

**SCHOOL DISTRICT SPECIAL MEETING
OCTOBER 11, 2016
Draft Minutes**

A Special School District Meeting was held at the Westford Elementary School on Tuesday, October 11, 2016. Approximately 137 registered voters were present. Moderator Edward Chase called the meeting to order at 7:00 p.m. He reviewed Roberts Rules of Order procedures, recognized nonresidents and read the warning.

Article I: Shall the Westford Town School District convey the 50-acre, more or less, parcel of land located southeasterly of the Westford School, westerly of the Brown's River and northerly of Roger's Brook, as described in a Warranty Deed of Frederick T. Rope and Irene K. Rope, dated March 31, 1972, and recorded in Volume 33, Page 288 of the Town of Westford Land Records, to the Town of Westford for One Dollar (\$1.00)?

Art Woolf made a motion to accept Article I. Seconded by Carol Winfield.

School Board chair, Mark Drapa gave a presentation. The existing school property is comprised of three parcels. Parcel #1 is 14 acres and contains the school building and some of the ball fields, parcel #2 is 15 acres and contains some of the ball fields, and parcel #3 is 50 acres which is mostly wooded, is partially bounded by the Brown's River and contains a network of trails maintained by the Town and used by students and the general public.

The unification with Essex and Essex Town school districts takes effect July 1, 2017. All property, including buildings and land, owned by the Westford School District on that date will transfer to the new school district. In the event the school closes, the building and lands will be offered back to the Town for \$1.00.

The goal is to keep access and usage of the building and land seamless after July 1, 2017 through easements and usage agreements. The easements and usage agreements will be created from a Town perspective as well as a student perspective. From the School Board's perspective, the students' needs should be considered during this process because they use the land surrounding the school for education purposes therefore are part of the equation. Maintenance and safety will need to be addressed through the easements and use agreements.

Easements will ensure that the school will continue to be used as an emergency shelter and access for people to use and maintain the trails. Usage agreements, which are not as rigid as easements, will allow for community uses of the building for elections, rec activities, etc., as well as usage of the fields, will continue in the same fashion as they are now.

Based on feedback from two public meetings that were held, the School Board drafted articles to transfer parcel #2 and parcel #3 to the Town if approved by the voters. These two articles are binding. The School Board drafted two articles to address the easements and usage agreements. These two articles are advisory. The easements and usage agreements will be negotiated with the Town.

Peter Miller called the question. Seconded by Paul Birnholz. Moderator Chase explained that a 2/3 majority is required to cease debate. Seth Jensen raised a point of order and urged voters not to cut off debate because we would be giving up the opportunity to amend the article. The

Moderator called for a vote and declared that the 2/3 majority was not met. Discussion continued.

If this article is approved, Seth Jensen does not want any future transfer of the property be done without first obtaining voter approval. Seth made a motion to amend the article by adding "future transfer of this parcel shall require a public vote of the electorate before the Town can relinquish the property." Seconded by Mark Drapa.

Mark Drapa provided a brief history of transferring property without a public vote. Four years ago, the Selectboard approached the School Board with regard to trading the School's half interest in the 20 acre lot located at the intersection of Old Stage Road and Westford Milton Road for the 20 acre parcel on Brookside Road that abuts the school's property. The purpose being to sell the property to use the proceeds toward the purchase of the Spiller property. The School Board declined. Mark said so if you think this can't happen, it can and almost did.

Grant Thomas asked that in lieu of any possible legal question with Seth's amendment, is there another way to get the intent across without losing the intent of the amendment.

Dave Adams explained the process the Selectboard must follow when selling town owned property. The Town must post a public notice of the sale for 30 days prior to the closing date. The notice provides the voters an opportunity to file a petition to hold a meeting on said sale. At this meeting, the voters decide whether or not to sell the property. He questions whether the amendment is necessary given the process that must be followed.

Judy DeNova pointed out that life is busy, and even with the best intentions, voters could miss the opportunity to vote on the issue. She feels the amendment covers this.

Peter Miller called the question. Seconded by Paul Birnholz. Moderator Chase advised that voters are deciding whether or not to cease debate and vote on the amendment. The vote requires a 2/3 majority. The Moderator called for the vote and declared that majority was met. Debate ceased.

The Moderator then called for a vote on the amendment. The amendment passed.

There was no discussion on the article as amended. The Moderator called for a vote.

Article I passed as amended.

Article II: Shall the Westford Town School District convey the 15-acre, more or less, parcel of land located southerly of the Westford School and easterly of Brookside Road, as described in a Warranty Deed of Frederick T. Rope and Irene K. Rope, dated November 13, 1970, and recorded in Volume 32, Page 82 of the Town of Westford Land Records, to the Town of Westford for One Dollar (\$1.00)?

Ira Allen made a motion to accept Article II. Seconded by Carol Winfield.

Seth Jensen made a motion to amend the article by adding "future transfer of this parcel shall require a public vote of the electorate before the Town can relinquish the property." Seconded by Joan Farmer.

Andre Roy asked if the intent behind the amendment is also for development of land or is it only for conveyance of the property. Moderator Chase replied that it is only on the conveyance of ownership of the property.

Suzanne Blanchard called the question. Seconded by Dave Gauthier. Moderator Chase advised that voters are deciding whether or not to cease debate and vote on the amendment. The vote requires a 2/3 majority. The Moderator called for the vote and declared that majority was met.

The Moderator then called for a vote on the amendment. The amendment passed.

Martha Heath pointed out that if this article is approved and the parcel transfers to the Town, then there will be greater access to the property. Per State Statute, no fire arms and hunting are allowed on school property. If this property is owned by the Town, unless the Town posts the property then hunters will be able to access the property from Brookside Road. She asked if the Town would be willing to post the property for no hunting for people to feel safe when on the property.

