(Select Board)

ARTICLE 4 - Appropriation (\$1,304,400)- Municipal Capital Improvements

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Million Three Hundred and Four Thousand and Four Hundred Dollars (\$1,304,400) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

| Equipment/Project | Requesting Department | Cost | Funding Source |
|--|------------------------------|--------------------|-----------------------|
| Wheel Chair Accessible Van | Council on Aging | \$90,000 | Free Cash |
| One Ton Dump Truck with Plow | DPW | \$70,000 | Free Cash |
| Tractor Machine for Cemetery | DPW | \$35,000 | Free Cash |
| Fire Engines (2) (Lease payments Year 4 of 5) | Fire | \$226,400 | Free Cash |
| Fire Turnout Gear and Equipment | Fire | \$44,000 | Free Cash |
| Radio Upgrade and Replacement | Fire | \$26,000 | Free Cash |
| Shift Command Vehicle | Fire | \$63,000 | Free Cash |
| Swap Body Truck Town Match for Grant | Fire | \$20,000 | Free Cash |
| End User Technology-All Departments | Information Technology | \$75,000 | Free Cash |
| Patron/Staff End User Technology | Library | \$10,000 | Free Cash |
| Self-Check Circulation Terminals | Library | \$28,000 | Free Cash |
| Police Vehicles | Police | \$190,000 | Free Cash |
| Police Equipment | Police | \$52,000 | Free Cash |
| Police, Fire, and EMS Radio Infrastructure | Police | \$75,000 | Free Cash |
| Facility Maintenance | DPW | \$100,000 | Free Cash |
| Energy Efficiency | DPW | \$50,000 | Free Cash |
| Housing Authority Associates- Building Maintenance and Improvement | Housing | \$150,000 | Free Cash |
| Total | | \$1,304,400 | |

each listed capital equipment or project must be authorized by a majority vote of the Select Board prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Select Board to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Select Board 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.

(Select Board)

ARTICLE 5 - Appropriation (\$1,017,000)- School Capital Improvements

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Million and Seventeen Thousand Dollars (\$1,017,000) for the purchase, lease or lease/purchase of the following capital equipment and improvements:

| Equipment/Project | Requesting Department | Cost | Funding Source |
|------------------------------------|------------------------------|--------------------|-----------------------|
| Technology | Schools | \$130,000 | Free Cash |
| Roofing | Schools | \$100,000 | Free Cash |
| Repair and Maintenance | Schools | \$402,803 | Free Cash |
| Furniture, Fixtures, and Equipment | Schools | \$111,797 | Free Cash |
| HVAC | Schools | \$192,400 | Free Cash |
| Copiers | Schools | \$20,000 | Free Cash |
| Vehicles | Schools | \$60,000 | Free Cash |
| Total | | \$1,017,000 | |

each listed capital equipment or project must be authorized by a Majority vote of the Select Board prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Select Board to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Select Board 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.

(Select Board)

ARTICLE 6 - Appropriation (\$765,000) – Sewer Capital Improvements

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seven Hundred and Sixty-Five Thousand Dollars (\$765,000) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

| Equipment/Project | Requesting Department | Cost | Funding Source |
|---------------------------------|------------------------------|------------------|-------------------------|
| Infiltration and Inflow Program | Sewer | \$125,000 | Sewer Retained Earnings |
| Pump Station Facility Program | Sewer | \$500,000 | Sewer Retained Earnings |
| Sewer Vehicle | Sewer | \$70,000 | Sewer Retained Earnings |
| Stormwater Compliance | Sewer | \$70,000 | Sewer Retained Earnings |
| Total | | \$765,000 | |

each listed capital equipment or project must be authorized by majority vote of the Select Board prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Select Board to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Select Board 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.

(Select Board)

ARTICLE 7 - Appropriation (\$64,720)- Additional Capital Improvements- Ambulance Equipment

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Sixty-Four Thousand Seven Hundred and Twenty Dollars (\$64,720) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

| Equipment/Project | Requesting Department | Cost | Funding Source |
|--|------------------------------|-----------------|-----------------------|
| Self-Contained Breathing Apparatus Upgrade and Replacement | Fire | \$46,000 | Ambulance Receipts |
| Rescue Equipment | Fire | \$18,720 | Ambulance Receipts |
| Total | | \$64,720 | |

each listed capital equipment or project must be authorized by majority vote of the Select Board prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Select Board to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Select Board 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.

