

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEST BOYLSTON
SEMI-ANNUAL TOWN MEETING WARRANT

MAY 16, 2011

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 16, 2011 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 2012, the period from July 1, 2011 through June 30, 2012, 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 2012 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 2012 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 2012 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 2012 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 2012 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 2012 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 2012 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 2012 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 2012 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 2012 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 2012 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 2012 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 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 2012 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 14 - 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 2012 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 15 – 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 2012 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 16 – AUTHORIZATION TO RE-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 2012

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 17 - AUTHORIZATION TO ESTABLISH THE RECREATION PROGRAM
REVOLVING FUND FOR THE PARK COMMISSION**

To see if the Town will vote to authorize the Park Commission to establish The Recreation 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 recreation programs including the wage and salary expenses of the part-time employees;
- b) to be the depository for 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 2012 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 18- 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 2012 set at \$134,024.00; 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 19 – 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 2012, for the period from July 1, 2011 through June 30, 2012, 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 20 – 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	11.00	12.10	13.18	14.32	15.39
2	12.07	13.29	14.48	15.68	16.13
3	13.14	14.43	15.77	17.10	18.43
4	14.21	15.66	17.06	18.50	19.93
5	15.31	16.85	18.38	20.56	21.44

Exempt Employees - Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	25,970.62	28,574.94	31,160.58	34,842.42	36,375.80
COA Director	31,959.11	35,169.74	38,350.73	42,883.82	44,769.79
7					
Children's Librarian	29,627.22	32,541.26	35,545.40	38,500.10	41,460.30
Town Clerk	29,627.22	32,541.26	35,545.40	38,500.10	41,460.30
Assistant Library Director	31,948.91	35,043.43	38,276.03	41,463.59	44,648.96
8					
Building Inspector	24,187.92	26,615.39	29,024.18	31,456.05	33,861.54
9					
Principal Assessor	38,894.43	42,789.37	46,682.11	50,271.68	54,446.71
Town Accountant	38,894.43	42,789.37	46,682.11	50,271.68	54,446.71
10					
Library Director	40,606.84	45,925.31	49,119.46	54,192.97	58,451.48
Treasurer/Tax Collector	45,323.38	49,860.87	54,392.88	58,929.29	63,465.69
11					
Director of Public Works	60,736.16	65,725.11	70,715.14	75,702.99	80,166.90

Non- Exempt Emergency Fire and Medical Services Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	8.81	9.67	10.58	11.44	12.36
2F	12.72	13.97	15.26	16.53	17.81
3F	14.01	15.30	16.58	17.86	19.27
4F	17.51	19.14	20.73	22.35	24.07

ARTICLE 21- 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 2012 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

Moderator	\$ 1.00;
Selectmen	\$ 1.00 each (5 members);
Town Clerk	\$41,460.30 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 22– AUTHORIZATION TO TRANSFER UNEXPENDED FUNDS FROM
FISCAL YEAR 2011 APPROPRIATIONS AND OTHER NECESSARY
TRANSFERS TO THE FISCAL YEAR 2011 APPROPRIATIONS**

To see if the Town will vote to transfer from available funds or from any unexpended balances of Fiscal Year 2011 appropriations, hitherto made, to Fiscal Year 2011 appropriation accounts; or take any other action relative thereto.

**ARTICLE 23 –AUTHORIZATION TO RESTATE THE SEWER BUDGET
FOR FISCAL YEAR 2011**

To see if the town will vote to amend its vote under Article 27 of the May 17, 2010 Annual Town Meeting and to adopt a revised Fiscal Year 2011 sewer budget, or take any other action relative thereto.

