

**DRAFT 3-20-15**

**TOWN WARRANT  
COMMONWEALTH OF MASSACHUSETTS**

**ANNUAL TOWN MEETING**

Worcester, ss.

March 24, 2015

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

***Monday, April 13, 2015***

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: Support**

**Advisory Committee Recommendation: At Town Meeting**

**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, New England Regional Primate Research Center, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

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

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2015 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

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

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

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Board Recommendation: Support**

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

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

## SALARY ADMINISTRATION PLAN AND PERSONNEL BY-LAWS OF THE TOWN OF SOUTHBOROUGH

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

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

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

### SECTION 1. DEFINITIONS

As used in this by-law, the following words and phrases shall have the following meanings:

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

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

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

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

"Class" means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be

required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

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

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

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

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

“Department” means a functional unit of Town government.

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

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

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

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

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

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

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

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

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

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

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

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

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

## SECTION 2. POSITION TITLES

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

## SECTION 3. NEW OR CHANGED POSITIONS

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

#### SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan, **and it shall be approved at an annual or special town meeting.**

#### SECTION 5. JOB DESCRIPTIONS

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

#### SECTION 6. COMPENSATION

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

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

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

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

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

#### SECTION 7. ADJUSTMENT & COMPENSATION POLICIES

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

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

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

b. Regular Part-Time employees shall be eligible for consideration for merit increases within their grade one year from the date of their last increase.

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

#### **SECTION 8. TRANSFERS AND PROMOTIONS**

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

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

#### **SECTION 9. NEW PERSONNEL and MERIT INCREASES**

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

b. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Town Administrator [who shall have authorization to set pay rates up to the mid-point]. Department Heads shall notify the Personnel Board of the hiring of all personnel and their hiring rates.

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

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

#### **SECTION 10. DEPARTMENT BUDGETS**

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board.

#### SECTION 11. EMPLOYEE BENEFITS

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

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

a. Holidays with Pay

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

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

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

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

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

b. Vacations with Pay

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

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

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

- (2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their

prior employment, up to a maximum of three week's vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

The probationary period for new hires would still apply.

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

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

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time.

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

c. Sick Leave

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

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

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

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

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

d. Personal Days

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

e. Military Leave

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

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

f. Jury Duty

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

g. Miscellaneous Paid Time Off

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

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

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

(3) Blood donation authorized by the Department Head.

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

h. Court Time Pay

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

i. Employee Educational Support/Professional Development

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

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

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head.



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

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

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

j. Group Medical Insurance

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

## SECTION 12. UNPAID LEAVES OF ABSENCE

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

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

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

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

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

## SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

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

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

## SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan and Personnel By-Laws. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation.

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. All members shall continue to hold office until their successors have been appointed and qualified. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds thereof.

## SECTION 16. DUTIES OF THE PERSONNEL BOARD

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

b. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except for the month of August. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan and Personnel By-Laws.

c. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Assistant Town Administrator, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

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

e. Between November and January of each fiscal year, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan and Personnel By-Laws at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information.

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

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

## SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

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

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

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

#### SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan and Personnel By-Laws may be amended in the same manner that Town By-Laws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

#### SECTION 19. SEVERABILITY PROVISION

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

#### SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

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

POSITION TITLE	PAY GRADE
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
Director of Public Works	9
Finance Director – Treasurer-Collector	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
Director, Youth & Family Services	7
Director, Council on Aging	
Principal Assessor	
Director of Recreation	
Town Accountant	
Town Planner	
<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	6
Conservation Agent	
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Business Administrator	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Principal Department Assistant	4
Maintenance Supervisor	
Assistant Treasurer/Collector	
Assistant Town Accountant	
<b>ADMINISTRATIVE &amp; SUPPORT STAFF</b>	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	

Communications Officer	2
Library Assistant	
Maintenance Mechanic	
Maintenance Custodian	1

\*Increases in salary rates **exceeding the maximum** will be considered on a case by case by the Personnel Board.

SCHEDULE B: [RESERVED FOR FUTURE USE]

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

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

Police Lieutenant See Schedule G

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

#### Hourly Rates for Part-Time Positions

Grade	Minimum	Midpoint	Maximum
1		Min wage*	Midpoint
2		\$8.34	\$10.35
3		\$8.84	\$10.91

4	\$9.26	\$11.52	\$13.78
5	\$9.71	\$12.10	\$14.49
6	\$10.25	\$12.74	\$15.22
7	\$10.73	\$13.34	\$15.95
8	\$11.26	\$14.02	\$16.77
9	\$11.82	\$14.72	\$17.62
10	\$12.54	\$15.60	\$18.66
11	\$13.87	\$19.44	\$25.00
12	\$21.00	\$27.50	\$34.00
13	\$29.00	\$35.00	\$41.00

