

COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST BOYLSTON

ANNUAL TOWN MEETING WARRANT

MAY 20, 2002

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 20, 2002 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 2003, the period from July 1, 2002 through June 30, 2003, 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 2003 pursuant to Massachusetts General Laws, Chapter 44, Section 53F, or take any other action relative thereto.

ARTICLE 3 - AUTHORIZATION TO 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 cablecasting 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 2003 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 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 2003 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 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 wages;
- 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 2003 at \$35,000; 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 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 subject:

- a) to pay for activities related to the Council On Aging programs that were not provided for in the Fiscal Year 2003 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 derived from various fund raising activities collected by the Council on Aging;
- d) to have a limit on the total amount to which may be spent from the fund in Fiscal Year 2003 set at \$10,000; and
- e) to have the Council On Aging be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 7 - AUTHORIZATION TO 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, 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 2003 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 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 2003 set at \$10,000; 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 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, 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 2003 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 ESTABLISH A 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 2003 set at \$5,000; and
- e) to have the Board of Fire Engineers be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 11 - AUTHORIZATION TO ESTABLISH A REVOLVING FUND
FOR THE PARK COMMISSION**

To see if the Town will vote to authorize the Park 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 fund the costs of maintaining and operating the municipal swimming pool, as well as the fields and facilities under the jurisdiction of the Park Commission, including the purchase of supplies and services necessary to maintain the pool and facilities;
- b) to fund the costs of operating the summer recreation programs;
- c) to fund administrative and wage expenses associated with the administration and operation 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 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 2003 set at \$50,000; and
- f) to have the Park Commission be the only authority empowered to expend monies from this fund;

and; to rescind the action taken under Article 5 of the July 10, 1978 Special Town Meeting establishing a Recreation and Park Self-Supporting Service Revolving Fund in conformity with the provisions of General Laws, Chapter 44, Section 53D under the control of the Park Commission effective June 30, 2002; and further, to allow the Park Commission to expend funds on deposit in the Recreation and Park Self-Supporting Service Revolving Fund in conformity with said General Laws, Chapter 44, Section 53D, provided that all unexpended funds in the Recreation and Park Self-Supporting Service Revolving Fund as of June 30, 2002 be transferred to the Park Commission Revolving Fund established herein;

or take any other action relative thereto.

**ARTICLE 12 – PERSONNEL BYLAW AMENDMENT RELATIVE TO
CLASSIFICATION OF EMPLOYEES OF THE FIRE DEPARTMENT**

To see if the Town will vote to amend the Personnel Bylaw of the Town Article XXI, Section AA, Part 1. Classification and Compensation Plan Non-Exempt Emergency Fire and Medical Employees as follows:

Delete:

Non-Exempt Emergency Fire and Medical Employees

- Grade 1F.** Call Support Employee

- Grade 2F.** Call Firefighter
Call Firefighter/Emergency Medical Technician (EMT)
Call Firefighter/Paramedic (PAR)

- Grade 3F.** Part-time Firefighter
Part-time Firefighter/Emergency Medical Technician (EMT)
Part-time Firefighter/Paramedic (PAR)
Firefighter/Emergency Medical Technician (EMT)/Clerk
Full-time Firefighter

- Grade 4F.** Firefighter/Paramedic (PAR)/Clerk

- Grade 5F.** Full-time Firefighter/Emergency Medical Technician (EMT)

- Grade 6F.** Full-time Firefighter/Paramedic (PAR)

and add;

- Grade 1F.** Call Support Employee

- Grade 2F.** Call Firefighter
Call Firefighter/Emergency Medical Technician (EMT)
Call Firefighter/Paramedic (PAR)
Part-time Firefighter
Part-time Firefighter/Emergency Medical Technician (EMT)
Part-time Firefighter/Paramedic (PAR)
Full-time Firefighter

- Grade 3F.** Full-time Firefighter/Emergency Medical Technician (EMT)
Full-time Firefighter/Emergency Medical Technician (EMT)/Clerk

- Grade 4F.** Full-time Firefighter/Paramedic (PAR)
Full-time Firefighter/Paramedic (PAR)/Clerk

or take any other action relative thereto.

ARTICLE 13 – AUTHORIZATION TO AMEND THE PERSONNEL BYLAW AND TO

**REVISE THE CLASSIFICATION AND COMPENSATION PLAN SO AS TO PROVIDE
EMPLOYEES A THREE PERCENT (3%) COST-OF-LIVING PAY INCREASE**

To see if the town will vote to amend Section 5, Part AA. **Classification and Compensation Plan** of the Personnel Bylaw as follows:

Delete Part AA as follows:

CLASSIFICATION AND COMPENSATION PLAN

Non-Exempt Employees – Wage Earning Employees

| Grade | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|--------------|---------------|---------------|---------------|---------------|---------------|
| 1 | \$ 9.11 | \$10.03 | \$10.92 | \$11.86 | \$12.76 |
| 2 | \$10.01 | \$11.01 | \$11.99 | \$12.99 | \$13.36 |
| 3 | \$10.89 | \$11.96 | \$13.07 | \$14.16 | \$15.27 |
| 4 | \$11.79 | \$12.97 | \$14.14 | \$15.33 | \$16.51 |
| 5 | \$12.69 | \$13.96 | \$15.23 | \$17.03 | \$17.77 |

Exempt Employees – Salaried Supervisors

| Grade | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|----------------------------|---------------|---------------|---------------|---------------|---------------|
| 6 | | | | | |
| Cemetery Superintendent | \$21,521 | \$23,681 | \$25,824 | \$28,875 | \$30,146 |
| COA Coordinator | \$26,485 | \$29,146 | \$31,783 | \$35,538 | \$37,102 |
| 7 | | | | | |
| Children’s Librarian | \$24,552 | \$26,967 | \$29,457 | \$31,906 | \$34,359 |
| Town Clerk | \$24,552 | \$26,967 | \$29,457 | \$31,906 | \$34,359 |
| Assistant Library Director | \$26,485 | \$29,041 | \$31,721 | \$34,362 | \$37,002 |
| 8 | | | | | |
| Building Inspector | \$20,045 | \$22,056 | \$24,054 | \$26,067 | \$28,062 |
| 9 | | | | | |

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|--------------------|----------|----------|----------|----------|----------|
| Principal Assessor | \$32,233 | \$35,460 | \$38,687 | \$41,661 | \$45,121 |
| Town Accountant | \$32,233 | \$35,460 | \$38,687 | \$41,661 | \$45,121 |

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|-------------------------|----------|----------|----------|----------|----------|
| Library Director | \$33,651 | \$38,059 | \$40,706 | \$44,912 | \$48,442 |
| Treasurer/Tax Collector | \$37,561 | \$41,321 | \$45,078 | \$48,836 | \$52,595 |

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|---------------------------------------|----------|----------|----------|----------|----------|
| Superintendent of Street and Parks | \$45,551 | \$49,686 | \$53,821 | \$57,955 | \$61,653 |
|---------------------------------------|----------|----------|----------|----------|----------|

Non-Exempt Emergency Fire and Medical Services Employees

| Grade | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|--------------|---------------|---------------|---------------|---------------|---------------|
| 1 | \$7.30 | \$8.02 | \$8.76 | \$9.49 | \$10.23 |
| 2 | \$10.54 | \$11.58 | \$12.64 | \$13.70 | \$14.76 |
| 3 | \$11.61 | \$12.68 | \$13.74 | \$14.81 | \$15.96 |
| 4 | \$14.51 | \$15.85 | \$17.17 | \$18.51 | \$19.95 |

and insert the following:

CLASSIFICATION AND COMPENSATION PLAN

Non-Exempt Employees – Wage Earning Employees

| Grade | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|--------------|---------------|---------------|---------------|---------------|---------------|
| 1 | \$ 9.38 | \$10.33 | \$11.25 | \$12.22 | \$13.14 |
| 2 | \$10.31 | \$11.34 | \$12.35 | \$13.38 | \$13.76 |
| 3 | \$11.22 | \$12.32 | \$13.46 | \$14.58 | \$15.73 |
| 4 | \$12.14 | \$13.36 | \$14.56 | \$15.79 | \$17.01 |
| 5 | \$13.07 | \$14.38 | \$15.69 | \$17.54 | \$18.30 |