**ARTICLE 24 – 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 25 – AUTHORIZATION TO APPROPRIATE MONEY TO THE SEWER
ENTERPRISE ACCOUNT FOR FISCAL YEAR 2012**

To see if the town will vote to raise and appropriate or transfer from available funds the sum of One Million, Five Hundred Twenty Four Thousand, Five Hundred Ten Dollars and No Cents (\$1,524,510.00) 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 2012 as follows:

Fiscal Year 2012 West Boylston Sewer Department Budget

Administration	-	\$ 129,958
Operations and Maintenance	-	\$ 938,192
Reserve Fund	-	\$ 20,000
Debt and Interest Payments	-	\$ 389,450
Capital Reserve	-	<u>\$ 46,910</u>
Total Budget Appropriation	-	\$1,524,510

and to meet said appropriation through:

- (1) the appropriation of One Million One Hundred Sixty-Three Thousand Six Hundred Seventy-Five Dollars and No Cents (\$1,163,675) from Fiscal Year 2012 Sewer Enterprise Fund User Revenue, and**
- (2) the appropriation of Three Hundred Sixty Thousand Eight Hundred Thirty-Five Dollars and No Cents (\$360,835) from the Fund Balance Reserved for Sewer Betterment Debt Service.**

or take any other action relative thereto.

ARTICLE 26 - FISCAL YEAR 2012 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 2012, the period of July 1, 2011 through June 30, 2012, 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 2012 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the budget figures for Fiscal Year 2011, and the Town Administrator's recommendations for Fiscal Year 2012.)

**ARTICLE 27 –AUTHORIZATION APPROPRIATE FUNDS TO THE SCHOOL
OPERATING BUDGET FOR FISCAL YEAR 2012**

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 appears end in the town's Fiscal Year 2012 Budget and the allocation requested in the School Department's Operating Budget as approved by the West Boylston School Committee, or take any other action relative thereto.

ARTICLE 28 – AUTHORIZATION TO APPROPRIATE AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION FOR E.M.S. ADMINISTRATIVE EXPENSES

To see if the Town will vote to appropriate and transfer the sum of Fifty-two Thousand Two Hundred Fifty Dollars and No Cents (\$52,250.00) 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, Paramedic On-Call Stipends and Hospital Medical Direction Services, or take any other action relative thereto.

ARTICLE 29 – AUTHORIZATION TO TRANSFER FUNDS FROM THE SALE OF LOTS ACCOUNT

To see if the town will vote to appropriate and transfer the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) from the Sale of Lots Account for the purpose of paying all costs relative to preparing and resurfacing certain roads of the Mount Vernon Cemetery, or take any other action relative thereto.

ARTICLE 30– APPROPRIATION TO FUND AN ELDERLY COMMUNITY SERVICES PROGRAM

To see if the Town will vote to appropriate and transfer, 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 31 – VOTE TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENT PURCHASES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase capital items, with each appropriation being treated as a separate item, or take any other action relative thereto.

ARTICLE 32 – VOTE TO APPROPRIATE FUNDS FOR PARKS IMPROVEMENTS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase parks improvement and/or safety items, with each appropriation being treated as a separate item, or take any other action relative thereto.

ARTICLE 33 – 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 2012, with each item to be considered a separate appropriation:

Appropriations:

From FY 2012 estimated revenues for Committee Administrative Expenses \$ **7,200**

Reserves:

From FY 2012 estimated revenues for Historic Resources Reserve	\$ 20,700
From FY 2012 estimated revenues for Community Housing Reserve	\$ 20,700
From FY 2012 estimated revenues for Open Space Reserve	\$ 20,700
From FY 2012 estimated revenues for Budgeted Reserve	\$ 18,350

Or take any other action relative thereto.

**ARTICLE 34 – VOTE TO APPROPRIATE FUNDS FOR COMMUNITY
PRESERVATION FUND PROJECTS**

To see if the Town will vote that the following amount be appropriated from Community Preservation Fund Revenues, or transferred from prior year reserves for Community Preservation purposes with each appropriation being treated as a separate item:

	Project	Total Appropriation	Source of Appropriation
	Appropriations:		
A	To Pay Principle and Interest for Previously Voted Goodale Park Restoration Project	\$ 119,350	FY2012 Estimated Revenues

or take any other action relative thereto.

