

SPECIAL TOWN MEETING WARRANT

WORCESTER, SS.

To either of the Constables of the TOWN OF WESTMINSTER in the County of Worcester, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and in Town affairs, to meet at the

**WESTMINSTER ELEMENTARY SCHOOL
9 ACADEMY HILL ROAD
WESTMINSTER, MASSACHUSETTS
on
THURSDAY, NOVEMBER 29, 2012
AT 7:30 P.M.**

then and there to vote on the following articles:

ARTICLE 1. To see if the Town will vote to amend the vote on Article 8 of the May 5, 2012 Annual Town Meeting (department operating budgets) for the fiscal year beginning July 1, 2012, or act in relation thereto.

ARTICLE 2. To see if the Town will vote to amend the vote on Article 10 of the May 5, 2012 Annual Town Meeting (Water Enterprise operating budget) for the fiscal year beginning July 1, 2012, or act in relation thereto.

ARTICLE 3. To see if the Town will vote to raise and appropriate or transfer a sum of money from available funds to pay any unpaid bills (or portions thereof) from a prior fiscal year, or act in relation thereto. (9/10 vote required)

ARTICLE 4. To see if the Town will vote to transfer a sum of money from Sewer Enterprise Retained Earnings to pay any unpaid bills (or portions thereof) from a prior fiscal year, or act in relation thereto. (9/10 vote required)

ARTICLE 5. To see if the Town will vote to transfer a sum of money from Water Enterprise Retained Earnings to pay any unpaid bills (or portions thereof) from a prior fiscal year, or act in relation thereto. (9/10 vote required)

ARTICLE 6. To see if the Town will vote to transfer a sum of money from Overlay Surplus to the FY2009 Overlay Account, or act in relation thereto.

(Proposed amount: \$52,000)

ARTICLE 7. To see if the Town will vote to transfer a sum of money from the Ambulance Receipts Reserved Account to supplement the amount voted under Article 6 of the November 15, 2011 Special Town Meeting to purchase patient care reporting software for the Town's ambulances, or act in relation thereto.

(Proposed amount: \$10,000)

ARTICLE 8. To see if the Town will vote to transfer a sum of money from available funds to reimburse the Ashburnham-Westminster Regional School District for costs incurred for repairs to the windowsills at the Westminster Elementary School, or act in relation thereto.

(Estimated amount: \$30,000)

ARTICLE 9. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money pursuant to the provisions of Massachusetts General Laws, Chapter 44, §§7 or 8 or any other applicable law, to construct, equip and furnish a new Senior Community Center and to defray all costs associated therewith including but not limited to construction costs, project supervision, any and all professional legal, engineering, and architectural services, materials and the cost of preparing, issuing and insuring any bonds or notes, and to authorize the Treasurer/Collector, with the approval of the Board of Selectmen, to borrow said funds under General Laws Chapter 44, §7 or any other enabling authority and issue bonds and notes therefor; and to authorize the Board of Selectmen to enter into any and all contracts and agreements associated with this project on such terms and conditions as are in the best interest of the Town; provided, however, that no funds voted under this article shall be expended unless the Town has first voted by ballot at an election to approve a debt exclusion referendum question in accordance with General Laws Chapter 59, §21C(k) to exempt such expenditures from the provisions of Proposition 2 ½, so-called, or act in relation thereto.

(Requesting: \$2.5 million)

ARTICLE 10. To see if the Town will vote a) to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise a permanent easement located on North Common Road, at the rear of property located at 100 Town Farm Road, owned by John and Diane Walters, identified on Westminster Assessors' Map 79, Parcel 35, upon such terms and conditions as the Board of Selectmen deem appropriate, for the purpose of locating a water meter pit, and; b) to raise and appropriate or appropriate from available funds a sum of money necessary to pay for such acquisition, for appraisals, for legal expenses and for any other costs or expenses associated therewith, or act in relation thereto. (2/3 vote required)

ARTICLE 11. To see if the Town will vote to accept as a public way the roadway known as Sawin Drive, as heretofore laid out by the Public Works Commission and shown on a plan of land entitled: "Sawin Drive Harrington Heights Subdivision Roadway Acceptance Plan of Land in Westminster, Massachusetts," dated July 12, 2012 with additional details added September 14, 2012, Prepared for: Willoughby Farms, LLC, prepared by Hannigan Engineering, Inc., Civil Engineers & Land Surveyors, 8 Monument Square, Leominster, Massachusetts, and recorded with the Worcester Northern Registry of Deeds in Plan Book 495, Plan 4, a copy of which is on file with the Town Clerk, or act in relation thereto.

ARTICLE 12. To see if the Town will vote to amend the Westminster Zoning Bylaw by:

Amending Article IX, Section 205-39.2, Item B-1: (Wireless Communications Towers and Facilities - Applicability), to modify item a, and add new items c and d, as follows, or act in relation thereto (New text appears as underlined.) (2/3 vote required)

B. Applicability; terminology.

(1) Applicability.

(a) The requirements of this section shall apply to all wireless communications facilities, as well as any material change or proposed change to an existing facility, except where federal or state law or regulations exempt certain users or uses from all or portions of the provisions of this section, and except for public safety providers as set forth in (c) below, and is intended to repeal and supersede any section of the Zoning Bylaw which may conflict with the provisions of this section as they apply to wireless communications towers and facilities, as defined herein.