Selectboard chair Dave Adams stated that he can't answer this question because the Selectboard has not discussed it.

Joan Farmer asked about safety zones. Barb Peck advised that any municipal building or anything that has to do with a municipal building, including school buses, ball fields, etc., is protected by a safety zone of 500 yards therefore, the Town does not have to post any of the property. A person who enters the safety zone with a firearm will be in violation. Martha Heath pointed out that that the safety zone would not protect kids walking the trails near the river.

Mark Drapa feels parcel #2 should remain with the School District. To him it makes sense for parcel #3 to go to the Town because it abuts and is similar to the lot already owned by the Town. However, he feels parcel #2 is an extension of the school due to its location and the ball fields being partially located on the parcel, therefore should remain with the District. In the past the School District and Town have had problems with contracting services. It took several years to agree on numbers and then it took a couple of years for the invoicing to be straightened out. In his experience, when there are complicated agreements things can get messy. From an administrative, safety and maintenance point of view, Mark feels the Town owning parcel #2 would create problems.

Jennifer Simpson asked if parcel #2 remains with the school, could it then be transferred to the Town for a dollar in the future. The answer was yes.

Julia Andrews asked if Westford voters would decide future votes or would it be the entire Unified Union School District. Mark advised it would be the entire district. Julia pointed out that Westford's voice may not be enough for a vote to pass.

Joe Forbes asked which parcel contains the access road to the camping spot. Mark advised parcel #1. Joe followed up asking if parcel #2 is critical for access to parcel #3. Mark advised that the easements will address access to trails, town property and will include parking.

Carol Winfield asked if parcel #2 is transferred to the Town, can the Town lease the property to the School District and the District would be responsible for maintaining the land and assume

the liability. Mark assumes some type of arrangement could be permissible but he also assumes the Unified School Board may not want to renew the agreement in the future.

Ira Allen is opposed to giving away any real estate, recognizing the possible headaches in developing the use agreements and easements. He wants to be sure the land will be given back to the Town if the School District no longer needs or wants the property. Martha Heath advised that by virtue of the articles of the unification agreement, the School District must offer the property to the Town for one dollar.

Maura O'Brien is not in favor of transferring parcel #2 to the Town. She feels the property is virtually part of the school and there will be complications regarding liability and maintenance if transferred.

Tom Schmidt feels that it makes sense to keep parcel #2 with the school to reduce the number of agreements between the two entities.

Seth Jensen respects the concerns of the Westford School Board but is in favor of transferring parcel #2 to the Town. He pointed out that Westford has one voice out of nine on the Unified School Board. He's concerned of the future of the property if the school is closed. He pointed out that large school districts are not always responsive to small communities.

Wendy Doane agrees with Seth Jensen. This land is ours to own. She feels the 14 acres going with the building to the unified school district is large enough.

Calef Letorney called the question. Seconded by Ilene Chase. Moderator Chase advised that voters are deciding whether or not to cease debate and move to a vote on the article. The vote requires a 2/3 majority. The Moderator declared the majority was met and called for the vote.

Article II passed as amended.

Article III: Shall the Westford Town School District convey easements over, upon and through the 14-acre, more or less, Westford School property at 146 Brookside Road to the Town of Westford for parking; recreational trail access, use, maintenance, repair and replacement; emergency generator operation, maintenance, repair and replacement; and access, parking and use of the Westford School as an emergency shelter?

Dave Gauthier made a motion to accept Article III. Seconded by Matt Wamsganz.

Nanette Rogers made a motion to amend the article by adding "and an official polling place for elections" to the end of the article. Seconded by Suzanne Blanchard. There was no discussion on the motion to amend. The Moderator called for a vote on the amendment. The amendment passed.

Grant Thomas asked if there will be safety protocols included in the easements to protect students. Mark Drapa advised currently there are safety protocols for accessing the building however there is not any protocol in place for accessing the trails. A person would need to break the law in order for there to be any action taken by the School or Town.

Art Woolf called the question. Seconded by Dave Gauthier. Moderator Chase advised that voters are deciding whether or not to cease debate and move to a vote on the article. The vote requires a 2/3 majority. The Moderator declared the majority was met and called for the vote.

Article III passed as amended.

Article IV: Shall the Westford Town School District negotiate with the Town of Westford to establish a use agreement to govern the Westford Town School District's use, maintenance, repair, replacement and improvement of the recreation fields and other recreational facilities on both the 15-acre, more or less, parcel of land located southerly of the Westford School and easterly of Brookside Road, and the 50-acre, more or less, parcel of land located southeasterly of the Westford School, westerly of the Brown's River and northerly of Roger's Brook, which parcels of land are described in two Warranty Deeds of Frederick T. Rope and Irene K. Rope, dated November 13, 1970, and recorded in Volume 32, Page 82, and dated March 31, 1972, and recorded in Volume 33, Page 288, respectively, of the Town of Westford Land Records?

Carol Winfield made a motion to accept Article IV. Seconded by Art Woolf.

Suzanne Blanchard called the question. Seconded by Keith Simpson. Moderator Chase advised that voters are deciding whether or not to move to a vote without discussion. The vote requires a 2/3 majority. The Moderator declared the majority was met and called for the vote.

Article IV passed as written.

Mark Drapa stated his disappointment in there not being much discussion on articles III and IV. The intention behind these articles was to receive feedback from residents. He encouraged attendance at future meetings as the School Board and Selectboard work on the documents.

Ken Tardie made a motion to adjourn. Seconded by Marilyn Thomas. The School District Meeting adjourned at 8:52 p.m.

Respectfully submitted,

Edward Chase
Moderator

Mark Drapa, Chair
School Board

Nanette Rogers
Town Clerk