

COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST BOYLSTON

SEMI-ANNUAL TOWN MEETING WARRANT

MAY 17, 2010

Worcester ss.

To the Constables of the Town of West Boylston.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of West Boylston qualified to vote in elections and Town affairs, to meet in the Auditorium of the Middle/High School in said Town on Monday, May 17, 2010 at 7:00 p.m. in the evening, then and there to act on the following articles.

ARTICLE 1 - AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN

To see if the Town will vote to hear the reports of the officers and standing committees of the town; or take any other action relative thereto.

ARTICLE 2 - AUTHORIZATION TO BORROW IN ANTICIPATION OF REVENUE AND TO ENTER INTO A COMPENSATING BALANCE AGREEMENT WITH A BANK

To see if the Town will vote to authorize the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2011, the period from July 1, 2010 through June 30, 2011, in conformity with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, 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, and to authorize the Treasurer/Tax Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2011 pursuant to Massachusetts General Laws, Chapter 44, Section 53F, or take any other action relative thereto.

**ARTICLE 3 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND FOR
WBPA-TV**

To see if the Town will vote to establish a Revolving Fund for WBPA-TV in conformity with Massachusetts General Laws, Chapter 44 Section 53E½ for the following purposes and subject to the following conditions:

- a) to be used to purchase equipment to further enhance the cable-casting abilities of the town;
- b) to be used to purchase expendable material as needed, such as videotape, batteries, gaffer's tape, lights, etc.;
- c) to be the depository for those receipts submitted to WBPA-TV for the operation of WBPA-TV that have been authorized by the Board of Directors of WBPA-TV, as well as the franchise license fee paid by Charter Communications to the town;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$5,000;
- e) to not be used for any wages or salaries, since WBPA-TV is a volunteer organization; and
- f) to have the Board of Directors of WBPA-TV be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 4 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND FOR
THE BOARD OF HEALTH**

To see if the Town will vote to authorize the Board of Health to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½ for the following purposes and subject to the following conditions:

- a) to be the depository for fees derived from permits issued to licensed sewage haulers in the Town of West Boylston, said fees shall cover the cost of dumping at the Upper Blackstone Water Pollution Abatement District (U.B.W.P.A.D.), plus an administrative charge;
- b) to be the depository for fees derived from plan reviews, inspections, administrative charges and other fees for services rendered by the Board of Health;
- c) to pay the U.B.W.P.A.D. for sewage dumped at its facility in Millbury by sewage haulers licensed in the Town of West Boylston;

- d) to pay Board of Health inspectors and/or agents for services provided for food service, sanitary code compliance, public nuisance, noisome trade inspections; and for percolation and soil testing, septic system design review, septic system installation review, final septic inspection and engineering services;
- e) to fund administrative expenses of the Board of Health, including wage and salary expenses of part-time employees of the Board of Health;
- f) to have a limit on the total amount which may be spent from the Fund in Fiscal Year 2011 set at \$50,000; and
- g) to have the Board of Health be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 5 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND
FOR THE CEMETERY TRUSTEES**

To see if the Town will vote to authorize the Cemetery Trustees to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay the ordinary operating costs of the Cemetery Department including, but not limited to, part-time wages and grave opening costs, and excluding any full-time salaries and wages or elected officials stipends;
- b) to be the depository for all fees collected by the Cemetery Department, exclusive of perpetual care and sale of lots receipts;
- c) to set a limit on expenditures from said fund in Fiscal Year 2011 at \$50,000; and
- d) to have the Cemetery Trustees be the only authority empowered to expend monies from said fund;

or take any action in relation thereto.

**ARTICLE 6 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING
FUND FOR THE COUNCIL ON AGING**

To see if the Town will vote to authorize the Council On Aging to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½ for the following purposes and subject to the following conditions:

- a) to pay for activities related to the Council On Aging programs that were not provided for in the Fiscal Year 2011 operating budget;
- b) to fund the administrative expenses of the Council On Aging including, but not limited to, the wages of part-time employees of the Council On Aging;
- c) to be the depository for fees and donations derived from various fund raising activities collected by the Council On Aging;
- d) to be the depository for revenue and reimbursements from the Worcester Regional Transit Authority (WRTA) and user fees and donations for transportation services provided by the Council On Aging;
- e) to have the Council On Aging be the only authority empowered to expend monies from this fund; and
- f) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$60,000;

or take any other action relative thereto.