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

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

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

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

\$46.00 per hour

**SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE**

**Cemetery Agent \$8,000**

Clerk, Board of Registrars \$1,638.33

Emergency Management Coordinator **\$2,000**

Registrar of Voters \$205.66

Town Counsel (not including fees) \$1,704.33

Tree Warden \$4,000

Veterans' Agent and Director of Veterans' Services \$10,000

Website Administrator \$5,000

**SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)**

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

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

#### SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Effective July 1, 2011, the Police Lieutenant would be classified under Schedule G. In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

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

Police Lieutenant:

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

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

#### SCHEDULE H: COMMUNICATIONS OFFICERS

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

Shift differential:

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

Differential is set at:

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

Clothing Allowance:

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

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

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

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation: At Town Meeting**

**Advisory Committee Recommendation: At Town Meeting**

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

**ARTICLE 6:** To see if the Town will vote to appropriate the sum of \$29,453 to various accounts as part of the implementation of the Pay and Classification Study.

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation: At Town Meeting**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *As a result of the FY15 Pay and Classification Study, eight positions were below the recommended minimum pay range for their position. This funding brings these positions to the minimum range of pay as approved by the Personnel Board.*

**ARTICLE 7:** To see if the Town will transfer from “FY15 Department 910 Employee Benefits” the amount of \$115,000 for the purpose of funding a Health Reimbursement Account, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *This article transfers the estimated balance of money appropriated in FY15 for an employee health reimbursement account (HRA) as agreed with Town employees during benefit negotiations. The original amount of funding was derived from health insurance savings. This would allow the Town to avoid appropriating the balance each year.*

**ARTICLE 8:** To see if the Town will vote to transfer various sums of money between and among various accounts for the fiscal year ending June 30, 2015, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation: At Town Meeting**

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

**ARTICLE 9:** 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 2016, and make appropriations of the same, or do or act anything in relation thereto.



**SEE BUDGETS ON THE FOLLOWING PAGES (Pages X through XX)**

**Proposed by: BOARD OF SELECTMEN**

**Summary:** See budget report including Advisory Committee and Board of Selectmen's FY16 recommendations.

**ARTICLE 10:** 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.	DVR Police Department Surveillance	\$3,300	\$3,300	
B.	DPW Large Truck and equipment bodywork	\$10,000	\$10,000	
C.	DPW Road Maintenance	\$250,000	\$250,000	
D.	Facilities New Roof Engineering for Fire Department	\$20,000	\$20,000	
E.	Town Hall Offices Document Scanning Software	\$8,350	\$8,350	
F.	DPW Utility Service Diesel	\$54,000		\$54,000
G.	DPW Hosmer Pump Station Roof	\$30,000		\$30,000
H.	Town House Windows	\$306,000	\$306,000	

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support Items A-G**

**Advisory Committee Recommendation: Support Items A-G; At Town Meeting for Item H.**

**Summary:**

A. The new DVR will replace the current model which is over three years old and holds approximately two weeks of memory. The new model with 9 TB will hold approximately nine months of data.

B. This funding allows for miscellaneous work on the DPW fleet of large trucks. Work includes paint repair, stripping of vehicle paint, and other work normally associated with repairs to the vehicle exterior due to operational wear and tear.

C. This is the annual request for road maintenance in conjunction with Chapter 90 funding. The amount is slightly less than in past years, as we received more Chapter 90 money in FY15 than anticipated.

D. This article will provide the funds needed to hire engineering services for the design phase of a new roof at the Fire Station.

E. Scanning software for the Accounting, Treasurer, Assessor, Conservation, and other Departments as possible. Utilizes current technology that will replace the obsolete software. Will allow for searchable databases of documents with ability to e-mail and share cross Department where appropriate.

F. This is replacing a utility service truck in the Water Division. The existing truck will be repurposed to the Grounds Division.

G. This money is to replace the original flat roof at the Hosmer Station.

H. This will provide the funds needed in order to replace the Town House Windows with new historically profiled energy efficient windows. The existing windows have been sealed shut and are covered with permanently attached inoperable storm windows, thus are unable to be used as a source of fresh air. Installation of new windows would allow for the introduction of considerably more fresh air into the Town House, save energy through the use of insulated glass and reduced HVAC system run times, and provide a more historically accurate exterior appearance.

