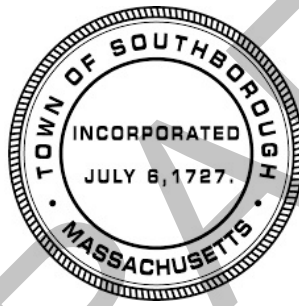


ANNUAL WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS



**For the Annual Town Meeting
on**

March 23, 2019

**TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS**

ANNUAL TOWN MEETING

Worcester, ss.

February 19, 2019

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

Saturday, March 23, 2019

at 7:00 p.m., then and there to take action on the following Articles:

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

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

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

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2018 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 4: To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article*

ARTICLE 5: To see if the Town will vote to appropriate \$405,306 of the bond sale premium paid to the Town upon the sale of its \$10,585,000 General Obligation Municipal Purpose Loan of 2018 Bonds, issued on May 17, 2018, to pay costs of [*insert description of capital project to which the funds should be applied*], or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article*

ARTICLE 6: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Board Recommendation:

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

ARTICLE 7: To see if the Town will vote to accept the following changes, as noted in BOLD in the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 8: To see if the Town will accept the provisions of Chapter 44, Sec. 53F1/2 of the Massachusetts General Laws establishing the water fund as an enterprise fund effective July 1, 2019; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article*

ARTICLE 9: To see if the Town will vote to approve funding for the economic cost items under M.G.L. Chapter 150E, Section 7 for any particular collective bargaining agreements reached before Town Meeting, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 10: To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2019, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 11: To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2020, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGETS ON THE FOLLOWING PAGES

Proposed by: BOARD OF SELECTMEN

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY20 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

DRAFT

ARTICLE 12: To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2020, and make appropriations of the same, as detailed following, and that the fund balances within the water special revenue fund at June 30, 2019 be transferred to the water enterprise fund effective July 1, 2019, or do or act anything in relation thereto.

SEE BUDGET ON THE FOLLOWING PAGE

Proposed by: BOARD OF SELECTMEN

Summary: See budget report including Advisory Committee and Board of Selectmen's FY20 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.

ARTICLE 13: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.		\$		
B.		\$		
C.		\$		
D.		\$		
E.		\$		
F.		\$		
G.		\$		
H.		\$		
I.		\$		
J.		\$		
K.		\$		

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary:

A.

ARTICLE 14: To see if the Town will vote to borrow a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.		\$		
B.		\$		

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary:

A.

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$17,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 16: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 17: To see if the Town will vote to amend the General By-Laws of the Town by adding a new section to Chapter 16 entitled "Article IV, Departmental Revolving Funds", to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½ as follows (add new fund use for golf course receipts in the table):

ARTICLE IV DEPARTMENTAL REVOLVING FUNDS

16-5 Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E ½.

16-6 Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund;
- B. No liability shall be incurred in excess of the available balance of the fund;
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select board and Finance Committee.

16-7 Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

16-8 Procedures and Reports. Except as provided in General Laws Chapter 44, §53E ½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

16-9 Authorized Revolving Funds. The Table establishes:

- D. Each revolving fund authorized for use by a town department, board, committee, agency or officer;
- E. The department or agency head, board, committee or officer authorized to spend from each fund;
- F. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- G. The expenses of the program or activity for which each fund may be used;
- H. Any restrictions or conditions on expenditures from each fund;
- I. Any reporting or other requirements that apply to each fund; and
- J. The fiscal years each fund shall operate under this by-law.