**ARTICLE 7 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND
FOR THE PLANNING BOARD**

To see if the Town will vote to authorize the Planning Board to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay agents, attorneys, planners, and engineers of the Planning Board for services provided for permit application and plan review, and consultant services;
- b) to fund administrative and wage expenses of the Planning Board, including wage and salary expenses of part-time employees of the Planning Board;
- c) to be the depository for fees derived from plan review filing fees and all other fees charged by the Planning Board;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$50,000; and
- e) to have the Planning Board be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 8 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND
FOR THE ZONING BOARD OF APPEALS**

To see if the Town will vote to authorize the Zoning Board of Appeals to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay agents, attorneys, planners, and engineers of the Zoning Board of Appeals for services provided for permit application and plan review, and consultant services;
- b) to fund administrative and wage expenses of the Zoning Board of Appeals, including wage and salary expenses of part-time employees of the Zoning Board of Appeals;
- c) to be the depository for fees derived from variance, special permit, comprehensive permit filing fees and all other fees charged by the Zoning Board of Appeals;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$25,000; and
- e) to have the Zoning Board of Appeals be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 9 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND
FOR THE CONSERVATION COMMISSION**

To see if the Town will vote to authorize the Conservation Commission to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay agents, attorneys, planners and engineers of the Conservation Commission for services provided for permit application and plan review, and consultant services;
- b) to fund administrative and wage expenses of the Conservation Commission, including, but not limited to, wage and salary expenses of part-time employees of the Conservation Commission;
- c) to be the depository for fees derived from all Wetland Protection Act filing fees and all other fees charged by the Conservation Commission;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$25,000; and

- e) to have the Conservation Commission be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

ARTICLE 10 - AUTHORIZATION TO RE-ESTABLISH A PARKS, PLAYGROUND AND FIELDS REVOLVING FUND FOR THE PARK COMMISSION

To see if the Town will vote to authorize the Park Commission to establish a Parks, Playground and Fields Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to fund the costs of maintaining and operating the playgrounds, fields and facilities under the jurisdiction of the Park Commission, including the purchase of supplies and services;
- b) to fund the repair and maintenance of playgrounds, fields, parks and park facilities including, but not limited to, the tennis and basketball courts, and playing fields; said activities to be undertaken in coordination with the Department of Public Works and in conformity with all applicable laws and permit requirements;
- c) to fund administrative and wage expenses associated with the administration of the programs of the Park Commission, including wage and salary expenses of the part-time employees of the Parks Commission;
- d) to be the depository for field user fees and donations collected by the Park Commission;
- e) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$50,000; and
- f) to have the Park Commission be empowered to expend monies from this fund;

or take any other action relative thereto.

ARTICLE 11 - AUTHORIZATION TO RE-ESTABLISH A FIRE ALARM REVOLVING FUND FOR THE FIRE DEPARTMENT

To see if the Town will vote to authorize the Fire Department to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to fund the costs of purchasing and installing equipment, as well as the operation and

maintenance associated with the municipal fire alarm system service;

- b) to fund administrative and wage expenses associated with the operation and maintenance of the municipal fire alarm system, including wage and salary expenses of part-time employees of the Fire Department;
- c) to be the depository for fees charged to private property owners for use of the municipal fire alarm system by the Fire Department;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$15,000; and
- e) to have the Fire Chief, be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 12 – AUTHORIZATION TO RE-ESTABLISH A HAZMAT REVOLVING FUND
FOR THE FIRE DEPARTMENT**

To see if the Town will vote to authorize the Fire Department to establish a Revolving Fund in conformity with Massachusetts General Law, Chapter 44, Section 53E ½, for the following purposes and subject to the following conditions:

- a) to fund the costs of purchasing equipment, supplies and services related to Hazardous Material, and other emergencies;
- b) to fund administrative and wage expenses associated with the operation and response to Hazardous Material and other incidents;
- c) to be the depository for fees and payments for services related to the mitigation of Hazardous Materials and other incidents as paid from traffic companies, insurance companies and the like for billable services;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$10,000; and
- e) to have the Fire Chief be the only authority empowered to expend monies from this fund;

or take any action relative thereto.

