

COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST BOYLSTON

**SEMI-ANNUAL TOWN MEETING WARRANT
OCTOBER 15, 2012**

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, October 15, 2012 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 special reports of the officers and standing committees of the town, or take any other action relative thereto.

ARTICLE 2 – AUTHORIZATION TO LEASE MUNICIPAL PROPERTY

To see if the Town will vote, pursuant to G.L. c. 40, § 3, to authorize the Board of Selectmen to lease to Borrego Solar Facilities, Inc. a portion of municipal property located on Paul X. Tivnan Drive and described in a deed recorded with Worcester South District Registry of Deeds in Book 32654, Page 314, for the installation and operation of a solar photovoltaic system, for a term of thirty (30) years from the date on which the system commences commercial operations and on such terms and conditions as approved by the Board of Selectmen, and further to authorize the Selectmen to petition the Massachusetts legislature for approval of such lease under Article 97 of the Articles of Amendments to the Massachusetts Constitution, if such approval is determined to be necessary, or take any other action relative thereto.

ARTICLE 3 – PETITION LEGISLATURE FOR SPECIAL ACT TO TRANSFER FUNDS TO MUNICIPAL BUILDING FUND

“Small Town, Big Heart”

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, transferring into the Municipal Building Fund, without further appropriation, any and all rental payments received by the Town, including, without limitation, any payments in lieu of taxes, pursuant to the lease of a portion of the Town-owned property at Tivnan Drive for the installation and operation of a solar photovoltaic system,; 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 TRANSFER PAYMENTS
IN LIEU OF TAXES TO THE MUNICIPAL BUILDING FUND**

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 the provisions of section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of West Boylston may transfer to the Municipal Building Fund, established pursuant to chapter 79 of the acts of 2010, without further appropriation by town meeting, any and all rental payments received by the town, including, without limitation, payments in lieu of taxes, under the lease entered into by said town of West Boylston for the installation and operation of a solar photovoltaic system on a portion of the town-owned property located on Tivnan Drive in said town, which land is described more particularly in a deed recorded with the Worcester South District Registry of Deeds in book 32654, page 314, with said funds to be expended by the municipal buildings committee in accordance with said chapter 79 of the acts of 2010.

SECTION 2. This act shall take effect upon its passage.

Or take any other action relative thereto.

**ARTICLE 4 -- PETITION LEGISLATURE FOR SPECIAL ACT FOR SEWER
PRIVILEGE FEES**

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, authorizing the assessment of sewer privilege fees for the purpose of accumulating funds for sewer system capital improvements and for the purpose of reducing sewer user charges; 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:

“Small Town, Big Heart”

AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO ASSESS
COMPENSATORY SEWER PRIVILEGE FEES

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 the provisions of Section 3 of Chapter 83 of the General Laws or any general or special law, rule or regulation to the contrary, the town of West Boylston board of sewer commissioners (hereinafter “board” or “sewer commission”), which in this Act shall mean any other board or officer now or hereafter having charge of the repair and maintenance of sewers in the town of West Boylston, may, in its discretion, by permit upon application of the owner, allow land abutting upon a public or private way in which a common sewer has been laid to be connected with such sewer, but shall not be obligated to do so unless sufficient capacity exists at the time of such application and unless such parcel of land has heretofore or hereafter been assessed a sewer betterment or sewer privilege fee, and may limit the use of existing connections to the estimated sewage flow on which such betterment or privilege fee was based.

SECTION 2. Notwithstanding the provisions of Section 3 of Chapter 83 of the General Laws or any general or special law, rule or regulation to the contrary, no owner of land connected to the common sewer shall reconstruct, enlarge, alter or renovate an existing structure on such land or expand, change or alter an existing use of such land without a permit from said board. Said board may, in its discretion, permit continued use of an existing sewer connection, but shall not be obligated to permit continued use of an existing sewer connection for such reconstructed, enlarged, altered or renovated structure or expanded, changed or altered use, unless the estimated flow from such structure or use does not exceed the estimated sewage flow on which a betterment or privilege fee assessed upon such land was based.

SECTION 3. The sewer commission shall assess a sewer privilege fee for all connections to the common sewer or increased use of existing connections that are estimated to generate a sewage design flow calculated for the use of the land under Title 5 of the State Environmental Code published at 310 Code of Massachusetts Regulations 15.203, or replacement regulations having the same purpose, in excess of the sewage design flow assigned to the relevant property at the time of assessment of a betterment assessment or privilege fee upon the relevant property, if any, including without limitation the actual betterment assessed by the board on or about February 9, 2011 to recover the final costs for establishing, developing, and constructing the facilities described in Section 4 of Chapter 20 of the Acts of 1999, unless the sewage flow from the improvements upon the land to be served by such new connection or increased use of an existing connection does not increase above the sewage flow assigned at the time of prior assessment of a betterment or privilege fee for that property.

SECTION 4. The privilege fee shall be assessed at the rate of \$3,825 per equivalent residential unit, that is, per 220 gallons per day of sewage design flow estimated under said Title 5, being the rate assessed as a betterment on or about February 9, 2011.

SECTION 5. All revenue from privilege fees to be assessed hereunder shall be deposited to the sewer enterprise reserve fund maintained by the town of West Boylston under section 53F ½ of chapter 44 of the general laws, without the necessity of appropriation thereto by the legislative body of said town, and may be used by the board, as provided in said section 53F ½ of chapter 44, for capital expenses of the enterprise, subject to appropriation, or to reduce sewer user charges if authorized by the board.

