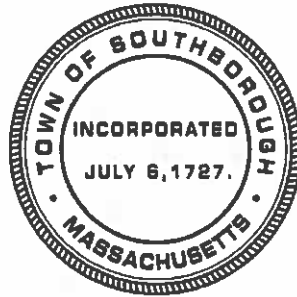


ANNUAL TOWN MEETING WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS



**For the Annual Town Meeting
on**

March 25, 2023

1:00 – 5:00 p.m.

7:00 – 11:00 p.m.

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Town Finance Terminology

The following terms are frequently used in the Advisory Committee Report and at Town Meeting. For your convenience, we provide the following definitions:

Surplus Revenue: (Often referred to as “Excess and Deficiency”)

The fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves.

Available Funds: (Often referred to as “Free Cash”)

The amount of the Unreserved Fund Balance (Surplus Revenue) account over and above uncollected taxes of prior years constitutes “free cash” or “available funds”.

Overlay:

The Overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and exemptions as granted.

Overlay Reserve:

This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay account for a given year, and may be used by vote of the town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

Stabilization Fund:

An outside section of Chapter 138 of the Acts of 1991 (the FY92 State budget) modifies limitations on the Stabilization Fund appropriation process by enabling communities to appropriate from this fund for any non-capital, lawful purpose without Emergency Finance Board approval (section 333). Beginning in FY92, the Stabilization Fund will thus become a source of revenue for general operating expenses for communities.

The Stabilization Fund is a mechanism for setting aside money for capital projects. It equalizes the effect of capital expenditures over time, as capital appropriations can change considerably from year to year. The balance in the fund will build up during years when expenditures for capital items are low. During years with high capital expenditures, the community will transfer money from the fund to reduce the project’s impact on the tax rate or the amount of borrowing required for the project.

A community may appropriate up to 10% of its tax levy each year, as long as the balance in the Stabilization Fund does not exceed 10% of the community’s equalized valuation. Interest earned on any fund balance is retained as part of the fund.

Appropriations into a Stabilization Fund can be made at either an annual or special town or district meeting. Chapter 94 of the Acts of 1985 permits appropriations to be made from a Stabilization fund at a special town or district meeting, not just at the annual meeting. Regardless of the timing, appropriations from the Stabilization Fund require a two-thirds vote by the appropriating authority. Until the FY92 state budget, a community could only appropriate from the Stabilization Fund for a non-capital purpose with the approval of the Emergency Finance Board.

Reserve Fund:

This fund is established by the voters at the Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both. Transfers from the Reserve fund may be made only by the Advisory Committee and are for “extraordinary or unforeseen expenditures” only.

Conservation Fund:

For land purchases and any other conservation use.

Introduction to the Rules of Town Meeting

Southborough's Town Meeting is an open town meeting in which all registered voters may participate. Town Meeting is a deliberative assembly, conducted via a defined process, charged with considering a maximum number of questions of varying complexity in a minimum amount of time and with full regard to the rights of the majority, strong minority, individuals, absentees and all of these together. In other words, we gather for the purpose of conducting the Town's business thoughtfully and efficiently.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of one hundred (100) registered voters or more, the Clerk and the Moderator. Of these three, the quorum is the most important.

The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall and keeping the record of the proceedings. He may also officiate Town Meeting in the absence of a Moderator.

The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is the Moderator's responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Select Board. The primary and most important purpose of the Warrant is to notify voters in advance the nature of the business to be taken up at Town Meeting. By state law, Town by-law or custom, several business articles (such as budget appropriations) must be presented in the Town Warrant each year for consideration. Other items are added by warrant articles proposed by Town officials, committees, boards, or groups of ten or more registered voters. The Advisory Committee reviews the Warrant, making recommendations on all the items of business to be presented. In accordance with the Town by-laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes to change the order for reasons that reasonable people would entertain.

PARTICIPATION

Any voter wishing to participate in Town Meeting must go to one of the floor microphones and wait to be recognized by the Moderator. Upon recognition by the Moderator, first state your name and address, and then state your business.

Anyone whose name is not on the list of registered voters requires the approval of either the Moderator or a majority of the Meeting to sit in the voting area.

All remarks shall be limited to the subject then under discussion. It is improper to indulge in references to personalities, and all expressions of approval or disapproval, such as applause or booing, are out of order. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from Town Meeting.

Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest. However, no Town Meeting voter should accept compensation for participating without disclosing that fact.

There is no fixed time limit to the debate of any question. However, out of consideration for the others in attendance and the need to give adequate time to all matters coming before Town Meeting, each individual who speaks should make an effort to be as brief as possible and avoid repeating facts, views or opinions already expressed by others.

Anyone wishing to make a presentation with respect to any article must, prior to Town Meeting, obtain the Moderator's approval.

In order to give all a fair opportunity to speak, no one who has addressed any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

HOW ARE MOTIONS CLASSIFIED?

Main Motions

Motions of this group are for the bringing of questions, or propositions, before Town Meeting for consideration. Only one main motion can be considered at a given time, and once introduced such a motion excludes all other main motions until it has been disposed.

Subsidiary Motions

Motions of this group are for the modification or disposition of the main motion that is being considered. Their existence as motions depends entirely upon the principal motion to which they are subordinate. Since they relate to the question then under consideration, it is in order to propose them when a main motion is pending and to vote upon them before voting upon the main motion.

Privileged Motions

Motions of this group have no connection whatsoever with any main motion, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business then before Town Meeting.

Incidental Motions

Motions of this group have few characteristics in common, but for convenience have been grouped into one class. The name "incidental" applies because they arise only incidentally out of the business of Town Meeting.

RULES RELATIVE TO MOTIONS

A motion is the means of bringing a proposal or question for consideration by Town Meeting. When first put forward it is a motion; after it is seconded and acknowledged by the Moderator, it becomes the question or proposal. Except for complimentary resolutions (the presentation of which must be approved in advance by the Moderator), no main motion shall be entertained unless its substance is contained within the scope of a Warrant article. Upon completion of debate, articles will be voted upon.

The Moderator shall determine whether a motion, or any discussion relative to a motion, is within the scope of the Warrant article under consideration. That is, the motion and the debate must be relevant to the article as written in the Warrant, since the purpose of the Warrant is to apprise voters of the actions to be taken at Town Meeting.

Articles only give notice to the voters and do not initiate action; motions do. Motions may be withdrawn; articles may not be withdrawn – articles must be acted upon by Town Meeting.

There are four types of amendments: striking out, inserting, striking out and inserting, and substitution. Motions to amend may be hostile as long as they are germane. An amendment to a motion is an amendment of the first rank; an amendment to an amendment is of the second rank; there can be no amendment beyond that of the second rank.

Some motions do not lead to a final determination by Town Meeting. A motion to commit or to refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to table which only temporarily delays a vote. As previously stated, articles may not be withdrawn; so when the Meeting does not wish to act on a particular article, the proper motion is to postpone consideration indefinitely.

Motions to reconsider shall be entertained when new information is available that is materially different than was presented (or could have been presented) at the time of the original vote on the article. Articles may be reconsidered only once. If a motion to reconsider is passed by the necessary 2/3 vote, it brings the original article back to the floor (which requires a new motion and additional debate); if the motion to reconsider is defeated, then the original article stands as previously voted and may not be reconsidered again. Actions to reconsider can be taken at the same session or any subsequent session of Town Meeting. A notice of reconsideration may be filed in advance with the Town Clerk stating that, at a specific point during the current Town Meeting, a voter will move for reconsideration on a particular article, and the Moderator will inform the hall of said action. Note that such a motion so noticed in advance must still be in order (i.e., must comply with all conditions required of any reconsideration motion).

All motions other than purely procedural motions must be in writing and signed by the sponsor.

Introduction to the Rules of Town Meeting (continued)

CHART OF PRECEDENCE OF MOTIONS AND SUMMARY OF GOVERNING RULES

	<u>May interrupt a speaker</u>	<u>Req. a sec.</u>	<u>Debatable</u>	<u>Vote Required</u>	<u>Motions that may apply</u>
<u>PRIVILEGED MOTIONS</u>					
1. To dissolve	no	yes	no	majority	none
2. To adjourn	no	yes	limited	majority	amend
3. Point of no quorum	no	no	no	none	none
4. Recess	no	yes	limited	majority	amend
5. Question of privilege	yes	no	no	chair rules	none
<u>SUBSIDIARY MOTIONS</u>					
6. To lay on the table	no	yes	no	2/3	none
7. Previous question	no	yes	no	2/3	none
8. Limit or extend debate	no	yes	no	2/3	amend, reconsider
9. To postpone to time certain	no	yes	limited	majority	amend, reconsider
10. To commit or refer	no	yes	limited	majority	amend, reconsider
11. To amend	no	yes	yes	majority	amend, reconsider
12. To postpone indefinitely	no	yes	yes	majority	reconsider
<u>MAIN MOTIONS</u>					
Main Motions	no	yes	yes	majority*	all
To reconsider or rescind	no	yes	yes	2/3	table previous question postpone definitely
To take from the table	no	yes	no	majority	none
To advance an article	no	yes	yes	majority	amend, reconsider
<u>INCIDENTAL MOTIONS</u>					
Point of order	yes	no	no	chair rules	none
Division of a question	no	yes	no	majority	none
Separate consideration	no	yes	no	majority	none
To withdraw a motion	no	no	no	majority	reconsider
To suspend rules	no	yes	no	2/3	none
Orders of the day	yes	no	no	none	none

*The vote required to pass an affirmative main motion is a matter of substantive law, but is usually a majority.

FORM USED IN MAKING MOTIONS

- | | |
|---------------------------------------|--|
| 1. Main Motion | Mr. Moderator, I move that...(statement of the proposal) |
| 2. Adjourn | Mr. Moderator, I move to adjourn to...(state time) |
| 3. Amend | Mr. Moderator, I move to amend by adding... |
| | Mr. Moderator, I move to amend by inserting...before... |
| | Mr. Moderator, I move to amend by striking out... |
| | Mr. Moderator, I move to amend by striking out...and inserting... |
| | Mr. Moderator, I move to substitute...for... |
| 4. Amend an Amendment | Mr. Moderator, I move to amend the pending amendment by (see above) |
| 5. Amend Something Previously Adopted | Mr. Moderator, I move to amend the resolution under Article...by... |
| 6. Commit or Refer | Mr. Moderator, I move that the proposal be referred to a committee of... |
| 8. Division of a Question | Mr. Moderator, I move to divide the question. |
| 9. Lay on the Table | Mr. Moderator, I move that the proposal be laid on the table. |
| 10. Point of Order | Mr. Moderator, I rise to a point of order. |
| 11. Postpone to a time certain | Mr. Moderator, I move to postpone the question to... |
| 12. Postpone Indefinitely | Mr. Moderator, I move that the question be postponed indefinitely. |
| 13. Previous Question | Mr. Moderator, I move the previous question. |
| 14. Question of Privilege | Mr. Moderator, I rise to a question of privilege. |
| 15. Recess | Mr. Moderator, I move to recess for... |
| 16. Reconsider | Mr. Moderator, I move to reconsider the vote under Article... |
| | Mr. Moderator, I move to reconsider the vote on the amendment to... |
| 17. Separate Consideration | Mr. Moderator, I move for separate consideration. |
| 18. Suspend the Rules | Mr. Moderator, I move to suspend the rules which interfere with... |
| 19. Take from the Table | Mr. Moderator, I move to take from the table the motion relating to... |

INTERRUPTING A SPEAKER

No one may interrupt a speaker except for a point of order or a question of privilege.

POINT OF ORDER

A point of order is a question of the Moderator about whether the speaker is entitled to be speaking, or whether the current subject under discussion (or what the speaker is saying) is irrelevant, illegal or contrary to proper procedure. No other "point of order" is proper.

PREVIOUS QUESTION

To call or move the question is a request to stop discussion and to take an immediate vote. This requires a 2/3 vote.

VOTING

Voting is by hand vote and the Moderator declares the result of such votes. If seven or more voters immediately question the declared result, the Moderator shall determine the result by a standing count of votes by the Tellers. After the vote counted by the Tellers is presented to the Moderator and announced to the floor, any further motions for recount are out of order.

ADJOURNMENT AND DISSOLUTION

Sessions of Town Meeting normally adjourn at eleven o'clock in the evening but may adjourn at such earlier or later time as vote of the majority may determine. Town Meeting shall not dissolve until all articles in the warrant have been properly considered.

**TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS**

ANNUAL TOWN MEETING

Worcester, ss.

March 7, 2023

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 town affairs, to meet in the Trotter School Auditorium, 49 Parkerville Road, in Southborough, MA, on

Saturday, March 25, 2023

at *1:00 p.m.*, then and there to take action on the following Articles:

ARTICLE 1: To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

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

ARTICLE 2: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Select Board, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2023 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: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

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

ARTICLE 3: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Select Board or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, but no longer than seven 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 Select Board or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Board Recommendation: Support (Unanimous)

Summary: *This article allows the Select Board 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 4: To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW
ENTITLED "THE SALARY ADMINISTRATION PLAN"
[revised at March 25, 2023 Annual Town Meeting]

Effective July 1, 2023, this bylaw 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 bylaw 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, performed pursuant to a contract approved by the Town, encompassed in any officially recognized labor union and/or association, or exempted by statute. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through E ("Classification Schedule") as set forth in Section 20 of this bylaw.

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 bylaw, 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.

"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 employee in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws 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 Bylaws 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 and E 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.

"Exempt employee" means an employee who is not entitled to overtime pay under the Fair Labor Standards Act (FLSA).

"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.

“Non-exempt employee” means an employee who is entitled to overtime pay under the Fair Labor Standards Act (FLSA).

“On-Call Compensation” refers to additional money paid to an employee who is available to work when the need requires; oftentimes in an evening or weekend capacity.

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

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

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

“Probationary Employee” means a first-time Town employee within his/her first six months of employment.

“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 the Personnel Bylaw Entitled “The Salary Administration Plan.”

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

“Start Date” means the first day of employment with the Town.

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.

SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain such criteria as it deems appropriate for the positions and classes in the schedules. Each department or public body (board, committee, commission) with SAP employees shall maintain current job descriptions for such employees. All such job descriptions and any revisions thereto must be submitted to

the Personnel Board for approval following review and approval by the Select Board or appropriate public body. The criteria for any class shall not be deemed to limit the duties or responsibilities of any position as set forth in the job description, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

SECTION 6. COMPENSATION

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

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

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

d. The annual 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 annual salary is pro-rated reflective of the posted salary schedule in Schedule A.

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

f. On-Call Compensation: The on-call member of the Facilities Department shall be eligible to earn a weekly stipend for on-call service if the department head has required them to be available to respond to situations outside of their normal work schedule. This weekly stipend shall be equal to a set rate of \$300 per week. If the on-call staff member must report to work outside of their normal work schedule, compensation for this time shall be based on the standard SAP overtime practices. Additionally, if the on-call staff member is faced with a situation that renders them unable to serve as the on-call individual on a particular day that they are scheduled to be on call, said employee may request that another eligible staff member cover their on-call time, with the approval of the department head. In such an event, the regularly scheduled employee's weekly stipend will be reduced by \$45.00 per day that they are unable to be on call; this stipend amount will instead be paid to the covering employee per day of coverage. There is no provision to accrue compensation time in lieu of payment for on-call time.

SECTION 7. SALARY 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 for consideration of a salary increase annually on July 1. Employees hired between April 1 and June 30 will be eligible for a salary increase the July 1st following their twelve-month anniversary. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Select Board or their designated appointee in the case of departments within the jurisdiction of the Select Board, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Select Board.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

Unless specifically exempted by Personnel Board policy, requests for salary increases must be accompanied by a certification from an employee's manager that the employee's performance has been "satisfactory" or better and that a written employee performance appraisal, on a form approved by the Personnel Board, has been completed. The form of this certification will be prescribed by Personnel Board policy promulgated hereunder. 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 an 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 Select Board or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Special Non-Continuous Part-Time employees and employees in Schedule B classifications shall be eligible for consideration for salary increases upon the recommendation of the appropriate department manager or Board and approval of the Personnel Board.

c. Probationary Employees

1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.
2. During the probationary period, paid leave accruals shall be based on the Start Date.

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, provided the maximum for the job is not exceeded. This is contingent upon the Department Head's recommendation that qualifications and performance warrant it.

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 Select Board or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

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

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.

c. 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 Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedule A of the Salary Administration Plan.

d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any employee.

SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of “indirect pay” to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require. The benefits set forth in this section are applicable to Full-Time employees only, except where noted.

All forms of paid leave set forth in this section are based on 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

Full-Time employees 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
Juneteenth	Christmas Day
Independence Day	Day before or after Christmas Day (as set by the Town annually)

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

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

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

b. Vacations with Pay

(1) 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	Vacation Earned Per Year (Pro-rata)
0 - 2	6.666	Two weeks
2+ - 7	10.0	Three weeks
7+ - 15	13.333	Four weeks
15+ - or more	16.666	Five weeks

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

(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. Employees hired on or after July 1, 2023, shall be permitted to carry over a maximum

of two weeks to the following fiscal year. 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 or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

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

c. Sick Leave

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

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave. Employees of the Town of Southborough hired on or after July 1, 2023, will not be subject to any payout of accumulated sick leave.

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

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

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

d. Personal Days

Full-Time employees shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's Start Date. 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. Sections (1) – (3) are applicable to Full-Time employees only; Section (4) is applicable to both Full-Time and Part-Time employees.

(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/or 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, such appearance and related travel time shall constitute work time for purposes of calculating weekly hours worked. If such appearance or related travel time causes a non-exempt employee to exceed forty hours of work in any given work week, the employee shall be eligible for overtime pay in accordance with Section 6(b). This section does not apply to exempt employees.

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and 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 and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw.

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 for Full-Time employees only.

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. PART-TIME EMPLOYEES WORKING FULL-TIME HOURS TEMPORARILY

a. A Part-Time employee may work 20 hours or more per week for no longer than two bi-weekly pay periods, or four bi-weekly pay periods in the case of an Election Worker during an election cycle, if requested by their Department Head due to exigent circumstances, or for longer if recommended by the appointing authority or the Personnel Director, with the authorization of the Finance Director and approval of the Personnel Board. In such cases, the employee will remain a Part-Time employee with no change in status.

b. Department Heads may submit requests for additional compensation for Part-Time employees temporarily working Full-Time hours, subject to available funding as authorized by the Finance Director and approved by the Personnel Board.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Select Board 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 Select Board 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. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation.

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

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

b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.

c. The Board shall meet annually in July and organize by the choice of a Chair and Vice-Chair. The Board shall meet at least monthly, except when there is no business before the Board. 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.

d. 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 Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

e. 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. 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 at the next Annual Town Meeting.

f. 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 at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.

g. 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 providing all necessary and requested information has been submitted in time to be part of the meeting packet. 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.

h. 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 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. 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 may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented to the Personnel Board and the Personnel Board has the opportunity to act on it. The Board of its own motion may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, 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 bylaw.

SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: GRADED POSITIONS

Title	Grade
Library Page	1
Library Technician	1
Administrative Assistant	2
Library Assistant	2
Administrative Assistant	3
Police Dispatcher	3
Business Administrator I	4
Library Supervisor	4
Maintenance Technician	4
Assistant Town Accountant	5
Business Administrator II	5
Clinician**	5
EDC Coordinator	5
Executive Assistant to Select Board	5
Program Coordinator	5
Youth Services Librarian	5
Assistant Library Director	6
Assistant Director, Youth & Family Services	6
Deputy Assessor	6
Deputy Town Clerk	6
Deputy Treasurer/Collector	6
Electrician	6
Local Inspector	6
Nurse	6
Outreach Coordinator	6
Police Business Administrator	6
Program Manager	6
Assistant Director/Nurse/Outreach	7
Conservation Agent	7
Recreation Director	7
Senior IT Specialist	7
Town Planner	7
Youth & Family Services Director	7
Assistant Town Administrator	8
Building Commissioner	8
Council on Aging Director	8
Director of Facilities	8
IT Manager	8
Library Director	8
Police Lieutenant	8

Principal Assessor*	8
Town Accountant	8
Finance Director/Treasurer-Collector*	9
Superintendent of Public Works*	9

*when not under contract
 **effective March 26, 2023

SCHEDULE A

GRADE	MINIMUM	MID POINT	MAXIMUM
A-1	\$15.00	\$17.40	\$19.79
A-2	\$18.75	\$21.76	\$24.76
A-3	\$22.50	\$26.11	\$29.71
A-4	\$25.88	\$30.02	\$34.15
A-5	\$28.47	\$33.02	\$37.56
A-6	\$31.32	\$36.32	\$41.32
A-7	\$39.15	\$45.40	\$51.64
A-8	\$46.98	\$54.50	\$62.01
A-9	\$51.68	\$59.94	\$68.20

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

SCHEDULE B: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent.....	\$8,000
Clerk, Board of Registrars.....	\$1,638.33
Emergency Management Coordinator.....	\$2,000
Energy Management Stipend	\$6,000
Registrar of Voters	\$205.66
Tree Warden.....	\$4,000
Veterans' Agent and Director of Veterans' Services.....	\$15,000

SCHEDULE C: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Positions
Grade 1
Camp Counselor
Program Aide (1:1)
Program Supervisor (i.e. RAP Monitor)
Grade 2
Camp Assistant Supervisor
Grade 3
Camp Supervisor
Assistant Coach
Head Coach
Grade 4
Program Instructor

Rates for Recreation Seasonal Personnel

Grade	Minimum		Midpoint		Maximum	
	Hourly	Annual	Hourly	Annual	Hourly	Annual
1	\$ 15.00	\$ 31,200.00	\$ 16.00	\$ 33,280.00	\$ 17.00	\$ 35,360.00
2	\$ 19.00	\$ 39,520.00	\$ 20.00	\$ 41,600.00	\$ 21.00	\$ 43,680.00
3	\$ 23.00	\$ 47,840.00	\$ 24.00	\$ 49,920.00	\$ 25.00	\$ 52,000.00
4	\$ 30.00	\$ 62,400.00	\$ 31.00	\$ 64,480.00	\$ 32.00	\$ 66,560.00

SCHEDULE D: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Police Lieutenant:

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 Select Board and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

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

SCHEDULE E: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually on the anniversary of the employee’s Start 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

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *The Personnel By-Law governs policies and pay structures for non-union employees.*

ARTICLE 5: 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 2024, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGETS ON THE FOLLOWING PAGES

100-199 GENERAL GOVERNMENT							
ACTUAL NAME	FY2022 ACTUAL	FY2023 BUDGET	FY2024 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM	
114 MODERATOR							
51000-51990 Personal Services	50	50	50		50	50	
52000-58990 Other Charges and Expenses	0	50	50		50	50	
MODERATOR TOTAL	50	100	100	0.00%	100	100	
121 ELECTED SELECT BOARD							
51000-51990 Personal Services	3,200	4,000	4,000		4,000	4,000	
ELECTED SELECT BOARD TOTAL	3,200	4,000	4,000	0.00%	4,000	4,000	
122 SELECT BOARD							
51000-51990 Personal Services	392,668	408,360	424,565		424,565	424,565	
52000-58990 Other Charges and Expenses	42,162	50,947	57,698		57,698	57,698	
SELECT BOARD TOTAL	434,830	459,307	482,263	5.00%	482,263	482,263	
131 ADVISORY COMMITTEE							
52000-58990 Other Charges and Expenses	4,075	3,500	5,250		5,250	5,250	
ADVISORY COMMITTEE TOTAL	4,075	3,500	5,250	50.00%	5,250	5,250	
132 RESERVE FUND							
52000-58990 Other Charges and Expenses	93,981	180,000	180,000		180,000	180,000	
RESERVE FUND TOTAL	93,981	180,000	180,000	0.00%	180,000	180,000	
135 TOWN ACCOUNTANT							
51000-51990 Personal Services	157,985	162,354	168,649		168,649	168,649	
52000-58990 Other Charges and Expenses	2,429	2,915	3,515		3,515	3,515	
TOWN ACCOUNTANT TOTAL	160,414	165,269	172,164	4.17%	172,164	172,164	
136 AUDIT							
52000-58990 Other Charges and Expenses	37,500	27,000	46,000		46,000	46,000	
AUDIT TOTAL	37,500	27,000	46,000	70.37%	46,000	46,000	
140 ELECTED BOARD OF ASSESSORS							
51000-51990 Personal Services	2,250	2,250	2,250		2,250	2,250	
ELECTED BOARD OF ASSESSORS TOTAL	2,250	2,250	2,250	0.00%	2,250	2,250	

	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
141 ASSESSORS						
51000-51990 Personal Services	187,282	197,721	205,166		205,166	205,166
52000-58990 Other Charges and Expenses	54,901	51,475	54,695		54,695	54,695
ASSESSORS TOTAL	242,183	249,196	259,861	4.28%	259,861	259,861
145 TREASURER/COLLECTOR						
51000-51990 Personal Services	226,366	232,703	247,604		247,604	247,604
52000-58990 Other Charges and Expenses	9,205	9,520	11,930		11,930	11,930
TREASURER/COLLECTOR TOTAL	235,571	242,223	259,534	7.15%	259,534	259,534
151 LEGAL						
52000-58990 Other Charges and Expenses	129,445	140,000	135,000		135,000	135,000
LEGAL TOTAL	129,445	140,000	135,000	-3.57%	135,000	135,000
<i>Legal budget (151) and Special Legal (153) are now combined in Legal budget (151)</i>						
152 PERSONNEL BOARD						
51000-51990 Personal Services	2,548	5,000	5,000		5,000	5,000
52000-58990 Other Charges and Expenses	10,000	12,350	9,875		9,875	9,875
PERSONNEL BOARD TOTAL	12,548	17,350	14,875	-14.27%	14,875	14,875
153 SPECIAL LEGAL COUNSEL						
52000-58990 Other Charges and Expenses	0	0	0		0	0
SPECIAL LEGAL COUNSEL TOTAL	0	0	0	0.00%	0	0
<i>Legal budget (151) and Special Legal (153) are now combined in Legal budget (151)</i>						
154 MUNICIPAL TECHNOLOGY COMMITTEE						
52000-58990 Other Charges and Expenses	384	1,500	1,500		1,500	1,500
MUNI. TECHNOLOGY COMMITTEE TOTAL	384	1,500	1,500	0.00%	1,500	1,500
155 TECHNOLOGY						
51000-51990 Personal Services	111,502	187,884	189,181		189,181	189,181
52000-58990 Other Charges and Expenses	276,682	317,246	379,828		379,828	379,828
MANAGEMENT INFORMATION SYSTEMS TOTAL	388,183	505,130	569,009	12.65%	569,009	569,009
159 OTHER OPERATION SUPPORT						
52000-58990 Other Charges and Expenses	419,955	452,182	541,531		541,531	541,531
OTHER OPERATION SUPPORT TOTAL	419,955	452,182	541,531	19.76%	541,531	541,531

	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
160 ELECTED TOWN CLERK						
51000-51990 Personal Services	90,152	92,856	96,570		96,750	96,570
TOWN CLERK TOTAL	90,152	92,856	96,570	4.00%	96,750	96,570
161 TOWN CLERK						
51000-51990 Personal Services	105,308	149,553	139,365		139,365	139,365
52000-58990 Other Charges and Expenses	56,029	60,026	84,932		84,932	84,932
TOWN CLERK TOTAL	161,338	209,579	224,297	7.02%	224,297	224,297
171 CONSERVATION COMMISSION						
51000-51990 Personal Services	72,300	89,134	97,407		97,407	97,407
52000-58990 Other Charges and Expenses	32,922	36,265	41,420		41,420	41,420
CONSERVATION COMMISSION TOTAL	105,222	125,399	138,827	10.71%	138,827	138,827
175 PLANNING BOARD						
51000-51990 Personal Services	144,337	154,970	160,851		160,851	160,851
52000-58990 Other Charges and Expenses	29,324	27,660	27,060		27,060	27,060
PLANNING BOARD TOTAL	173,660	182,630	187,911	2.89%	187,911	187,911
176 ZONING BOARD OF APPEALS						
51000-51990 Personal Services	12,328	9,275	11,146		11,146	11,146
52000-58990 Other Charges and Expenses	549	4,000	1,750		1,750	1,750
ZONING BOARD OF APPEALS TOTAL	12,877	13,275	12,896	-2.85%	12,896	12,896
177 OPEN SPACE						
52000-58990 Other Charges and Expenses	1,429	2,000	5,000		5,000	5,000
OPEN SPACE TOTAL	1,429	2,000	5,000	150.00%	5,000	5,000
182 ECONOMIC DEVELOPMENT COMMITTEE						
51000-51990 Personal Services	24,856	28,238	28,240		28,240	28,240
52000-58990 Other Charges and Expenses	5,122	14,700	13,341		13,341	13,341
ECONOMIC DEVELOPMENT COMMITTEE TOTAL	29,978	42,938	41,581	-3.16%	41,581	41,581

