

COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST BOYLSTON

SEMI-ANNUAL TOWN MEETING WARRANT

MAY 17, 2004

Worcester ss.

To the Constables of the Town of West Boylston.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of West Boylston qualified to vote in elections and Town affairs, to meet in the Auditorium of the Middle/High School in said Town on Monday, May 17, 2004 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 2005, the period from July 1, 2004 through June 30, 2005, 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 2005 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 cable-casting abilities of the town;
- b) to be used to purchase expendable material as needed, such as videotape, batteries, gaffer's tape, lights, etc.;
- c) to be the depository for those receipts submitted to WBPA-TV for the operation of WBPA-TV that have been authorized by the Board of Directors of WBPA-TV, as well as the franchise license fee paid by Charter Communications to the town;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2005 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 2005 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 stipends;
- b) to be the depository for all fees collected by the Cemetery Department, exclusive of perpetual care and sale of lots receipts;
- c) to set a limit on expenditures from said fund in Fiscal Year 2005 at \$50,000; and
- d) to have the Cemetery Trustees be the only authority empowered to expend monies from said fund.

or take any action in relation thereto.

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

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

- a) to pay for activities related to the Council On Aging programs that were not provided for in the Fiscal Year 2005 operating budget;
- b) to fund the administrative expenses of the Council On Aging including, but not limited to, the wages of part-time employees of the Council On Aging;
- c) to be the depository for fees and donations derived from various fund raising activities collected by the Council On Aging;
- d) to be the depository for revenue and reimbursements from the Worcester Regional Transit Authority (WRTA) and user fees and donations for transportation services provided by the Council On Aging;
- e) to have the Council On Aging be the only authority empowered to expend monies from this fund; and
- f) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2005 set at \$60,000;

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 2005 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 2005 set at \$25,000; and
- e) to have the Zoning Board of Appeals be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 9 - AUTHORIZATION TO 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 2005 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 JOSEPH E. AMELLO SWIMMING
POOL AND SUMMER RECREATION PROGRAM REVOLVING FUND FOR THE PARK
COMMISSION**

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

- a) to fund the costs of maintaining and operating the municipal swimming pool, including the purchase of supplies and services necessary to maintain the pool and facilities, and the wage and salary expenses of the part-time employees of the Parks Commission;
- b) to fund the costs of operating the summer recreation programs including the wage and salary expenses of the part-time employees;
- c) to fund administrative and wage expenses associated with the administration and operation of the summer recreation 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 swimming pool and summer recreation program user fees and donations collected by the Park Commission;
- e) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2005 set at \$50,000; and
- f) to have the Park Commission be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 11 - AUTHORIZATION TO ESTABLISH A PARKS, PLAYGROUND AND FIELDS
REVOLVING FUND FOR THE PARK COMMISSION**

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

- a) to fund the costs of maintaining and operating the playgrounds, fields and facilities under the jurisdiction of the Park Commission, including the purchase of supplies and services;
- b) to fund the repair and maintenance of playgrounds, fields, parks and park facilities including, but not limited to, the tennis and basketball courts, and playing fields; said activities to be undertaken in coordination with the Streets and Parks Department and in conformity with all applicable laws and permit requirements;
- c) to fund administrative and wage expenses associated with the administration of the programs of the Park Commission, including wage and salary expenses of the part-time employees of the Parks Commission;
- d) to be the depository for field user fees and donations collected by the Park Commission;
- e) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2005 set at \$25,000; and
- f) to have the Park Commission, or Superintendent of Streets and Parks, or his/her successor, with the approval of the Park Commission, be empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 12 - 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 2005 set at \$10,000; and

- e) to have the Fire Chief, be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

ARTICLE 13 – 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 Law, Chapter 44, Section 53E ½, for the following purposes and subject to the following conditions:

- a) to fund the costs of purchasing equipment, supplies and services related to Hazardous Material, and other emergencies;
- b) to fund administrative and wage expenses associated with the operation and response to Hazardous Material and other incidents;
- c) to be the depository for fees and payments for services related to the mitigation of Hazardous Materials and other incidents as paid from traffic companies, insurance companies and the like for billable services;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2005 set at \$15,000; and
- e) to have the Fire Chief be the only authority empowered to expend monies from this fund;

or take any action relative thereto.