(Select Board)

ARTICLE 8 - Appropriation (\$1,062,500)- Additional Capital Improvements- Town and School Projects

To see if the Town will vote to transfer from available funds the sum of One Million Sixty-Two Thousand and Five Hundred Dollars (\$1,062,500) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

| Equipment/Project | Requesting Department | Cost | Funding Source |
|--|------------------------------|--------------------|-----------------------|
| Town Hall Repairs and Maintenance | DPW | \$300,000 | Free Cash |
| Fire Station 1 Repairs and Maintenance (Phase 2 of 2) | DPW | \$150,000 | Free Cash |
| Thurston Middle School HVAC Univent Project (Phase 2 of 2) | Schools | \$150,000 | Free Cash |
| Schools Security Projects | Schools | \$150,000 | Free Cash |
| Municipal Security Projects | DPW | \$75,000 | Free Cash |
| Town/School Financial Enterprise Software (2 nd of 2) | Information Technology | \$237,500 | Free Cash |
| Total | | \$1,062,500 | |

each listed capital equipment or project must be authorized by majority vote of the Select Board prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Select Board to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Select Board 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.

(Select Board)

ARTICLE 9 - Appropriation (\$1,050,000)- Additional Capital Improvements-Town Wide Recreation Projects

To see if the Town will vote to transfer from available funds the sum of One Million and Fifty Thousand Dollars (\$1,050,000) for the purchase, lease or lease/purchase of the following capital equipment, projects, and/or improvements:

| Equipment/Project | Requesting Department | Cost | Funding Source |
|--|-----------------------|--------------------|------------------|
| Field Design and Construction | Recreation | \$750,000 | Meals/Hotels Tax |
| Field Enhancement and Maintenance- Existing Fields | Recreation | \$25,000 | Meals/Hotels Tax |
| Pool Deck Surfacing Replacement | Recreation | \$200,000 | Meals/Hotels Tax |
| Pool Drainage and Resurfacing | Recreation | \$75,000 | Meals/Hotels Tax |
| Total | | \$1,050,000 | |

each listed capital equipment or project must be authorized by majority vote of the Select Board prior to any purchase and/or implementation of project and/or expenditure of funds; and to direct the Select Board to trade as part of the purchase price or to sell or dispose of any equipment no longer necessary, and to authorize the Select Board 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.

(Select Board)

ARTICLE 10 - Appropriation (\$325,000) - Additional Capital- Equipment Borrowing Article

To see if the Town will vote to appropriate a sum of money to pay for the cost of purchasing a heavy duty dump truck with plow, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

| Equipment/Project | Requesting Department | Cost |
|---------------------------------|-----------------------|-----------|
| Heavy Duty Dump Truck with Plow | DPW | \$325,000 |

(Select Board)

ARTICLE 11 - Appropriation (\$125,000) Stabilization Fund- FY21

To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000) for the Stabilization Fund established in accordance with General Law Chapter 40, Section 5B, or take any action thereon.

| Purpose | Amount | Funding Source |
|--------------------|-----------|----------------|
| Stabilization Fund | \$125,000 | Free Cash |

(Select Board)

ARTICLE 12 - Appropriation (\$1,465,000) OPED Liability Trust Fund- FY21

To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of One Million Four Hundred Sixty-Five Thousand (\$1,465,000) for the OPEB Liability Trust Fund established in accordance with General Law Chapter 32B, Section 20 or take any action thereon.

| Purpose | Amount | Funding Source |
|---------------------------|---------------|-----------------------|
| OPEB Liability Trust Fund | \$1,465,000 | Taxation |

(Select Board)

ARTICLE 13 - Road Improvement Bond (\$4,650,000)

To see if the Town will vote to appropriate a sum of money for road improvements, including but not limited to, improvements to Route 109, crosswalk improvements, paving and sidewalks, and to determine whether this appropriation shall be raised by taxation, transfer from available funds, borrowing or otherwise, or to take any other action relative thereto.

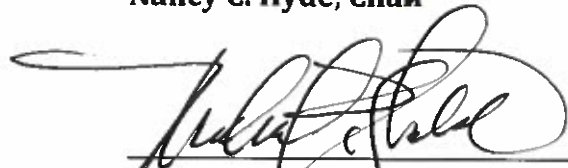
| Item | Requesting Department | Cost | |
|---|------------------------------|--------------------|-------------|
| Route 109 Improvements | DPW | \$2,550,000 | |
| Crosswalk Safety Improvements- Town wide | DPW | \$500,000 | |
| Paving/Sidewalk Enhancements/ Intersection Improvements/Pavement Preservation | DPW | \$1,600,000 | |
| Total | | \$4,650,000 | Bond |

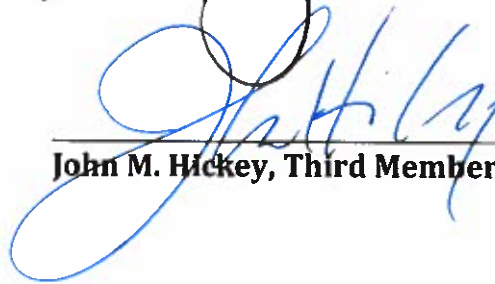
(Select Board)