Exempt Employees – Salaried Supervisors

| Grade | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|--------------|---------------|---------------|---------------|---------------|---------------|
|--------------|---------------|---------------|---------------|---------------|---------------|

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|-------------------------|----------|----------|----------|----------|----------|
| Cemetery Superintendent | \$22,167 | \$24,391 | \$26,599 | \$29,741 | \$31,050 |
| COA Coordinator | \$27,280 | \$30,020 | \$32,736 | \$36,604 | \$38,215 |

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|----------------------------|----------|----------|----------|----------|----------|
| Children’s Librarian | \$25,289 | \$27,776 | \$30,341 | \$32,863 | \$35,390 |
| Town Clerk | \$25,289 | \$27,776 | \$30,341 | \$32,863 | \$35,390 |
| Assistant Library Director | \$27,280 | \$29,912 | \$32,673 | \$35,393 | \$38,112 |

8

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|--------------------|----------|----------|----------|----------|----------|
| Building Inspector | \$20,646 | \$22,718 | \$24,776 | \$26,849 | \$28,904 |
|--------------------|----------|----------|----------|----------|----------|

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|--------------------|----------|----------|----------|----------|----------|
| Principal Assessor | \$33,200 | \$36,524 | \$39,848 | \$42,911 | \$46,475 |
| Town Accountant | \$33,200 | \$36,524 | \$39,848 | \$42,911 | \$46,475 |

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|-------------------------|----------|----------|----------|----------|----------|
| Library Director | \$34,661 | \$39,201 | \$41,927 | \$46,259 | \$49,895 |
| Treasurer/Tax Collector | \$38,688 | \$42,561 | \$46,430 | \$50,301 | \$54,173 |

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|--|----------|----------|----------|----------|----------|
| Superintendent of Streets and Parks | \$46,918 | \$51,177 | \$55,436 | \$59,694 | \$63,503 |
|--|----------|----------|----------|----------|----------|

Non-Exempt Emergency Fire and Medical Services Employees

| Grade | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 |
|--------------|---------------|---------------|---------------|---------------|---------------|
| 1 | \$7.52 | \$8.26 | \$9.02 | \$9.77 | \$10.54 |
| 2 | \$10.86 | \$11.93 | \$13.02 | \$14.11 | \$15.20 |
| 3 | \$11.96 | \$13.06 | \$14.15 | \$15.25 | \$16.44 |
| 4 | \$14.95 | \$16.33 | \$17.69 | \$19.07 | \$20.55 |

or take any other action relative thereto

ARTICLE 14 - 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 2003 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

| | |
|-----------------------|--|
| Moderator | \$ 50.00; |
| Selectmen | \$ 100.00 each (5 members); |
| Town Clerk | \$35,390; in conformity with Section 5 Part AA of the Classification and Compensation Plan of the Personnel Bylaw |
| Planning Board | \$ 100.00 each (5 members); |
| Cemetery Trustees | \$ 100.00 each (3 members); and |
| Municipal Light Board | \$ 300.00 each (3 members); |

or take any other action relative thereto.

ARTICLE 15 - FISCAL YEAR 2003 OMNIBUS BUDGET APPROPRIATION ARTICLE

To see if the town will vote to raise the sum of Fifteen Million, Two Hundred One Thousand, Two Hundred Eighty-seven Dollars and No Cents (\$15,201,287.00) necessary to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2003, the period of July 1, 2002 through June 30, 2003, including the costs of public education, debt and interest payments, and providing municipal services, and to meet said appropriation as follows:

- A. raise and appropriate through the sum of Fourteen Million Seven Hundred Thirty-one Thousand, Six Hundred Twenty Thousand Dollars (\$14,731,620);
- B. transfer the sum of One Hundred Seventy-three Thousand, Eight Hundred Sixty-seven Dollars (\$173,867) from Ambulance Receipts Reserved For Appropriation to the Fire Department Salaries and Wages Account, Budget Line Item # 02-20-5100;
- C. transfer the sum of Sixty Thousand Dollars (\$60,000) from the Wachusett Fund, the so-called Holden Hospital Trust Fund, to the Fire Department Salaries and Wages Account, Budget Line Item # 02-20-5100;
- D. transfer the sum of Four Thousand Dollars (\$4,000) from the Machinery Rental Account to the Streets and Parks Department Purchase of Services Account,

Budget Line Item # 04-20-6200;

- E. transfer the sum of Seventy-five Thousand Dollars (\$75,000) from the Overlay Surplus Account to the Fiscal Year 2003 Library Salaries and Wages Account, Budget Line Item # 06-10-5100;
- F. transfer the sum of Twenty Thousand Dollars (\$20,000) from the Parks Receipts Reserved For Appropriation to the Fiscal Year 2003 Library Salaries and Wages Account, Budget Line Item # 06-10-5100;
- G. transfer the sum of Eight Thousand, Two Hundred Dollars (\$8,200) from the unexpended appropriation balance for air quality testing and engineering study for the Bruce L. Shepard Public Safety Headquarters authorized by action taken under Article 17 of the May 28, 1997 adjourned session of the Semi-Annual Town Meeting to Fiscal Year 2003 Library Salaries and Wages Account, Budget Line Item # 06-10-5100;
- H. transfer the sum of Six Thousand Dollars (\$6,000) from the unexpended appropriation balance for Library relocation expenses associated with the Library Renovation and Expansion Project authorized by action taken under Article 37 of the May 18, 1998 session of the Semi-Annual Town Meeting to Library Salaries and Wages Account, Budget Line Item # 06-10-5100;
- I. transfer the sum of Five Thousand Dollars (\$5,000) from the Fiscal Year 1996 Workers' Compensation Claims Reserve Fund and the sum of Thirty Thousand Dollars (\$30,000) and the sum of Five Thousand Dollars (\$5,000) from the Fiscal Year 1997 Workers' Compensation Claims Reserve Fund for a total of Ten Thousand Dollars (\$10,000) to the Library Books and Library Materials Account, Budget Line Item # 06-10-6300;
- J. transfer the sum of Forty-two Thousand Dollars (\$42,000) from Ambulance Receipts Reserved For Appropriation to the Long Term Debt – Principal Account, Budget Line Item # 07-10-6910 for debt reduction payments for the purchase of a Fire Department Ambulance;
- K. transfer the sum of Five Thousand, Six Hundred Dollars (\$5,600) from Ambulance Receipts Reserved For Appropriation to the Interest On Temporary Loans Account, Budget Line Item # 07-53-6925 for interest payments for the purchase of a Fire Department Ambulance;
- L. transfer the sum of Thirty Thousand Dollars (\$30,000.00) from the Fiscal Year 1996 Workers' Compensation Claims Reserve Fund and the sum of Thirty Thousand Dollars (\$30,000) from the Fiscal Year 1997 Workers' Compensation Claims Reserve Fund for a total of Sixty Thousand Dollars (\$60,000) to the Workers' Compensation Insurance Account, Budget Line Item # 09-12-5170; and

- M. transfer the sum of Five Thousand Dollars (\$5,000) from the Fiscal Year 1996 Workers' Compensation Claims Reserve Fund to the Unemployment Insurance Compensation Account, Budget Line Item # 09-13-5170;

or take any other action relative thereto.

(The proposed Fiscal Year 2003 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the expenditure figures for Fiscal Year 2001, appropriation figures for Fiscal Year 2002, and the Town Administrator's recommendations for Fiscal Year 2003.)