**ARTICLE 13 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND
FOR VOCATIONAL TRANSPORTATION**

To see if the Town will vote to authorize the School Committee to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay for expenses associated with the transportation of vocational education students;
- b) to be the depository for any revenues derived from vocational student transportation reimbursements;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$25,000; and
- d) to have the School Committee be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 14 - AUTHORIZATION TO RE-ESTABLISH THE SUMMER RECREATION
PROGRAM REVOLVING FUND FOR THE PARK COMMISSION**

To see if the Town will vote to authorize the Park Commission to establish The Summer Program Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to fund the costs of operating the summer recreation programs including the wage and salary expenses of the part-time employees;
- b) to be the depository for summer recreation program user fees and donations collected by the Park Commission;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$50,000; and
- d) to have the Park Commission be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 15 - AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND FOR
RECYCLING**

To see if the Town will vote to authorize the Department of Public Works to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2, for the following purposes and subject to the following conditions:

- a) to pay for expenses associated with the responsible recycling of electronic components that are banned from the waste stream, the environmentally responsible recycling of yard waste by the distribution of compost bins, the environmentally responsible recycling of kitchen waste by the distribution of kitchen scrap pails, environmentally responsible recycling of newsprint and commingled plastics by the distribution of recycling bins and the environmentally responsible recycling of scrap metal;
- b) to be the depository for any revenues derived from the collection of funds for the receipt of electronic components or the sale of compost bins, kitchen scrap pails, recycling bins and scrap metal;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$10,000.00; and
- d) to have the Town Administrator be the only authority empowered to expend monies from this fund;

or take any action relative thereto.

**ARTICLE 16- AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND
FOR PAY-AS-YOU-THROW**

To see if the Town will vote to authorize the Department of Public Works to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2, for the following purposes and subject to the following conditions:

- a) to pay for expenses associated with the purchase of trash bags and the operation of the town's pay-as-you-throw trash program;
- b) to be the depository for any revenues derived from the sale of trash bags;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$130,175.00; and
- d) to have the Department of Public Works be the only authority empowered to expend monies from this fund;

or take any action relative thereto.

**ARTICLE 17- AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND
FOR CELEBRATIONS**

To see if the Town will vote to authorize the Board of Selectmen to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to pay for the expenses and costs necessary for the annual Memorial Day Observance and other Celebrations and Observances as deemed by the Board of Selectmen including, but not limited to, the purchase of supplies and services, excluding full and part time employee salary or wage costs;
- b) to be the depository for all gifts, donations and fees collected by the Town for the sole purpose of financing the costs of the Memorial Day Observance and to be the depository for all gifts, donations and fees collected by the Town for the purpose of financing the costs of other Celebrations and Observances as deemed by the Board of Selectmen;
- c) to set a limit on expenditures from said fund in Fiscal Year 2011 at \$10,000; and
- d) to have the Municipal Assistant or by the Celebrations Committee appointed by the Town Administrator be the only authority empowered to expend monies from said fund.

or take any action in relation thereto.

**ARTICLE 18 – AUTHORIZATION TO RE-ESTABLISH A REVOLVING FUND FOR THE
BEAMAN MEMORIAL LIBRARY**

To see if the Town will authorize the Board of Library Trustees to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2, for the following purposes and subject to the following conditions:

- a) to make expenditures from said fund to pay for any Board of Trustees approved operational expenses of the library;
- b) to be the depository for donations received in support of the library;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$15,000; and

- d) to have the Library Trustees be the only authority empowered to expend monies from said fund;

Or take any other action relative thereto.

ARTICLE 19 – AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE ECONOMIC DEVELOPMENT TASK FORCE

To see if the Town will authorize the Board of Selectmen to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2, for the following purposes and subject to the following conditions:

- a) to make expenditures from said fund to pay for any Town Administrator approved operational expenses of the Economic Development Task Force as well as The Gateway Improvement Project;
- b) to be the depository for donations received in support of economic development and The Gateway Improvement Project;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$15,000; and
- d) to have the Municipal Assistant be the only authority empowered to expend monies from said fund;

Or take any other action relative thereto.

ARTICLE 20 – AUTHORIZATION TO EXPEND FUNDS IN ANTICIPATION OF REIMBURSEMENT OF STATE HIGHWAY ASSISTANCE AID

To see if the Town will vote to accept any and all state highway assistance funds authorized by the state legislature and approved by the Massachusetts Highway Department under the so-called Chapter 90 Highway Assistance Program to be expended for the maintenance, repair and construction of Town roads in anticipation of reimbursement under the direction of the Board of Selectmen and the Town Administrator for work on roads located on the State Aid Primary System as approved by the Massachusetts Highway Department, and further to authorize the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow money from time to time during Fiscal Year 2011, for the period from July 1, 2010 through June 30, 2011, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 6A, or take any other action relative thereto.