**ARTICLE 35 – AUTHORIZATION TO ESTABLISH AN OTHER POST
EMPLOYMENT BENEFITS (OPEB) TRUST FUND**

To see if the Town will vote to accept the provisions of Chapter 479 of the acts of 2008 (codified as M.G.L. Chapter 32B, Section 20), to provide for the establishment of an “Other Post Employment Benefits Liability Trust Fund” and further, to establish an “Other Post Employment Benefits Liability Trust Fund” to accept for appropriations made to cover the unfunded actuarial liability for retirees’ health care and life insurance benefits or take any other action relative thereto.

**ARTICLE 36 – AUTHORIZATION TO AMEND THE ZONING BYLAWS
SECTION 1.4 NON-CONFORMITY**

To see if the Town will vote to amend the Zoning Bylaws by modifying Section 1.4.C Temporary Use as follows:

By deleting the following:

C. Temporary Use

The Board of Selectmen may permit a non-conforming temporary building or use incidental to the development of a neighborhood; such permit to be issued for an initial period of not more than one year, and for renewal periods of not more than one year.

And inserting:

C. Temporary Use

The Building Inspector may permit a non-conforming temporary building or use, incidental to the development of a neighborhood; such permit to be issued for an initial period of not more than one year, and for renewal periods of not more than one year.

Or take any other action relative thereto.

ARTICLE 37 – AUTHORIZATION TO AMEND THE ZONING BYLAWS TO UPDATE
SECTION 3.10 INCENTIVE ZONING

To see if the Town will vote to update the Incentive Zoning Bylaw to coordinate this section with the newly-adopted Residential Cluster Zoning Bylaw and creation of the West Boylston Housing Production Plan.

The proposed changes will clarify the standards for existing increased housing density, clarify the acceptable areas used for calculation of the density bonus, allow multiple habitable dwellings on existing multi-family zoned lots, add a fees-in-lieu-of-units payment option, and adjust the required timing of construction.

By deleting the current **Section 3.10 Incentive Zoning** and replacing it with the text as follows:

3.10. - INCENTIVE ZONING

3.10. A Purpose

The purpose of this By-law is to encourage new, converted or renovated housing developments, where adequate public services exist, to include a proportion of housing units that are affordable. This bylaw is intended to ensure that such housing is affordable over the long-term and is provided in accordance with the requirements set forth by the Massachusetts Department of Housing and Community Development (“DHCD,” or the successor agency thereto), the West Boylston Master Plan, the West Boylston Housing Production Plan, and the West Boylston Open Space and Recreation Plan.

Accordingly, the provisions of the Section are designed to:

- (1) increase the supply of affordable rental and ownership housing in the Town of West Boylston,
- (2) assist in the achievement of the 10% Affordable Housing threshold established by the Commonwealth in M.G.L. Chapter 40-B, Section 20-23,
- (3) encourage a greater diversity and distribution of housing to meet the needs of residents and employees of the Town of West Boylston.

3.10. B Definitions

Affordable Housing: Housing which is **perpetually** restricted (to the maximum extent legally possible) for sale, lease or rental to low or moderate income households within specific income ranges as defined by this By-law; and at specific prices not exceeding an amount that is deemed Affordable for the subject household, or other standards as may be established pursuant to any Town, state or federal housing program designed to assist very low-, low-, and moderate income households and adopted by the Town of West Boylston.

Affordable Housing Unit (AFU): A dwelling unit that is sold or rented for an amount that is deemed Affordable for a household at or below 70% of the area median income as reported by DHCD or the U.S. Department of Housing and Urban Development (“HUD”). In calculating the price of an

Affordable Unit, no more than 30% of the subject household's income may be devoted to qualifying housing costs.

Dwelling Unit: A single habitable space with facilities which are used, arranged or designed to be occupied for living, sleeping, cooking and eating.

Low or Moderate Income Household: A household that earns no more than 80% of the Area Median Income, as published by DHCD or HUD or the successor agencies thereto.

Very-low-income household: A household having an income less than or equal to fifty (50) percent of the Area Median Income as published by DHCD or HUD or the successor agencies thereto.

3.10. C Applicability

The provisions of this Section shall apply in all zoning districts, where residential use is permitted, but only in areas where adequate public sewerage and public water are available. The applicant shall follow the procedures stipulated in Section 3.6 Site Plan Review, with the Planning Board as the Special Permit Granting Authority (SPGA); or the West Boylston Subdivision Regulations (where applicable). All requirements and procedures must be satisfied before a Building Permit may be issued.