ARTICLE 14- AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE MEMORIAL DAY OBSERVANCE

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) pay for the expenses and costs necessary for the annual Memorial Day Observance including, but not limited to, the purchase of supplies and services, excluding full and part time employee salary or wage costs;
- b) to be the depository for all gifts, donations and fees collected by the Town for the sole purpose of financing the costs of the Memorial Day Observance;
- c) to set a limit on expenditures from said fund in Fiscal Year 2005 at \$5,000; and

- d) to have the Board of Selectmen be the only authority empowered to expend monies from said fund.

or take any action in relation thereto.

**ARTICLE 15 – 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 2005, for the period from July 1, 2004 through June 30, 2005, 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 16 – AMENDMENT TO ARTICLE XIV – LICENSES AND PERMITS OF THE
GENERAL BYLAWS SO AS TO ESTABLISH A MOTEL OPERATION PERMIT**

To see if the Town will vote to adopt a Bylaw authorizing the Board of Selectman to issue Motel Operation Permits, as follows:

Article XIV - Licenses and Permits

Section 5. – Motel Operation Permit

No person shall operate a motel, as defined in G.L. c.64G, §1(e), but excluding private clubs, without securing a permit from the Board of Selectmen in addition to any other permits or licenses required by state or local law or regulations. The Board of Selectmen may promulgate regulations to implement this bylaw, and may revoke the permit for violation of this bylaw and regulations adopted hereunder.

Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of West Boylston including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c.40, §21D. Each day a violation exists shall constitute a separate violation.

The penalties shall be as follows:

First violation:	\$100.00
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Second violation: \$200.00

Third and subsequent violations: \$300.00

or take any other action relative thereto.

**ARTICLE 17 – AUTHORIZATION TO ESTABLISH THE POSITION OF
DIRECTOR OF PUBLIC WORKS SO AS TO COMBINE THE POSITIONS OF
SUPERINTENDENT OF STREETS AND PARKS, TREE WARDEN AND
SUPERINTENDENT OF SEWERS**

To see if the Town will vote to authorize and direct the Board of Selectmen, acting in its capacity of Board of Sewer Commissioners, and the Town Administrator to combine the positions of Superintendent of Sewers, the Superintendent of Streets and Parks and Tree Warden, and create the position of Director of Public Works to be appointed by the Town Administrator, and further to consolidate the functions, resources, employees and operations of the Office of the Tree Warden, Streets and Parks Department and Sewer Department; or take any other action relative thereto.

**ARTICLE 18– AMENDMENTS TO ARTICLE II OF THE GENERAL BYLAWS OF THE
TOWN OF WEST BOYLSTON ESTABLISHING THE POSITION OF DIRECTOR OF
PUBLIC WORKS**

To see if the town will vote to amend General Bylaws of the Town of West Boylston as follows.

Add a new Article to the General Bylaws of the Town of West Boylston to read:

ARTICLE XXIX - DEPARTMENT OF PUBLIC WORKS

There shall be established in the Town of West Boylston a Department of Public Works that shall be under the direction of the Board of Selectmen through the Office of the Town Administrator. The Department of Public Works shall consolidate the functions of the Office of the Tree Warden, Streets and Parks Department and Sewer Department, and shall assume the responsibility for the management and operations of the Office of the Tree Warden, Streets and Parks Department, and Sewer Department.

The Town Administrator and the Board of Selectmen, acting in its capacity as the Board of Sewer Commissioners, shall combine the positions of Superintendent of Streets and Parks, Tree Warden and Superintendent of Sewers so as to create the position of Director of Public Works. The Town Administrator shall appoint a Director of Public Works to a term of up to three years, subject to the provisions of Chapter 23 of the Acts of 1995 contained in Section 8, Part (h).

The Director of Public Works shall be selected on the basis of merit and qualifications, and have a bachelor's degree in civil engineering or other appropriate discipline, and preferably be registered as a professional civil engineer, and possess a minimum of eight years of relevant professional experience

in public works construction and management; and further, such appointment shall be subject to confirmation by vote of a majority of the Board of Selectmen.