**ARTICLE 21 - AUTHORIZATION TO AMEND THE PERSONNEL BYLAW SO AS TO
CREATE THE POSITION OF ADMINISTRATOR/INSPECTOR FOR THE BOARD OF
HEALTH**

To see if the town will vote to create the position of Administrator/Inspector for the Board of Health to be classified at Grade 4 as a non-exempt and to amend Section 5, Part AA of the Personnel Bylaw to read:

- Grade 4.** Administrative Assistant to the Chief of Police
 Administrative Secretary for Streets and Parks
 Administrative Assessors
 Administrator/Inspector for the Board of Health
 Assistant Tax Collector
 Assistant Treasurer
 Dispatcher

or take any other action relative thereto.

**ARTICLE 22 – AUTHORIZATION TO RECLASSIFY BOARD OF HEALTH
SECRETARY TO ADMINISTRATOR/INSPECTOR FOR THE BOARD OF HEALTH**

To see if the Town will vote to change the classification of the Board of Health Secretary Grade 3 to Administrator/Inspector for the Board of Health Grade 4, or take any other action relative thereto.

**ARTICLE 23 – AUTHORIZATION TO AMEND THE PERSONNEL
BYLAW AND TO REVIEW THE CLASSIFICATION AND COMPENSATION
PLAN SO AS TO PROVIDE EMPLOYEES A COST –OF-LIVING PAY
INCREASE (2%)**

To see if the Town will vote to amend Section 5, Part AA. **Classification and Compensation Plan** of the Personnel Bylaw by deleting the currently language and inserting the following:

Non-Exempt Employees – Wage Earning Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	10.78	11.86	12.92	14.04	15.09
2	11.83	13.03	14.20	15.37	15.81
3	12.88	14.15	15.46	16.76	18.07
4	13.93	15.35	16.73	18.14	19.54
5	15.01	16.52	18.02	20.16	21.02

Exempt Employees - Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	25,461.39	28,014.65	30,549.59	34,159.24	35,662.55
COA Director	31,332.46	34,480.14	37,598.75	42,042.96	43,891.95
7					
Children's Librarian	29,046.29	31,903.20	34,848.43	37,745.20	40,647.35
Town Clerk	29,046.29	31,903.20	34,848.43	37,450.20	40,647.35
Assistant Library Director	31,322.46	34,356.30	37,525.52	40,650.58	43,773.49
8					
Building Inspector	23,713.65	26,093.52	28,455.08	30,839.26	33,197.59
9					
Principal Assessor	38,131.79	41,950.36	45,766.77	49,285.96	53,379.13
Town Accountant	38,131.79	41,950.36	45,766.77	49,285.96	53,379.13
10					
Library Director	39,810.63	45,024.81	48,156.33	53,130.36	57,305.37
Treasurer/Tax Collector	44,434.69	48,883.21	53,326.35	57,773.81	62,221.26
11					
Director of Public Works	59,545.25	64,436.38	69,328.57	74,218.62	78,595.00

Non- Exempt Emergency Fire and Medical Services Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	8.64	9.48	10.37	11.22	12.12
2F	12.47	13.70	14.96	16.21	17.46
3F	13.74	15.00	16.25	17.51	18.89
4F	17.17	18.76	20.32	21.91	23.60

24- AUTHORIZATION TO SET THE SALARY OF ELECTED OFFICIALS

To see if the Town will vote to determine and fix what salaries elective officers of the town shall receive for Fiscal Year 2011 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

Moderator	\$ 1.00;
Selectmen	\$ 1.00 each (5 members);
Town Clerk	\$40,647.35 in conformity with

	Section 5 Part AA of the Classification and Compensation Plan of the Personnel Bylaw
Planning Board	\$ 1.00 each (5 members);
Cemetery Trustees	\$ 1.00 each (3 members); and
Municipal Light Board	\$300.00 each (3 members);

or take any other action relative thereto.

ARTICLE 25- AUTHORIZATION TO TRANSFER UNEXPENDED FUNDS FROM FISCAL YEAR 2010 APPROPRIATIONS AND OTHER NECESSARY TRANSFERS TO THE FISCAL YEAR 2010 APPROPRIATIONS

To see if the Town will vote to transfer from available funds or from any unexpended balances of Fiscal Year 2010 appropriations, hitherto made, to Fiscal Year 2010 appropriation accounts; or take any other action relative thereto.

ARTICLE 26 – AUTHORIZATION TO PAY BILLS FROM A PREVIOUS FISCAL YEAR

To see if the town will vote to appropriate a sum of money to pay bills from a previous fiscal year being held by the Finance Director in his capacity as Town Accountant for which no encumbered funds are available, or take any other action relative thereto.