3.10. D Provision of Affordable Units

All AFUs that result from this by-law shall be considered as Local Action Units and shall comply with requirements of the DHCD-Local Initiative Program, or another DHCD program that allows for inclusion of AFUs on the Town's subsidized housing inventory. The following characteristics shall apply to the development:

1. **Density Bonus:** The Planning Board may allow increased density, based on project design and site appropriateness, as follows. Land that is considered wetland, water, or land containing slopes greater than 25% shall not be included in the area used to calculate the density bonus.
 - a) For all developments including a residential component with Single-Family residences the Planning Board MAY allow increased densities no greater than one hundred and fifty (150) percent of the dwelling unit density that is allowed by right under the current zoning bylaw (1.5 units for every unit currently allowed – i.e. a project that is permitted to construct 10 units may construct up to 15 units with a special permit issued under this by-law), provided that a minimum of fifteen (15) percent of the total number of dwelling units are set aside as Affordable Housing Units, as defined hereunder.
 - b) For all developments including a residential component with Multi-Family residences the Planning Board MAY allow increased densities no greater than two hundred (200) percent of the dwelling unit density that is allowed by right under the current zoning bylaw, provided that a minimum of twenty (20) percent of the total number of dwelling units are set aside as Affordable Housing Units.
2. **Dispersion:** Affordable Housing Units shall be dispersed throughout the development so as to ensure a true mix of housing; shall be comparable and indistinguishable from market rate units in the same development; shall have a similar mix of unit sizes proportional to the market rate units; and shall have all rights, privileges and responsibilities accorded to market rate units including access to all non-fee amenities within the development.

3. **Multiple Habitable Buildings per Lot:** Notwithstanding the provisions of Section 4.3, the number of habitable buildings on a lot and the maximum number of dwelling units permitted per habitable building shall be determined by the Planning Board on a case by case basis. This paragraph only applies to parcels located in Zoning Districts where multifamily development is allowed.
4. **Distribution of Affordable Units:** Affordable Units shall be set aside, as a minimum, in compliance with Housing Production Plan and the Housing Needs assessment.
5. **Buffer Requirement:** When multi-family units are proposed, a buffer of at least 30' wide by 8' high vegetated visual buffer must be constructed in areas of the site that border single-residence uses or Zoning Districts.
6. **Relationship to public funding programs:** Developers may participate in public subsidy programs and still meet the requirements of this Section. Such participation will be subject to the approval of the subsidizing agency and to the unit price limitations of the funding program as well as those required by this Section. In case of conflicting price limitations, the lower price requirement shall prevail.
7. **Relationships to other organizations:** In consultation with the West Boylston Housing Partnership, or its successor, and the applicable subsidizing agency, the Planning Board may allow developers to work with a local nonprofit housing provider, to distribute, maintain or operate the units in accordance with the requirements of this section.
8. **Preference for Town residents and persons employed within the Town:** Unless otherwise prohibited by law or the requirements of the Local Initiative Program, not less than seventy percent (70%) of the Affordable Units shall be initially offered to residents of the Town of West Boylston, to persons employed within the Town of West Boylston, and persons who, although not currently residents of the Town, have previously resided in the Town of West Boylston for a minimum of five (5) years.

3.10. E Alternative Methods of Affordability

This bylaw mandates that Affordable Units shall be provided onsite. However in certain exceptional circumstances the Planning Board may, at the formal written request of the applicant and with the support of the Housing Partnership, consider an alternative method of compliance. In granting such authorization, the Planning Board must find that the applicant has demonstrated that building the required Affordable Units on-site would create a significant hardship, or that such alternate method of compliance is in the best interests of the Town. A significant hardship shall be defined as being of such significance that the property cannot physically accommodate the required Affordable Units and/or related requirements, such as height, setbacks or parking due to topographic conditions, other than size, of the property. To have such a request considered, the burden of proof shall be on the applicant, who must make full disclosure to the Town of all relevant information. Approval of the

alternate methods of compliance shall be only for the method described. **The Town may consider these only in rare and exceptional circumstances:**

1. **Fees-in-lieu-of-units:** An applicant may contribute to the established local Affordable Housing Trust Fund to be used for the development of Affordable Housing in lieu of constructing and offering Affordable Units within the locus of the proposed development or at an off-site locus.