Given under our hands this 4th day of June, 2020

Select Board

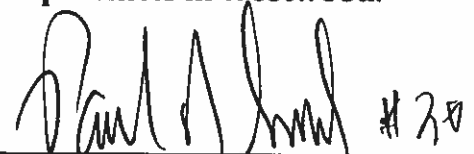

Nancy C. Hyde, Chair

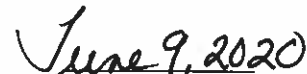

Michael F. Walsh, Clerk

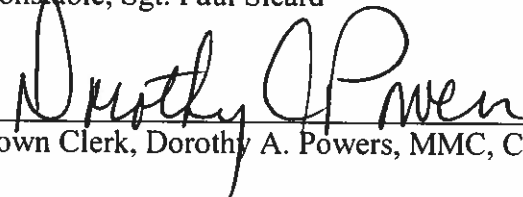

John M. Hickey, Third Member


Norfolk,ss:

By virtue of this warrant, I have notified and warned the legal voters of Westwood, aforesaid to meet at the time and places specified in said warrant by posting attested copies thereof online and in four public places equally distributed among the four precincts in Westwood.


Constable, Sgt. Paul Sicard


Date


Town Clerk, Dorothy A. Powers, MMC, CMMC


Date

Subject

7

**COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT**

NORFOLK, ss

C.A NO.

20 0476

In re:

**AUTHORITY OF THE TOWN OF TO
ACT UPON LIMITED PORTIONS OF ITS
2020 ANNUAL TOWN MEETING
WARRANT WITH LESS THAN THE
QUORUM PRESCRIBED BY THE
TOWN'S BYLAWS**

PRELIMINARY INJUNCTION

Upon review of the Verified Complaint, the Court finds that (1) an actual controversy has arisen regarding the Town of Westwood's authority to conduct its 2020 Annual Town Meeting in light of the COVID-19 pandemic; and (2) immediate injunctive relief is necessary in order to prevent irreparable harm, including disruption and/or halting of local governmental operations and functions, and waste of municipal resources and, further, that a hearing with notice is unwarranted in light of the circumstances and that such hearing would foster to the irreparable harm sought to be prevented by this Order. Because the Town is only seeking limited relief to conduct business on the few, vital Town Meeting Warrant Articles critically necessary to allow Town government to function; because the Town is only seeking relief from the quorum requirement and not to limit or otherwise prevent any interested member of the public from attending; and because the Town will move to defer any nonemergency Town Meeting matters to a Fall Town Meeting or the next Annual Town Meeting or to a Special Town Meeting at a later date, any potential harm to the public is mitigated. Furthermore, there is little harm, if any, to the democratic process because with or without the relief sought by the Town there is no limitation on the public's ability to attend and participate.

Based upon the above, the Court therefore directs that an order of preliminary injunction be entered as follows:

1. Notwithstanding, the provisions of Section 138-12 of the Town of Westwood's General Bylaws prescribing the number of registered voters necessary to constitute a quorum at the Town's 2020 Annual Town Meeting to be 175, the quorum shall be reduced to 44 (25%) for the June 8, 2020 Annual Town Meeting, and only for the June 8, 2020 Annual Town Meeting, as it may be continued from day to day until dissolved, subject to the terms and conditions of this order. Notwithstanding, the 2020 Annual Town Meeting shall otherwise be held and conducted in accordance with all applicable laws, bylaws and requirements of the Commonwealth and the Town of Westwood.

2. Only the following thirteen (13) out of the twenty-two (22) 2020 Annual Town Meeting Warrant Articles may be taken up and acted upon with the reduced quorum requirement set forth in paragraph 1:

Article 1 Supplemental Appropriation FY20

Article 2 Supplemental Appropriation FY 20

Article 3 FY 21 Operating Budget

Article 4 Appropriation (\$1,304,400) Municipal Capital Improvements

Article 5 Appropriation (\$1,017,000) School Capital Improvement

Article 6 Appropriation (\$765,000) Sewer Capital Improvement

Article 7 Appropriation (\$64,000) Additional Capital Improvements, Ambulance Equipment

Article 8 Appropriation (\$1,062,500) Additional Capital Improvements Town and School Projects

Article 9 (\$1,050,000) Additional Capital Improvements

Article 10 Appropriation (\$325,000) Additional Capital Improvements, Equipment Borrowing Article