The Director of Public Works shall be appointed for a term of up to three years, and may be removed from office upon the recommendation of the Town Administrator for cause after a public hearing and a vote of a majority of members of the Board of Selectmen. The Director of Public Works shall perform the duties and assume the responsibilities of the Superintendent of Streets and Parks, the Tree Warden and Superintendent of Sewers, under the direction and supervision of the Town Administrator in conformity with the policies of the Board of Selectmen.

The Director of Public Works shall work under the terms and conditions of an employment contract, said contract to have a duration with the same commencement and ending date as the term of appointment, and shall authorize not only the terms, conditions and responsibilities of employment for the Director of Public Works, but shall also establish the level of compensation and fringe benefits for the Director of Public Works, subject to the availability of funds.

or take any other action relative thereto.

ARTICLE 19 - AUTHORIZATION TO AMEND SECTION 2 OF ARTICLE II – TOWN OFFICERS AND DUTIES, OF THE GENERAL BYLAW

To see if the Town will vote to amend Section 2 of Article II – Town Officers and Duties, of the General Bylaws of the Town of West Boylston as follows.

Delete the following:

“Section 2

All annual appointments shall be made subsequent to the Annual Town Election, unless otherwise provided by law.

Performance reviews of the Chief of Police and the Town Administrator shall be made part of the entire re-appointment process for these appointed employees.”

And, insert the following:

“Section 2

All annual appointments shall be made subsequent to the Annual Town Election, unless otherwise provided by law.

Performance reviews of the Chief of Police, the Director of Public Works, the Fire Chief, and the Town Administrator shall be made part of the entire re-appointment process for these appointed employees.”

or take any other action relative thereto.

**ARTICLE 20 – AMENDMENTS TO SECTION 5 OF ARTICLE IV - OFFICE OF
FINANCIAL MANAGEMENT OF THE GENERAL BYLAWS OF THE TOWN OF WEST
BOYLSTON**

To see if the Town will vote to amend Section 5 of Article IV of the General Bylaw by deleting:

“at the Office of the Assessors, and not on the West Boylston web site”

and inserting:

“The contents of the report, for each property listed, shall include but not be limited to the last name of the property owner, street number, street name, assessors map number, lot number, parcel number, land value, building value and total assessed value. It shall also include, if available, the book and page of the deed as recorded at the Worcester District Registry of Deeds.”

or take any other action relative thereto.

**ARTICLE – 21 AUTHORIZATION TO AMEND SECTION 3 OF ARTICLE I OF THE
GENERAL BYLAWS SO AS TO LOWER THE TOWN MEETING QUORUM
REQUIREMENT – PETITION ARTICLE**

To see if the Town will vote to amend Section 3 of Article I – Town Meetings and Elections of the General Bylaws of the Town of West Boylston as follows:

Delete Section 3, which reads as follows.

“Section 3

Three percent (3%) of the legal voters as of December 31 of the preceding year, including the presiding officer and the clerk, shall constitute a quorum, provided that a number less than a quorum may vote an adjournment; and that not more than two percent (2%) shall be required to maintain a quorum once the meeting has been called to order by the Moderator and that a quorum of two percent (2%) be required to reconvene any adjourned session of any such meeting.

The Town Clerk shall certify to the presiding officer the number of legal voters of the Town as of December 31 of the preceding year, and the number so certified shall be conclusive. The Town Clerk shall include this number in his/her annual report.”

And insert the following.

“Section 3

Fifty (50) legal voters, including the presiding officer and the clerk, shall constitute a quorum, provided that a number less than a quorum may vote an adjournment; and that there shall be no quorum requirement, once the meeting has been called to order by the Moderator, and that a quorum of fifty (50) legal voters shall be required to reconvene any adjourned session of any such meeting.”

or take any other action relative thereto.

ARTICLE 22– AUTHORIZATION TO FILE SPECIAL LEGISLATION

To see if the Town will authorize the Board of Selectmen to petition the General Court for a special act as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

“SPECIAL ACT RELATIVE TO THE SAFE PLACEMENT OF NEWBORNS AND INFANTS IN THE TOWN OF WEST BOYLSTON

Whereas, the General Court finds and declares that a serious public emergency exists with respect to the safety and health of newborns and infants in the Town of West Boylston due to parents that abandon them; and

Whereas, unless parents of newborns or infants are not protected from prosecution for their abandonment of a newborn or infant then the incidents of newborns discarded into trash receptacles or abandoned in public places will continue to occur; and

Whereas, the serious public emergency should be met by the Commonwealth of Massachusetts immediately, with due regard for the rights and responsibilities of the Town of West Boylston.