DRAFT

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements/ Reports	G Fiscal Years
Immunization/ emergency dispensing clinic	Board of Health	Fees charged for Immunizations and other medications dispensed	Supplies and expenses needed to provide clinics and dispense medications	Salaries and wages of full time, part time employees and other designated BOH agents shall be paid from the annual budget appropriation of the Board of Health		Fiscal year 2019 and subsequent years
Inspectional Services	Building Commissioner	Fees charged by Sealer of Weights & Measures, Plumbing, Wiring, alternate inspectors including building for inspections	Salaries of inspectors performing weights and measure, plumbing, and wiring inspections related to those inspections	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Building Commissioner		Fiscal year 2019 and subsequent years
911 Field Maintenance	Department of Public Works	Field usage charges and DCR annual fee	Supplies and expenses needed for maintenance of field; debt service on field replacement	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Department of Public Works.		Fiscal year 2019 and subsequent years
Wetland Protection	Conservation Commission	Wetland filing fees	Departmental and consultant costs for review of projects involving wetlands	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Conservation Commission.		Fiscal year 2019 and subsequent years
Hazardous Materials	Fire Department	Fees relating to hazardous materials incidents	Costs related to responding to hazardous materials incidents.	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Fire Department.		Fiscal year 2019 and subsequent years
CPR Classes	Fire Department	Fees for CPR classes	Supplies and expenses needed to run CPR classes	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Fire Department.		Fiscal year 2019 and subsequent years
Community Garden	Conservation Commission	Garden Rental Fees	Supplies and expenses for running Community Garden	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Conservation Commission.		Fiscal year 2019 and subsequent years
Recreation Programs	Recreation Commission	Fees charged for attending programs	Salaries and wages for part-time employees directly running programs; supplies and expenses needed to provide programs and upgrade facilities	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Recreation Commission.		Fiscal year 2019 and subsequent years
Tobacco Control Program	Board of Health	Fees from Tobacco Vendors	Supplies and expenses to provide periodic compliance checks and education of tobacco vendors	Salaries and wages of full time, part time employees and other designated BOH agents shall be paid from the annual budget appropriation of the Board of Health		Fiscal year 2019 and subsequent years

, or do or act anything in relation thereto.

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

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *In accordance with the Municipal Modernization Act this article creates a by-law authorizing the use of revolving funds. The purpose of the revolving funds is to pay for the costs of the programs through fees collected to support those programs.*

ARTICLE 18: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2019:

1. Immunization/emergency dispensing clinic; \$12,000.
2. Inspectional services; \$100,000.
3. 9-11 Field Maintenance; \$100,000.
4. Wetland Protection; \$30,000.
5. Hazardous materials; \$75,000.
6. CPR classes; \$6,500.
7. Community garden; \$2,500.
8. Recreation programs; \$350,000.
9. Tobacco Control Program; \$4,000.
10. Golf Course maintenance; \$30,000.

, or do or act anything in relation thereto.

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

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 19: To see if the Town will vote to accept a Deed of Conveyance in lieu of tax foreclosure from Robert J. Depietri, Jr. (Southborough Realty Trust II), Owners of certain parcels of land located at 0 Kimberly Lane, Assessor's Map 9 Lot 16 and Map 9 Lot 34 pursuant to the authority of Massachusetts General Laws, Chapter 60, Section 77C. Being the same premises referred to in a Deed recorded on May 21, 1993 in the Worcester Registry of Deeds, Book 15201, Page 248. Said parcels containing 1.97 acres and 1.34 respectively more or less, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article authorizes the Town to accept a deed in lieu of tax foreclosure. State law allows municipalities to accept deeds in lieu of foreclosure due to the expense and time required to file formal tax foreclosures thru Land Court. These two parcels are open space and non-buildable lots that have had a tax lien on them since 2001. The owner is voluntarily conveying these parcels which is a requirement per State law.*

ARTICLE 20: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2019 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections):	\$338,000
State Match (projected State match).....	\$42,791
Total Projected Revenue.....	\$380,791

Set Aside- Open Space

\$ 38,079 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Set Aside – Historic Preservation

\$ 38,079 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

Set Aside – Community Housing

\$ 38,079 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

Administrative Costs – Community Preservation Committee

\$ 19,040 to defray the administrative and operating expenses of the Community Preservation Committee in FY2018 for the Community Preservation Fund

Set Aside -Budgeted Reserve/Discretionary

Reserved For FY19 CPF (Budgeted Reserve/Discretionary) \$ 247,514

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

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

ARTICLE 21: To see if the Town will vote to appropriate \$109,072 from the CPA Historic Preservation Reserve Fund to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or take any other action thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: This article is the Community Preservation Fund payment towards the FY20 debt funding for the Preservation Restriction of 84 Main Street.

ARTICLE 22: To see if the Town will vote to appropriate \$XX,XXX for bond for Halloran property..., or take any other action thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article would fund*

ARTICLE 23: To see if the Town will vote to appropriate [Library project]..., or take any other action thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article will*

ARTICLE 24: To see if the Town will vote to appropriate [Historical Society]..., or take any other action in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *Project*

ARTICLE 25: To see if the Town will vote to appropriate [OSPC]..., or take any other action in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article will*

ARTICLE 26: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$15,000 for the enforcement of the Illicit Discharge By-Law which the Southborough Board of Health was designated as the agency to enforce at the 2006 Annual Town Meeting.