ARTICLE 16- AUTHORIZATION TO APPROPRIATE MONEY TO THE SEWER ENTERPRISE ACCOUNT

To see if the town will vote to appropriate the sum of Seven Hundred Eighty-three Thousand, Nine Hundred Eighty Dollars and No Cents (\$783,980.00) to the West Boylston Sewer Enterprise Account to be expended by the Board of Selectmen, acting as the Board of Sewer Commissioners for sewer system development, administration, assessment, operation, and maintenance expenses in Fiscal Year 2003 as follows:

Fiscal Year 2003 West Boylston Sewer Department Budget

| | | |
|--|---|--------------------------|
| Administration | - | \$ 117,696 |
| Engineering | - | \$ 4,500 |
| Operations and Maintenance | - | \$ 376,605 |
| Debt and Interest Payments | - | <u>\$ 285,179</u> |
| Total Budget Appropriation | - | \$ 783,980 |
| Less Sewer Betterment Revenue | | |
| Reserved for Construction Debt Payments | - | \$ 285,179 |
| Less Sewer Use Revenue | - | <u>\$ 224,227</u> |

**Town Contribution
(Stabilization Fund)**

-

\$ 274,574

and to meet said appropriation through:

- (1) the transfer of Two Hundred Eighty-five Thousand, One Hundred Seventy-nine Dollars (\$285,179) from Sewer Betterment Revenue Reserved for Construction Debt Payments,
- (2) the appropriation of Two Hundred Twenty-four Thousand, Two Hundred Twenty-seven Dollars (\$224,227) from Fiscal Year 2003 Sewer Enterprise Fund User Revenue, and
- (3) the transfer of Two Hundred Seventy-four Thousand, Five Hundred Seventy-four Dollars from the Stabilization Fund (\$274,574) provided that any unexpended balance of the Stabilization Fund transfer be closed out to the Stabilization Fund at the end of Fiscal Year 2003; or take any other action relative thereto.

ARTICLE 17 – 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 2003, for the period from July 1, 2002 through June 30, 2003, 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 18 – APPROPRIATION TO FUND AN ELDERLY COMMUNITY SERVICES PROGRAM

To see if the town will vote to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) 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. program participants may agree in writing prior to participating in the program to receive compensation in the form of a voucher to be presented to the Treasurer/Collector to be applied to the real estate obligations of the participant for the property in which the participant resides;
4. 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 or applying the net amount of wages earned to the real estate tax obligations of the participants; and
5. program participants who meet the eligibility guidelines established for the program by the Board of Selectmen shall be selected for participation in the program on a first-come-first-serve basis;

or take any other action relative thereto.

ARTICLE 19 - APPROPRIATION TO FUND TRAINING AND EQUIPMENT FOR SEVEN NEW FIREFIGHTERS

To see if the town vote to appropriate the sum of Twenty-Two Thousand Dollars and No Cents (\$22,000.00) to be used by the Fire Department to fund training and equipment for seven new firefighters, and to meet said appropriation by transferring the amount of Twenty-Two Thousand Dollars and No Cents (\$22,000.00) from the Stabilization Fund, provided that any unexpended balance as of June 30, 2003 be transferred back to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 20 – APPROPRIATION TO FUND THE PURCHASE OF A PARK TRACTOR AND LAWN MOWER

To see if the town vote to appropriate the sum of Twenty-three Thousand Dollars and No Cents (\$23,000.00) to be expended by the Streets and Parks Department to purchase a park maintenance equipment, including an eleven foot wing-rotary mower, a riding mower, a hand

lawn mower, a hand weed cutter and hand brush cutters, and to meet said appropriation by transferring the amount of Twenty-three Thousand Dollars and No Cents (\$23,000.00) from the Capital Investment Fund, provided that any unexpended balance as of June 30, 2003 be transferred back to the Capital Investment Fund, or take any other action relative thereto.

ARTICLE 21 - AUTHORIZATION TO APPROPRIATE FUNDS NECESSARY TO COMPLETE THE COMPREHENSIVE PLAN AND TO DEVELOP A MUNICIPAL FACILITY PLAN

To see if the town will vote to appropriate the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) to be expended by the Town-Wide Planning Committee for the purposes of completing the West Boylston Comprehensive Plan, a so-called master plan, and developing a comprehensive municipal facility plan for Town Meeting approval; and to meet said appropriation by transferring the amount of Twenty-five Thousand Dollars and No Cents (\$25,000.00) from the Stabilization Fund, provided that any unexpended balance as of June 30, 2003 be transferred back to the Stabilization Fund; or take any other action relative thereto.

ARTICLE 22 – AUTHORIZATION TO APPROPRIATE FUNDS TO UPGRADE AND REPAIR THE MIXTER MUNICIPAL OFFICE BUILDING HEATING AND HEATING FUEL DELIVERY SYSTEMS

To see if the town will vote to appropriate the sum of Forty Thousand Dollars and No Cents (\$40,000.00) to be expended by the Board of Selectmen for expenses necessary to upgrade the heating and heat fuel delivery system of the Mixter Municipal Office Building, 120 Prescott Street, including: design and engineering services, heating system repairs, heating fuel tank improvements, removal and replacement or installation of gas utility service, and other necessary expenses; and to meet said appropriation by transferring the amount of Forty Thousand Dollars and No Cents (\$40,000.00) from the Stabilization Fund, provided that any unexpended balance as of June 30, 2003 be transferred back to the Stabilization Fund; or take any other action relative thereto.

ARTICLE 23 - AUTHORIZATION TO ENTER INTO A MULTI-YEAR CONTRACT FOR INTERMUNICIPAL DISPATCH AND PUBLIC SAFETY COMMUNICATIONS DEPARTMENT WITH THE TOWN OF STERLING

To see if the town will vote to authorize the Board of Selectmen to enter into a multi-year intermunicipal agreement with the Town of Sterling in conformity with the provisions of Massachusetts General Laws, Chapter 40, Section 4A for a term of five years, that may be renewed upon mutual agreement for additional terms of five years so as to establish an intermunicipal dispatch and public safety communications department for the delivery of dispatch and public safety communication services to the Towns of Sterling and West Boylston,

subject to the condition that the maximum financial obligations under any such intermunicipal agreement shall be an amount not to exceed the annual town meeting appropriations for such purposes; or take any other action relative thereto.

ARTICLE 24 – APPROPRIATION TO FUND EXPENSES RELATED TO THE ESTABLISHMENT OF A REGIONAL DISPATCH CENTER

To see if the town vote to appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to be used to be expended by the Board of Selectmen to fund costs associated with the establishment of a regional dispatch center with the Town of Sterling, including, but not limited to, expenses necessary for the relocating communication and computer equipment to the new dispatch center and the purchase of public safety equipment and services associated with the intermunicipal dispatch initiative, and excluding salaries and wages of municipal employees; and to meet said appropriation by transferring the amount of Thirty Thousand Dollars and No Cents (\$30,000.00) from the Stabilization Fund, provided that any unexpended balance as of June 30, 2003 be transferred back to the Stabilization Fund; or take any other action relative thereto.

ARTICLE 25 – AUTHORIZATION TO ESTABLISH AN INTERMUNICIPAL DISPATCH AND PUBLIC SAFETY COMMUNICATIONS CENTER WITH THE TOWN OF STERLING

To see if the town will vote to authorize the Board of Selectmen and the Town Administrator to establish an intermunicipal dispatch and public safety communications center for the delivery of dispatch and public safety communication services to the Towns of Sterling and West Boylston, and further to authorize the Board of Selectmen to enter into an intermunicipal agreement by and between the Towns of Sterling and West Boylston in conformity with the requirements of Massachusetts General Laws, Chapter 40, Section 4A for the purpose of establishing said intermunicipal dispatch and public safety department, and use any funds appropriated for the salaries, wages and expenses of the Public Safety Communications Center, Budget Line Items #02-35-5100, #02-35-6200, #02-35-6300, #02-35-6400, #02-35-6700, #02-35-6800, #09-11-5170, #09-12-5170, #09-14-5170, #09-15-5170, #09-16-5170, #09-45-6740 under Article 14 of the May 21, 2002 Semi-Annual Town Meeting for the direct expenses of the intermunicipal dispatch and public safety communications center, subject to the requirements and restrictions of line item appropriation as provided for in statute; or take any other action relative thereto.