SECTION 6. The provisions of chapter 80 of the general laws, relative to the apportionment, deferral, division, reassessment, abatement and collection of assessments, and to interest, shall apply to privilege fees assessed under this act, as such provisions have been modified by the provisions of sections 2, 3 and 4 of chapter 95 of the acts of 1998.

SECTION 7. All privilege fees assessed by the board after February 9, 2011 pursuant to regulations of the board consistent with the provisions of this act and assessed prior to the effective date of this act are hereby validated and all revenue from such privilege fees received by the town of West Boylston from the effective date of this act shall be deposited to the sewer enterprise reserve fund pursuant to section 5 of this act.

SECTION 8. Notwithstanding the provisions of this act, the board shall continue to have all the powers of sewer commissioners to assess betterments to recover the cost to the town of West Boylston of future sewer system capital projects from those obtaining benefit from such projects pursuant to the provisions of chapters 80 and 83 of the general laws as such provisions have been modified by the provisions of sections 2, 3 and 4 of chapter 95 of the acts of 1998.

SECTION 9. This act shall take effect upon its passage.

**ARTICLE 5 – VOTE TO APPROPRIATE FUNDS FOR COMMUNITY PRESERVATION FUND
PROJECTS AS RECOMMENDED BY THE COMMUNITY
PRESERVATION COMMITTEE**

To see if the Town will vote that the sum of \$11,000 shall be appropriated from Community Preservation Fund Revenues, or transferred from prior year reserves for Community Preservation purposes:

Project	Total Appropriation	Source of Appropriation
Appropriations:		
To Fund for Affordable Housing Purposes: To engage the services of a Community Housing Specialist to assist our community exercise some local control in the area of affordable housing production by evaluating housing data and assessing town needs, whether rental or	\$ 11,000	\$11,000 from the fund balance designated for affordable housing

ownership, monitoring existing affordable housing, and providing technical assistance as a means to preserve the expressed desires of the community.		
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or take any other action relative thereto.

**ARTICLE 6 – VOTE TO AMEND FUNDING SOURCES FOR ARTICLE 15 OF THE
MAY 21, 2012 TOWN MEETING FOR COMMUNITY
PRESERVATION COMMITTEE PROJECT**

To see if the Town will vote to amend the funding source under Article 15 of the May 21, 2012 town meeting to reflect Twenty-five Thousand Six Hundred Fifty-One Dollars and Twenty-three Cents (\$25,651.23) coming out of the fund balance designated for historic preservation, Thirty-four Thousand, Two Hundred Ninety-Eight and Seventy-seven Cents (\$34,298.77) from the undesignated fund balance and Twenty Thousand Dollars and No Cents (\$20,000.00) from the FY13 estimated revenues for Historic Preservation Reserve, or take any other action relative thereto.

**ARTICLE 7– AUTHORIZATION TO TRANSFER OVERLAY SURPLUS FUNDS
PREVIOUSLY RELEASED**

To see if the Town will vote to transfer a sum of money previously released from the Fiscal Year 2011 Overlay Funds to the Fiscal Year 2009 Overlay Account, or take any other action relative thereto.

ARTICLE 8 – AUTHORIZATION TO APPROPRIATE FUNDS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the short-term interest budget line item, or take any other action relative thereto.

**ARTICLE 9 - AUTHORIZATION TO MODIFY FISCAL YEAR 2013 APPROPRIATIONS
AND OTHER NECESSARY
ADJUSTMENTS TO THE FISCAL YEAR 2013 BUDGET**

To see if the Town will vote to raise and appropriate or transfer from available funds or from any unexpended balances of Fiscal Year 2013 appropriations, hitherto made, to Fiscal Year 2013 appropriation accounts; or take any other action relative thereto.

ARTICLE 10 – APPROPRIATE FUNDS FOR MEGA ASSESSMENT

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Three Thousand Four Hundred Forty-Five Dollars and Forty-Eight Cents (\$3,445.48) to pay for an assessment

from the Massachusetts Education & Government Association (MEGA) Property and Casualty Group, Inc., or take any other action relative thereto.

**ARTICLE 11 – APPROPRIATE FUNDS TO THE ECONOMIC DEVELOPMENT
TASK FORCE**

To see if the town will vote to raise and appropriate or transfer from available funds a sum of money to the Economic Development Task Force for the purchase of Gateway Signs, or take any other action relative thereto

ARTICLE 12- 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 now being held by the Finance Director in his capacity as Town Accountant from a prior fiscal year for which no encumbered funds are available; or take any other action relative thereto

ARTICLE 13 – APPROPRIATE FUNDS TO THE UNEMPLOYMENT TRUST

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Unemployment Trust, or take any other action relative thereto.

**ARTICLE 14 – APPROPRIATE FUNDS TO THE GENERAL LIABILITY SELF-INSURANCE
CLAIMS ACCOUNT**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Two Thousand Dollars and No Cents (\$2,000.00) to the General Liability Self-Insurance Claims Account #012-09-45-07740-213, or take any other action relative thereto.

ARTICLE 15 – APPROPRIATE FUNDS FOR VETERANS BENEFITS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for Veterans' Benefits line item, or take any other action relative thereto.

**ARTICLE 16 – APPROPRIATE FUNDS FOR REPAIR OF
PARKS FACILITIES**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the repair of parks facilities, or take any other action relative thereto.

**ARTICLE 17 – 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 18 – AUTHORIZATION TO TRANSFER 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 fourteen (14) days at least before the time of said meeting.

Hereof, fail not, make due 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 26th day of September in the year of our Lord, Two Thousand and Twelve.

Kevin M. McCormick, Chairman

John J. O'Brien, Vice Chairman

Christopher A. Rucho, Clerk

John W. Hadley, Selectman

Michael J. Kittredge, Jr., 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