ARTICLE 27 – AUTHORIZATION TO APPROPRIATE MONEY TO THE SEWER ENTERPRISE ACCOUNT FOR FISCAL YEAR 2011

To see if the town will vote to raise and appropriate or transfer from available funds the sum of One Million, Four Hundred Ninety Thousand, Eight Hundred Sixty-Seven Dollars and No Cents (\$1,490,867.00) to the West Boylston Sewer Enterprise Account to be expended by the Board of Selectmen, acting as the Board of Sewer Commissioners, for sewer development, administration, assessment, operation, and maintenance expenses in Fiscal Year 2011 as follows:

Fiscal Year 2011 West Boylston Sewer Department Budget

Administration	-	\$ 113,040
Operations and Maintenance	-	\$ 922,304
Reserve Fund	-	\$ 20,000
Debt and Interest Payments	-	\$ 389,408

Capital Reserve	-	<u>\$ 46,115</u>
Total Budget Appropriation	-	\$ 1,490,867

and to meet said appropriation through:

- (1) the appropriation of One Million One Hundred Thirty Thousand Five Hundred Fifty-Nine Dollars and No Cents (\$1,130,559) from Fiscal Year 2011 Sewer Enterprise Fund User Revenue, and
- (2) the appropriation of Three Hundred Sixty Thousand Three Hundred Eight Dollars and No Cents (\$360,308) from the Fund Balance Reserved For Sewer Betterment Debt Service.

or take any other action relative thereto.

ARTICLE 28 - FISCAL YEAR 2011 OMNIBUS BUDGET APPROPRIATION ARTICLE

To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be necessary to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2011, the period of July 1, 2010 through June 30, 2011, including the costs of public education, debt and interest payments, and providing municipal services; or take any other action relative thereto.

(The proposed draft of the Fiscal Year 2011 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the budget figures for Fiscal Year 2010, and the Town Administrator's recommendations for Fiscal Year 2011.)

ARTICLE 29 – AUTHORIZATION TO APPROPRIATE AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION FOR AMBULANCE BILLING EXPENSES

To see if the Town will vote to appropriate the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) from the Ambulance Receipts Reserved for Appropriation to be expended by the Fire Chief to pay the costs associated with the Fire Department ambulance billing service, or take any other action relative thereto.

ARTICLE 30 – AUTHORIZATION TO APPROPRIATE AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION

To see if the Town will vote to appropriate the sum of Eighteen Thousand Two Hundred Fifty Dollars and No Cents (\$18,250.00) from Ambulance Receipts Reserved For Appropriation to provide stipends for ALS/Paramedic on-call coverage, or take any other action relative thereto.

**ARTICLE 31 – VOTE TO APPROPRIATE FUNDS FOR COMMUNITY PRESERVATION
FUND PROJECTS**

To see if the Town will vote that the following amounts (items A – B) be appropriated from Community Preservation Fund Revenues, or transferred from prior year reserves for Community Preservation purposes or from Debt with each appropriation being treated as a separate item:

Project	Total Appropriation	Source of Appropriation
Appropriations:		
To fund The Goodale Park Project Phase 1A, including costs incidental or related thereto	\$ 618,000	\$218,850.52 Transfer From The CPA Fund Undesignated Fund Balance, \$130,000 Transfer From The FY 2010 CPA Fund Undesignated Budgeted Reserve, \$9,250 Transfer From The CPC FY 2010 Administration Budget Appropriation, \$141,899.48 Appropriated From The FY 11 Estimated CPA Fund Revenues, And \$118,000 From Borrowing As Allowed Under MGL C44B, §11, or any other enabling authority.

or take any other action relative thereto.

**ARTICLE 32 – AUTHORIZATION TO APPROPRIATE FUNDS FROM THE COMMUNITY
PRESERVATION REVENUES**

To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2011, with each item to be considered a separate appropriation:

Appropriations:

From FY 2011 estimated revenues for Committee Administrative Expenses \$ **7,200**

Reserves:

From FY 2011 estimated revenues for Historic Resources Reserve	\$ 21,300
From FY 2011 estimated revenues for Community Housing Reserve	\$ 21,300
From FY 2011 estimated revenues for Open Space Reserve	\$ 21,300

Or take any other action relative thereto.