ARTICLE 26 – AUTHORIZATION TO APPROPRIATE FUNDS TO UNDERTAKE A FEASIBILITY AND MANAGEMENT STUDY OF THE FIRE DEPARTMENT AND AMBULANCE SERVICE TO DETERMINE WHETHER OR NOT IT IS ADVANTAGEOUS FOR THE TOWN TO PRIVATIZE AMBULANCE SERVICE AND REVIEW THE ORGANIZATIONAL STRUCTURE OF FIRE DEPARTMENT

To see if the town will vote to appropriate the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) to be expended by the Board of Selectmen to fund costs to undertake a feasibility and management study of the Fire Department and its ambulance service to determine whether or not it is advantageous for the Town of West Boylston to privatize the ambulance service, and to develop recommendations relative to the management and organizational structure of the Fire Department and the delivery of fire suppression, emergency management, emergency medical and other services provided by the Fire Department, and to provide a report with related recommendations to the May 19, 2003 Semi-Annual Town Meeting; and to meet said appropriation by transferring the amount of Twenty-five Thousand Dollars and No Cents (\$25,000.00) from the Stabilization Fund, provided that any unexpended balance as of June 30, 2003 be transferred back to the Stabilization Fund; or take any other action relative thereto.

ARTICLE 27 – AUTHORIZATION TO TRANSFER MONEY TO FY 2003 WORKERS’ COMPENSATION CLAIMS RESERVE

To see if the town will vote to appropriate a sum of money to the Fiscal Year 2003 Workers’ Compensation Claims Reserve Fund in conformity with the provision of Massachusetts General Laws, Chapter 40, Section 13C, and to meet said appropriation by transferring the said amount from the Fiscal Year 2003 Workers’ Compensation Insurance Account, Budget Line Item #09-12-5170; or take any other action relative thereto.

ARTICLE 28 – AUTHORIZATION TO TRANSFER FUNDS TO THE UNEMPLOYMENT COMPENSATION FUND

To see if the town will vote to transfer the amount of Five Thousand Dollars and No Cents (\$5,000.00) from the Fiscal Year 2003 Unemployment Insurance Compensation Account, Budget Line Item #09-13-5170 to the Unemployment Compensation Fund; or take any other action relative thereto.

ARTICLE 29 – AUTHORIZATION TO TRANSFER UNEXPENDED FUNDS FROM FISCAL YEAR 2002 APPROPRIATIONS AND OTHER NECESSARY TRANSFERS TO THE FISCAL YEAR 2002 APPROPRIATIONS

To see if the town will vote to transfer from available funds or from any unexpended balances of

Fiscal Year 2002 appropriations, hitherto made, or other available funds, to Fiscal Year 2002 appropriation accounts; or take any other action relative thereto.

ARTICLE 30 – ACCEPTANCE OF THE PROVISIONS OF SECTION 114 OF THE MASSACHUSETTS GENERAL LAWS CHAPTER 159

To see if the town will accept the provisions of Section 114 of Massachusetts General Laws Chapter 159 establishing a minimum fair cash value for personal property to be assessed for taxation, or take any other action relative thereto.

ARTICLE 31 – ACCEPTANCE OF THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 59, SECTION 5 (17E)

To see if the town will accept the provisions of Section 5 (17E) of Massachusetts General Laws Chapter 59, establishing an adjusted asset limitation for Clause 17 Exemptions for senior citizens, surviving spouses and minors by the cost of living increase determined by the Commissioner of the Department of Revenue, or take any other action relative thereto.

ARTICLE 32 – ACCEPTANCE OF THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS CHAPTER 59, SECTION 5 (41D)

To see if the town will accept the provisions of Section 5 (41D) of Massachusetts General Laws Chapter 59, establishing an adjusted income and asset limits for Clause 41 Exemptions for Senior Citizens, by the Cost of Living Increase determined by the Commissioner of the Department of Revenue, or take any other action relative thereto.

ARTICLE 33 – AUTHORIZATION TO AMEND TOWN BYLAWS TO ALLOW THE BOARD OF SELECTMEN TO BETTER CONTROL GROUP HEALTH INSURANCE AND RETIREMENT COSTS

To see if the town will vote to amend the Town Bylaws to add the following paragraph to Article 1, Town Meetings and Elections, Section 6, or take any other action relative thereto:

“All department heads, elected and appointed boards and committees, except the School Committee, will provide to the Town Administrator, prior to April 1 of each year, a list of all positions to be filled for the next fiscal year indicating the number of hours to be worked by each such employee indicating those working less than twenty (20) hours and those working twenty (20) or more hours. Those working less than twenty (20) hours per week will not be entitled to

retirement or health insurance benefits in conformity with the provisions of Massachusetts General Laws, Chapter 32 and 32B, and the cost of such benefits will therefore not be included in the next fiscal year's appropriation for retirement and health insurance costs. The School Committee will provide to the Town Administrator, prior to April 15th each year, the number of positions eligible for retirement and health insurance benefits and the total cost of health and retirement benefits for all of the school employees for the next fiscal year. All such information is to be used to calculate the amount required to be included in the line item for health and retirement benefits. Once the amount required to fund retirement and health benefits for all town and school employees has been calculated and appropriated by Town Meeting, there will be no increase made in hours of part-time employees that would increase their eligibility for retirement or health benefits unless the proponent secures a vote from Town Meeting to increase the appropriate line item to fund such increases.”

or take any other action relative thereto.

ARTICLE 34 – AUTHORIZATION TO AMEND ZONING BYLAWS

To see if the Town will revise the Site Plan Review regulations (*changes are italicized*), Section 3.6 (Site Plan Review), to maintain consistency, to reduce one of the thresholds for applicability, specify shorter review times, clarify necessary contents and fees, clarify applicable design standards, clarify inspection process, and clarify supervisory needs by adopting the following set of site plan review regulations to replace Section 3.6 (Site Plan Review) of the Zoning By-Laws:

Section 3.6 - Site Plan Review

A. Purpose:

The purpose of the Site Plan Review By-law hereby established is to protect the safety, public health, convenience and general welfare of the inhabitants of the town by ensuring that the design and layout of certain developments permitted by right or by special permit will constitute suitable developments and will not result in a detriment to the neighborhood or the environment.

B. Scope - Projects Requiring Site Plan Review:

1. New construction or exterior expansion of any non-residential building or multi-family dwelling *containing more than four (4) units*. “Expansion” shall include a floor space increase of *5,000 square feet*, or a floor space increase of 25% or more within any ten (10) year period, whichever is less.
2. The construction or enlargement of any multi-family dwelling containing more than four (4) units, or buildings accessory to such dwellings, including such dwellings on contiguous lots under the same ownership.

3. The construction, rehabilitation, or change of use of a building involving fifteen (15) or more parking spaces.
4. The construction or renovation of parking facilities involving fifteen (15) or more spaces, with the exception of normal maintenance.
5. Any use designated “SPR” in Section 3.2, “Schedule of Use Regulations”.

C. Procedure:

1. Preliminary Site Plan:

A Preliminary Plan may be submitted to the Planning Board and any waivers concerning the required content may be requested at this time. The Planning Board shall act on any waiver requests submitted with the Preliminary Plan within thirty (30) days.