**ARTICLE 11:** 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.	Fire Department Replacement of Engine 23	\$550,000		\$550,000

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:**

*A. The Fire Department is looking to replace a 2000 Pumper Truck as outlined in the Capital plan. The vehicle being replaced currently serves a dual purpose as 1) a pumper truck for structural firefighting and 2) as a rescue truck which carries the Jaws of Life extrication tools and other specialized rescue equipment.*

**ARTICLE 12:** To see if the Town will vote to raise and appropriate or transfer from available funds and appropriate, the sum of \$89,038 to be deposited in the Stabilization Fund to be held and administered in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 5B, or do or act anything in relation thereto.

**Sponsored by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *The article identifies the level of capital funding that would be needed to equate to the average 10-year capital funding schedule (for FY16 this period is from FY06 thru FY15). The purpose is to have a level capital funding policy where funding flows to or from the stabilization fund based on tax levy capital needs. This will avoid and/or mitigate fluctuations in the demand for tax levy requested capital funding for the Town, per the Town's Capital Plan. Throughout the past 10 years, there have been several years (FY2007, 2010-12) during which stabilization funds have been utilized to fund capital requests, thereby reflecting a past practice use of this model.*

	<u>Capital</u>	<u>Gen. Fund</u>	<u>Stab. Fund</u>
FY06	\$767,198	\$767,198	
FY07	\$930,589	\$865,589	\$65,000
FY08	\$914,012	\$914,012	
FY09	\$666,333	\$666,333	
FY10	\$1,424,308	\$992,913	\$431,395
FY11	\$484,152	\$350,422	\$133,730
FY12	\$592,000	\$492,000	\$100,000
FY13	\$766,000	\$766,000	
FY14	\$1,179,728	\$1,179,728	
FY15	\$871,200	\$871,200	
<b>10YR Avg.</b>	<b>\$859,552</b>		
<b>FY16 Proposed</b>	<b>\$770,514</b>	<b>\$770,514</b>	

**ARTICLE 13:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize and/or reauthorize the use of a revolving fund for the following purposes:

- |  |
|--|
| 1. Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.                       |
| 2. Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000. |

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

, or do or act anything in relation thereto.

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

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article which provides for revolving funds must be approved annually and will cover the costs of the programs as described above. There are no new revolving funds being proposed for FY16.*

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$80,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Budget and Advisory Committees as requested, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

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

**ARTICLE 15:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$50,000 for the purpose of hiring consultants, engineers, water quality specialists, and/or environmental consultants by various Town departments, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article allows town departments, with the approval of the Board of Selectmen, to hire outside expertise when the need arises. The 2008 article voted for the same purpose has been depleted.*

**ARTICLE 16:** To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$47,842 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

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

**ARTICLE 17:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2016 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 Mass. General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections):..... \$299,022.00

FY16 State Match (projected State match)..... \$58,346.00

Total Projected Revenue ..... **\$357,368.00**

**Set Aside- Open Space**

\$35,736.00 to be set aside, held in the Community Preservation Fund, and spent in FY2016 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

**Set Aside – Historic Preservation**

\$35,736.00 to be set aside, held in the Community Preservation Fund, and spent in FY2016 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

**Set Aside – Community Housing**

\$35,736.00 to be set aside, held in the Community Preservation Fund, and spent in FY2016 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**

\$17,868.00 to defray the administrative and operating expenses of the Community Preservation Committee in FY2016 for the Community Preservation Fund (discretionary)

**Set Aside – Budgeted Reserve/Discretionary**

Reserved for FY16 CPF (Undesignated Budgeted Reserve) \$232,292.00

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

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

**ARTICLE 18:** To see if the Town will vote to appropriate \$196,100.00 (\$35,736.00 from the Open Space Reserve Fund, and \$160,364 from the CPA General Unreserved/Fund Balance), to be applied to the Chestnut Hill Bond for the purpose of open space. Said funds to be expended under the direction of the Community Preservation Committee; or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article is the Community Preservation Fund's portion of the annual payment of the bond funding for the preservation of Chestnut Hill Farm.*

**ARTICLE 19:** To see if the Town will vote to appropriate \$62,000.00 from the CPA General Unreserved Fund Balance to fund the Tennis Court Restoration Project for the purpose of recreation as requested by the Southborough Recreation Department. Said funds to be expended under the direction of the Community Preservation Committee; or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *The funds will be used to restore the tennis court surfaces at the courts located near the Finn and Neary School grounds. These facilities are widely used by the schools, by the Recreation Department for programs, and by residents. The courts have deteriorated to the point where it affects their ability to be used properly and safely.*

**ARTICLE 20:** To see if the Town will vote to transfer the sum of \$50,000.00, of which \$33,561.76 will transfer to the Historical Reserve Fund and \$16,438.24 will transfer to the CPA General Unreserved Fund for the Stony Brook Museum, Article 23, ATM 4-13-10.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article will return previously allocated funds to their originating accounts for a project that was never initiated.*