	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE						
51000-51990 Personal Services	379,690	389,369	412,873		412,873	412,873
52000-58990 Other Charges and Expenses	203,743	211,840	247,235		247,235	247,235
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	583,433	601,209	660,108	9.80%	660,108	660,108
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
193 PUBLIC ACCESSIBILITY COMMITTEE						
51000-51990 Personal Services	0	0	0		0	0
52000-58990 Other Charges and Expenses	1,000	2,500	2,500		2,500	2,500
PUBLIC ACCESSIBILITY COMMITTEE	1,000	2,500	2,500	0.00%	2,500	2,500
<i>200-299 PUBLIC SAFETY</i>						
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
210 POLICE DEPARTMENT						
51000-51990 Personal Services	2,333,966	2,449,770	2,655,397		2,655,397	2,655,397
52000-58990 Other Charges and Expenses	151,465	148,541	162,740		162,740	162,740
POLICE DEPARTMENT TOTAL	2,485,431	2,598,311	2,818,137	8.46%	2,818,137	2,818,137
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
220 FIRE DEPARTMENT						
51000-51990 Personal Services	2,130,703	2,150,445	2,243,435		2,243,435	2,243,435
52000-58990 Other Charges and Expenses	265,976	273,459	295,305		295,305	295,305
FIRE DEPARTMENT TOTAL	2,396,679	2,423,904	2,538,740	4.74%	2,538,740	2,538,740
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
241 BUILDING DEPARTMENT						
51000-51990 Personal Services	153,542	157,759	164,873		164,873	164,873
52000-58990 Other Charges and Expenses	9,374	12,500	14,200		14,200	14,200
BUILDING DEPARTMENT TOTAL	162,916	170,259	179,073	5.18%	179,073	179,073
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
291 CIVIL DEFENSE						
51000-51990 Personal Services	2,926	4,000	7,000		7,000	7,000
52000-58990 Other Charges and Expenses	6,902	7,225	7,560		7,560	7,560
CIVIL DEFENSE TOTAL	9,828	11,225	14,560	29.71%	14,560	14,560
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR						
52000-58990 Other Charges and Expenses	27,598	29,052	30,359		30,359	30,359
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL	27,598	29,052	30,359	4.50%	30,359	30,359

	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
400, 420 DEPT. OF PUBLIC WORKS						
(Highway, Cemetery, Tree)						
51000-51990 Personal Services	971,328	1,048,206	1,088,241		1,088,241	1,088,241
52000-58990 Other Charges and Expenses	1,487,760	1,514,550	1,617,950		1,617,950	1,617,950
DEPT. OF PUBLIC WORKS TOTAL	2,459,088	2,562,756	2,706,191	5.60%	2,706,191	2,706,191
500-599 HUMAN SERVICES						
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
510 ELECTED BOARD OF HEALTH						
51000-51990 Personal Services	0	450	450		450	450
ELECTED BOARD OF HEALTH TOTAL	0	450	450	0.00%	450	450
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
512 BOARD OF HEALTH						
51000-51990 Personal Services	188,628	190,028	204,600		204,600	204,600
52000-58990 Other Charges and Expenses	69,809	70,624	70,624		70,624	70,624
BOARD OF HEALTH TOTAL	258,437	260,652	275,224	5.59%	275,224	275,224
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
541 COUNCIL ON AGING						
51000-51990 Personal Services	277,416	294,950	323,836		323,836	323,836
52000-58990 Other Charges and Expenses	59,719	60,475	64,655		64,655	64,655
COUNCIL ON AGING TOTAL	337,134	355,425	388,491	9.30%	388,491	388,491
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
542 YOUTH COMMISSION						
51000-51990 Personal Services	237,456	244,063	259,890		259,890	259,890
52000-58990 Other Charges and Expenses	11,196	18,000	23,596		23,596	23,596
YOUTH COMMISSION TOTAL	248,652	262,063	283,486	8.17%	283,486	283,486
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
543 VETERANS' SERVICES						
51000-51990 Personal Services	15,000	15,000	15,000		15,000	15,000
52000-58990 Other Charges and Expenses	9,521	20,735	20,600		20,600	20,600
VETERANS' SERVICES TOTAL	24,521	35,735	35,600	-0.38%	35,600	35,600
600-699 CULTURE & RECREATION						
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
610 LIBRARY						
51000-51990 Personal Services	413,781	445,043	477,540		477,540	477,540
52000-58990 Other Charges and Expenses	137,119	142,645	146,907		146,907	146,907
LIBRARY TOTAL	550,899	587,688	624,447	6.25%	624,447	624,447

ACTUAL NAME	FY2022 ACTUAL	FY2023 BUDGET	FY2024 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
630 RECREATION COMMISSION						
51000-51990 Personal Services	130,261	145,259	152,199		152,199	152,199
52000-58990 Other Charges and Expenses	10,258	14,069	14,069		14,069	14,069
RECREATION COMMISSION TOTAL	140,519	159,328	166,268	4.36%	166,268	166,268

ACTUAL NAME	FY2022 ACTUAL	FY2023 BUDGET	FY2024 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
691 HISTORICAL COMMISSION						
52000-58990 Other Charges and Expenses	1,900	1,000	1,000		1,000	1,000
HISTORICAL COMMISSION TOTAL	1,900	1,000	1,000	0.00%	1,000	1,000

ACTUAL NAME	FY2022 ACTUAL	FY2023 BUDGET	FY2024 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
692 MEMORIAL DAY						
52000-58990 Other Charges and Expenses	3,098	3,350	3,350		3,350	3,350
MEMORIAL DAY TOTAL	3,098	3,350	3,350	0.00%	3,350	3,350

700-799 DEBT SERVICE

ACTUAL NAME	FY2022 ACTUAL	FY2023 BUDGET	FY2024 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
DEBT PRINCIPAL AND DEBT INTEREST						
0100-710-59100 Principal General Fund	2,391,470	2,230,097	1,015,116		1,015,116	1,015,116
0100-751-59150 Interest General Fund	923,659	851,376	866,929		866,929	866,929
0100-751-57880 Bond Disclosure	2,000	2,500	2,550		2,550	2,550
DEBT PRINCIPAL AND DEBT INTEREST TOTAL	3,317,129	3,083,973	1,884,595	-38.89%	1,884,595	1,884,595

900-999 UNCLASSIFIED

ACTUAL NAME	FY2022 ACTUAL	FY2023 BUDGET	FY2024 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
910 EMPLOYEE BENEFITS						
51700 Police/Fire Accident and Workers' Comp.	286,440	302,585	326,783		326,783	326,783
51710 Unemployment Payments	23,677	30,000	30,000		30,000	30,000
51720 Health Insurance	5,169,479	5,306,355	5,570,300		5,570,300	5,570,300
51730 Retirement Fund	2,321,536	2,558,310	2,808,872		2,808,872	2,808,872
51740 Life Insurance	5,378	5,220	5,311		5,311	5,311
51750 Flexible Spending Account	6,845	7,250	7,250		7,250	7,250
51770 Medicare	377,294	396,963	406,621		406,621	406,621
51780 Dental Insurance	248,423	246,302	261,662		261,662	261,662
51785 Medicare B Penalty	17,206	16,500	17,250		17,250	17,250
59660 Transfer to OPEB Trust	0	0	0		0	0
EMPLOYEE BENEFITS TOTAL	8,456,279	8,869,485	9,434,049	6.37%	9,434,049	9,434,049

ACTUAL NAME	FY2022 ACTUAL	FY2023 BUDGET	FY2024 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
941 COURT JUDGMENTS						
57600 Court Judgments	230,681	232,500	0	-100.00%	0	0
COURT JUDGMENTS TOTAL	230,681	232,500	0	-100.00%	0	0

	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
945 LIABILITY INSURANCE						
52000-58990 Other Charges and Expenses	303,794	334,734	384,426		384,426	384,426
LIABILITY INSURANCE TOTAL	303,794	334,734	384,426	14.85%	384,426	384,426
<i>300-399 EDUCATION</i>						
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
300 ELECTED SCHOOL COMMITTEE						
51000-51990 Personal Services	100	500	500		500	500
ELECTED SCHOOL COMMITTEE TOTAL	100	500	500	0.00%	500	500
	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
301 SOUTHBOROUGH SCHOOLS						
REGULAR DAY PROGRAMS						
Administration	719,453	638,555	647,536		647,536	647,536
Instruction	11,987,962	12,223,764	12,096,032		12,096,032	12,096,032
Other Student Services	868,543	884,217	902,088		902,088	902,088
Operation and Maintenance Buildings	1,692,794	1,904,485	1,869,135		1,869,135	1,869,135
Fixed Charges	2,150	300	300		300	300
Contractual Obligation	0	0	796,772		796,772	796,772
REGULAR DAY PROGRAMS TOTAL	15,270,902	15,651,321	16,311,863		16,311,863	16,311,863
SPECIAL EDUCATION PROGRAMS						
Administration	18,500	19,000	22,700		22,700	22,700
Instruction	5,028,610	5,556,661	5,511,233		5,511,233	5,511,233
Other Student Services	506,000	508,223	661,313		661,313	661,313
Operation and Maintenance Buildings	4,000	4,000	4,000		4,000	4,000
Fixed Charges	0	2,775	2,775		2,775	2,775
Programs, Other Systems in Massachusetts	818,362	467,630	375,646		375,646	375,646
Programs, Member of Collaborative	88,060	73,833	174,888		174,888	174,888
SPECIAL EDUCATION TOTAL	6,463,532	6,632,122	6,752,555		6,752,555	6,752,555
GRAND TOTAL OPERATING ACTUAL	21,734,434	22,283,443	23,064,418	3.50%	23,064,418	23,064,418

	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
302 ALGONQUIN REGIONAL HIGH SCHOOL						
REGULAR DAY PROGRAMS						
Administration	788,415	712,689	717,195		717,195	717,195
Instruction	11,871,456	12,174,498	12,117,922		12,117,922	12,117,922
Other Student Services	2,034,337	2,187,175	2,218,446		2,218,446	2,218,446
Operation and Maintenance Buildings	1,814,368	1,988,471	2,161,116		2,161,116	2,161,116
Fixed Charges	4,274,119	4,367,478	4,825,018		4,825,018	4,825,018
New Equipment	0	0	0		0	0
Tuition, Other Public Schools	240,000	200,000	200,000		200,000	200,000
Contractual Obligation	0	0	574,602		574,602	574,602
REGULAR DAY PROGRAMS TOTAL	21,022,695	21,630,311	22,814,299		22,814,299	22,814,299
SPECIAL EDUCATION PROGRAMS						
Administration	18,600	19,000	15,000		15,000	15,000
Instruction	2,852,854	2,968,858	3,017,142		3,017,142	3,017,142
Other Student Services	260,280	334,767	483,508		483,508	483,508
Operation and Maintenance Buildings	2,000	2,100	2,100		2,100	2,100
Fixed Charges	1,595	1,595	1,595		1,595	1,595
Programs, Other Systems in Massachusetts	813,679	485,237	41,470		41,470	41,470
Programs, Member of Collaborative	5,000	285,213	215,232		215,232	215,232
SPECIAL EDUCATION TOTAL	3,954,008	4,096,770	3,776,047		3,776,047	3,776,047
GRAND TOTAL OPERATING ACTUAL	24,976,703	25,727,081	26,590,346	3.36%	26,590,346	26,590,346

	NON EXEMPT	EXEMPT	TOTAL	Percent
				Inc./Decr.
FY 2024 SOUTHBOROUGH ASSESSMENT	8,508,457	393,796	8,902,253	3.98%

	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL						
Southborough Operating Assessment	400,969	386,629	403,066		403,066	403,066
Renovation Project - Capital Assessment	35,381	34,369	33,357		33,357	33,357
SOUTHBOROUGH ASSESSMENT	436,350	420,998	436,423	3.66%	436,423	436,423

	FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME	ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL						
Tuition/Transportation Assessment	37,960	44,875	44,875		44,875	44,875
NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL TOTAL	37,960	44,875	44,875	0.00%	44,875	44,875

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: The article includes recommendations from both the Select Board and the Advisory Committee for the FY24 budget. Funding recommendations are noted in the individual recommendation columns for each department.