2. Submittal of Site Plan:

a. An applicant for a Site Plan Review under this section shall file with the Planning Board *twelve (12)* copies of the site plan (drawn at a scale of 1” = 20’, or other approved scale) accompanied by a completed Site Plan Review Application, *all fees, and a list of abutting property owners.* The date of filing with the Town Clerk shall be the official filing date.

b. The Planning Board will distribute copies of the plan to the following municipal departments, boards and commissions for review and comment:

| | | |
|-------------------------|--|-------------------|
| Planning Board | Water Department | <i>Town Clerk</i> |
| Board of Health | Building Inspector | Fire Department |
| Police Department | Conservation Commission | Review Engineer |
| <i>Sewer Department</i> | <i>Superintendent of Streets and Parks</i> | |
| | <i>Municipal Lighting Department</i> | |

c. Said departments, boards and commissions shall have *thirty (30)* days to submit recommendations/comments in writing to the Planning Board. Failure to report within the allotted time shall be interpreted as approval of the submitted site plan.

d. The Planning Board is authorized to retain a registered professional engineer or other professional consultant to advise the Board on any or all aspects of the site plan. Site plan applicants shall pay all review fees before the site plan review process shall begin. Any portion of the fee not used shall be returned to the applicant.

e. Site plan applicants shall submit application and review fees in accordance with the Planning Board's Site Plan Review Fee Schedule.

f. Site plans depicting roadways, utilities, bridges, culverts, or drainage shall be prepared and stamped by a registered professional engineer licensed in Massachusetts. In specific cases, the Board may waive this requirement when deemed appropriate.

3. Public Hearing on Site Plans:

The Planning Board shall hold a public hearing within sixty-five (65) days of the receipt of an application and shall take final action within ninety (90) days from the time of the hearing, as provided for in MGL Chapter 40A, Sections 9 and 11. The Planning Board's final action, rendered in writing, shall consist of either:

a. Approval of the site plan based upon determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this by-law; or

b. Disapproval of the site plan based upon a determination that the proposed plan does not meet the standards set forth in this by-law; or

c. Approval of the site plan subject to any condition, modification or restriction required by the Planning Board which will ensure that the project meets the standards set forth in this by-law.

Failure of the Board to take final action upon an application for site plan review within the time specified above shall be deemed to be approval of said application. Upon issuance by the Town Clerk of an appropriate certification that the allowed time has passed without Planning Board action, the required building permits may be issued.

D. Site Plan Contents and Submission Materials:

1. Site Plan Contents:

The purpose of this plan is to provide general information on the site, its existing conditions, and to illustrate and fully explain the proposed changes taking place within the site. All submitted site plans shall depict the following information:

a. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.

- b. *Title, date, north arrow, names of abutters, and scale.*
- c. *A vicinity sketch showing the Zoning District(s) and the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000-feet.*
- d. *Natural features including watercourses and water bodies, tree lines, significant trees, and other significant vegetative cover, topographic features, soil properties, and any other environmental features of the landscape that are important to the site design process.*
- e. *Existing and proposed contours at intervals of 2-feet with spot elevations provided when needed.*
- f. *Surveyed property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in Massachusetts must attest to said plan.*
- g. *Lines of existing abutting streets and driveway locations within 200-feet of the site.*
- h. *Location, elevation, and layout of existing and proposed storm drainage systems including catch basins and other surface drainage features.*
- i. *Shape, size, height, location, and use of all existing and proposed structures on the site and approximate location of structures within 200-feet of the site.*
- j. *Location of all existing and proposed easements, rights-of-way, and other encumbrances.*
- k. *All floodplain information, including the contours of the 100-year flood elevation based upon the most recent Flood Insurance Rate Map for West Boylston, or as calculated by a professional engineer for unmapped areas.*
- l. *Shape, size, height, and location of all proposed structures, including expansion of existing structures on the site and first floor plan(s), and building elevation(s) of the proposed structure(s).*
- m. *Location, flow, volume and timing patterns of existing and proposed traffic.*
- n. *Location, width, curbing and paving of all existing and proposed streets, rights-of-way, easements, alleys, driveways, sidewalks and other public ways.*

o. Location, size, and layout of all existing and proposed off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.

p. Size and location of all existing and proposed public and private utilities, including but not limited to: water lines, sewage disposal facilities, gas lines, power lines, telephone lines, cable lines, fire alarm connection, and other utilities.

q. Location, type, and size of all existing and proposed landscaping, screening, green space, and open space areas.

r. Location and type of all existing and proposed on-site lighting including the proposed cone(s) of illumination to a measurement of 0.5 foot-candle.

s. Location, size, and exterior design of all existing and proposed signs to be located on-site.

t. Type and location of all existing and proposed solid waste disposal facilities and accompanying screening.

u. Location of all existing and proposed on-site snow storage areas.

v. A signature block for Planning Board approval.

2. Additional Submission Materials:

a. The applicant shall submit such material as may be required to ensure the proposed development will not pollute surface or ground water, cause soil erosion, increase runoff, change ground water levels, nor increase flooding during or after construction.

b. The applicant shall submit such materials as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.

c. The applicant shall submit such materials as may be required regarding the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

E. Site Design Standards:

All site plan review applicants shall adhere to the following general principles when designing a site plan for land within the Town of West Boylston.

- 1. Landscaping Within the Setbacks: Site plan applicants are required to landscape the setbacks as part of the site plan approval process. Site plan applicants are expected to maintain the landscaping approved for the site and replace any landscaping that has not fully established itself within two growing seasons, after which all failed landscaping shall be replaced. Front yard setback landscaping shall consist of street trees and low-level plantings. Landscaping within 20 feet of a driveway shall consist solely of low-level plantings such that vehicular and pedestrian sight lines are not restricted.*
- 2. Driveways and Curb Cuts: Each property shall be limited to one entrance and one exit per street unless the Planning Board determines that the specific site conditions warrant an alternative configuration. At the main entrance, one combined entrance/exit location is encouraged to facilitate traffic movement. Unless deemed appropriate by the Planning Board, the combined entrance/exit shall be separated by a traffic island with separate in and out movements. For corner lots fronting on two public ways, the Planning Board may require the lot's exit to be located on the public way having the lesser traffic volume.*
- 3. Service Roads/Connection of Parking Lots: To minimize turning movements onto adjacent public ways, developers are encouraged to provide internal circulation systems (service roads) that connect to adjacent developments (parking area to parking area). Site plans that propose service roads and/or connection of parking areas shall show on the plan how the connection of parking areas will be achieved and have a deeded agreement from the abutter.*
- 4. Shared Parking: The Zoning Board of Appeals may allow a reduction of the required number of spaces in conformance with section 5.2.B.3 of this bylaw.*
- 5. Parking and Loading Areas: All parking and loading areas shall be striped and marked on the ground as a condition of site plan approval. All off-street parking and loading spaces shall be provided with safe and convenient access and shall not be located within a public right-of-way or within required setbacks. Access locations shall be designed to encourage unimpeded traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. See Section 5.2.A.4 of the Zoning By-Laws for the Town's parking and loading standards.*
- 6. Parking Area Landscaping: Site plans involving more than thirty (30) parking spaces shall provide interior landscaping covering not less than five percent (5%) of the total area of the parking area. In total, there shall be provided one shade tree placed within the parking lot for every ten (10) spaces and complemented by shrubs and other planting material. Such trees shall be at least two (2) inches in trunk diameter at the*

time of planting, and shall be located in planting beds at least six feet (6') in width or diameter. In case it can be shown to the Planning Board that the planting of trees is impractical, the Planning Board may authorize plantings and shrubbery instead of trees.

7. *Interior Walkways and Pedestrian Paths: Site plans involving more than thirty (30) parking spaces shall provide walkways and pedestrian paths that safely connect the parking areas to the principal uses they will serve. Such walkways shall be constructed with brick, decorative pavers, or other materials, and may be bordered with fencing or shrubbery to clearly separate pedestrians from automobile traffic. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Car stops shall be provided to prevent parked cars from damaging trees, shrubs and curbing, and shall not disrupt pedestrian walkways.*

8. *Stormwater Management (Grading and Drainage): All site plan applicants must submit drainage calculations to show compliance with DEP (Department of Environmental Protection) Stormwater Guidelines.*

9. *Lighting: All exterior lights shall be designed and installed in such a manner as to prevent objectionable light at (and glare across) the property lines. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. Each outdoor luminaire shall be a full cutoff luminaire, and the use of decorative luminaires with full cutoff optics is desired. A full cutoff luminaire is an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture is projected below the horizontal plane. Developments shall eliminate glare onto adjacent properties through the use of lighting shields, earthen berms, or retention of existing natural vegetation. All outdoor lighting fixtures, including display lighting, shall be turned off within one hour after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.*

F. Standards for Site Plan Review:

In reviewing a site plan application, the Planning Board shall take the following items into consideration:

1. Compliance with all *applicable* provisions of the West Boylston Zoning By-Laws and Subdivision Regulations.
2. Traffic safety and ease of access at street and highway entrances and exits, taking into account grades, sight distances, distance between such exits and entrances, and the proximity of existing street and driveway entrances.