Therefore this act is declared to be in the public interest.

Section 1. Acceptance of Newborns and Infants Placed by Parents or Lawful Agents of Parents with Authorized Employees of Designated Facilities,

Notwithstanding the provisions of any general or special law to the contrary and in order to promote the public good, the Massachusetts Department of Social Services ("Department") shall accept for placement into foster care any newborn or infant child seven (7) days of age or younger (“newborn or infant” or “child”) that is voluntarily placed with a hospital emergency room licensed under General Laws chapter 111, section 51 in the Town of West Boylston (“designated facility”), or left at a police station in the Town of West Boylston, or at a fire station in the Town of West Boylston for transport to such hospital emergency room (by activating the EMS system) by a parent of a newborn or infant or by a legal agent of said parent. A voluntary placement under these provisions shall not constitute an

automatic termination of parental rights or an abrogation of parental rights or responsibilities but shall, for purposes of authorizing the department to initiate a petition to terminate parental rights under General Laws chapter 210, be presumed to be an abandonment of the newborn or infant that has been so placed. A hospital emergency room receiving a newborn or infant shall immediately notify the Department of the placement of a newborn or infant ("notice"). Upon receiving a notice the Department shall take physical custody of the newborn or infant immediately and shall initiate all actions authorized by law to achieve the safety and permanency of the newborn or infant in a manner that is consistent with the best interests of the child; provided however, that if the newborn or infant is in need of emergency or other medical care, the Department shall not take immediate physical custody of the child until such care has been fully administered and completed to the hospital emergency room's satisfaction. The Department shall develop and implement a protocol of communication and procedure to facilitate the placement of and provide for the custody and care of a newborn or infant. If a person claiming to be a parent or lawful agent of a parent of a newborn or infant left with a designated facility submits a request to the Department for reunification with the newborn or infant, the Department shall institute the procedures currently authorized by law to identify, contact, and investigate such person or agent in order to determine, pursuant to the applicable provisions of law, if reunification is in the best interests of the child, or if it is in the best interests of the child to terminate the parental rights of the parent.

Each hospital emergency room in the Town of West Boylston shall designate members of the emergency room staff authorized ("authorized employee") to take physical custody of a newborn or infant under these sections, and one (1) such nurse shall be on duty during regular business hours. Each hospital emergency room shall designate an area in the emergency room where physical custody of a newborn or infant may be taken. Each police station in the Town of West Boylston and fire station in the Town of West Boylston shall, to the greatest practical extent that does not interfere with the primary functions of the police station or fire station, shall be authorized to activate the EMS system for the purpose of transfer to the hospital emergency room on receipt of physical custody of a newborn or infant under these sections.

Authorized employees at the designated facility or the EMS system shall make every effort to solicit the following information from the parent or lawful agent who is placing the newborn or infant: (1) the name of the child, (2) the name and address of the parent placing the child, (3) name and address of the parent absent from the placement of the child for the purposes of notification and protecting the absent parent's constitutional rights with regard to parenting, (4) name and address of the person leaving the child, if not a parent, (5) the location of the child's birthplace, (6) the medical histories of the child and parents including, but not limited to, birth and medical records, if available, and (7) any other information that might reasonably assist the Department or the courts of the Commonwealth in current and future determinations of the best interests of the child, including whether or not the parent plans to seek future custody of the child. The authorized employee receiving the newborn or infant shall encourage the parent or lawful agent of the parent to provide the requested information in order to ensure that the child's best interests are served, but the parent or lawful agent is not required to provide such information. The Department and the designated facility shall maintain copies of forms and records, if any, collected or created as a result of placements made under these sections, and shall adhere to all applicable laws, rules, and regulations regarding the confidentiality of such forms and records provided, however, that all information pertaining to the medical history of the newborn or

lawful agent shall be forwarded by the Designated facilities to the Department in order to facilitate the safe and permanent placement of a child by the department.