Proposed by: BOARD OF HEALTH

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article will provide the funds needed for the purposes of unplanned site investigations, water quality laboratory analysis, and enforcement of several non-point source pollution issues causing odors and contaminated wetland, tributary and surface waters in the Town of Southborough. Unused funds will carry over to the following year and funds may be requested to be replenished when/if needed thru a future Town Meeting.*

ARTICLE 27: To see if the Town of Southborough will vote to amend Chapter 63 of the Code of the Town of Southborough, Massachusetts, by deleting Chapter 63, Section 63-3.E [Procedure] in its entirety and inserting in place thereof the following text:

§ 63-3.E

Upon determination by the Commission that the building is historically and/or architecturally significant, the Building Inspector and applicant shall be so notified in writing, and a demolition permit shall not be issued. The Commission

shall hold a public hearing within 15 45 business days of the determination of significance to determine whether the building should be preferentially preserved. Public notice of the time, place and purpose of the hearing shall be published by the Building Department at the expense of the applicant in a newspaper of general circulation in the Town not less than seven days before the day of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven days before the day of said hearing.

; or do or act anything in relation thereto.

Proposed by: HISTORICAL COMMISSION

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *This article will*

ARTICLE 28: To see if the Town will vote to adopt the following non-binding resolution, or take any action thereon:

WHEREAS, the Town of Southborough has a demand for more recreation facilities and other recreation assets (together, "Recreation Resources") than the Town can currently afford to purchase and/or support; and

WHEREAS, it does not appear that significant additional Town financial resources will be available in the near future to meet this demand; and

WHEREAS, there are a number of non-Town entities (including St. Mark's School, The Fay School, the MWRA, DCR, the Southborough Open Land foundation and others) that own or control property, assets or facilities in Southborough that are used or could be used for various recreational purposes; and

WHEREAS, there are a number of entities operating in towns near Southborough (particularly the abutting towns of Ashland, Framingham, Hopkinton, Marlborough, Northborough and Westborough) that own or control property, assets or facilities that are used or could be used for various recreational purposes and that could potentially be engaged in some type of "shared-access" agreement with Southborough for such property, assets or facilities; and

WHEREAS, a more coordinated planning and management of current and potential community-wide, or region-wide, recreational resources could provide improved access to recreational resources for Southborough residents; and

WHEREAS, to date, the existing planning and management entities of the Town that might address this issue, including the Board of Selectmen and the Recreation Commission, have not had the resources or the priority for producing a comprehensive approach to this issue by searching more systematically for collaborative community-wide or region-wide solutions to this problem.

Therefore, be it **RESOLVED**, that the 2019 Annual Town Meeting:

ACKNOWLEDGES that a more comprehensive and community-wide and/or region-wide approach to addressing the development of and access to recreational resources available for use by Town residents could produce valuable results for the citizens of the Town; and

REQUESTS that the Board of Selectmen, at their next meeting after this Town Meeting, create an ad hoc Recreation Resources Committee, consisting of seven (7) voting members plus two ad hoc non-voting members as follows:

- two (2) members representing the citizens at large, selected by the Board of Selectmen;
- two (2) members of the Recreation Commission, selected by the Recreation Commission;
- one (1) member of the Planning Board, selected by the Planning Board;
- one (1) member of the Conservation Commission, selected by the Conservation

Commission;

- one (1) member of the Advisory Committee, selected by the Advisory Committee;
- the Recreation Director, as an ad hoc, non-voting member;
- one (1) member of the School Committee, selected by the School Committee, as an ad hoc, no-voting member

; and

FURTHER REQUESTS that the Board of Selectmen, no later than sixty (60) days after the creation of the Recreation Resources Committee as requested above, completes the appointment process for the members of this committee; and

FURTHER REQUESTS that the Board of Selectmen, establishes the charge to this committee including, but not limited to:

- Creating and maintaining a current, ongoing community-wide and/or region-wide inventory of existing and potential recreational resources of all types potentially available for use by Southborough residents, including relevant information for each, such as location, characteristics, current and potential uses, capacity, ownership, etc. (with a target completion date for the initial inventory no later than 6 months after the committee is formed)
- Creating and maintaining a plan for utilizing all such available resources in a way that is likely to be implementable for the benefit of Southborough residents (with a target completion date for the initial plan no later than 12 months after the committee is formed);
- Planning and executing the process of initial and ongoing communication of the plan to Southborough residents and to Southborough government organizations;
- Determining and recommending the initial and ongoing most advantageous next steps for implementation of a new/expanded approach for providing access for Southborough residents to additional recreational resources (with a target completion date for the initial recommendations no later than 18 months after the committee is formed); and
- Working with the Board of Selectmen, the Recreation Commission and other applicable local and regional entities to implement the initial and ongoing phases of the initial plan and updated versions of the plan.

; and

FURTHER REQUESTS that the Board of Selectmen, requires that this committee provide a report of their activities to date and their progress to the Board of Selectmen no less frequently than every six (6) months, and that these reports be published in such places as on mysouthborough.com and/or the Town of Southborough website."

Proposed by: JACK BARRON

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *Creating a Recreation Resources Committee can identify opportunities for expanded access to recreation assets that the Town may not currently be in a position to afford. This non-binding article seeks to gain a "sense of Town Meeting" relative to creation of this new committee, and thereby begin the process of a more comprehensive look at possible additional recreation assets for access by Town residents.*

ARTICLE 29: To determine if the Town of Southborough will vote to amend Town Code Article IX § 27-26B by adding a new section B(8), as follows:

"The Town Administrator shall, for each elected Town board or committee for which Southborough voters cast votes and for each calendar year, compile and maintain a record of each such board or committee member's individual attendance record for all posted meetings of such boards or committees. Such attendance records shall show the number of meetings for which a member was present, or attended by remote participation, or was absent. The

attendance record shall also show the total number of such meetings that the member was eligible to attend for the reporting period. The current version of this attendance record shall be available to the public at all times, and the final version for each calendar year shall be published in the annual Town Report for that year.”; or do or act anything in relation thereto.

Proposed by: MICHAEL WEISHAN, PETER KAHN, et al.

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary:

ARTICLE 30: To see if the Town will vote to repeal Town Code section § 9-12 Appointment of Chairman, Vice Chairman, and Secretary of the Advisory Committee, which reads as follows: "Said [Advisory] Committee shall choose from its membership a Chairman and a Secretary." ; or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary:

ARTICLE 31: To see if the Town will vote to replace section 9-12 above with the following, new section 9-12: At the Annual Town Election, the voters shall vote to fill any expired term of the officers of the Advisory Committee that are elected, as follows: Elected Advisory Committee members are: a Chairman, a Vice-Chairman, and a Secretary. The term for each will be three years. The Vice Chairman shall succeed the Chairman in the event that there is a vacancy in the seat of the Chairman due to disqualification due to absence (maximum of four consecutive absences), death, or resignation. Upon succession of the Chairmanship by the Vice Chairman, the Secretary shall become the Vice-Chairman. ; or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary: *The Advisory Committee serves as the Town's Finance Committee and as such is the entity that undertakes the important function of presenting the proposed annual budget to the Town Meeting. Currently the Moderator appoints all members of the Advisory Committee. Enacting this provision would give voters a direct vote on who sits on this powerful board.*

ARTICLE 32: To see if the Town will vote to amend section 9-10, consistent with #2 above, to read:

Initial terms of the elected members of Advisory shall be as follows: the Secretary shall be elected for a term of one year, the Vice-Chairman for a term of two years, and the Chairman for a term of three years. Thereafter, the terms for each officer will be three years, ; or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.

Board of Selectmen Recommendation:

Advisory Committee Recommendation:

Summary:

ARTICLE 33: To see if the Town will vote to amend section 9-11, consistent with #2 above, to read:

Any member of said Committee who shall be absent for four consecutive meetings or who ceases to be a Town resident shall cease to be a member of said Committee. The Moderator, upon receipt of notice of any event described in the previous sentence, may fill any vacancy for the unexpired term.
, or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 34: To see if the Town will vote to repeal Town Code section § 41-22.1 Electioneering prohibited.
, or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:

Summary: *This provision was added by the April 25, 2017 Town Meeting, Article 35. It prohibits candidates or their agents from standing within 150 feet of the entrance to Town Meeting for the purpose of electioneering or greeting citizens or voters, or for petitioning or soliciting signatures for any purpose.*

There is already a state law, G.L. c. 50 § 65, that prohibits electioneering within 150 feet of polling places on election day. but nothing in state law requires that this prohibition be applicable to Town Meetings. Per Secretary Galvin's Office, no other Town or City in Massachusetts is known to have any curb on distributing voter information at Town Meeting such as the existing Town Code section § 41-22.1 Electioneering prohibited. Southborough had no such restriction until the passage of this article in April 2017.