3. Safety and adequacy of driveway layout and pedestrian walkways; off-street parking areas; off-street loading areas for materials and products; adequate access for service and emergency vehicles such as electricity, gas, fuel, telephone, laundry, rubbish removal, water, sewage, fire, police, ambulance and other routine emergency vehicles.
4. Safe and adequate means of disposal of sewage, garbage and rubbish.
5. Safe and adequate water supply and distribution; including sufficient water and facilities for fire fighting on the site.
6. Safe and adequate storm drainage consistent with building and surface coverage, grades, slopes, soils and water table which shall result in zero increase in the rate of runoff from the site, as measured by *the 2-Year (24-hour) and 10-Year (24-hour) Storm Event Standards; and there will be no negative impacts to downstream property-owners in a 100-year (24-hour) storm event.*
7. Prevention of soil erosion during and after construction; provisions for an increase in the volume of runoff of surface water from the site and the protection of adjacent areas against detrimental or offensive uses on the site by the provision of adequate buffers against light, sight, sound, dust and vibrations.
8. Open space provisions and landscaping, including the maximum retention of on-site natural features.
9. Placement of underground utilities, night lighting and signs.
10. Compatibility of soil and subsoils to type and intensity of development.

G. Modifications to an Approved Site Plan:

Once a site plan has been approved by the Planning Board, said plan shall not be changed, amended or modified without approval of the Board. There shall be only one final site plan in effect for a parcel of land at a time.

H. Construction of an Approved Site Plan:

1. Construction on a site with an approved site plan must be started within one (1) year from the date of the Planning Board's approval of the site plan. Site plan approval may be extended for one (1) year at the discretion of the Board after receipt of a written request from the landowner, showing good cause. If one year has elapsed from the date of approval; and no extensions have been granted; or if one year has elapsed since the granting of said extension; the final site plan approval shall become null and void without requiring any further action by the Planning Board. This time period shall not include delays resulting from litigation.

2. No permit to build, alter or expand any building or structure, or change of use requiring Site Plan Review under this by-law shall be issued by the Building Inspector; nor shall any construction commence before a written statement of Final Approval has been issued by the Planning Board.

3. *The Building Inspector may inspect a site under construction for compliance with the approved site plan.*

I. Enforcement:

1. It shall be the duty of the Building Inspector to administer and enforce the provisions of this by-law.

2. The Planning Board shall provide a schedule of inspection fees to be paid by the applicant prior to the start of construction.

3. The Planning Board may use inspection fees paid by the applicant to offset the cost of hiring any additional engineers or inspectors necessary to monitor all phases of construction covered by an approved site plan.

4. The Planning Board may suspend its site plan approval when work is not performed as required by the approved site plan.

5. “As Built” plans, *certified by a registered professional and noting any change from the approved plan*, shall be filed with the Building Inspector and the Planning Board before a Certificate of Completion shall be issued.

6. The Building Inspector shall issue a Certificate of Completion when all construction has been performed and all other requirements have been met in compliance with the approved site plan. A copy of the Certificate of Completion will be filed with the Planning Board.

7. No Certificate of Occupancy shall be issued for any structure or use subject to site plan review unless a Certificate of Completion has been issued.

8. The Building Inspector may issue a Temporary Certificate of Occupancy for a period of one (1) year if the required construction has been substantially completed and the permitted uses of the development can be carried on in a safe and convenient manner.

9. Any person aggrieved by any decision of the Planning Board or Building Inspector *regarding a site plan review application* may appeal that decision to the Zoning Board of Appeals as provided in Article 6.2 of this by-law.

J. Rules and Regulations:

1. The Planning Board may adopt such rules and regulations for carrying out its duties under this section. The Board may, where such action allowed by law, in the public interest and not inconsistent with the purpose and intent of this by-law, waive strict compliance with any requirement of this site plan review by-law or its rules and regulations.

2. The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this site plan review by-law, by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

AND

Vote to amend the screening provisions to clarify the needs and acceptable methods as outlined in the first paragraph of Section 5.3.D (Special Regulations - Screening). The first paragraph of Section 5.3.D will now read as follows:

Outside storage areas for materials, equipment, vehicles, or trash, shall be provided with an opaque screen a minimum of five feet (5') in height to shield such areas from view from adjacent streets and residential districts. Such screens may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof. Fences shall consist of wood, stone, or brick materials; chain link fences are prohibited. Walls or fences exceeding four and one-half (4½) feet in height shall have plantings on any side facing a residential district. Elements such as HVAC units, telephone boxes, or electrical transformers shall be screened from public view through use of landscaping, berms, or fences and shall be as unobtrusive as possible. Where possible, HVAC units shall be screened or located behind roof ridge lines so they are not visible from the front view of the building.

Or take any other action relative thereto.

ARTICLE 35 - AUTHORIZATION TO AMEND ZONING BYLAWS

To see if the town will vote to amend the Town's dimensional standards for off-street parking as outlined in Section 5.2.B.1 (Off-Street Parking Requirements) by adding the following new item n.

n. *Automobile/Vehicle Sales*

One (1) customer parking space for every four hundred (400) square feet of showroom and office, plus one (1) customer parking space for every two thousand (2,000) square feet of exterior display area.

AND

Vote to amend the Town's dimensional standards for off-street parking as outlined in Section 5.2.B.2 (Off-Street Parking - Location and Dimensions) by adding the following new items e. and f.:

- e. Uses that propose drive-through facilities such as automatic teller machines and restaurants shall be designed to be an integral component of the building complex and shall not be located within a public right-of-way. Such uses shall be safely and conveniently accessible from surrounding uses via a clearly defined circulation system that minimizes points of conflict between vehicular and pedestrian traffic. The queue length shall be arranged so that there will be no spillage onto a public right-of-way. See Section 4.B.1.d of the Zoning By-Laws for the Town's parking standards for drive-through facilities*
- f. Use of Parking Areas for Retail Sales: The use of designated parking areas for outdoor sales events shall be limited to five (5) days per year, unless the Building Inspector determines that public safety and welfare will not be harmed by allowing additional days.*

AND

Vote to amend Section 5.2.B. (Off-Street Parking) to allow a reduction in the number of required parking spaces for adjacent uses with different hours of normal activity by adding the following new Section 5.2.B.3:

3. Shared Parking

The Board of Appeals shall hear and decide upon applications for Special Permits for the reduction of the required number of parking spaces by up to twenty-five percent (25%), if it can be demonstrated that two or more uses within a single development can share parking areas due to different hours of normal activity.

Or take any other action relative thereto.

ARTICLE 36 - AUTHORIZATION TO AMEND ZONING BYLAWS

To see if the Town will vote to replace Section 4.3.F of the Zoning By-Laws (Building Height) to allow an increased building height in the Business District from thirty-five (35) feet to fifty (50) feet and increase the buffer to these taller buildings with the following:

F. Building Height Limitations:

In All Districts, except the Multi-Story District as specified within Section 2.8, and the Business District, no building shall be erected or altered to an average height of more than thirty-five feet (35'). Average height is calculated by taking the average of the heights, as measured from the ground surface to the eaves, at every exterior building corner. The maximum building height allowed within the Business District shall be fifty feet (50'). Where such building is proposed to be greater than thirty-five feet (35') tall, it shall be set back from the property line abutting a Residential District a horizontal distance the same as the height of the building.