ARTICLE 6: To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2024, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

BUDGET NAME	FY 2022	FY 2023	FY2024	PERCENT
WATER - PUBLIC WORKS	ACTUAL	BUDGET	REQUEST	(+) or (-)
51000-51990 Total Personal Services	319,953	387,136	399,116	
52000-58990 Other Charge & Expense	1,705,388	1,425,664	1,660,150	
59100 Principal Long Term Debt Water	344,408	345,000	342,000	
59150 Interest Long Term Debt Water	111,526	97,890	82,515	
59250 Interest on Notes	0	10,027	35,819	
59510 Indirect Costs	204,695	216,133	249,770	
CAPITAL EQUIPMENT - LEASE				
DPW Diesel Year 2 OF 7	10,622	10,622	10,622	
DPW Hook Truck Year 2 OF 7	9,103	9,264	9,105	
CAPITAL EQUIPMENT				
Mini Excavator- Water Portion	0	20,000		
Pickup Truck- Water Portion			15,000	
TOTAL WATER FUND	2,705,695	2,521,736	2,804,097	11.20%

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates and the fund's retained earnings, which supports all aspects of the department's operation. The funding for those capital items that are being leased/purchased for use by the Water Department, in whole or in part, are included in this budget.*

ARTICLE 7: 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	Receipts Reserved Ambulance/Other
A.	Road Maintenance	\$400,000	\$400,000	
B.	Sidewalk Maintenance	\$ 50,000	\$ 50,000	
C.	Library – Security Cameras	\$ 15,000	\$ 15,000	
D.	Police Cruisers	\$148,000	\$148,000	
E.	Fire – Durable Medical Equipment	\$ 20,000		\$ 20,000
F.	Fire – Ambulance Power Stretcher (Ambulance 1)	\$ 55,000		\$ 55,000
G.	Fire – PPE	\$ 20,000		\$ 20,000

, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary:

A. These funds are for public roadway and related maintenance, repair and construction throughout town. These are expended in conjunction with Chapter 90 roadway improvement funding from the Commonwealth. Prior to committing any FY24 Road Maintenance Funds, a formal plan for the anticipated use of these funds shall be presented to the

Capital Planning Committee in a posted public meeting. The Capital Planning Committee should then send any final recommendations or comments related to the Select Board for their final vote and appropriation.

B. These funds are exclusively for the repair and maintenance of existing sidewalks in Town.

C. Funding for this project is being requested because the Library has expressed concern about the ability to monitor who is entering and exiting the Library building. The installation of security cameras would allow for the video-only recording of who is coming and going to and from the Library, should such information ever be needed for some type of investigation.

D. This funds the planned replacement of two front-line cruisers with two hybrid utility vehicles. This is a scheduled rotation that would move the older cruisers with higher mileage out of the active rotation of front-line cars to detail vehicles. The new hybrid vehicles would replace 2 front line cruisers, a 2018 Ford Explorer with approx. 90,000 miles and a 2017 Ford Explorer with approx. 100,000 miles.

E. This project is the required replacement of durable medical equipment and devices carried on department ambulances and fire apparatus. Durable medical equipment is considered items used in the treatment and transport of patients that is used repeatedly.

F. This project is the scheduled replacement of one (1) of two (2) ambulance cots (stretchers) that were originally funded through a grant. The project will look to purchase one (1) Stryker battery-powered hydraulic cot and required equipment.

G. This project is the on-going, scheduled replacement and upgrade of our structural firefighting ensemble inventory in accordance with required National Fire Protection Association (NFPA) Standards. Structural fire fighters' protective clothing (PPE) is designed to protect members from the thermal environments experienced during firefighting as well as from chemicals, bloodborne exposure and incidents that cause soft tissue injuries.

ARTICLE 8: To see if the Town will vote to appropriate \$488,000, to be expended with the approval of the Select Board, to pay costs of purchasing radios for the use of the Police and Fire Departments, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise provided, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *This project will fund the purchase twenty-eight (28) for the Fire Department and twenty-four (24) units for the Police Department. All Band portable radio with related equipment. All radios will be programmed with the Massachusetts Tactical Channel Plan (MTCP). Initial and future programming, annual maintenance and testing, and repair will be the responsibility of the departments. By proceeding as a bulk purchase this will allow the Town to realize a 5% discount on the total cost.*

ARTICLE 9: To see if the Town will vote to appropriate \$2,200,000, to be expended with the approval of the Select Board, to pay costs of remediating pollution at the Breakneck Hill dumpsite, as required by an administrative consent order between the Town and the Department of Environmental Protection, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise provided, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *The Town has entered into an Administrative Consent Order (ACO) with the Department of Environmental Protection (DEP) for the removal of an area filled with solid waste located on Breakneck Hill Conservation Land. This 'farm dump' was deposited by the previous owner prior to the town's ownership of the property. Historical testing has demonstrated that the area has not posed a public health risk, but current Solid Waste Regulations require the removal of said material for continued protection of human and ecological health and safety. The Town is legally obligated under the ACO to conduct site assessment and cleanup activities within this portion of the site.*

ARTICLE 10: To see if the Town will vote to appropriate a sum of money for the payments of the capital lease agreements as described below:

	Equipment	Authorized Department	Source of Appropriation	FY24 Amount
A.	1 - Horton Type Ambulance	Fire Department	FY24 Capital Budget - Ambulance Fund	\$57,191
B.	1 - Swaploader Hook Lift Truck	Dept. of Public Works	FY24 Capital Budget - General Fund	\$25,037
C.	1 - Pick Up Diesel F-350	Dept. of Public Works	FY24 Capital Budget - General Fund	\$10,622
D.	1 - Fire Dept Chief Vehicle	Fire Department	FY24 Capital Budget - Ambulance Fund	\$8,422

, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *The lease agreements for these vehicles were authorized by Town Meeting in 2021, and these are the third year of the lease payments. With the exception of the Fire Ambulance (5-year lease), all of the leases are for 7 years.*

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 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: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *This article allows town departments, with the approval of the Select Board, to hire outside expertise when the need arises.*

ARTICLE 12: To see if the Town will vote to authorize the Select Board to enter into the two following transactions, with each such transaction to be considered separately:

1. To convey a portion of land that is a portion of St. Mark's Street, as shown on plans on file with the Town Clerk, and to authorize the Select Board to enter into agreements for the conveyance of such land, on such terms as the Select Board shall determine;
2. To acquire and accept a parcel of land from The Trustees and St. Mark's School of Southborough, Inc., said transactions to facilitate the reorientation of St. Mark's Street as well as the development of a park, as shown on plans on file with the Town Clerk, and to authorize the Select Board to enter into agreements for the acquisition of such land, on such terms as the Select Board shall determine;

And further to see if the Town will vote to discontinue the above-described portion of St Mark's Street as a public way, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *This article will authorize the Select Board to dispose of town-owned land along with the acquisition of land owned by St. Mark's School which will result in the Town owning a larger parcel that is contiguous with the parcel the Town Library is located on.*

ARTICLE 13: To see if the Town will vote to raise and appropriate or transfer from available funds an amount not to exceed \$250,000 for funding of the St. Mark's Street park, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *This article will approve the funding of the pocket park planned for the land being swapped for in Article 12 and caps the expenditure for the park at \$250,000 to be funded out of Free Cash from the year ended June 30, 2022..*

ARTICLE 14: To see if the Town will vote to appropriate \$246,418.51 from the CPA Fund FY2023 Budgeted Reserve for the Southborough portion of the rehabilitation of the Algonquin High School Tennis Courts. To be included are 7 tennis courts, 3 pickleball courts, and 1 basketball court for recreation purposes as requested by the Northborough-Southborough Regional School District. This consists of \$220,016.53 in project costs and an additional \$26,401.98 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Funding is contingent on Northborough funding their portion of the project, project start no later than June of 2025, or funds to be returned to the Southborough Community Preservation Fund Balance as directed by the Southborough CPC. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Town Treasurer/Collector; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *Under the direction of Gregory Martineau, Superintendent of Schools and Keith Lavoie, Assistant Superintendent of Operations of the Northborough Southborough Regional School District, said funds will be used for the rehabilitation of the existing 9 tennis courts located at Algonquin High School. The project will create 3 pickleball courts, 1 basketball court and 7 tennis courts. This Funding is Southborough's share of the joint Northborough-Southborough project per the Regional Agreement. Construction anticipated to begin in June 2023.*

ARTICLE 15: To see if the Town will vote to approve the \$7,960,393 indebtedness authorized by the Regional District School Committee of the Northborough-Southborough Regional School District to pay costs of renovating and making extraordinary repairs and other improvements to the District's athletic facilities, including, but not limited to: replacing the current football field and junior varsity practice field with turf fields, replacing the existing track, replacing the existing tennis courts, replacing the existing bleachers and press box to ensure compliance with ADA requirements, construction of a new outdoor amphitheater, renovations to the amenities building, and for the payment of all costs incidental and related thereto; or do or act anything in relation thereto.

Proposed by: REGIONAL SCHOOL COMMITTEE

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Not Support (1-4-0)

Summary: *The purpose of this article is to approve or disapprove the issuance of debt by the Northborough-Southborough Regional School Committee for renovations of the existing stadium, multipurpose field, tennis courts, and amenities building. The project also includes the addition of an outdoor amphitheater. The renovation project will bring the athletic complex into compliance with ADA requirements and will provide safe, quality playing surfaces for student athletes and the communities of Northborough and Southborough.*

ARTICLE 16: To see if the Town will vote to transfer the sum of \$99,008 from Free Cash for the purpose of paving Parkerville Road; or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *Eversource provided the Town the funds to do the paving as a result of some gas line improvements, as the Town could get better pricing through a larger bid for multiple street improvements. Unfortunately, the DOR views the Eversource funds as general receipts that must close out to Free Cash before they can be appropriated; this will not happen until after June 30, 2023, and the paving work will be done in the spring and summer of 2023. The Town's Free Cash certified in FY2024 will be increased by the same amount being appropriated under this article.*

ARTICLE 17: To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$250,000 into the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) as authorized by General Laws, Chapter 32B, Section 20, in order to offset the anticipated future cost of providing post-retirement health and life insurance benefits to current and future retired Town employees, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *This is an annual appropriation into the Town's OPEB Trust Fund that began back in 2014. The appropriation was previously done as part of the operating budget, but further guidance from the Dept. of Revenue has recommended that it be done in a separate article.*

ARTICLE 18: To see if the Town will vote to raise and appropriate the sum of \$10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

ARTICLE 19: To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

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

ARTICLE 20: To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Improvement and Planning Committee as requested, or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

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

ARTICLE 21: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2024:

1. Immunization/Emergency Dispensing Clinic; \$15,000.
2. Inspectional Services; \$140,000.
3. 9-11 Field Maintenance; \$100,000.
4. Wetland Protection; \$30,000.
5. Hazardous Materials; \$75,000.
6. CPR Classes; \$6,500.
7. Community Garden; \$3,000.
8. Recreation Programs; \$500,000.
9. Tobacco Control Program; \$4,000.
10. Golf Course Maintenance; \$75,000.

, or do or act anything in relation thereto.

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

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

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

ARTICLE 22: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2024 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections)	\$429,329
State Match (projected FY2024 State Match)	\$ 82,561
FY23 State Match Adjustment.....	\$ 16,922
Total Projected Revenue.....	\$528,812

Set Aside- Open Space

\$52,881 to be set aside, held in the Community Preservation Fund, and spent in FY2024 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

\$52,881 to be set aside, held in the Community Preservation Fund, and spent in FY2024 or later years for the acquisition, preservation, rehabilitation, and restoration of historic resources.

Set Aside – Community Housing

\$52,881 to be set aside, held in the Community Preservation Fund, and spent in FY2024 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

\$26,441 to defray the administrative and operating expenses of the Community Preservation Committee in FY2024 for the Community Preservation Fund

Set Aside - Budgeted Reserve/Discretionary
\$ 343,728 Reserved for FY24 CPF (Budgeted Reserve/Discretionary)

, or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Select Board Recommendation: Support (Unanimous)
Advisory Committee Recommendation: Support (Unanimous)
Summary: *The budget and set-asides are an annual requirement under the Community Preservation Act.*

ARTICLE 23: To see if the Town will vote to appropriate \$77,937.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. \$52,881.00 from the CPA Historic Preservation Reserve Fund FY2024 and \$25,056.50 from the CPA FY2023 Fund Balance. Said funds to be expended under the direction of the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Select Board Recommendation: Support (Unanimous)
Advisory Committee Recommendation: Support (Unanimous)
Summary: *This article is the Community Preservation Fund payment towards the FY2024 debt funding for the Preservation Restriction of 84 Main Street as approved at ATM 2016.*

ARTICLE 24: To see if the Town will vote to appropriate a total of \$66,075.00 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building for the purpose of Historic Preservation. \$66,075.00 from the CPA FY2023 Fund Balance. Said funds to be expended under the direction of the Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Select Board Recommendation: Support (Unanimous)
Advisory Committee Recommendation: Support (Unanimous)
Summary: *This article is the Community Preservation Fund payment towards the FY2024 debt funding for the renovation and restoration of the Historic Southborough Library.*

ARTICLE 25: To see if the Town will vote to transfer from Water Retained Earnings the sum of \$200,000 for the purposes of funding any costs incurred for a peer review of the engineering and design required for an indirect connection to MWRA through the Town of Southborough by the Town of Hopkinton, said funds to be reimbursed by the Town of Hopkinton; or do or act anything in relation thereto.

Proposed by: SELECT BOARD
Select Board Recommendation: At Town Meeting
Advisory Committee Recommendation: Support (Unanimous)
Summary: *This article approves the funding of an independent audit of the engineering and design of the proposed MWRA water connection for the Town of Hopkinton through Southborough at a cost not to exceed \$200,000 which will be reimbursed by the Town of Hopkinton.*

ARTICLE 26: To see if the Town will vote to amend Chapter 153, entitled Trees, of the Town bylaws by adding § 153-5, Tree Protection Bylaw, as follows:

§ 153-5. TREE PROTECTION BYLAW
A. PURPOSE.

- (1) The Town of Southborough ("Town") is a designated Tree City. The residents of the Town recognize that the preservation of existing trees and the promotion of new tree planting is a public purpose that protects the

public health, welfare, environment, and aesthetics of the Town and its citizens. Trees serve a wide variety of functions, which promote the health, safety, and welfare of residents. These functions include:

- (a) Conserving energy, by providing shade and evaporative cooling through transpiration;
 - (b) Improving local and global air quality by absorbing carbon dioxide and ozone, absorbing particulate matter, and producing oxygen;
 - (c) Reducing wind speed and directing air flow;
 - (d) Reducing noise pollution;
 - (e) Preserving ecosystems by providing habitat for birds, small mammals, insects and other wildlife;
 - (f) Filtering and screening, glare on roadways and increasing pavement life;
 - (g) Reducing storm runoff and the potential for soil erosion;
 - (h) Increasing real property values; and
 - (i) Enhancing visual and aesthetic qualities that attract visitors and businesses.
- (2) The purpose of this bylaw is to preserve and protect the Town's public shade trees in accordance with the provisions of Massachusetts General Law (MGL) Chapter 87 and Chapter 40, § 15C. It is also intended to encourage the planting of more public shade trees than are removed to compensate for tree losses and the length of time required for a tree to reach maturity.