ARTICLE 35: To see if the Town will vote to add the following to Chapter 41 of the Town Code:
At the request of the Sponsor(s) of Warrant Articles or their authorized agents, the Town Clerk will prominently display the Sponsor's Warrant Article information for voters on tables located in close proximity to the tables at which voters check in to Town Meeting. Warrant article sponsors and their supporters may also hand out information to voters outside the entrance of the voting hall.
, or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:

Summary: *It is common practice for sponsors of warrant articles, including Town Boards and Committees, to prepare written materials concerning warrant article they have sponsored. The purpose of those materials is to explain the purpose and effect of the proposed warrant article, and to answer questions that the sponsor anticipates voters will have. Section 41.22.1, the repeal of which is proposed by the first article above, prohibited this common practice, at least as it applied to citizen sponsors of warrant articles. If passed, this proposed warrant article would codify the rights of Southborough citizens to have their written materials easily available to Town Meeting voters for their consideration.*

ARTICLE 36: To see if the Town will vote to amend certain sections of Chapter 27 relative to the Town Counsel, to read as follows:

§ 27-4 Appointment; removal; compensation; additional counsel.

The Board of Selectmen shall each year after the annual Town Meeting, and whenever a vacancy shall exist, choose some competent lawyer to act as Town Counsel. The Board of Selectmen may remove him at pleasure. His term of

office shall continue until the appointment and acceptance of his successor. In case of a vacancy in the office, the Selectmen shall fill the same by a new appointment.

He shall be paid such compensation as the Town shall determine. He shall receive, as his salary, such compensation as is provided in Article VIII A hereof, [1] together with such additional sums as may be appropriated for such services as may be performed in addition to those rendered as legal adviser to the Town.

[1] Editor's Note: "Article VIII A" refers to the Salary Administration Plan, on file in the office of the Town Clerk.

§ 27-5 Duties and responsibilities.

Such Town Counsel shall act as the legal adviser of the Town. It shall be his duty to:

- a. examine, or cause to be examined, all titles to property in which the Town may be interested;
- b. draw, supervise the drawing, or review all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required by any bylaw, vote or action of the Town, or by any board or official, or to which the Town or its agent may be a party, and which by law, usage or agreement the Town is obligated to draw;
- c. commence and prosecute all actions and other legal proceedings and suits by or on behalf of the Town or any board or official, upon vote duly taken by such board or the written direction of such official and after the Selectmen have been notified of and approved such vote; except that approval by the Selectmen shall not be required if Town Counsel deems the situation to be of an emergency nature or in those instances when such board or official is vested by statute with the authority to commence and prosecute legal proceedings;
- d. defend all actions and suits brought against the Town in any Court or other tribunal in this Commonwealth or elsewhere;
- e. appear as counsel, when directed by the Selectmen, in any other action, suit, or prosecution which may involve the rights and interests of the Town;
- f. appear as Counsel before the Legislature of the Commonwealth or any committee thereof, whenever the Selectmen determine that the interests or welfare of the Town may be directly or indirectly concerned, or when requested to do so by a vote of the Town;
- g. consult with, advise or attend meetings of any board, officer or official, either upon the request of the Chair thereof or the officer or official involved, or when in the Selectmen's opinion any matter before such board, officer or official has significant legal implications to the Town, and in either instance to furnish a legal opinion upon any subject respecting the official duties of the board, officer or official;
- h. prepare, when requested, any article for the Warrant for any Town Meeting and to review all articles and motions for form and legal sufficiency.
- i. defend the actions taken by the Town Meeting. In the event that Town Counsel is unable for any reason to defend such actions, including without limitation that Town Counsel has or appears to have a conflict of interest, or has in good faith expressed a written opinion that such action is illegal with citation to legal authority, the Board of Selectmen in a public meeting may take such actions by majority vote as it deems necessary in order to present such defense;
- j. make a monthly report to the Selectmen on all actions taken during the preceding month and to other Town boards, officers and officials on legal matters which occurred during the preceding month and specifically relate to such board, officer or official; and