AND

Vote to amend Section 4.2 of the Zoning By-Laws (Schedule of Dimensional Requirements) to reduce the required front yard setback in the Business District from twenty-five (25) feet to ten (10) feet.

Or take any other action relative thereto.

ARTICLE 37 - AUTHORIZATION TO AMEND ZONING BYLAWS

To see if the Town will vote to amend Section 4.2 of the Zoning By-laws (Schedule of Dimensional Requirements) to reduce the minimum frontage in the Industrial District from two hundred and fifty (250) feet to one hundred and fifty (150) feet.

AND

Vote to limit the reduction of frontage by Special Permit be allowed only in Residential Districts, by replacing Section 4.2.C of the Zoning By-laws (Schedule of Dimensional Requirements) with the following:

C. The Board of Appeals shall hear and decide upon applications for special permits for the reduction of the minimum *residential* lot frontage requirements outlined in Section 4.2 of this by-law. Special permits shall be granted only for *residential* lots with a minimum of 40,000 sq. ft. and only in those cases the Board finds that a lot frontage which is less than the required minimum, but not less than 100 feet, shall provide adequate access for the intended use of that

lot and the Board may restrict or otherwise limit the use of said lot. Adequate access shall be defined for the purpose of this by-law as sufficient frontage to ensure safe access for vehicular traffic and for the provision of municipal services and utilities to the lot.

Or take any other action relative thereto.

ARTICLE 38 - AUTHORIZATION TO AMEND ZONING BYLAWS

To see if the Town will vote to amend Article XV (Building Regulations) Section 2 of the Town's General By-Laws to read as follows:

No portion of any building or structure, *except in the Business District*, shall hereafter be constructed nearer than twenty-five feet (25) to the line of any highway, street, or way, as laid out, except where there are buildings within one hundred feet (100') on either side which are nearer to the street than above specified. *No portion of any building or structure in the Business District shall hereafter be constructed nearer than ten feet (10') to the line of any highway, street, or way, as laid out.*

Or take any other action relative thereto.

ARTICLE 39 – AUTHORIZATION TO AMEND THE PERSONNEL BYLAW TO ALLOW FOR JOB SHARING

To see if the town will vote to amend the Town Bylaws Article XXI, by adding Section FF Job Sharing as follows:

FF. Job Sharing

Job sharing is an arrangement in which two people share one full-time, permanent position by coordinating responsibilities in the performance of the tasks specified in the position's job description. This policy covers both traditional methods of job sharing:

- (1) Two employees fill one full-time job by dividing the hours of work. Both employees perform the same tasks and share the same responsibilities.
- (2) Two (2) employees divide the responsibilities of one full-time job by performing different tasks combining strengths, specialties and experience.

1. Hours of Work

- a. Jobs may be divided on a shared day, shared week, or other alternative arrangement agreed upon by the department head. The shares need not be equal.
- b. The department head must approve all work schedules.
- c. Job sharers will make every effort to fill in for each other.
- d. The actual hours of work of the two job sharers must meet the needs of the department and must cover the requirements of the full-time position being shared.

2. Salary/Wages

- a. The combined wages of the Job Sharers shall not exceed the wage of the full-time position being shared.
- b. The method of prorating the wage of the shared position between the two Job Sharers shall be established by a written agreement between the two employees and the Town.

3. Benefits

- a. The combined benefits of the Job Sharers shall not exceed the benefits of **one** full-time position. This applies to both the cost of benefits and to leave time (vacation, sick-time, etc.)
- b. The method of prorating the benefits of the shared position between the two Job Sharers shall be established by a written agreement between the two employees and the Town.

4. Application Procedure

- a. The department head determines whether a position is eligible for job sharing.
- b. Applicants may apply as a team or individual.
- c. Prior to appointing two job share candidates to a position, they must meet with the department head to establish a written agreement which defines the proration of hours, duties, wages, and benefits.

5. Performance Reviews

- a. Performance reviews shall be conducted individually.
- b. The employee's performance shall be evaluated based on the job description of the full-time position, the job share agreement, and on the level of communication and cooperation between job sharers.
- c. The job share agreement shall be reviewed annually as part of the performance review. The agreement may be renewed, modified or revoked.

6. Resignation and Termination

- a. A job share agreement may be terminated by the department head at any time.
- b. Job sharing partners must give at least a thirty-day notice prior to resigning.
- c. If one member of the job sharing team resigns, is terminated or transfers, the remaining employee shall have the option of:
 - (1) assuming the full-time position
 - (2) continuing the job sharing agreement with a new candidate if one can be found
 - (3) resigning.

or take any other action related thereto.

**ARTICLE 40 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS
EXTENDING THE TERM OF APPOINTMENT OF THE BOARD OF FIRE
ENGINEERS**

To see if the town will vote to amend the General Bylaws, Article II, Section 2 and replace the sentence that states “All annual appointments shall be made subsequent to the Annual Town Election, unless otherwise provided by law” to read as follows:

“All annual appointments, except the appointment of the Fire Engineers, shall be made subsequent to the Annual Town Election, unless otherwise provided by law. The Board of Fire Engineers will consist of five (5) members. One (1) will be appointed for one (1) year; two (2) for two years and two (2) for three (3) years and thereafter each reappointment will be for three years,”

or take any other action related thereto.

**ARTICLE 41 – AUTHORIZATION TO TRANSFER MONEY 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 42 – AUTHORIZATION TO TRANSFER FREE CASH
TO REDUCE THE FISCAL YEAR 2002 TAX RATE**

To see if the town will vote to transfer a sum of money from available, certified free cash to reduce or stabilize the Fiscal Year 2002 Tax Rate, or take any other action relative thereto.

**ARTICLE 43 – ACCEPTANCE OF THE EARLY RETIREMENT INCENTIVE
PROGRAM AS PROVIDED UNDER MASSACHUSETTS
GENERAL LAWS, CHAPTER 32**

To see if the town will vote to accept the early retirement incentive program as provided for under Chapter 32 of the Massachusetts General Laws, or take any other action relative thereto.

**ARTICLE 44 – AUTHORIZATION TO ADOPT A SANITARY SEWER
CONNECTION BYLAW**

To see if the town will vote to adopt the following General Bylaw:

ARTICLE XXVII SANITARY SEWER CONNECTION BY-LAW

Section 1 – Mandatory Connection in the Sanitary Sewer System

The owners of all houses, buildings or properties used for human occupancy, employment or recreation or in any way generating wastewater flows, situated within the Town of West Boylston and abutting on any street, alley or right-of-way in which there is located, or may in the future be located, a public sanitary sewer line of the Town of West Boylston, shall be required to connect to the same by a building sewer, as defined in the Town of West Boylston Sewer Regulations, as amended within one year from the date of the official, mailed notice of sewer service availability, by the Town of West Boylston, acting by and through the Board of Sewer Commissioners, or its successor.

Exceptions to this rule shall be: (1) All properties for which on-site disposal systems complying with Title 5 of the State Environmental Code were installed after January 1, 1995; (2) All properties for which Title 5 compliant on-site disposal systems were upgraded after January 1, 1995 and for which the systems pass a present-day Title 5 inspection. This Title 5 inspection shall be the responsibility, including scheduling and expenses, of the property owner. Notwithstanding the above, all properties shall be required to connect within five years of the notice of sewer service availability.

All properties that have transferred ownership shall be required to connect to said sewer line. Such connection shall be made within one year of written notice from the Board of Sewer Commissioners, or its successor, ordering such connection with exception.

The Board of Sewer Commissioners, or its successor shall have the authority to extend deadlines outlined in this by-law if, in the sole opinion of said Commissioners, the lack of availability of licensed drainlayers or inspectors prohibits property owners from meeting said deadlines.

The Board of Sewer Commissioners, or its successor shall have the authority to defer deadlines in this by-law if, in the sole opinion of said Commissioners, the provisions of this by-law impose an exceptional burden on a property owner.