(b) No wireless communications facility shall be considered exempt from this section by sharing a tower or other structure with such exempt uses.

(c) Waivers: For wireless communication facilities intended for use by local, regional, state and/or federal public safety providers, the Special Permit Granting Authority may waive strict adherence to the requirements of this section (with the exception of the height limitations and required fall zones).

(d) Exemptions: Facilities used by a federally-licensed amateur radio operator ("ham radio"), as referred to in MGL Chapter 40A, Section 3.

ARTICLE 13. To see if the Town will vote to amend the Westminster Zoning Bylaw by adding new language to Article IX, Section 205-39.2, Item B-2: (Wireless Communications Towers and Facilities - Terminology) that will govern the modification of an existing facility, as follows (new text appears as underlined), or act in relation thereto: (2/3 vote required)

MODIFICATION OF AN EXISTING FACILITY — Any material change or proposed change to an existing facility, including but not limited to power input or output, number of antennas, change in antenna type or model, repositioning of antenna(s), removal or replacement of transmission equipment, co-location of new transmission equipment, or change in number of channels per antenna above the maximum number approved under an existing permit or special permit.

ARTICLE 14. To see if the Town will vote to amend the Westminster Zoning Bylaw by amending Article IX, Section 205-39.2.C-1, Item a.4 (Wireless Communications Towers and Facilities – Location of Facilities) to reference three types of locations, not four, as follows (new text appears as underlined, deleted text appears as ~~strikethrough~~), or act in relation thereto: (2/3 vote required)

[4] If adequately demonstrated to the ZBA in the special permit process that each of the ~~four~~ three types of location is not feasible, erection of a new facility which complies with the other requirements of this section and where visual impact can be minimized and mitigated.

ARTICLE 15. To see if the Town will vote to amend the Westminster Zoning Bylaw by amending Article IX, Section 205-39.2.B-2 (Wireless Communications Towers and Facilities - Terminology) to reference an updated map of the Wireless Communications Facilities Overlay District, as follows (new text appears as underlined), or act in relation thereto: (2/3 vote required)

WIRELESS COMMUNICATIONS FACILITIES OVERLAY DISTRICT – All parcels of land shown on the map entitled “Wireless Communications Facilities Overlay District Map”, dated August 2012.

ARTICLE 16. To see if the Town will vote to amend the Westminster Zoning Bylaw by amending Article XII, Section 205-50 (Special Permits) to delete incorrect special permit language and add the correct special permit language as follows (new text appears as underlined, deleted text appears as ~~strikethrough~~), or act in relation thereto: (2/3 vote required)

B. A special permit granted by the Board shall lapse within two years, ~~including such time required to pursue an appeal if one is taken,~~ which shall not include such time required to pursue or await the determination of an appeal if one is taken, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date, except for good cause.

ARTICLE 17. To see if the Town will vote to amend the Westminster Zoning Bylaw by amending Article IX, Section 205.39.3, Item C (Wind Power Bylaw - Definitions) to add a definition for the term “shadow flicker” as follows, or act in relation thereto:

C. Definitions:

SHADOW FLICKER: a repeating cycle of changing light intensity that occurs when shadows caused by the rotating blades of a wind turbine pass over an object or across a window.

ARTICLE 18. To see if the Town will vote to transfer a sum of money from available funds to the Stabilization Fund, or act in relation thereto. (2/3 vote required)

ARTICLE 19. To see if the Town will vote to transfer a sum of money from available funds to the Information Technology and Telecommunications Stabilization Fund, or act in relation thereto. (2/3 vote required)

ARTICLE 20. To see if the Town will vote to transfer a sum of money from available funds to the Capital Equipment and Improvements Stabilization Fund, or act in relation thereto. (2/3 vote required)

ARTICLE 21. To see if the Town will vote to transfer a sum of money from available funds to the Building Maintenance and Repair Stabilization Fund, or act in relation thereto. (2/3 vote required)

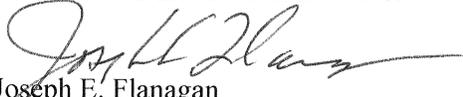
ARTICLE 22. To see if the Town will vote to transfer a sum of money from available funds to the Other Post-Employment Benefits (OPEB) Stabilization Fund, or act in relation thereto. (2/3 vote required)

ARTICLE 23. To see if the Town will vote to transfer a sum of money from available funds to the Road Maintenance Stabilization Fund, or act in relation thereto. (2/3 vote required)

ARTICLE 24. To see if the Town will vote to transfer a sum of money from available funds to balance the budget, or act in relation thereto.

AND YOU ARE DIRECTED to serve this warrant, by posting attested copies thereof at the Town Hall and the U.S. Post Office in said Town, fourteen days at least before the time of holding said meeting.

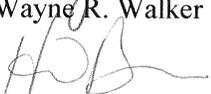
HEREOF FAIL NOT, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this 5th day of November in the year of our Lord two thousand and twelve.



Joseph E. Flanagan



Wayne R. Walker



Heather M. Billings

BOARD OF SELECTMEN