**ARTICLE 33– APPROPRIATION TO FUND AN ELDERLY
COMMUNITY SERVICES PROGRAM**

To see if the Town will vote to transfer and appropriate, the sum of Eleven Thousand Dollars and No Cents (\$11,000.00) to fund an Elderly Community Services Program for the purpose of providing a payment voucher for services rendered for the departments, boards, and committees of the municipality to resident property owners who have attained the age of sixty (60) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides. Said program shall be subject to the following conditions in addition to any and all eligibility requirements promulgated by the Board of Selectmen:

1. participation in the program shall be limited to elderly residents of the town who own property and are willing and able to provide services to the town;
2. program participants shall receive compensation at the basic minimum wage rate for the Commonwealth of Massachusetts as promulgated by the Department of Labor and Workforce Development, Division of Occupational Safety for each hour of service rendered for a total not to exceed One Thousand Three Hundred Dollars and No Cents (\$1,300) in any calendar year;
3. the Treasurer/Tax Collector shall comply with the wage, tax, and payroll deduction requirements of the state Department of Revenue and the federal Internal Revenue Service, prior to compensating program participants; and
4. program participants who meet the eligibility guidelines established by the Board of Selectmen shall be selected for participation on a first-come-first-served basis;

or take any other action relative thereto.

**ARTICLE 34 – AUTHORIZATION TO EXPEND FUNDS FROM THE CAPITAL
INVESTMENT FUND TO FUND CAPITAL EQUIPMENT**

To see if the town will vote to expend a sum of money from the Capital Investment Fund for the purchase of items as recommended by the Capital Investment Board, or take any other action relative thereto.

ARTICLE 35 – SCHOOL OPERATING BUDGET APPROPRIATION

To see if the town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be necessary to fund any difference between the allocation for the School Department Operations as presented in the Town’s Fiscal Year 2011 Budget and the allocation requested in the School Department Operating Budget as approved by the West Boylston School Committee, or take any other action relative thereto.

ARTICLE 36 – AUTHORIZATION TO APPROPRIATE FUNDS TO FUND REAL ESTATE PERIODIC INSPECTIONS

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Ten Thousand Dollars and No Cents (\$10,000.00) to be used by the Board of Assessors for the purpose of continuation of real estate periodic inspections, or take any other action relative thereto.

ARTICLE 37 – AUTHORIZATION TO APPROPRIATE FUNDS TO FUND PERSONAL PROPERTY PERIODIC INSPECTIONS

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) to be used by the Board of Assessors for the purpose of completing personal property periodic inspections, or take any other action relative thereto.

ARTICLE 38 – AUTHORIZATION TO TRANSFER FUNDS TO THE STABILIZATION FUND

To see if the Town will vote to transfer a sum of money to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 39 – AUTHORIZATION TO RAISE AND APPROPRIATE FUNDS TO THE CAPITAL INVESTMENT FUND

To see if the town will vote to transfer a sum of money to the Capital Investment Fund, or take any other action relative thereto.

ARTICLE 40 - AUTHORIZATION TO PETITION THE LEGISLATURE TO PROHIBIT TEXTING WHILE DRIVING IN THE TOWN OF WEST BOYLSTON

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, banning texting while driving within the Town of West Boylston; provided, however, that the General Court may make clerical or editorial changes of form

only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition and to authorize the Board of Selectmen to approve such amendments; or take any other action in relation thereto.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO PROHIBIT TEXTING
WHILE DRIVING WITHIN THE TOWN'S BORDERS

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

Section 1.

Notwithstanding section 13 of chapter 90 of the General Laws, or any other general or special law to the contrary, a person operating a moving motor vehicle in the Town of West Boylston who, by means of a mobile telephone or an electronic wireless communications device, other than a voice-activated global positioning or navigation system that is permanently affixed to the vehicle, sends, reads, or writes a text message, shall be guilty of a civil automobile law violation as defined in M.G.L. c. 90C, s. 1. As used in this act, a mobile telephone means an electronic wireless device that has an internal feature or function for wireless communications that shall include, but is not limited to talking or listening to another person on the telephone, text messaging, or sending an electronic or text message to another mobile wireless telephone or other electronic communication devices.

Section 2.

Violations of section 1 of this act shall be punished by a fine of one hundred (\$100) dollars for the first offense, two hundred (\$200) dollars for a second offense, and three hundred (\$300) dollars for subsequent offenses committed during any twelve-month period.

Section 3.