B. DEFINITIONS.

DBH (Diameter at Breast Height) is the diameter of the trunk of a tree 4 ½ feet above the average existing grade at the base of the tree.

Excessive pruning means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree.

Imminent hazard means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment is likely to occur before a notice and hearing to abate the risk of harm can be completed.

Public shade tree is: (a) any tree within or on the boundaries of a public right-of-way, including scenic roads, except for a state highway; or (b) a tree that is not within or on the boundaries of a public right-of-way, but planted by the Tree Warden Designee upon adjoining land at a distance not exceeding 20 feet from the layout of such public way with the written consent of the owner of such adjoining land all in accordance with the provisions of MGL c. 87, §7.

If the highway boundaries are unclear because the boundaries between public and private land cannot be made certain by land records or monuments, the tree is presumed to be a public shade tree according to MGL c. 87, §1.

Public right of way is the portion of land controlled or owned by the Town within which an accepted public street or road lies. Typically, the public right-of-way is wider than the road surface and often includes curbs, sidewalks, utilities, public shade trees and grass strips.

Topping means the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Tree City the Tree City USA program was founded in 1976 to celebrate towns and cities committed to growing their urban canopy. Led by the Arbor Day Foundation, with partners at USDA Forest Service and National Association of State Foresters, it provides the foundational framework necessary for communities to manage and expand their tree cover.

Tree removal means the cutting down of any public shade tree and/or any other act that will likely cause such a tree to die within a three-year period, including but not limited to improper or excessive pruning and construction, demolition, and excavation activities.

Utility shall mean a company engaging in the distribution of electricity or owning, operating or controlling distribution facilities; provided, however, that a distribution company shall not include any entity which owns or operates plant or equipment used to produce electricity, steam and chilled water, or an affiliate engaged solely in the provision of such electricity, steam and chilled water, where the electricity produced by such entity or its

affiliate is primarily for the benefit of hospitals and nonprofit educational institutions, and where such plant or equipment was in operation before January 1, 1986.

C. TREE WARDEN AND TREE WARDEN DESIGNEE.

- (1) The Tree Warden shall be the Select Board, per special act of 1991, having primary enforcement responsibilities under this chapter and MGL c.87. The Tree Warden and Tree Warden Designee are called upon to balance the needs between protection of public trees and protection of the public from hazardous or obstructive trees. The Tree Warden (Select Board) shall have the right to review the conduct, acts and decisions of the Tree Warden Designee.
- (2) The Tree Warden Designee shall be appointed by the Tree Warden (Select Board) and pursuant to MGL c.41 §106, hold at least an Associate of Science Degree in Arboriculture / Urban Forestry or a related degree or demonstrated equivalent knowledge and experience; and although not required it is preferred that the Tree Warden Designee also hold a current arborist certification from either the Massachusetts Arborist Association or the International Association of Arboriculture; and have at least three (3) years supervisory experience in commercial or municipal tree care; and shall obtain a Massachusetts Pesticide License within 90 days of employment.
- (3) The Tree Warden (Select Board) may appoint a Deputy to the Tree Warden Designee to perform the roles and responsibilities of the Tree Warden Designee during vacation, sick time, and any paid or unpaid leave of absence. The deputy must have substantial experience and qualifications and shall comply with all rules and obligations of this bylaw.
- (4) The duties or responsibilities of the Tree Warden Designee shall conform to the MGL c. 87 and shall include, but not be limited to the following:
 - (a) Developing and implementing a Tree Planting Program;
 - (b) Pruning of public shade trees for safety and health;
 - (c) Assessment of public shade trees for potential hazard;
 - (d) Removal of public shade trees that are dead and dying;
 - (e) Maintaining a Public Shade Tree Inventory and Public Shade Tree Management Plan;
 - (f) Oversight of utility arboriculture operations and of all contracted tree work on public shade trees;
 - (g) Submit trees for Public Tree Hearings;
 - (h) Enforcement of the provisions of this bylaw, MGL c. 87 and c. 40, §15C;
 - (i) Care, control and management of all trees within public rights-of-way, adjacent to public buildings on public land, and on public commons;
 - (j) Expenditure of funds for public shade tree planting and maintenance consistent with this bylaw and MGL c.87;
 - (k) Coordination with the Tree Warden (Select Board), Planning Board; Conservation Commission; Recreation Commission; and interested citizen groups on matters related to urban forestry and public tree management;
 - (l) Promulgate regulations outlining the care and preservation of public shade trees and the establishment of fees and fines; all such regulations, fees, and fines subject to approval by the Tree Warden (Select Board) and Planning Board
 - (m) Maintain a list of all town roads designated as Scenic Roads and
 - (n) Other responsibilities consistent with this bylaw and Massachusetts General Laws.

D. JURISDICTION.

- (1) This bylaw applies to all public shade trees in the Town. The Tree Warden (Select Board) and Tree Warden Designee in conjunction with the Planning Board shall have jurisdiction over all trees to which this bylaw applies as set forth in MGL. c. 87 and c. 40, §15C.
- (2) This bylaw applies to all persons, agencies, departments, firms (including utility companies) and applicants either residing or conducting activities in the Town of Southborough.
- (3) If any public shade tree may be impacted by construction, demolition or excavation activities under the jurisdiction of the Town's Building Department, Planning Board, Zoning Board of Appeals, or other Town Department or Board: (1) the owner or applicant of the affected property and any person engaging in such activities shall be required to comply with the provisions of this bylaw; and (2) the owner or applicant shall notify the Tree Warden Designee of such activities.
- (4) A public shade tree may not be trimmed, pruned or removed by any person other than the Tree Warden Designee until and unless, after a public hearing if required or consultation with either the Tree Warden or Town Administrator and either the Town Planner or Planning Board, the Tree Warden Designee issues a written permit pursuant to this bylaw.
- (5) A permit from the Tree Warden Designee shall also be required of any person for planting a public shade tree
- (6) The Tree Warden Designee shall issue standards for planting public shade trees for which a permit is required under this chapter. Such standards shall include: (1) listing of trees acceptable for planting, (2) site selection, (3) priorities for tree planting locations, (4) spacing of street trees, and (5) planting guidelines.

E. PLANTING NEW TREES WITHIN THE PUBLIC RIGHT OF WAY.

- (1) Any property owner may petition the Tree Warden Designee to plant a tree within a public right of way. It is understood that some rights of way are not suitable for the planting of trees and that some species of trees are not suitable for public rights of way. For this reason, it is understood that the permit is discretionary on the part of the Tree Warden Designee and is not to be construed as a right.
- (2) The Tree Warden Designee may grant a petitioner permission for planting one or more trees within a public right of way, subject to the following:
 - (a) All work in a public right of way shall be conducted to the specifications of the Tree Warden Designee.
 - (b) All costs incurred in the course of planting the tree(s), including related work, regardless of contractor, shall be the responsibility of the petitioner.
 - (c) The petitioner shall work with the Tree Warden Designee to select an appropriate native species tree and location that will not interfere with buried or above ground utilities and will minimize root damage to streets and sidewalks.
 - (d) No tree planting in a public way may be done without obtaining a license from the Select Board and executing a release in favor of the Town.

F. PROHIBITED ACTIVITIES.

It shall be unlawful for any person, firm, or town department to engage in any of the following activities relating to public shade trees:

- (1) topping;
- (2) excessive pruning;
- (3) girdling tree trunks;

- (4) poisoning tree roots;
- (5) causing any other kind of injury;
- (6) pollarding the top and branches of a tree;
- (7) tree stapling, cutting, painting, marking, hanging any public messages on trees or tree trunks without a permit
- (8) tree removal without a permit.

G. PROCESS TO REQUEST PUBLIC SHADE TREE PRUNING OR REMOVAL.

- (1) Requests for Public Shade Tree pruning or removal must be made to the Tree Warden Designee.
- (2) The Tree Warden Designee shall log the requests including all information per the Tree Warden's regulations
- (3) The Tree Warden Designee shall, and the Tree Warden, Planning Board and interested parties, may inspect the tree before the hearing. The Tree Warden Designee shall determine during the site visit if the public shade tree, that is subject to the removal or pruning request, meets at least one of the criteria per section H (3) of this bylaw.
- (4) Public shade tree pruning or removal requests for public shade trees, where it has been determined either by the Tree Warden Designee during a site visit or at a public hearing, that at least one of the criteria per section H (3) of this bylaw has not been met, the requestor shall pay a non-refundable per inch DBH fee, per the Tree Warden Designee's regulations and shall be subject to the requirements of section H (4) of this bylaw.

H. PUBLIC HEARING.

Except as provided in Section K (Emergency Tree Removal) of this bylaw or work described in an approved annual plan as described in section L, the Tree Warden Designee shall not remove any public shade tree with a DBH greater than 1.5 inches or grant a permit to any person for the removal of a public shade tree without first conducting a public hearing. Where a public hearing is required, the Tree Warden Designee shall, in accordance with the provisions of MGL c. 87, §3, issue a notice of the time and place of the hearing, which notice shall identify the size, type and location of each tree to be cut down or removed. The Tree Warden Designee shall also post the notice at three or more public places in Southborough, including under Hearing Notices on the Town's website, under Tree Hearings on the DPW webpage, at the Town House and in public view upon the tree at least fourteen (14) days before such hearing and publish it in a newspaper of general circulation in Southborough once in each of two successive weeks, with the first publication to be not less than fourteen (14) days before the day of the hearing, or if no such local newspaper exists then in accordance with the provisions of MGL c. 4, §6.

- (1) When a public hearing must be held under the provisions of this bylaw and the public shade tree is located on a designated Scenic Road, such hearings shall be consolidated into a single public hearing before Planning Board and the Tree Warden (Select Board)
- (2) When a public hearing must be held under the provisions of this bylaw and the public shade tree is located on conservation lands managed by, or resource areas or their buffer zones under the jurisdiction of the Southborough Conservation Commission, such hearings shall be consolidated into a single public hearing before the Conservation Commission and the Tree Warden (Select Board).
- (3) The Tree Warden Designee following a public hearing per this Section of this bylaw, shall approve removal of a public shade tree upon a determination reached at a public hearing that at least one of the following criteria is satisfied:
 - (a) The tree is dead, diseased, terminally injured, in danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way, or posing a threat to pedestrian or vehicular safety;
 - (b) The tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements for which there is no alternative;

- (c) The tree is a species considered invasive in Massachusetts;
 - (d) There is no alternative to removal of the tree.
- (4) Any person requesting the removal of a public shade tree that does not meet at least one the criteria in section H (3) above shall demonstrate, at a public hearing, that the removal and replacement of a tree will be of greater benefit to the inhabitants of the Town of Southborough, shall pay a fee per section G (4) and is responsible for all expenses associated with the public hearing and removal, if approved, including the following:
- (a) Cost of advertising a public hearing as specified in Section H (Public Hearing) of this bylaw and MGL c. 87, §3;
 - (b) Cost of removal of tree and stump, including hauling away of all debris, and proper filling of stump hole;
 - (c) Planting of sufficient replacement trees as described in section J;
 - (d) Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility structures; and
 - (e) All other costs related to the removal and replanting.

I. APPEALS.

- (1) Any decision of the Tree Warden Designee under this bylaw may be appealed to the Select Board, except appeals of decisions made at consolidated hearings per Sections H, Public Hearing, (1) & (2) of this bylaw, or decisions made by the Tree Warden (Select Board) shall be made to a court of competent jurisdiction.
- (2) Appeals to the Select Board must be in writing and must be received by the Select Board within thirty (30) calendar days of the issuance of the Tree Warden Designee's decision, which shall be made publicly available on the Town website. The Select Board shall make a final decision within thirty (30) calendar days from the date of receipt of the appeal request and file a decision with the Town Clerk within fourteen (14) days thereafter.

J. TREE REPLACEMENT.

- (1) Public shade trees approved for removal by the Tree Warden (Select Board) at a consolidated hearing shall be replaced with one public shade tree for each public shade tree approved for removal.
- (2) The replacement tree(s) shall be straight native species and purchased from a certified tree nursery that stocks straight native species and is approved by the Tree Warden Designee. Such certified tree nursery shall plant and ensure the health of the tree for three years.
- (3) The Tree Warden (Select Board) and the Planning Board shall promulgate a tree replacement policy to carry forth the purpose and intent of this section of the bylaw.

K. EMERGENCY TREE REMOVAL.

- (1) Pruning or removal shall be allowed without a permit or public hearing for any public shade tree that is determined by emergency response officials, including utilities and their agents, to be an imminent hazard. Such officials shall complete a written record of any such determination and submit it to the Tree Warden Designee within fourteen (14) calendar days of such determination.
- (2) The Tree Warden Designee may waive the provisions of this bylaw as an emergency response to a hurricane, windstorm, flood or other act of nature. The Tree Warden Designee shall complete a written record of the emergency response and submit it to the Tree Warden and the Planning Board.
- (3) The Tree Warden Designee may remove, without a public hearing, a tree that is determined, by the Tree Warden Designee, in consultation with the Town Administrator and the Town Planner, to be an imminent

hazard to persons or property. The Tree Warden Designee making the hazard determination shall be qualified, as defined in section C (2) of this bylaw, by training and experience in the field of Arboriculture. The hazard determination shall be made based on an objective risk tree rating system such as the USDA Forest Service 12-point Risk Tree Rating system or the International Society of Arboriculture Hazard Tree Evaluation system. Hazard trees shall be prioritized for pruning, removal, moving of the target or otherwise minimizing the risk based on those objectively presenting the most risk.