**ARTICLE 21:** To see if the Town will vote to transfer the sum of \$6,000.00 to the CPA General Unreserved Fund for the Recreation Field Assessment Project Article 24, ATM 4-14-09.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article will return previously allocated funds to their originating accounts for a project that was never initiated.*

**ARTICLE 22:** To see if the Town will vote to transfer the sum of \$12,000.00 to the CPA General Unreserved Fund for the hiring of a Curator/Consultant by the Southborough Historical Society, Article 22, ATM 4-14-09.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article will return previously allocated funds to their originating accounts for a project that was never initiated.*

**ARTICLE 23:** To see if the Town will vote to amend Chapter 9 of the Code of the Town of Southborough by inserting a new article as follows:

Article VI            Boards, Committees and Commissions

§ 9-23                **Residency requirement for voting members of appointed governmental bodies.**

No person shall serve as a voting member of any appointed board, committee, or commission or other appointed governmental body of the Town of Southborough who is not a registered voter and resident thereof. Nonvoting members, if any, shall not be considered in determining the presence of a quorum.

**Qualification of elected and appointed officials.**

All elected and appointed officials shall be qualified by the Town Clerk within 15 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period his/her appointment shall terminate and the appointing authority shall be so notified by the Town Clerk.

, or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *This article would regulate the requirements of those to serve on Town matters and also to make certain that elected and appointed officials follow the proper procedures prior to voting on matters of the Town.*

**ARTICLE 24:** To see if the Town will vote to amend Chapter 174 of the Code of the Town of Southborough, Massachusetts, by adding the following text:

In section 174-11C(1), add a new subsection (j)

- (j) **POLITICAL SIGN** – A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state or other local election.
1. Such signs are permitted in all districts without a permit if they are stationary, unlighted and temporary.
  2. Such signs shall be displayed no earlier than forty-five (45) days prior to the voting day and shall be removed within seventy-two (72) hours following the voting day.
  3. Such signs may not exceed four (4) square feet in area.
  4. A maximum of two (2) signs per lot per cause is allowed.
  5. Such signs may be posted on Private Property only with permission of the property owner.
  6. No political signs are allowed on Public Property or telephone poles.

, or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation: Not Support**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *This article would regulate how long and where political signs can be placed around Town.*

**ARTICLE 25:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law, substantially in the following form, or do or act anything in relation thereto.

AN ACT DIRECTING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO  
LEASE A CERTAIN PARCEL OF LAND IN THE TOWN OF SOUTHBOROUGH.

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

SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall lease a certain parcel of land and any improvements thereon, which is currently under the control of the department of conservation and recreation, to the town of Southborough for a period of not less than 15 years, for its continued use as a multipurpose recreational field by the town. The parcel, being a portion of the property identified in the deed to the Commonwealth recorded at the Worcester county registry of deeds in book 1495, page 245, generally located northeast of Marlboro road on the easterly side of Acre Bridge road, and commonly known as the 9/11 Memorial Field. The exact boundaries of the property to be leased shall be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, after completion of a survey. The lease agreement authorized by this section shall be subject to such terms and conditions as the commissioner of capital asset management and maintenance may prescribe, in consultation with the commissioner of conservation and recreation.

SECTION 2. If for any reason the property leased as described in section 1 ceases to be used solely as a multipurpose recreational field, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall terminate the lease. If the lease is terminated, the property shall revert to the Commonwealth under the care and control of the department of conservation and recreation.

SECTION 3. Notwithstanding any general or special law to the contrary, the lease agreement authorized by section 1 shall provide for the town of Southborough to manage, operate, improve, repair and maintain the leased property and any improvements thereon for the term of the lease, and shall also provide for continuing public access to the property described in section 1; provided, however, that all management, operation, improvements, repairs, maintenance and public access shall be under conditions acceptable to the commissioner of conservation and recreation.

SECTION 4. The lease agreement authorized by section 1 may provide that the town of Southborough and its agents, tenants or contractors agree to hold the Commonwealth and its agents and employees harmless from and against all claims, actions, damages or costs claimed for injuries or damages to persons or property arising out of, or in any way relating to, the lease so authorized, and agree to indemnify and defend the commonwealth and its agents and employees from and against any and all such claims, actions, damages or costs.