(a) Calculation of fee-in-lieu-of-units payment. The applicant for development subject to this bylaw may pay fees in lieu of construction of Affordable Units. For the purposes of this bylaw the fee-in-lieu-of-units of the construction or provision of Affordable Units will be determined as a per-unit cost as calculated from regional construction and sales reports. The Planning Board will make the final determination of acceptable value.

(b) Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of-units payments shall be made according to a schedule set by the Planning Board as a condition of approval.

(c) Creation of Affordable Units. Cash contributions and donations of land and/or buildings made to the Town or its Housing Trust in accordance with this section shall be used only for purposes of providing Affordable Housing for low or moderate income households. Using these contributions and donations, Affordable Housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or Affordable Units within larger developments.

2. **Off-site Location:** With authorization by the Planning Board as described above, Affordable Units may be constructed by the developer on an alternate site. The alternate site must be suitable for residential development, be within the Town of West Boylston, add to the Town's stock of Affordable Housing units and contain an appropriate mix of market-rate and Affordable Housing units. Off-site units shall be comparable in quality, size and type to the market-rate units being created, and include at least one Affordable Housing unit in addition to the number of Affordable Housing units that would have otherwise been provided on-site. Affordable Off-site Units allowed by this Bylaw may be located in an existing structure, provided that their construction constitutes a net increase in the number of dwelling units contained in the structure. Off-site units shall be subject to a schedule set by the Planning Board as a condition of approval.

3.10. F Procedures

All projects shall comply with the procedures described in the Rules and Regulations of the West Boylston Planning Board for Incentive Zoning Special Permits and adopted by the Planning Board under the Home Rule Authority of Article 89 of the amendments to the Massachusetts Constitution, the Zoning Bylaws of the Town of West Boylston and Chapter 40A, Section 9 of the Massachusetts General Laws.

3.10. G Administration and Enforcement

1. **Authority:** The Planning Board shall be the authority to administer and enforce the application and approval process, and oversee construction, in accordance with recommendations from the Housing Partnership, or its successor. The Housing Authority shall

be the enforcement agent regarding issues relative to certification of unit eligibility and implementation of the Housing Plan, following issuance of a final occupancy permit from the Building Inspector.

2. **Legal restrictions:** Affordable Units shall be rented or sold subject to deed covenants, contractual agreements, and/or other mechanisms restricting the use and occupancy, rent levels and sales prices of such units to assure their Affordability in perpetuity. All restrictive instruments shall be subject to prior review and approval by the Planning Board and no occupancy permits may be issued until the Planning Board, in consultation with Town Counsel, issues such approval. All Subdivision and/or Homeowner or Condominium documents and fees shall be subject to review and approval by the Planning Board and the Town Counsel.
3. **Timing of commitments:** All contractual agreements with the Town and other documents necessary to ensure compliance with this Section shall be executed prior to and as a condition of the issuance of a Building Permit or occupancy permit, as may be specified herein.
4. **Timing of construction:** As a condition of the issuance of approval under this Section, the Planning Board may set a time schedule for the construction of both Affordable and market-rate units. When no schedule is specified as a condition of approval, all construction in the development must be completed within five (5) years of the date of approval.
5. **Administration:** The Planning Board may adopt regulations to facilitate the administration of Section 3.10.

3.10. H Conflict with Other By-laws

The provisions of this by-law shall be considered supplemental to existing zoning by-laws. To the extent that a conflict exists between this by-law, and others, the provisions of this by-law shall apply.

3.10. I Severability

In case any paragraph or part of this Section should be for any reason declared invalid or unconstitutional by any court of last resort, every other paragraph or part shall continue in full force and effect.

Or take any other action relative thereto.