L. UTILITY COMPANY TREE AND VEGETATION MANAGEMENT ACTIVITIES.

- (1) The Tree Warden (Select Board) shall request and the utility shall submit, per MGL c. 87 §14, an annual "Hazard Tree Removal Plan" and a "Vegetation Management Plan", as applicable (separately, and together, an "Annual Plan").
- (2) Such Annual Plan(s) shall include: a map of the circuits where maintenance will occur; and a listing and location of any public shade tree(s) expected to be removed.
- (3) The Annual Plan(s) shall be submitted to the Tree Warden (Select Board) prior to December 31st each year for activities to be conducted during the following year.
- (4) Any public shade tree expected to be removed will be appropriately marked by the utility company, so that the public may be made aware of the proposed work. The Tree Warden Designee and the utility representative(s) will visit the proposed work site(s) to inspect the proposed work.
- (5) The Tree Warden (Select Board) shall hold a consolidated public meeting with the Planning Board to review the annual plan(s).
- (6) Annual Plan(s) may be approved upon the determination at the consolidated public meeting per section L (5) above, that the plan is in compliance with the requirements of this bylaw. The utility shall be exempt from the requirements of Section H of this bylaw for work described in the approved plan.
- (7) The Tree Warden Designee shall then notify the utility in writing within 60 days of receipt of an Annual Plan(s) whether or not the plan has been approved or approved with changes made as a result of a public review during a scheduled consolidated public meeting.
- (8) Approved Annual Plan(s) shall be posted on the Town website, DPW's webpage and sent to the Town Planner and the Town Administrator for distribution to their respective Boards and to the public.
- (9) No tree removal, trimming or vegetation management affecting a public shade tree shall be done by the utility company that is not part of an approved Annual Plan, or is not otherwise approved by this bylaw.
- (10) Notwithstanding the Town's approval of the Annual Plan(s), a utility shall provide at least 30 days advance written notice to the Tree Warden Designee before beginning tree trimming or tree removal work pursuant to the Annual Plan(s).

M. ENFORCEMENT

- (1) Any person who violates any provision of this bylaw or MGL c. 87, §§3-5, relating to the trimming, cutting or removal of public shades trees shall be subject to a fine of three hundred dollars (\$300) for each separate offense, as well as any replacement fee per section G (4) of this bylaw.
- (2) Each act causing damage to a separate tree shall constitute a separate offense.
- (3) Fines shall be assessed and collected under MGL c. 40, §21D process.
- (4) These remedies shall not be in derogation of the Town's right to enforce the provisions of MGL c. 242, §7, against any person who without a permit willfully cuts down, girdles or otherwise destroys a public shade tree, or the Town's right to apply or enforce any other Massachusetts law or Town bylaw.

(5) Fines and damages paid to the Town under this bylaw, MGL c. 87, or MGL c. 242, shall be paid to the Town of Southborough.

N. SEVERABILITY

(1) If any part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other part shall continue in full force and effect.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: At Town Meeting

Summary: *The intent of the bylaw is to put in place a process for the maintenance of Public Shade Trees, including but not limited to, trimming, cutting, planting and the removal of dangerous or damaged trees within the public right of way, and to protect the town from unnecessary tree removal and to maintain the New England character and charm of the Town of Southborough.*

ARTICLE 27: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the ongoing maintenance and new planting of trees. The Town Tree Warden and Planning Board shall meet regularly to plan the use of funds for the following: Inventory of public shade trees by arborist, creation of a tree planting plan, survey of tree planting areas, planting of new trees and tree maintenance. The Tree Warden/Town Administrator and Planning Board shall dually approve all expenditures for scenic roads under this article. For non-scenic roads, the Tree Warden/Town Administrator will approve expenditures and report them to the Planning Board; or do or act anything in relation thereto.

Proposed by: SELECT BOARD

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: At Town Meeting

Summary: *This article will be utilized to complete the inventory of public shade trees and begin a study of where new trees can be placed in the public right of way. Funds will be added to this article every year in order to purchase new trees as part of a tree replacement program.*

ARTICLE 28: To see if the Town will vote, pursuant to the recommendation of the Planning Board to designate *the following* Town roads not currently designated as "scenic roads", other than those specifically excluded by State Statute, as "scenic roads" under provisions of the Commonwealth of Massachusetts General Laws Chapter 40, Section 15C and to instruct the Planning Board, in exercising responsibilities thereunder, to take into consideration **simplification of town administrative and logistical scenic road management**, sound planning principles, aesthetics, and preservation of natural resources as well as public safety, or do or act anything in relation thereto.

<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>
Adams Circle	4/8/1996	Kidder Lane	4/14/2003
Alexandra Circle	9/12/1994	Killam Farm Lane	4/9/2001
Andrews Way	9/12/1994	Ledge Hill Road	4/10/2000
Angelica Lane	4/12/2004	Liberty Drive	4/8/1996
Asaree Drive	9/12/1994	Maple Street Ext.	4/16/2014
Ashley Road	4/12/1993	Metacomet Lane	4/8/2002
Austin Kelly Lane	4/8/2002	Metcalf Lane	4/13/2015
Banfill Lane	4/12/2004	Michael Circle	2/13/1995
Barn Lane	10/7/2013	Moore Road	4/11/1994
Beechwood Lane	11/13/2000	Nathan Stone Road	5/18/1999
Blendon Woods Dr.	10/7/2013	Nipmuc Lane	10/7/2013

Boswell Lane	4/13/1998	Orchard Road	4/14/92 & 4/14/08
Brookside Road	4/12/2004	Powder Mill Lane	4/13/1987
Burnett Road	4/14/1997	Presidential Drive	2/13/1995
Candlewood Lane	9/11/2000	Sadie Hutt Lane	4/23/1990
Constitution Drive	4/8/1996	Sarsen Stone Way	4/8/1991
Coslin Drive (portion)	2018	Schipper Farm Lane	4/8/2002
Country Lane	4/8/1996	Skylar Drive	4/13/1987
Darlene Drive	2/13/1995	Southwood Drive	9/11/2000
Davis Road	4/12/1993	Stockwell Lane	4/10/2000
Eastbrook Farm Lane	4/8/1996	Stub Toe Lane	4/8/1996
Fiddleneck Lane	4/11/2005	Summit Road	4/13/1987
Fitzgerald Lane	4/10/2000	Sunrise Drive	4/8/1991
Foxhill Drive	4/11/2016	Thayer Lane	4/13/2015
Garrison Lane	4/13/1987	Vale Terrace	4/9/2001
Glenwood Road	9/12/1994	Vickery Hill Lane	4/14/2008
Heather Lane	2/13/1995	Wells Lane	4/13/2010
Hidden Meadow Ln.	4/10/2000	Wentworth Drive	4/8/1996
High Ridge Road	4/14/1980	Whistler Lane	4/10/2000
Hillside Avenue Ext.	4/14/2003	Wildwood Drive	4/10/2000
Hubley Lane	4/9/2001	William Colleary Ln	4/11/2016
Independence Drive	4/8/1996	William Onthank Ln.	4/14/2008
Joslin Lane	4/11/2005	Witherbee Lane	4/11/2005
Kallander Drive	4/11/2005	Wyeth Circle	2/13/1995

Proposed by: PLANNING BOARD

Select Board Recommendation: Not Support (2-3-0)

Advisory Committee Recommendation: At Town Meeting

Summary: *The intent of this article is to protect the scenic quality and character of certain public ways in the Town by regulating the cutting or removal of trees and the disturbance of stone walls within the right-of-way of scenic roads.*

ARTICLE 29: To see if the Town will vote to delete Section § 174-13.5 from the Zoning Bylaws, such deletion to be contingent upon the passage of new Stormwater General Bylaw, in a separate article in this warrant, or do or act anything in relation thereto.

Proposed by: SELECT BOARD; CONSERVATION COMMISSION

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *To remove, in its entirety, the existing bylaw with the intent to insert an amended copy of this bylaw, as its own General Bylaw, in the next article. The Stormwater & Erosion Control Bylaw is promulgated and enforced by the Conservation Commission and does not rely on Zoning enforcement and oversight. By inserting in the General Bylaws, this would also require appeals to be submitted to the Superior Court instead of the Zoning Board of Appeals. This removal will be nullified if the insertion of the amended bylaw does not pass.*

ARTICLE 30: Subject to the passage of an article for the deletion of Section § 174-13.5 of the Zoning Bylaws, to see if the Town will vote to amend its General Bylaws by adopting a new Section 154, entitled Stormwater Management, as follows:

§ 154. Stormwater and erosion control. [Added 4-10-2006 ATM by Art. 46]

A. Purpose. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Southborough to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town. The purpose of this bylaw is to prevent or diminish these impacts by controlling runoff and preventing soil erosion and sedimentation resulting from site construction and development. This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the bylaws of the federal Clean Water Act found at 40 CFR 122.34. Nothing in this bylaw is intended to replace the requirements of either the Town of Southborough Wetlands Protection Bylaw, or any other bylaw that has been or may be adopted by the Town of Southborough. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each applicable bylaw. The objectives of this bylaw are to:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of wetland and water resources;
- (2) Require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics to provide recharge and to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum construction/alteration and post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff;
- (4) Establish design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
- (5) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum construction/alteration and post-development stormwater management standards and to encourage the use of nonstructural stormwater management, stormwater site design practices or "low-impact development practices," such as reducing impervious cover and the preservation of open space and other natural areas, to the maximum extent practicable;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
- (7) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this bylaw; and
- (8) Establish administrative procedures and fees for the submission, review, approval, or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

B. Definitions.

AGRICULTURE — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and its implementing regulations (310 CMR 10.00).

ALTER — Any activity that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area and will measurably change the ability of a ground surface area to absorb water. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

¹ Editor's Note: See Chapter 170, Wetlands Protection

APPLICANT — Any "person" as defined below requesting a stormwater and erosion control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY — The Conservation Commission (hereinafter "the Commission") and its employees or agents or other employee of the Town of Southborough shall be in charge of enforcing the requirements of this bylaw.

BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural, vegetative and managerial techniques that are recognized to be the most effective and practical means to reduce erosion and sediment, prevent or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN — Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

CONSTRUCTION AND WASTE MATERIALS — Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

DISTURBED AREA — An area, man-made or natural, where the existing condition has been or is proposed to be altered.

ENVIRONMENTAL SITE MONITOR — A professional engineer, or other trained professional selected by the Commission and retained by the holder of a stormwater and erosion control permit to periodically inspect the work and report to the Commission.

EROSION — A condition in which the earth's surface, including soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

GENERAL STORMWATER MANAGEMENT PERMIT (GSMP) — A permit issued for an application that meets a set of predetermined standards outlined in the regulations to be adopted by the Commission under this bylaw. By meeting these predetermined standards, the proposed project will be presumed to meet the requirements and intent of this bylaw.

HOTSPOT — Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act MGL c. 21, §§ 23 through 56.² The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

NEW DEVELOPMENT — Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

² Editor's Note: See the Clean Waters Act in MGL c. 21, §§ 26 through 53.

PERSON — Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Southborough, and any other legal entity, its legal representatives, agents, or assigns.

POST-DEVELOPMENT — The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of a project.

PRE-DEVELOPMENT — The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Conservation Commission. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

RECHARGE — The replenishment of underground water reserves.

REDEVELOPMENT — Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is commercial, industrial, institutional, or multifamily residential.

RUNOFF — Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT — Solid material, whether mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

SEDIMENTATION — A process of depositing material that has been suspended and transported in water.

SLOPE — The vertical rise divided by the horizontal distance and expressed as a fraction or percentage.

STABILIZED — The elimination of any erosion.

STORMWATER MANAGEMENT HANDBOOK — Stormwater Management Handbook, Volume One and Volume Two, prepared by the Mass. Department of Environmental Protection and the Mass. Office of Coastal Zone Management dated March 1997, as the same may be from time to time revised.

STORMWATER MANAGEMENT PERMIT (SMP) — A permit issued by the Conservation Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

C. Applicability. This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Subsection D of this bylaw. After April 10, 2006, the Commission shall not approve any application for development or redevelopment if the land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified to avoid compliance. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw. A stormwater and erosion control permit shall be required from the Commission for the following:

- (1) Any activity subject to major site plan review (§ 174-10) except when no land disturbance is commencing;
- (2) Any activity that will result in land disturbance of one (1) acre or more;
- (3) Any residential development or redevelopment proposed pursuant to the Subdivision Control Law, MGL c. 41, §§ 81K to 81GG, inclusive, or proposed under a special permit process pursuant to MGL c. 40A, § 9;
- (4) Any activity that will increase the amount of impervious surfaces more than 50% of the area of a parcel

- or lot when the lot size is greater than one (1) acre; and
- (5) Any activity that will disturb land with 15% or greater slope and where the land disturbance is greater than or equal to 15,000 square feet within the sloped area.
 - (6) Any residential development or redevelopment that is part of a common plan of development or sale which will disturb one (1) acre, 43,560 sf, or more of land. The Commission requires an application if the land, or parcels of land, were or are in common ownership and were subdivided or otherwise modified to avoid compliance.
 - (7) The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways when the width of the road is expanded three feet or greater for one hundred (100) feet or more.
 - (8) Any land disturbance that will result in soil disturbance of one-half acre (1/2), 21,780 square feet up to, but not including, one (1) acre, 43,560 square feet, shall be required to follow the procedure outlined within the currently approved Stormwater Policy for Minor Projects enforced by the Conservation Agent and shall at a minimum require: Notify the Conservation Commission, in writing, of the date and nature (including a sketch) of the proposed project at least 7 calendar days prior to the commencement of land disturbing activities
 - (a) Implement measures such as erosion control barriers, to prevent the offsite discharge of sediment at the direction of the Conservation Commission or their agent
 - (b) Construction materials shall be managed to not pollute stormwater
 - (c) Containers and materials shall be stored and disposed of properly
 - (d) Sediment and stormwater shall not be allowed to be directed or impact abutting properties or roadways
 - (e) The Conservation Commission reserves the right to request additional measures at the discretion of the Commission if sedimentation and erosion controls become problematic at a site

D. Exemptions. The following activities are exempt from the requirements of this bylaw:

- (1) Normal maintenance of Town-owned public land, ways and appurtenances;
- (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation, 310 CMR 10.04 and MGL c. 40A, § 3;
- (3) Repair or replacement of septic systems when approved by the Board of Health for the protection of public health;
- (4) Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided such maintenance does not include the addition of more than 400 cubic yards of soil material, or alteration of drainage patterns;
- (5) The construction of fencing that will not alter existing terrain or drainage patterns;
- (6) Construction and associated grading of a way that has been approved by the Planning Board except those in conjunction with any residential development or redevelopment as described in Section 3.3;
- (7) The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that do not meet the applicability in Section 3.7 that have been approved by the appropriate authorities, provided that written notice be filed with the Conservation Commission 14 days prior to commencement of activity;
- (8) The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals; or
- (9) Activity in accordance with the terms of an existing order of conditions or determination of applicability issued by the Commission pursuant to MGL c. 131, § 40, or the Southborough Wetlands Protection Bylaw, Chapter 170 of the Code of the Town of Southborough prior to the effective date of this Bylaw.