SECTION 5. The town of Southborough shall be responsible for the costs and expenses related to the lease agreement authorized by section 1, including, but not limited to, costs associated with any engineering, surveys, appraisals and lease preparation as such costs may reasonably be determined by the commissioner of capital asset management and maintenance.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This home-rule petition would improve upon the current permit that the Town has under the Dept. of Conservation and Recreation (DCR) for the use of 9-11 Field. It would increase the term of the agreement with DCR from five years to fifteen years. Approval of this article by Town Meeting, and the State Legislature, would allow the Town to be able to fund a bond for new field turf entirely out of fees generated from the use of 9-11 Field.*

**ARTICLE 26:** To see if the Town will vote to amend the Code of the Town of Southborough, by inserting a new Chapter 144 "Solar Energy Systems", to read as follows:

A. Purpose and Intent

- (1) The Planning Board may promulgate rules and regulations to implement the provisions of this By-law.
- (2) The provisions set forth in this chapter shall apply to the construction, operation, repair and/or decommissioning of a commercial solar energy system that is structurally mounted on the ground and has a minimum nameplate capacity of 250 kW.

#### B. Applicability

- (1) No commercial solar energy system shall be erected or installed except in compliance with the provisions of this section and other applicable sections of the Zoning Bylaw, as well as state and federal law. Such use shall not create a nuisance which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisances as determined by the Special Permit and Site Plan Review Granting Authority. The Special Permit and Site Plan approval granting authority is the Planning Board.
- (2) The construction and use of a commercial large-scale ground-mounted solar energy system with 250 kW or larger of rated nameplate capacity shall undergo Special Permit and Site Plan review by the Planning Board in the Industrial and Industrial Park Districts prior to construction, installation or modification as provided in this section.
- (3) This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

#### C. General requirements

- (1) Dimensional requirements. A commercial solar energy system shall comply with all requirements of Schedule of Dimensional Regulations in Addendum #2 of the Southborough Code of the Town of Southborough
- (2) Structures and panels. All structures and panels and all associated equipment and fencing including the commercial solar energy system shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building.
- (3) Visual impact. The visual impact of the commercial solar energy system including all accessory structures and appurtenances shall be minimized. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts as deemed necessary by and in the sole opinion of the Planning Board. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.
- (4) Compliance with laws, ordinances and regulations. The construction and operation of all commercial solar energy systems shall be consistent with all applicable local regulations and bylaws, as well as state and federal laws, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a commercial solar energy system shall be constructed in accordance with the State Building Code.

#### D. Design standards

- (1) Lighting. Lighting of the commercial solar energy system, including all accessory structures and appurtenances, shall not be permitted unless required by the Planning Board, Special Permit and Site Plan approval decision or required by the State Building Code.
- (2) Signs and advertising



- a. Section 174.11 Sign regulations of the Code of the Town of Southborough shall not apply to this section. Signage for commercial solar energy systems shall be limited in size as determined by the Planning Board.
  - b. Commercial solar energy systems shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the commercial solar energy system and emergency contact information.
- (3) Utility connections. All utility connections from the commercial solar energy system shall be underground unless specifically permitted otherwise by a Special Permit and Site Plan approval decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be above ground if required by the utility provider and approved by the Planning Board.
- (4) Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation and trees shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar energy system or otherwise prescribed by applicable laws, regulations and bylaws or the Special Permit and Site Plan review.
- E. Modifications. All substantive material modifications to the commercial solar energy system made after issuance of the Special Permit and Site Plan approval decision shall require modification to the Special Permit and Site Plan approval decision.
- F. Abandonment and removal.
- (1) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the commercial solar energy system shall be considered abandoned when it fails to operate at 50% capacity for more than one year without the written consent of the Planning Board. If the owner or operator of the commercial solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
  - (2) Removal requirements. Any commercial solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.
- G. Before issuance of any building permits for the commercial solar energy system, such construction and installation shall be secured in accordance with this bylaw and/or any regulations adopted pursuant to the commercial solar energy system for this purpose.
- H. Building Permit and Building Inspection  
No commercial solar energy system shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- I. The Planning Board may adopt regulations to implement the purpose of this bylaw.
- J. Permit Continuances. Special Permit and Site Plan approval decisions shall be valid for a twelve-month period unless renewed or extended by the Planning Board following an application made by the applicant.
- K. When acting on a Special Permit application pursuant to this Article, the Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c.40A Section 9.
- L. Approval Criteria. In reviewing any application for a Special Permit pursuant to this Article, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the

most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.

, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *This article would establish a new bylaw to provide a permitting process and standards for the construction, operation, repair and/or decommissioning of a commercial solar energy system that has a minimum nameplate capacity of 250 kW.*

**ARTICLE 27:** To see if the Town will vote to accept as a public way Metcalf Lane as shown on a plan entitled “Road Acceptance Plan of Land in Southborough, MA”, prepared by Bruce Salak & Associates, Inc., dated August 29, 2014 and revised February 10, 2015 and February 12, 2015, together with two highway rounding easements containing a total of 257 square feet, more or less, a drainage easement containing 26,648 square feet, more or less, all as show on said plan, a copy of which is on file with the Board of Selectmen’s office and the Town Clerk’s office; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *This article will allow the Town to accept Metcalf Lane as a public way together with contiguous easements; its construction and subsequent maintenance complies with the town’s rules and regulations and as such may now be accepted as a permanent public way in the town.*

**ARTICLE 28:** To see if the Town will vote to accept as a public way Thayer Lane as shown on a plan entitled “Street Acceptance Plan of Thayer Lane Southborough, MA” prepared by Engineering Design Consultants, Inc., dated December 19, 2014. A copy of said plan is on file with the Board of Selectmen’s office and the Town Clerk’s office; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: At Town Meeting**

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

**ARTICLE 29:** To see if the Town will vote to amend the Code of the Town of Southborough, by inserting a new Chapter 63 entitled, “Demolition Delay,” to read as follows:

Chapter 63 DEMOLITION DELAY

- Section 63-1. Intent and Purpose.
- Section 63-2. Definitions.
- Section 63-3. Procedure.
- Section 63-4. Responsibility of Owners.
- Section 63-5. Emergency Demolition.
- Section 63-6. Demolition by Neglect.
- Section 63-7. Enforcement and Remedies.
- Section 63-8. Historic District Act.
- Section 63-9. Additional Rules and Regulations.

Section 63-10. Severability.

Section 63-1. Intent and Purpose.

This bylaw is enacted for the purpose of protecting and preserving significant buildings and structures within the Town of Southborough which constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage owners of such buildings and structures to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town.

To achieve these purposes the Southborough Historical Commission is authorized to advise the Building Inspector with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this bylaw.

Section 63-2. Definitions.

**BUILDINGS AND STRUCTURES** – Any combination of materials forming a shelter for persons, animals, or property and also other such combinations of building materials as they constitute the historic built environment of the town.

**DEMOLITION** – Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial exterior destruction with the intent of completing the same.

**DEMOLITION BY NEGLECT**

A process of ongoing damage to the features, viability and/or functionality of an unoccupied building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

**BUILDING INSPECTOR** – The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

**COMMISSION** – The Southborough Historical Commission.

**DEMOLITION PERMIT** – The permit issued by the Building Inspector for a demolition, substantial demolition or removal of a building, excluding a demolition permit issued solely for the demolition of the interior of a building.

**HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDING** – Any building, in whole or in part, which was constructed prior to 1925 and/or is included in the Southborough Massachusetts Historical Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015) on file with the Town Clerk's office.

**PREFERENTIALLY PRESERVED** – Any historically or architecturally significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than to be demolished.

Section 63-3. Procedure.

- A. No permit for the demolition of a Historically or Architecturally Significant Building shall be issued other than in conformity with the provisions of this bylaw, as well as in conformity with the provisions of other laws applicable to the demolition of buildings and the issuance of permits generally.
- B. Application contents: Every application for a demolition permit for a Historically or Architecturally Significant Building shall be filed with the Building Inspector and shall contain the following information: (i) the address of the building to be demolished, (ii) the owner's name, address and telephone number, (iii) a brief description of the type of building and the condition requiring issuance of the permit; (iv) date of building as established by the Board of Assessors, deed or documentation verifying year of construction and (v) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.

- C. Within seven (7) business days from receipt of an application for a demolition permit of a Historically or Architecturally Significant Building, the Building Inspector shall forward a copy to the Commission. No demolition permit shall be issued during this time.
- D. Within ten (10) business days after receipt of the application for demolition permit by the Commission, the Commission shall make a Determination of Architectural and/or Historical Significance based upon the federal Secretary of the Interior's standards for historic buildings. Upon determination by the Commission that the building is not architecturally and/or historically significant, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of fifteen (15) business days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building Inspector may issue the demolition permit.
- 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 fifteen (15) 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 (7) 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 (7) days before the day of said hearing.
- F. If after a public hearing the Commission determines that the significant building should not be preferentially preserved, the Commission shall notify the Building Inspector, in writing within five (5) business days of the hearing and the Building Inspector may issue a demolition permit upon receipt of the written decision.
- G. If after a public hearing the Commission determines that the significant buildings should be preferentially preserved, the Commission shall so notify the Building Inspector in writing within five (5) business days of the hearing, and no demolition permit may be issued until nine (9) months after the date of the determination by the Commission.
- H. Notwithstanding anything contained in paragraph G, the Building Inspector may issue a demolition permit for a preferably preserved building at any time after receipt of written advice from the Commission to the effect that either:
  - (i) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
  - (ii) The Commission is satisfied that for at least nine (9) months the owner has made continuing, *bona fide* and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful.
- I. A demolition permit issued to an owner of a building determined to be preferentially preserved will expire with the transfer of the property to a new owner.