Article 11 Appropriation (\$125,000) Stabilization Fund FY 21

Article 12 Appropriation (\$1,465,000) OPEB Liability Trust Fund FY 21

Article 13 Road Improvement Bond (\$4,650,000) Pavement Preservation,

Sidewalk Enhancements and Crosswalk Safety Improvements

*TAC ALL AS SET FORTH MORE FULLY IN
~~see~~ Exhibit B OF THE VERIFIED COMPLAINT.*

3. As to any other remaining articles, not identified in paragraph 2 above, the Westwood Select Board shall move to defer or postpone the same to a Fall Town Meeting or the next Annual Town Meeting or to a Special Town Meeting at a time, place and date to be selected by the Board of Selectmen in accordance with all applicable laws, bylaws and requirements of the Commonwealth and the Town of Westwood and after the COVID-19 pandemic subsides, and after the lifting of the State of Emergency.
4. Nothing in this order is intended to, nor shall it prevent, hinder, relieve or discourage any registered voter, or any other individual, from attending the Town's 2020 Annual Town Meeting and no Town officer, official, board or entity shall limit attendance or participation in any way by virtue of this order.

5. The Select Board shall provide notice posted in accordance with Chapter 138 of the Bylaws, informing voters of this order and that only the above identified articles will be taken upon at the June 8, 2020 Annual Town Meeting and that a motion will be made to defer or postpone all other articles to a Fall Town Meeting or the next Annual Town Meeting or to a Special Town Meeting at a time, place and date to be selected by the Board of Selectmen in accordance with all applicable laws, bylaws and requirements of the Commonwealth and the Town of Westwood and after the COVID-19 pandemic subsides, and after the lifting of the State of Emergency. The Select Board shall also cause the above public notice to be made by any other means reasonably and customarily available for such notices even if not required by Chapter 138 of the Bylaws, such as the Town's website and public access television channel(s).


6. This Order shall be effective immediately and shall continue in force and effect until further order of the Court.



THOMAS A. CONNORS
Associate Justice
Superior Court

Date: May 29, 2020

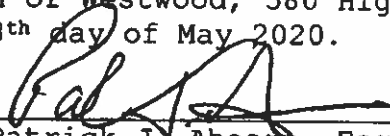
I ATTEST THAT THIS DOCUMENT
IS A CERTIFIED PHOTOCOPY OF
AN ORIGINAL COURT FILE.


Assistant Clerk

5/29/2020

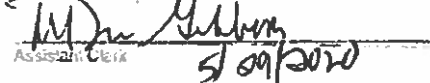
CERTIFICATE OF SERVICE

I, Patrick J. Ahearn, Esq. Town Counsel, The Town of Westwood, MA hereby certify that I have hand delivered a copy of the Cover Letter, a copy of the Town of Westwood Verified Complaint seeking Declaratory and Injunctive Relief, an Affidavit of Christopher Coleman, Town Administrator, a Motion for Injunctive Relief, and a Proposed Order to the Civil Clerks Office of Norfolk Superior Court, 650 High Street, Dedham, MA 02026, and Dorothy Powers Town Clerk, Town of Westwood, 580 High Street, Westwood, MA on this 18th day of May 2020.




Patrick J. Ahearn, Esq.
Town Counsel
Town of Westwood
50 Carby Street
Westwood, MA 02090
BBO #560976

I ATTEST THAT THIS DOCUMENT
IS A CERTIFIED PHOTOCOPY OF
AN ORIGINAL ON FILE.



Assistant Clerk
5/18/2020

| | | |
|---|--|--|
| CLERK'S NOTICE | DOCKET NUMBER 2082CV00476 | Trial Court of Massachusetts The Superior Court  |
| CASE NAME Town of Westwood vs. null | | Walter F. Timilty, Clerk of Courts |
| TO: Patrick J Ahearn, Esq. Town of Westwood 580 High St Westwood, MA 02090 | | COURT NAME & ADDRESS Norfolk County Superior Court 650 High Street Dedham, MA 02026 |
| <p style="text-align: center;">You are hereby notified that on 05/29/2020 the following entry was made on the above referenced docket:</p> <p>Endorsement on Petition for (Complaint) Declaratory and Injunctive Relief (#1.0): ALLOWED After Review and Hearing, the Town of Westwood's Motion for a Preliminary Injunction is Granted. See Preliminary Injunction of this date. (Connors, J.) Dated 5/29/2020 - Attest Joseph P. Hurley III, Asst. Clerk</p> <p>Judge: Connors, Hon Thomas A</p> <div style="text-align: right; margin-top: 200px;"> <p>RECEIVED</p> <p>JUN 01 2020</p> <p>TOWN OF WESTWOOD OFFICE OF SELECT BOARD</p> </div> | | |
| DATE ISSUED 05/29/2020 | ASSOCIATE JUSTICE/ ASSISTANT CLERK Hon. Thomas A Connors | SESSION PHONE# |