All costs and expenses associated with the installation, and connection of the building sewer and certified inspection of existing on-site systems shall be the sole responsibility of the property owner. The property owner shall indemnify the Town of West Boylston from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

This bylaw upon adoption shall become part of the West Boylston Sewer Use Regulations. Any property owner in violation of the above provisions shall be subject to a fine of \$100 per month for every month that they do not comply.

Particular sewers from the street line to houses and buildings, if to be constructed by the Town or funded from funds appropriated by the Town, shall be connected to the common sewer within one year of the notice of sewer service availability, unless such time period is extended by order

of the Board of Sewer Commissions or its successor. Particular sewers may be constructed by the property owner at the owner's own expense, and connected by the Town to the common sewer, after such one year period, as provided by G.L. C.40, S.3.

or take any other action relative thereto.

**ARTICLE 45 – AUTHORIZATION TO ADOPT A BYLAW RELATIVE TO THE
SANITARY SEWER CONNECTION LOAN PROGRAM**

To see if the town will vote to adopt the following General Bylaw:

SECTION XXVII SANITARY SEWER CONNECTION LOAN

The Town of West Boylston has made monies available to cover up to \$2,000.00 worth of construction costs borne by owner-occupied-single-family-residential property owners when connecting to the municipal sewer system. Those property owners must apply for those monies in the West Boylston Sewer Department offices and sign a “Sewer Connection Betterment Agreement” to be recorded at the Worcester Registry of Deeds.

The terms of the Betterment Agreement are up to \$2,000.00, interest free, to be paid back to the Town over a 25 year period.

Those monies are available to all owner-occupied-single-family-residential properties for a period of 18 months from the date that sewers are made available to the properties or 18 months from the adoption of this Bylaw, whichever date is later; provided that the property owner apply for said loan within said 18 month period set forth herein.

The Board of Sewer Commissioners, or its successor, shall have the authority to defer deadlines in this Bylaw if, in the sole opinion of said Commissioners, the provisions of this Bylaw impose an exceptional burden on a property owner.

or take any other action relative thereto.

ARTICLE 46 – AUTHORIZATION TO AMEND ZONING BYLAWS

To see if the town will vote to amend the Zoning Bylaws to allow a continuing care retirement community in a portion of the existing Industrial District southeasterly of Hartwell Street and

westerly of Shrewsbury Street by inserting at the end of Section 3.B (Continuing Care Retirement Community), paragraph B. (Applicability) the words “or in so much of the Industrial District located southeasterly of Hartwell Street and westerly of Shrewsbury Street as is located southeasterly of a line parallel to and 900 feet southeasterly of Hartwell Street” so that Section 3.8.B. reads as follows:

B. Applicability

A Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon a grant of a Special Permit by the Planning Board upon any parcel of land situated within a General Residence District or in the Single Residence District located southeasterly of Hartwell Street and westerly of Shrewsbury Street along the Worcester city line or in so much of the Industrial District located southeasterly of Hartwell Street and westerly of Shrewsbury Street as is located southeasterly of a line parallel to and 900 feet southeasterly of Hartwell Street.

or take any other action relating thereto.

ARTICLE 47 – AUTHORIZATION TO AMEND ZONING BYLAWS

To see if the town will vote to amend Section 2.2 of the Zoning Bylaws of the Town of West Boylston by changing the official zoning map of the Town of West Boylston as follows:

To change the zoning district classification of that portion of the property located within an Industrial District to a Business District. The property is more particularly bounded and described as follows:

The land in West Boylston, Massachusetts, located on the easterly side of Shrewsbury Street and being bounded and described as follows:

Beginning at a point on the easterly side of Shrewsbury Street, being the southeasterly corner of the premises herein described:

THENCE North 01° 55' 45" West by said easterly sideline of Shrewsbury Street four hundred sixty-six and twelve hundredths (466.12') feet to a concrete bound;

THENCE North 02° 52' 55" West by said easterly line of Shrewsbury Street thirteen and twenty-three hundredths (13.23') feet to a point at the intersection of the Industrial Zoning District and the Business Zoning District;

THENCE South 85° 46' 42" East by said zoning line two hundred and no hundredths (200.00') feet to a point;

- THENCE North 02° 52' 55" West by said zoning line one hundred twenty-two and no hundredths (122.00") feet to a point;
- THENCE South 89° 43' 47" East one hundred twelve and fifty hundredths (112.50') feet to a point;
- THENCE South 18° 59' 14" East one hundred forty and twelve hundredths (140.12') feet to a Worcester County Highway bound and property now or formerly of Boston & Maine Railroad;
- THENCE On a curve to the right of radius four thousand eight hundred seventy-eight and one tenth (4,878.10') feet, a distance of one hundred seventy-three and three hundredths (173.03') feet by said land of Boston & Maine Railroad to a Worcester County Highway;
- THENCE On a curve to the right of radius two thousand three hundred sixty-two and eight tenths (2,362.08") feet, a distance of two hundred eighty-two and fifty-five hundredths (282.55') feet by said land of Boston & Maine Railroad to a point;
- THENCE South 88° 04' 15" West two hundred thirty-eight and twenty hundredths (238.21') feet to the point of beginning;

or take any other action relating thereto.

ARTICLE 48 – PETITION ARTICLE FOR A NOISE CONTROL BYLAW
OPTION 1

Should there be a residential noise by-law in the Town of West Boylston?

Section 1-101. It is found and declared that:

- (A) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the Town of West Boylston is a condition which has existed for some time and the extent and volume of such noises is increasing;
- (B) The making, creation or maintenance of such excessive unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of West Boylston; and
- (C) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting

the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of West Boylston and its inhabitants.

Section 1-102. Noise Distance and Permissible Decibel Levels

The fact that noise is plainly audible at a distance of one hundred and fifty (150) feet from the vehicle or premises from which it originates shall constitute prima facie evidence of a violation of this by-law. The following decibel levels as established by ANSI SIY-1961 “American Standard Specification for General Purpose Sound Level Meters” shall determine acceptable decibel levels in residential areas of West Boylston.

Acceptable Decibel Level

| | |
|---------------|-------------|
| Under 75 feet | 65 or under |
| 75-150 feet | 60 or under |
| 150-300 feet | 55 or under |
| 300-600 feet | 45 or under |

Any person violating this by-law shall be punished by an initial fine of fifty (\$50.00) dollars for the first offense and one-hundred (\$100.00) dollars for all subsequent offenses.

OPTION 2

Should there be a residential noise by-law in the Town of West Boylston?

It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment licensed under Chapter 138 of the Mass. General Laws, who shall cause or suffer or countenance any loud unnecessary, excessive or unusual noises in the operation of any radio, motorcycle, dirt bike, all-terrain vehicles, phonograph or other mechanical sound making device, or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outeries, exclamations or other loud or boisterous noise of loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where the aforesaid noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, dwelling, premises, shelter, boat or conveyance in which or from which is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty (150) feet from the premises from which it originates shall constitute prima facie evidence of a violation of this by-law. Any person shall be deemed in violation of this by-law, who shall make, or aid, or cause, or suffer or countenance, or assist in the making of the aforesaid and described improper noises, distance, breach of peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of the by-law shall constitute prima facie evidence that they are a countenance to such violation. Any person violating this by-law shall be

punished by an initial fine of fifty (\$50.00) dollars for the first offense and one-hundred (\$100.00) dollars for all subsequent offenses.

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 1st day of May in the year of our Lord, Two Thousand and Two.

Kevin M. McCormick, Chairman

Charles A. Stevens, Vice Chairman

Wayne M. LeBlanc, Clerk

Alexander Fallavollita, Sr., 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:

Mixer Municipal Office Building _____
West Boylston Middle/High School _____
West Boylston Post Office _____
Pruneau's Barber Shop _____
Municipal Lighting Plant _____
Beaman Memorial Library _____

Constable

Date