#### Section 63-4. Responsibility of Owners.

It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises; for participating in the investigation of preservation options and for actively cooperating in seeking alternatives with the Commission and any interested parties.

#### Section 63-5. Emergency Demolition

Nothing in this bylaw shall prohibit the Building Inspector from immediately ordering the demolition of any building in the event of imminent danger to the safety of the public pursuant to the applicable standards under State Building Code.

#### Section 63-6. Demolition by neglect.

##### A.

If the Commission has reason to believe, through visual inspection or other means, that a significant building may be undergoing demolition by neglect, then the Commission shall notify the Building Inspector and the owner, and the Commission and the Building Inspector shall jointly hold a public hearing to i) confirm whether or not the building is a significant building and ii) determine whether or not it is undergoing demolition by

neglect, which shall require the concurrence of the Building Inspector. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the building by the Building Inspector.

B.

If the Commission and the Building Inspector both determine that the building is undergoing demolition by neglect, the Commission and the Building Inspector shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the building and/or prevent further deterioration.

C.

In the event that the Commission and the Building Inspector both determine that they are not able to negotiate such an agreement with the owner, for any reason, or that the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, then the Commission and the Building Inspector may take such action as is permitted, including seeking a court order that specific repairs be undertaken to secure the building against the elements, vandals and vermin, to halt further deterioration, and to stabilize it structurally. The Commission may forbear from commencing an action in court for any reason.

D.

Upon completion of all repairs that have been agreed upon between the owner and the Commission and the Building Inspector or that have been ordered by the Commission and the Building Inspector, or that have been ordered by the court, and upon certification by the Building Inspector that said repairs have been completed, the Commission shall certify that the building is no longer undergoing demolition by neglect.

#### Section 63-7. Enforcement and Remedies.

The Building Inspector is specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.

#### Section 63-8. Historic District Act.

Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this bylaw do so conflict, that act shall prevail.

#### Section 63-9 Additional Rules and Regulations

The Historical Commission is authorized to promulgate from time to time rules and regulations it deems necessary to administer the By-law that are not inconsistent with applicable state law.

#### Section 63-10. Severability

If any provision, section, paragraph sentence or word or other part of the By-law provisions, for any reason, is determined by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, then it is the intent of this By-law for Home Rule purposes that the remaining provisions continue in full force and effect.

, or do or act anything in relation thereto.

**Sponsored by: HISTORICAL COMMISSION**

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *The demolition delay by-law proposed by the Historical Commission would create a mandatory 9-month period before structures built before 1925, or those deemed historically significant in the Historical Properties Survey (2000, with 2015 revisions), could be granted a demolition permit by the Southborough Building Inspector. During this period, the owner of the property would work with the Historical Commission through a series of public meetings to explore possibilities of adaptive reuse, restoration or removal to another location of the structure in question. If at any time during that period, the owner can demonstrate to the Commission's satisfaction that no other viable reuse for the structure can be found, the Historical Commission would instruct the Building Inspector to grant the permit for demolition. If after 9 months no other feasible means to preserve the structure have*

*been found, the Building Inspector may issue a permit for demolition. This by-law delays, but does not prevent, demolition of historic structures in Southborough.*

**ARTICLE 30:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds a sum of money for the replacement of lights at Choate Field, or do or act anything in relation thereto.

**Sponsored by: RECREATION COMMISSION**

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *The Recreation Commission recommends that the Choate Field lights are in need of immediate replacement as they are near the end of their life expectancy. The project will begin in the Summer of 2015. It is the intent of the Commission and Recreation Director to pursue other funding sources and in kind donations.*

**ARTICLE 31:** To see if the Town of Southborough will vote to raise and appropriate or borrow and appropriate a sum of money for the drainage system repair and re-grade, crown and repave Clifford Street between 28 and 18 Clifford Street.

, or do or act anything in relation thereto.