E Administration.

- (1) The Conservation Commission shall be the permit granting authority for the issuance of a stormwater and erosion control permit and shall administer, implement and enforce this bylaw. Any powers granted to, or duties imposed upon the Commission may be delegated in writing by the Commission to its employees or agents or other municipal employees as appropriate. Such permit applications shall be submitted, considered, and issued only in accordance with the provisions of this bylaw and the regulations adopted pursuant to this bylaw.
- (2) Stormwater regulations. The Commission shall adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater and Erosion Control Bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.
- (3) Right of entry. Filing an application for a stormwater and erosion control permit grants the Commission, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- (4) Stormwater management manual. The Commission will utilize the policy, criteria and information, including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, for execution of the provisions of this bylaw. This policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the stormwater regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts's water quality standards.
- (5) Application. To obtain approval for a project subject to the provisions of this bylaw, the applicant shall submit a stormwater management and erosion control plan and an operation and maintenance plan prepared, stamped and signed by a professional engineer registered in Massachusetts, a registered land surveyor, or a Massachusetts licensed soil evaluator, as appropriate, that complies with the requirements set forth herein and in the regulations adopted pursuant to this bylaw. The operation and maintenance plan (O&M plan) shall be designed to ensure compliance with the permit, this bylaw, and that the Massachusetts surface water quality standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system. The O&M plan shall remain on file with the Commission, the Planning Board, the Department of Public Works and the Town Engineer and shall be an ongoing requirement. The O&M plan shall meet the criteria set forth in the regulations adopted pursuant to this bylaw. The plans shall fully describe the project in drawings, narrative, and calculations.
 - (a) At the time of application, the applicant shall provide in writing the name and the 24 hours a day and seven days a week contact information of the person who is responsible for erosion and sediment control for the site- disturbing activity which is the subject of the application. Said person shall ensure that the approved activity takes place in accordance with the application, plan and permit requirements.

F. Fees. The Commission shall establish fees to cover expenses incurred by the Town in reviewing the application and monitoring permit compliance. The Commission is authorized to retain and charge the applicant fees to cover the cost of hiring a registered professional engineer or other professional consultant to advise the Commission on any or all aspects of the project. The applicant for a stormwater and erosion control permit may be required to establish and maintain an escrow account to cover the costs of said consultants. Applicants shall pay review fees to the Commission before the review process may begin.

G. Surety. The Commission may require a cash performance guaranty to ensure compliance with these requirements and for the long-term operation and maintenance of all permanent erosion control and stormwater management measures. The form of the bond shall be approved by the Commission upon the recommendation of Town Counsel and the Town Treasurer, as appropriate. With the approval of the Commission upon the recommendation of Town Counsel and the Town Treasurer, as appropriate, the applicant may substitute an irrevocable letter of credit or performance bond in lieu of the cash performance guaranty. Any performance bond or letter of credit shall be executed and maintained by a financial institution, surety, or guaranty company qualified to do business in the Commonwealth of Massachusetts.

H. Waivers.

- (1) The Commission may waive strict compliance with some of the requirements of this bylaw or the rules

and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action:

- (a) Is allowed by federal, state and local statutes and/or regulations;
 - (b) Is in the public interest; and
 - (c) Is not inconsistent with the purpose and intent of this bylaw.
- (2) Any request from an applicant for a waiver of these rules shall be submitted, in writing, to the Commission at the time of submission of the application. Such requests shall clearly identify the provisions of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this bylaw and the rules and regulations promulgated hereunder.

I. Findings and conditions of approval.

- (1) The Commission shall not approve any application for a stormwater and erosion control permit unless it finds that BMPs will be employed to meet the following requirements:
- (a) Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended, has been demonstrated;
 - (b) Measures shall be employed to minimize adverse impacts on wildlife habitats and corridors, natural or historic landscape features, and scenic vistas and views;
 - (c) The duration of exposure of disturbed areas due to removal of vegetation, soil removal, and/or regrading shall be set forth in a written time table and approved by the Commission;
 - (d) There shall be no net increase in the rate of stormwater runoff from the site;
 - (e) There shall be no net increase in the volume of stormwater runoff across the boundaries of the site unless provisions have been made to tie into the public storm drains, where available, with the approval of the appropriate parties or authorities or, the Commission has determined that all reasonable provisions have been made to minimize any changes in stormwater runoff at the site;
 - (f) There shall be no adverse impacts to abutting properties from any increase in volume of stormwater runoff, including erosion, silting, flooding, sedimentation or impacts to wetlands, groundwater levels or wells;
 - (g) Where the site is not proposed to be covered with gravel, hardscape, or a building or structure, a planting plan to ensure permanent revegetation of the site has been approved;
 - (h) Areas to be planted shall be loamed with not less than six inches compacted depth of good quality loam and seeded with turf grass seed or other appropriate ground cover in accordance with good planting practice;
 - (i) Dust control shall be used during grading operations if the grading is to occur within 500 feet of an occupied residence or place of business, school, playground, park, cemetery, or place of worship;
 - (j) During construction, temporary erosion and sedimentation control measures will be employed in accordance with the approved plan;
 - (k) During construction, any site access from a paved public way shall be improved with a gravel apron of 15 feet wide and at least 24 feet long to prevent unstable material from being transported onto the street by vehicle tires or by runoff;
 - (l) Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using a siltation barrier, siltation fences, and/or sedimentation traps;
 - (m) Dust control shall be used during grading operations if the grading is to occur within 500 feet of the property line of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water;
 - (n) Permanent erosion control and vegetative measures shall be in accordance with the approved plan; and
 - (o) Where applicable, homeowner's, facility or condominium documents shall provide for the long-term operation and maintenance of all permanent erosion control and stormwater management measures, including surety.
- (2) Based upon the nature of the application the Commission may impose reasonable requirements or limitations to minimize the impacts, if any, on abutting properties or uses.

- (3) Prior to commencement of any land disturbing activity, the applicant shall record the permit with the Registry of Deeds or Registry District of the Land Court, and shall submit to the Commission written proof of such recording.
 - (4) At completion of the project, the owner shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and shall be certified by a professional engineer registered in Massachusetts.
- J. Actions by the Commission.
- (1) The Commission shall act on each application for a permit within 90 days of the date of filing with the Commission and the Town Clerk, unless such application has been withdrawn from consideration.
 - (2) The Commission may take any of the following actions as a result of an application for a stormwater management and erosion control permit as more specifically defined as part of stormwater regulations promulgated as a result of this bylaw: approval, approval with conditions, disapproval, or disapproval without prejudice.
 - (3) A stormwater and erosion control permit may be disapproved if the Commission determines:
 - (a) The requirements of this Bylaw are not met; or
 - (b) The intent of the application is to circumvent other provisions of the Town's Zoning Code and regulations.
 - (4) Appeals of action by the Commission. A decision of the Commission shall be final. Relief of a decision by the Commission made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249. § 4. Such an appeal shall result in revocation of the written approval, until such time as the appeal process has been resolved. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.
- K. Enforcement. The Commission or its authorized agent and the Town of Southborough shall have the power and duty to enforce this bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- (1) Penalties. Any person who violates any provision of this bylaw, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Southborough.
 - (2) Tax liens. The Town of Southborough shall require the repayment of services provided to the responsible party that the responsible party was obligated to perform as set forth in the operation and maintenance plan. If repayment is not made within 30 days, the Town may impose a tax lien on the property of the responsible party or parties.
 - (3) Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, in which case the Conservation Administrator, Conservation Agent or other authorized agent of the Town shall be the enforcing person.
- L. Severability. Any determination that a particular provision or set of provisions in this bylaw is invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this bylaw.

; or do or act anything in relation thereto.

Proposed by: SELECT BOARD; CONSERVATION COMMISSION

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *To insert a **new bylaw** based upon the **amendment of the existing bylaw**. The amendments include, but are not limited to, updating applicability thresholds to be equitable and not unfairly burden homeowners with smaller lot sizes, no longer allow segmentation of projects to stem resident concerns, allow administrative oversight on smaller residential projects to better protect abutting residents from impacts, changing appeals to be handled by Superior Court instead of Zoning Board of Appeals, inclusion of current industry standard data, and update of definitions. If this article does not pass, then the existing (no amendments) bylaw shall remain in effect and unchanged and the previous vote shall be nullified.*

ARTICLE 31: To see if the Town will vote to amend § 174-8.9. WFP Wetland and Floodplain District. of the Town's Zoning Bylaws by replacing the existing bylaw with the following:

§ 174-8.9. WFP Wetland and Floodplain District. [Added 4-12-1993 ATM by Art. 43; amended 4-12-2011 ATM by Art. 32; 4-16-2014 ATM by Art. 19]

A. Statement of Purpose for Flood Resistant Standards

- (1) Ensure public safety through reducing the threats to life and personal injury
- (2) Eliminate new hazards to emergency response officials
- (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- (4) Avoid to loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- (5) Eliminate costs associated with the response and cleanup of flooding conditions
- (6) Reduce damage to public and private property resulting from flooding waters.

B. The Wetland and Floodplain District is considered to be an overlay district. The District includes all special flood hazard areas within the Town of Southborough designated as Zone A, AE, AH, AO, or A99, on the Worcester County Flood Insurance Rate Map (FIRM) dated July 16, 2014 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Department of Public Works.

C. Designation of Community Floodplain Administrator

- (1) The Town of Southborough hereby designates the position of Conservation Agent to be the official floodplain administrator.

D. Permits

- (1) A permit is required for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving, and any other development that might increase flooding or adversely impact flood risks to other properties.
- (2) The town's permit review process includes the requirement that the proponent obtain all local, state, and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlap district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

E. Floodway Encroachment

- (1) Floodway data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

F. Unnumbered A Zones

- (1) In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review, and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

G. Subdivision Proposals

- (1) All subdivision proposals and development proposals in the floodplain overlap district shall be reviewed to assure that:
 - (a) Such proposals minimize flood damage
 - (b) Public utilities and facilities are located and constructed so as to minimize flood damage
 - (c) Adequate drainage is provided

(2) Base Flood Elevation Data for Subdivision Proposals

- (a) When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

H. Recreational Vehicles

- (1) In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulation for foundation and elevation requirements or be on site for less than 180 consecutive days or be fully licensed and highway ready.

I. Watercourse Alterations or Relocations in Riverine Areas

- (1) In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- (a) Adjacent communities, especially upstream and downstream
(b) Bordering States, if affected
(c) NFIP State Coordinator:
(d) Massachusetts Department of Conservation and Recreation NFIP Program Specialist:
Federal Emergency Management Agency, Region I

J. Requirement to Submit New Technical Data

- (1) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

- (a) NFIP State Coordinator:
Massachusetts Department of Conservation and Recreation
(b) NFIP Program Specialist:
Federal Emergency Management Agency, Region I

K. Variances to Building Code Floodplain Standards

- (1) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.
(2) The town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for flood insurance policy covering that property, in writing over the signature of a community official that:
(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 to \$100 of insurance coverage and;
(b) Such construction below the base flood level increases risks to life and property
(3) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlap district.

L. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

- (1) A variance from these floodplain bylaws must meet the requirements set out by the State law, and may only be granted if:
(a) Good and sufficient cause and exceptional non-financial hardship exist;
(b) The variance will not result in additional threats to public safety, extraordinary public expense, or fraud and/or victimization of the public and;
(c) The variance is the minimum action necessary to afford relief

M. Reference to existing regulations

- (1) The Floodplain District is established as an overlay district to all other districts. All development in the District, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40, of the Massachusetts General Laws and with the following:
(a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR).
(b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)
(c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).

(d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

(e) Southborough Wetlands Bylaw & Regulations

(2) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

N. Abrogation and Greater Restriction Section

(1) The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

O. Disclaimer of Liability

(1) The degree of flood protection require by this bylaw is considered reasonable but does not imply total flood protection.

P. Severability Section

(1) If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

Q. The operation of any marijuana establishment as defined in MGL c. 94C, §1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retainer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Actions of 2012 and currently permitted in the Town of Southborough. [Added 4-25-2017 ATM by Art.32]

R. Definitions

DEVELOPMENT Any man-made change to improved or unimproved real estate, including but not limited to building or structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior or;
- (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE Means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY See FLOODWAYSPECIAL FLOOD HAZARD AREA The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30 . [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE For floodplain management purposes, a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

; or do or act anything in relation thereto.