k. to make an annual report of the work done during the preceding year. Said report shall contain a statement of each case or claim which has been tried, settled or otherwise disposed of by him during the year, and also a statement of each case which is still pending and the status of the same insofar as the facts may be properly published, together with such other information and recommendations as he may deem advisable.
, or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 37: Add the following to Chapter 27 of the Town Code to read as follows:

Special Counsel. Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Selectmen, no board, officer or official of the Town shall engage, whether or not for remuneration, any attorney, other than Town Counsel, with regard to its or his official duties, or any Town business, or the business of any of the departments thereof. The Selectmen may, whenever they deem necessary, employ special counsel to assist or act in place of Town Counsel.
, or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 38: Add the following to Chapter 27 of the Town Code to read as follows:

Professional Responsibility

Town Counsel must hold himself to the highest ethical standards, and make every effort to earn the trust and respect of those advised and of the community served. The Town Counsel must acknowledge that he represents the Town of Southborough, not any particular Board or Official, and that when the interests of the Town and any particular Board or Official diverge, he will endeavor always to serve the interests of the Town. The Town Counsel must acknowledge that he occupies a position of responsibility and trust, and is therefore bound by the standards of conduct set forth herein.

1. Town Counsel will conduct himself in a manner that avoids the appearance that legal advice is based solely upon political alignment or partisanship, because such advice undermines public trust. When asked for advice, Town Counsel will give candid and balanced legal advice based upon principles of law. In rendering advice, Town Counsel may refer not only to the law, but to other considerations, such as moral, economic, social and political factors that may be relevant to the Town's decision making process. However, Town Counsel should not be deterred from giving candid advice by the prospect that the advice may be unpalatable to any Town official.
2. Town Counsel will encourage and contribute to understanding of municipal government functions and operations by local officials and Boards by holding regular trainings on the Open Meeting Law, the Ethics Law, and the Public Records Law, and any other subject matter as requested by the Board of Selectmen.

, or do or act anything in relation thereto.

Proposed by: KAREN HANLON, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:

Summary:

ARTICLE 39: To see if the Town will vote to amend Ch. 41.22.1 Electioneering Prohibited – reduce limit from 150 ft. to 50 ft.

Proposed by: TOWN CLERK
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 40: To see if the Town will vote to create new 9-27 – Meetings prohibited on Election days or when Town Buildings are closed due to snow or other emergency.

Proposed by: TOWN CLERK
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE XX: Placeholder for bylaw change addressing establishing quorums for all boards and committees, subject to MGL.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article*

ARTICLE XX: Placeholder for bylaw change addressing date of Annual Town Meeting, and/or provision for fall special town meeting.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article*

ARTICLE XX: Placeholder for zoning bylaw change addressing 5G rollout, either through restriction, ban or moratorium (waiting for MTC recommendation).

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article*

And to notify the inhabitants of all Precincts of said Town of Southborough qualified to vote in elections to meet in the gymnasium of the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough on **Tuesday, May 14, 2019** then and there to bring in their votes to the Election Officers:

Seats available	ELECTED POSITION	Term
1	Town Moderator	1 year

2	Board of Selectmen	3 years
1	Board of Assessors	3 years
1	Board of Commissioners of Trust Funds	3 years
1	Board of Commissioners of Trust Funds	2 years
1	Board of Health	3 years
2	Board of Trustees Southborough Library	3 years
2	Northborough-Southborough Regional School District Committee <i>SOUTHBOROUGH CANDIDATE</i>	3 years
1	Planning Board	5 years
2	School Committee	3 years
1	Housing Authority	5 Years

The Polls in each Precinct will be open at 6:30 a.m. and will be closed at 8:00 p.m. of said day.

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

Given under our hand this **nineteenth (19th) day of February, 2019.**

Lisa M. Braccio, Chairman

Brian G. Shifrin, Vice-Chairman

Brian E. Shea

Daniel L. Kolenda

Bonnie J. Phaneuf

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Attest:

Kenneth M. Paulhus, Constable