**Sponsored by: MARNIE L. HOOLAHAN**

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *This is a citizen's petition that seeks funding authorization to improve the "country road" drainage challenges between 28 and 18 Clifford Street by installing a formal drainage system and to crown and re-pave that section of Clifford Street. Since Clifford Street was paved in 2005 the neighbors at 28-18 Clifford Street have experienced new drainage run off damage and destruction; including loss of over 4 large 60' pine trees, rock garden, all top soil and a large sink hole in a basketball hoop area. The issue is that the street was not crowned appropriately and the water run-off and drainage system designed for the country road has not been adequate to handle the increased directional flow from the street and run off for the large wooded land mass situated between 26 and 20 Clifford. Due to one construction, the 4 acre land mass on the South side of Clifford has been denuded of ALL plant life and trees. The residents have increasing concern that this new 4 acre clearance will further devastate the country road drainage. Currently, the run-off water improperly drains in the land owned by 22 and 20 Clifford and into a manmade pond in the back of properties 26, 24 and 22 Clifford as well as down toward the Neary school path where children walk. The Article is a request to appropriate funds for DPW (or a professional drainage improvement and paving sub-contractor be hired) to repair the country road drainage system by replacing the underground drainage pipes and the subsequently repave and approximately crown the street to enhance the directional water flow away from the homes on Clifford and into the new drainage system.*

**ARTICLE 32:** To see if the Town of Southborough will vote to authorize the town to issue all citizens requesting access to the town's recycling bins, Goodwill, can and bottle bin and the swap shop. A special sticker allowing admittance to this section ONLY of the transfer station for the cost of \$25.00 per year.

Any use of the transfer station compactor with out a transfer station compactor sticker will be subject to all rules, regulations and fine as printed in the violation and fines section of the town transfer station article III entitled "Transfer Station" violations and fines" of chapter 36 of the code of the town of Southborough.

(Access to the yard waste section is not included with this proposal.)

, or do or act anything in relation thereto.

**Sponsored by: JACK BARRON**

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *This is a citizen's petition seeking to bring fairness and equal access for all Southborough residents to the public sections at the transfer station property. Currently, the Town prevents a resident access to the swap shop and recycling sections without paying several hundred dollars for a special permit. Residents of apartments, condominiums and homes who use a private trash service are forced to buy a permit just to recycle. This is not fair or equitable for many taxpaying residents.*

**ARTICLE 33:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law, substantially in the following form, or to take any action relative thereto.

AN ACT AUTHORIZING THE TOWN OF SOUTHBOROUGH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

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

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, the Licensing Authority of the Town of Southborough may grant an additional License for the Sale of All Alcoholic Beverages not to be drunk on the premises pursuant to said Section 15 of Chapter 138, to Southborough Variety Corp. d/b/a Stony Brook Market, located at 162 Cordaville Road, Southborough, MA. The License shall be subject to all of the Provisions of said Chapter 138, except Section 17 thereof. Upon the issuance of the License authorized by this Act, Southborough Variety Corp. shall surrender to the Licensing Authority the License currently held for the Sale of Wine and Malts not to be drunk on the premises.

SECTION 2. The Licensing Authority shall not approve the transfer of the License to any other location, but it may grant the License to a new applicant at the same location if the applicant files with the Licensing Authority a letter from the State Department or Revenue, indicating that the License is in good standing with the Department, and that all applicable taxes have been paid.

SECTION 3. If the License under this Act is cancelled, revoked, or no longer in use, it shall be physically returned with all legal rights, privileges, and restrictions pertaining thereto, to the Licensing Authority, which may then grant the License to a new applicant at the same location, under the same conditions as specified in the Act.

SECTION 4. This action shall take effect upon its passage.

**Proposed by: KONSTANTINOS E. & CHRISTO A. BALTAS**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This is a citizen's petition seeking an All Alcohol Retail license for Stony Brook Market. Because the requested license exceeds the quota of licenses granted by the Commonwealth, the Legislature has to approve the license by Special Act should it be approved by Town Meeting.*

**ARTICLE 34:** To see if the Town of Southborough will vote to enact a bylaw the text of which is substantially as follows 'All public information, defined as information that is non-exempt under the Massachusetts Public Records Law or is public pursuant to the Massachusetts Open Meeting law, that is sent in written form to, from, or between, members of Town Committees or Boards shall be promptly be made available to the public via the Internet, by creating an electronic online copy or similar means. It shall be made available in such manner as to permit indexing by, and public searching via, Internet search providers and any other means convenient to the public as the Town may choose to provide. Such online information shall be deleted not sooner than three years after the original information has been deleted or destroyed. "Promptly" as used in this bylaw shall mean not later than the amount of

time after which such information would be otherwise copied for backup purposes, or 7 days, whichever is less. The requirements of this bylaw shall be effective July 1, 2016 and are subject to appropriation by Town Meetings.' And, to see if the Town will appropriate a sum of money for the purpose of planning and commencing implementation of systems for automated compliance with this bylaw, or do or act anything in relation thereto.

**Sponsored by: JOHN B. BUTLER, JR.**

**Board of Selectmen Recommendation: Not support**

**Advisory Committee Recommendation: At Town Meeting**

**Summary:** *This article was submitted as a citizen's petition.*

DRAFT