ARTICLE 38 – AUTHORIZATION TO AMEND THE ZONING BYLAWS TO UPDATE THE FLOOD PLAIN OVERLAY DISTRICT

To see if the Town will vote to update the Flood Plain Overlay District and adopt the new Worcester County Flood Insurance Rate Map (“FIRM”) and the Worcester County Flood Insurance Report, as of July 4, 2011, in compliance with FEMA’s National Flood Insurance Program.

By deleting the current **Section 2.5 Flood Plain Overlay District** as follows:

2.5 Flood Plain Overlay Districts

A. Flood Plain District

Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in Flood Plain.

The Flood Plain District includes all special flood hazard areas designated as Zone A, A 1-30, on the West Boylston Flood Insurance Rate Maps, (FIRM), and the Flood boundary and Floodway Maps, dated August 2, 1990, on file with the Town Clerk, Planning Board and Building Inspector. These maps are incorporated herein by reference.

B. Development Regulations

The following requirements apply in the Flood Plain District:

1.) With Zone A, where the base flood elevations not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.

2.) In the floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

a.) All encroachments, including fill, new construction, substantial improvements to existing structures, and other developments are prohibited unless certification by a registered professional engineer or architect is proved by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.

b.) Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.

And replacing it with the text as follows:

2.5 Flood Plain Overlay District

A. Statement of purpose

The purposes of the Floodplain District are to:

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 the 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. Floodplain District Boundaries and Base Flood Elevation and Floodway Data

1. Floodplain district boundaries and base flood elevation data

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within West Boylston designated as Zone A, AE, AH, and AO on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within West Boylston are panel numbers 0439E, 0443E, 0444E, 0463E, 0606E, 0607E, 0610E and 0620E dated July 4, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission.

a. Base Flood Elevation and Floodway Data

- 1) **Floodway Data.** In Zones A 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) **Base Flood Elevation Data.** Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

2. Notification of Watercourse Alteration

In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
 Massachusetts Department of Conservation and Recreation
 251 Causeway Street, Suite 600-7700
 Boston, MA 02114-2104
- NFIP Program Specialist

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

C. Use Regulations

1. Reference to Existing Regulations

The Floodplain District is established as an overlay district to all other districts. All Development in the district, including structural and non-structural 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:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas;
- Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetland Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirement for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

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.

2. Other Use Regulations

a. In Zone AE, along watercourses that have a regulatory floodway designated within the Town of West Boylston on the Worcester County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. All Subdivision proposals must be designed to assure that:

- 1) Such proposals minimize flood damage;
- 2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage: and
- 3) Adequate drainage is provided to reduce exposure to flood hazards.

c. Existing contour intervals of site and elevations of existing structure must be included on plan proposal.

d. There shall be a “routing procedure” which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Inspector for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

D. Development Regulations

The following requirements apply in the Flood Plain District:

1. Within Zone A, where the base flood elevations not provided on the FIRM, the Wetland Protection Act regulations require determinate of base flood elevation data by engineering calculations. This information must be supplied to the Building Inspector for utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.
2. In the floodway, designated on the Flood Insurance Rate Maps, the following provisions shall apply:
 - a. All encroachments, including fill, new construction, substantial improvement to existing structures, and other developments are prohibited unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
 - b. Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.

E. Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- Forestry and nursery uses.
- Outdoor recreational uses, including fishing, boating, play areas, etc.
- Conservation of water, plants, wildlife.
- Wildlife management areas, foot, bicycle, and/or horse paths.
- Temporary non-residential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
- Buildings lawfully existing prior to the adoption of these provisions.

F. Definitions

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1 – 30, AE, A99, VE or V.

BASE FLOOD means the flood having a one-percent change of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river 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.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar.) An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also included park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD – see BASE FLOOD.

REGULATORY FLOODWAY – see FLOODWAY.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, 199, V, V1-30, VE.

STRUCTURE means, 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. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas

or liquid storage tank, which is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine, the BFE, use the best available federal, state, local or other data.

ZONE A1-30 and **ZONE AE** (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONES B, C AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

Or take any other action relative thereto.

ARTICLE 39 – 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 40 – 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.

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 27th day of April in the year of our Lord, Two Thousand and Eleven.

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.