Proposed by: SELECT BOARD; CONSERVATION COMMISSION

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *To amend the existing bylaw to conform with current FEMA requirements for every inland town or city under the National Flood Insurance Program (NFIP) with the assistance of DCR as the State Coordinating Office of the NFIP. The amendments include, but are not limited to, adding the purpose of the bylaw, clarifying who shall retain records, utilizing best known data, definitions, and keeping record of any structure built within a floodplain (which is currently and will continue to be done through an Order of Conditions issued by the Conservation Commission and requires no change of process).*

ARTICLE 32: To see if the Town will vote to adopt as Article V §27-28 of the Town Code the following:

§27-28 Correction of Non-Substantive Scrivener and Formatting Errors

The Town Clerk is authorized to correct typographical, grammatical, numbering and punctuation errors, as necessary, in the Town Code; and the Town Clerk is authorized to make formatting changes as needed for purposes of clarity, form, and consistency. These changes shall not in any way alter the language/intent of the bylaw; or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Select Board Recommendation: Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *This article authorizes the Town Clerk to make non-substantive corrections to the Town Code as needed for purposes of clarity, form, and consistency. These changes shall not in any way alter the language/intent of the bylaw.*

ARTICLE 33: To see if the Town of Southborough will vote to authorize the Select Board 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:

AN ACT GRANTING THE TOWN OF SOUTHBOROUGH THE AUTHORITY TO PROVIDE LEGAL VOTING RIGHTS IN MUNICIPAL ELECTIONS FOR TOWN OF SOUTHBOROUGH RESIDENTS AGED 17 YEARS OLD

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

Notwithstanding the provisions of section 1 of chapter 51 of the General Laws or any other general or special law, rule or regulation to the contrary, any individual aged 17 years old residing in the Town of Southborough, who is ineligible to vote due to age under state law, but who is otherwise eligible to vote under state law, may upon application have their names entered on a list of voters. Such individuals on the list of voters may vote in any election for local offices and local ballot questions in accordance with this Act.

The Town of Southborough is hereby authorized to pass ordinances to implement the purpose of this act subject to all the provisions of the Southborough city charter.

Nothing in this act shall be construed to confer upon local voters the right to vote for any state or federal office or any state or federal ballot questions.

; or do or act anything in relation thereto.

Proposed by: OWEN JAMES NICHOLS-WORLEY, ET AL.

Select Board Recommendation: Support (4-1-0)

Advisory Committee Recommendation: Not Support (2-3-0)

Summary: *This is a Citizen's Petition.*

ARTICLE 34: To see if the Town will vote to amend the Zoning Map, for the properties listed below, by changing the Zoning District and Map boundary from Business Village BV having an existing boundary line 400 feet from Turnpike Rd. to Business Highway BH having boundary line 800 feet from Turnpike Rd. for the following three parcels all of which have frontage on Turnpike Rd.: 84 Turnpike Rd. (Assessor Map 38-10), 88 Turnpike Rd. (Assessor Map 38-11), and 2 Woodland Rd. (Assessor Map 38-12).
Old Farm Buildings Will Be Kept.

(Purpose: These three parcels are not properly zoned, for unknown reasons, probably a historical anomaly. They have a total acreage of about 14 acres, which is far greater than other typical parcels in the adjacent Business Village BV district, where the typical lot size is only a quarter to a half acre per lot. In Fact, the total acreage of these three parcels is greater than the combined acreage of ALL the other parcels in the entire BV district. The most appropriate zoning district for these Parcels is Business Highway BH, which has similar uses to BV but allows larger building sizes. Most other properties which have frontage on Turnpike Rd. are now zoned Business Highway BH, which is the same district intended for these three parcels, so they will fit into the appropriate pattern. The final reason is this: the applicant intends to collaborate with the Conservation Commission and Open Space Preservation Committee, to create a new and continuous public pathway network, which could link the Breakneck Hill open space, passing across

Woodland Rd. to the Sudbury Valley Trustees (SVT) open parcels, and then the Town Forest off Oak Hill Rd. Also, in the other direction, potentially all the way to the Sudbury Reservoir.)

; or do or act anything in relation thereto.

Proposed by: DAVID PARRY, ET AL.

Select Board Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This is a Citizen's Petition.*

ARTICLE 35: We, the undersigned residents of Southborough, direct the Southborough Select Board to install three (3) driver feedback 25 MPH speed limit signs on Parkerville Road north.

Proposed by: PETER LAPINE, ET AL.

Select Board Recommendation: Not Support (Unanimous)

Advisory Committee Recommendation: Not Support (0-4-1)

Summary: *The proposal to improve public safety for Parkerville Road (north) submitted to the Southborough select board, made in March 2022, clearly and unambiguously specified two (2) important elements: 1. Lower the speed limit from 30 MPH to 25 MPH for the entirety of the street from Turnpike Road (route 9) to Main Street (route 30) 2. Erect three (3) driver feedback signs: two (2) on the east side of the street and one (1) on the west side of the street - their detailed locations described in the documentation. MA DOT gave its permission to allow for the specified changes in November 2022. This article provides for the completion of item 2 described above.*

ARTICLE 36: We, the undersigned residents of Southborough, petition the Southborough Advisory Board and the Southborough Select Board to add the following item to their respective agendas:

Add eighteen thousand (18,000) dollars to the Southborough Select Board budget in order to cover the costs associated with installing three (3) driver feedback speed limit signs for Parkerville Road north.

Proposed by: PETER LAPINE, ET AL.

Select Board Recommendation: Not Support (Unanimous)

Advisory Committee Recommendation: Not Support (0-4-1)

Summary: *This is a Citizen's Petition.*

ARTICLE 37: To see if the Town of Southborough will vote to request that the Select Board exercise the Town's option to withdraw without penalty from the Inter-municipal Agreement a draft of which is entitled "Agreement for a Metro West Regional Emergency Communications Center District" per the terms of Section 4 Paragraph A of that agreement, 'Any Town shall have the right to withdraw from this Agreement, by giving written notice in accordance with Section 23 no later than June 1, 2023, and, upon such termination, the terminating Town shall have no further responsibility hereunder.' and to request that the Board not enter into any IMA for similar purpose without first presenting the principal terms to Town Meeting for its recommendation thereupon; or do or act anything in relation thereto.

Proposed by: BONNIE PHANEUF, ET AL.

Select Board Recommendation: Not Support (Unanimous)

Advisory Committee Recommendation: Support (Unanimous)

Summary: *There are substantive changes and omissions to the (IMA) Regional Emergency Communications Center District Agreement, which the Southborough community should be made aware of.*

ARTICLE 38: To see if the Town of Southborough will vote to direct the Select Board to require Emergency Dispatch Services to be in and under the sole control of the Town of Southborough. And further to direct the Select Board to cease and desist any regionalization efforts, unless moving said services out of the Town of Southborough is agreed to by a majority of voters present at a Town Meeting. In addition, no money or incentives from state grants or state

agencies as part of a regionalization process shall be utilized or taken advantage of until Town Meeting voters have approved such usage; or do or act anything in relation thereto.

Proposed by: KYLE DEVINCENT & HEATH WIDDISS, ET AL.

Select Board Recommendation: Not Support (Unanimous)

Advisory Committee Recommendation: Not Support (Unanimous)

Summary: *This article would serve to keep Emergency Dispatch Services in and under the sole control of the Town of Southborough and not as part of any regionalization program.*

ARTICLE 39: To see if the Town of Southborough will vote to authorize the Select board to petition the General Court for a special act amending Chapter 447, Acts of 1991 AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF SOUTHBOROUGH.

Section 5 of chapter 447, Acts of 1991 established a Public Works Planning Board and included the following language conferring authority to appoint the members: "Said board shall consist of five members, three of whom shall be appointed by the moderator or said town and two of whom shall be appointed by the planning board of said town.

The Select Board is authorized and requested to petition the General Court for a special act to change the Section 5, Chapter 447, Acts of 1991 identified above to "Said board shall consist of five members, four of whom shall be appointed by the planning board of said town and one whom shall be appointed by the health department of said town."

; or do or act anything in relation thereto.

Proposed by: PATRICIA BURNS-FIORE, ET AL.

Select Board Recommendation: Not Support (1-4-0)

Advisory Committee Recommendation: Not Support (Unanimous)

Summary: *This adjustment to Chapter 447 will change the appointing authority of the Public Works Planning Board to the Planning Board and (to be amended) Board of Health. Appointments to this board should be under the auspices of multi-person boards who are stakeholders in the types of projects under the jurisdiction of the DPW.*

ARTICLE 40: We recognize and appreciate that on March 10, 2020 The Town of Southborough Selectboard approved a Small Cell (5G) Equipment policy in an effort to maintain local zoning authority. Though the town has instituted said policy, the policy must now be updated to provide science based setbacks from residential homes and schools and include other real property value safeguards for residents. We hereby request The Selectboard take immediate action to minimize future economic, environmental, safety and social risks by addressing gaps in the Small Cell Policy and updating said policy to add science based setbacks. Setbacks at 1640 feet have been demonstrated to be protective of the biological effects of wireless radiation per New Hampshire Commission's official review of peer reviewed scientific studies. Setbacks are the first step in ensuring everyone is protected from Radio Frequency Radiation (RFR),

or do or act anything in relation thereto.

Proposed by: HEIDI DAVIS, ET AL

Select Board Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This is a Citizen's Petition.*

ARTICLE 41: We hereby request that the Town of Southborough send a letter of concern on behalf of residents requesting that the FCC address the 2021 Court's ruling that the FCC must justify its decision-making process regarding its decision not to update its 1996 exposure guidelines. We request that efforts be pursued to address the federal regulatory gap, so that the town and Commonwealth are not misinformed in approving infrastructure on the basis of 1996 guidelines, thereby potentially endangering both the public and the natural environment.

We also ask that the town officials write to Massachusetts' elected state and federal officials and agencies to request that the elected officials and agencies take action to minimize future economic, environmental, safety, and social risks by addressing the Federal regulatory gap regarding wireless infrastructure, including any radio frequency radiation (RFR) emitting infrastructure being installed proximal to homes, schools, and sensitive environments.

,or do or act anything in relation thereto.

Proposed by: HEIDI DAVIS, ET AL

Select Board Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This is a Citizen's Petition.*

ARTICLE 42: To see if the Town will vote to cease all work by the Town on the St Marks Road Project.

EXPLANATION

The project needs to be terminated because it lacks legitimate public purpose. There are three issues.

(1) INTERSECTION. The original justification put forward (by the former Town DPW Superintendent) was that the existing St Marks road intersection was flooding. But this flooding was merely short-lived, shallow ponding, during heavy rain storms. It was caused by St Marks School, quite recently, when they built a stone wall (without permits) within the right-of-way, which blocked the natural flow of water away from the road. This flooding could easily have been solved by St Marks, by simply removing a section of their wall. However, instead the Town DPW installed an expensive underground piped drainage system, under Marlborough Rd.

(2) TRAFFIC. The intersection works fine and has an excellent safety record. It has good sight distance, and no history of serious accidents. It was completely rebuilt in 2005 to allow for larger vehicles. The conclusion is that it does not need to be replaced. (which Project seeks to do).

(3) PARKING LOT. The Town should not be using public funds to build a private parking lot for St. Marks School. They can easily build their own parking lot on their own land, just as exited before this Project began. One question is – Will all the funds spent by the Town so far be wasted if we stop now? The answer is NO, because the drainage system has solved the intersection problem, and the gravel can be re-used by St Marks for its own parking lot. Therefore, St Marks has already benefitted substantially from what has been done so far. Now is the time for the Town to STOP. Enough is enough.

,or do or act anything in relation thereto.

Proposed by: DAVID PARRY, ET AL

Select Board Recommendation: Not Support (Unanimous)

Advisory Committee Recommendation: Not Support (Unanimous)

Summary: *This is a Citizen's Petition.*

ARTICLE 43: To see if the Town of Southborough will vote to request the Select Board and/or Advisory Committee to write to the State Inspector General (IG), informing the IG that Southborough Town Meeting voted to request a forensic investigation of the two Town Departments which managed the St Marks Road Project. These two Departments are the Department of the Town Administrator (DTA), and the Department of Public Works (DPW). Together they were responsible for the Project's planning, financing and management. Town Meeting has voted to reject the Project and believes that a thorough investigation of the Project is needed, to clarify how it was managed and who was responsible. Since the State inspector General does not usually reveal the results of their investigations, and since Town Meeting believes it would benefit from receiving a report of the investigation, THEREFORE Town Meeting requests the Town Advisory Committee to conduct its own investigation, and to report back to Town Meeting.

EXPLANATION

A forensic investigation is the ONLY way to get to the bottom of what went wrong and why. The IG is the appropriate State Agency. The Town Advisory Committee has the following in the Town Bylaw: "The Advisory Committee shall have authority at any time to investigate the books, accounts and management of any department of the town...". The major concerns about management are these: (1) The attempt to spend over \$1million in town funds, to build an entirely new road which is not needed, because the new road will replace an existing road which

has worked fine for decades. (2) The attempt to swap a land parcel now used as a public road and therefore has substantial value, for a privately-owned land parcel now used as lawn grass and therefore has less value than a road. (3) The attempt to build a private parking lot for St Marks School, and have it paid for by the Town. (4) The mis-use of State DOT grant funds in two ways, namely: (A) Spending State funds on non-eligible items. And (B) Spending State funds on private property. In addition, there are many other problems to numerous to mention here.

,or do or act anything in relation thereto.

Proposed by: DAVID PARRY, ET AL

Select Board Recommendation: Not Support (Unanimous)

Advisory Committee Recommendation: Not Support (Unanimous)

Summary: *This is Citizen's Petition.*

And to notify the inhabitants of all Precincts of said Town of Southborough qualified to vote in elections to meet in the gymnasium of the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough on **Tuesday, May 9, 2023**, then and there to bring in their votes to the Election Officers:

Seats available	ELECTED POSITION	Term
1	Board of Assessors	3 years
1	Board of Commissioners of Trust Funds	3 years
1	Board of Health	3 years
2	Board of Trustees Southborough Library	3 years
1	Moderator	1 Year
2	Northborough-Southborough Regional School District Committee <i>NORTHBOROUGH CANDIDATE</i>	3 years
2	Northborough-Southborough Regional School District Committee <i>SOUTHBOROUGH CANDIDATE</i>	3 years
1	Planning Board	5 years
1	Assabet Valley Regional School Committee	1 years
2	Select Board	3 years
2	Southborough School Committee	3 years
1	Southborough School Committee	1 year
1	Town Clerk	3 years


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


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

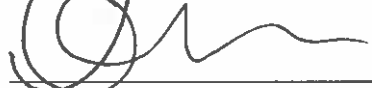
Given under our hand this 7th day of March, 2023.


Kathryn M. Cook, Chair


Chelsea M. Malinowski, Vice-Chair


Lisa M. Braccio


Sam Stivers


Andrew R. Dennington II

SELECT BOARD OF THE TOWN OF SOUTHBOROUGH