Any law enforcement officer with jurisdiction in the Town of West Boylston is authorized to enforce the provisions of this act. Said law enforcement officer may stop the motor vehicle and issue a citation to the operator, but only if the officer observes the violation, as defined in section one, or has reasonable grounds to believe that a violation of section one has been committed, is being committed or is about to be committed. Notwithstanding the provisions of this act, all other administrative enforcement and appeal procedures that apply to chapter 90, section 13 of the General Laws shall apply to this act.

Section 4.

The provisions of this act shall take effect upon its passage.

Or take any other action relative thereto.

**ARTICLE 41 - AUTHORIZATION TO AMEND ARTICLE XVII OF THE GENERAL
BYLAWS**

To see if the Town will vote to amend Article XVII of the General Bylaws as follows:

Delete the following Section 2

These By-laws shall be reviewed at least every five years and made up to date with all amendments, then published in the next printing of the Annual Town Report, the first printing to be in the 1977 Annual Town report.

and insert the following:

“Section 2. The By-laws Committee shall review these By-laws from time to time and at least every five years to assure the By-laws are current, coherent and consistent. The Committee shall report its findings to the responsible board, committee or commission. The Committee shall review all additions, deletions and changes to the By-laws proposed to Town Meeting and may make recommendations to Town Meeting on such additions, deletions and changes.”

And,

Delete the following Section 3 Bylaws Committee

[The By-laws Committee shall consist of the Moderator, the chairman of the Board of Selectmen, the chairman of the Planning Board, the Town Clerk and three members to be appointed by the Board of Selectmen.

The Chairman of the By-laws Committee will be elected by the members of that committee and the Town Clerk will act as secretary of that committee.]

and insert the following:

“Section 3 Bylaws Committee The By-laws Committee shall consist of the Moderator as Chairman, Town Clerk as Secretary, the chairman of the Board of Selectmen, the chairman of the Planning Board, and three registered voters to be appointed by the Board of Selectmen. The method and term of these appointments shall be determined by the Board of Selectmen.”

Or take any other action relative thereto.

**ARTICLE 42 - AUTHORIZATION TO ACCEPT A PARCEL OF PROPERTY ON
LANCASTER STREET**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift or otherwise a parcel of property located on the northwesterly side of Lancaster Street (State Route 110) identified as Parcel 79.01 on Map 131, for drainage purposes, or take any other action relative thereto.

ARTICLE 43 – AUTHORIZATION TO AMEND THE GENERAL BYLAW AMENDMENT

To see if the town will vote to amend Article XII, PUBLIC WAYS AND PROPERTIES by deleting the current language and inserting the following language:

Section 1

No person shall drive, propel, wheel, or draw a vehicle of any kind whatsoever, except for a wheelchair, bicycle, child’s stroller or wagon, or snow blower upon a Town sidewalk.

Section 2

No person shall place, or allow to remain, any vehicle, wood, construction material, gravel, merchandise, trash, snow, ice, basketball hoop nor any other type of obstruction within the limits of any street or upon any sidewalk so as to obstruct the travel thereon in any way.

Section 3

No person shall fasten a horse or other animal to any public place, shade tree, post, pole, or fence. No person shall allow any horse or livestock to travel upon any sidewalk.

Section 4

No person shall place any sign or notice upon any public building, shade tree, fence, street sign, or utility pole under the control of the Town, except with the permission of the Selectmen or other appropriate public agency.

Section 5

No person shall operate a motor vehicle on a public way in the Town of West Boylston at a rate of speed inconsistent with posted speed limits or that endangers public safety or convenience.

Section 6 Private Street Repairs

- a. Requests for repairs to a private street shall be made in writing to the Board of Selectmen by a majority of the owners of property who abut said private street. A list of abutters shall be approved by the Board of Assessors prior to submittal.
- b. All repairs will be done at the sole discretion of the Board of Selectmen.
- c. The cost of all administration, materials, and construction to repair a private street shall be paid by the abutters of said private street in the form of a betterment charge.
- d. Repairs shall be limited to the filling of holes or depressions with suitable materials to make streets passable, the resurfacing or reconstruction of streets with the appropriate materials approved by the Board of Selectmen, and/or the installation of drainage.
- e. The Town of West Boylston shall bear no liability for repairs to private streets under the provision of Chapter 40, Section 6N of the Massachusetts General Laws.

- f. Repairs made pursuant to this by-law shall be limited to the following unaccepted private streets or specified portions thereof:

Alczar Avenue	Howard Avenue
Alhambra Road	Mary Drive
Ardmore Avenue	Oak Avenue
Brayton Road	Oxford Street
Delmar Drive	Princeton Avenue from Longview Street to dead end
Edwards Street	Reed Street
Evergreen Venue	Tobin Lane
Harvard Avenue	Valley Street
	Western Avenue from Prescott Street east to dead end

- g. Roadways under the control of a Condominium Homeowners Association or any private road controlled by a Homeowners Association Agreement shall not be covered by Section 6 of this bylaw.

Section 8 Driveway Permits

Any person wanting private access to a public street for a driveway shall apply in writing to the Board of Selectmen, or its designee, on the form entitled Town of West Boylston Street Access Permit. The Director of Public Works shall review the completed permit request form and the proposed work for compliance with the Town of West Boylston's regulations entitled Driveway Location Rules & Regulations and all standards including West Boylston's Stormwater Regulations for public safety and highway design within fifteen (15) days of receipt. The Director of Public Works shall either 1) approve the permit request form, 2) deny it, or 3) refer it to the Board of Selectmen with a written recommendation.

The Board of Selectmen shall review the referred permit request form, the recommendation of the Director of Public Works, and any other relevant information deemed necessary by the Board of Selectmen including, but not limited to, the recommendations of the Chief of Police and the MassDOT, and shall act upon the permit request within forty-five (45) days of receipt.

The Board of Selectmen shall have the authority to adopt regulations for the implementation of this section.

Section 9 Roadway Opening Permits

No person, corporation, company, or public utility, may test, bore, core, excavate, plane, recycle, alter or otherwise damage any surface within the public right-of-way within the Town of West Boylston including, but not limited to, the paved or unpaved traveled part of the roadway, and other land within the public right-of-way, without first obtaining a Road Opening Permit from the Town of West Boylston's Director of Public Works.

The regulations, fees, fines, specifications, bond and insurance requirements, and permit application requirements shall be defined in the document entitled Town of West Boylston Roadway Opening Permit Regulations.

The Board of Selectmen shall establish said requirements, fees, fines, specifications, bond and insurance requirements, and permit application requirements and may, from time to time, amend or alter the same by vote of the Board of Selectmen after a duly held public hearing.

Section 10

The Board of Selectmen may make parking rules and regulations relative to parking of vehicles and the establishment of handicapped and restricted parking areas, provided that the public is notified in conformity with the requirements of state law including, but not limited to Massachusetts General Laws, Chapter 40, Sections 21D, 22, 22A et al, and ARTICLE XXIII- PUBLIC HEARING AND NOTICE of the General Bylaws.

Or take any other action relative thereto.

ARTICLE 44 - AUTHORIZATION TO PETITION THE LEGISLATURE TO ADOPT A SPECIAL ACT

To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court under the provisions of Section 8 of Article 89 of the amendments to the Constitution of the Commonwealth of Massachusetts, to adopt a special act of legislation as follows:

AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO PROVIDE PROPERTY TAX ABATEMENTS TO "CITIZEN SOLDIERS"

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

Notwithstanding any special or general law to the contrary, the West Boylston Board of Assessors is authorized to grant, retroactive to Fiscal Year 2011, real and personal property tax abatements, up to 100% of the total tax assessed, to our "citizen soldiers" of the Massachusetts National Guard and Reservists on active duty and serving in foreign countries, for the fiscal year in which said military personnel is on active service and serving in foreign countries, subject to eligibility criteria developed by the Board of Assessors. The authority to grant abatements under this act shall expire after fiscal year 2020 unless specifically extended by vote of the West Boylston Board of Selectmen. Further, the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and further, to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action in relation thereto.

And you are directed to serve this Warrant by posting an attested copy thereof at the place of said meeting as aforesaid and at the Post Office in said Town seven (7) days at least before the time of said meeting.

Hereof, fail not, make do return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hands this 21st day of April in the year of our Lord, Two Thousand and Ten.

Kevin M. McCormick, Chairman

Allen R. Phillips, Vice Chairman

Steven J. Quist, Clerk

Christopher A. Rucho, Selectman

John J. O'Brien, Selectman
Board of Selectmen
Town of West Boylston

A true copy attest:

Kim D. Hopewell, Town Clerk

Honorable Board of Selectmen:

I have served this Warrant by posting duly attested copies thereof at the following places:

- Municipal Office Building_____
- West Boylston Middle/High School_____
- West Boylston Post Office_____
- Pruneau's Barber Shop_____
- Municipal Lighting Plant_____
- Beaman Memorial Library_____

Constable

Date

Any resident seeking assistance in participating at town meeting due to any disability are encouraged to contact the Town Clerk's Office at 508.835.6240 in advance of town meeting.