These authorized employees shall provide the parent or lawful agent with a numbered identification bracelet. The bracelet shall be used to link the parent to the child for identification purposes only and shall not be construed to authorize the person in possession of the bracelet to take custody of the child on demand. If parental rights have not been terminated, possession of a bracelet linking the parent or agent to a newborn or infant left with an authorized employee shall create a rebuttable presumption that the parent or lawful agent has standing to participate in a custody hearing for the child but shall not create a presumption of maternity, paternity or custody.

Envelopes containing the above information (pamphlet, medical history form, and identification bracelet) should be provided to all fire and police stations for distribution as needed.

Section 2. Placement of Newborns and Infants by Parents or Lawful Agents of Parents with Authorized Employees of Designated Facilities.

The act of leaving an unharmed newborn or infant with an authorized employee of a designated facility does not, by itself, constitute a basis for a finding of abuse or neglect of the child pursuant to the laws of the Commonwealth, nor does it, by itself, constitute a violation of criminal statutes for child abuse and neglect or for abandonment under General Laws Chapter 119, Section 39 when there is additional evidence that the person who left the child intended that the child be safe from physical injury or harm. If there is suspected child abuse or neglect that is not based solely on the newborn or infant having been left with an authorized employee of a designated facility in compliance with these sections, the personnel of the designated facilities who are mandated reporters under General Laws, Chapter 119, Section 51A must report the abuse or neglect.

Section 3. Information Program.

There shall be a public information program regarding the procedures stated in these sections including, but not limited to, the development of a pamphlet describing these aforesaid procedures, the rights and responsibilities of the parent(s) and extended family members, the legal consequences of placement of a newborn or infant into foster care, the relevant telephone numbers of the Department or its agents and family preservation services.

Such a public information program shall be funded by grants and donations not limited to, but including those from the United States Department of Health and Human Services pursuant to the Promoting Safe and Stable Families Program.

Section 4. Harmonious Construction.

This act shall be construed harmoniously to the extent practicable with any other general or special law such that all such legislation effectively provides the greatest level of safety for newborns and infants and the greatest level of equity and fairness to parents and lawful agents.

Section 5. Severability.

If any provision of these sections or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of these sections and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date.

The provisions of these sections shall be effective immediately upon passage.”

or take any other action relative thereto.

ARTICLE 23 – AUTHORIZATION TO PETITION THE LEGISLATURE

To see if the Town will vote to authorize the Town of West Boylston Municipal Light Board of Commissioners, acting through the Board of Selectmen, to petition the Legislature to pass a special act authorizing the Town to incur debt, outside the limits of indebtedness prescribed in General Laws Chapter 44, Section 10, for the purpose of paying above market contract costs associated with the sale of West Boylston Municipal Lighting Plant’s nuclear generation assets, for a period not to exceed twenty years, or take any other action relative thereto.

ARTICLE 24 – AUTHORIZATION TO ACCEPT THE PROVISIONS OF CHAPTER 46 OF THE ACTS OF 2003 SO AS TO ALLOW CALL MEMBERS OF THE FIRE DEPARTMENT TO PARTICIPATE IN THE TOWN’S GROUP HEALTH PLANS AT THE FULL EXPENSES OF THE CALL MEMBER OF THE DEPARTMENT

To see if the Town will vote to accept the provisions of Section 12 of Chapter 46 of the Acts of 2003, which reads, “The definition of "Employee" in [Section 2 of Chapter 32B](#) of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence: “A member of a call fire department or other volunteer emergency service agency serving a municipality shall be considered an employee, if approved by vote of the municipal legislative body, and the municipality shall charge such individual one hundred per cent (100%) of the premium,” and would allow the call members of the Fire Department to purchase group health plan insurance by paying one hundred per cent (100%) of the Town’s cost; or take any other action relative thereto.

ARTICLE 25 – AUTHORIZATION TO ACCEPT THE PROVISIONS OF MASSACHUSETTS GENERAL LAWS, CHAPTER 41, SECTION 100 G ¼

To see if the Town will vote to accept the provisions of Massachusetts General laws, Chapter 41; Section 100 G¼, which authorizes payment of funeral and burial expenses of firefighters and police officers killed in performance of duties not to exceed Five Thousand Dollars and No Cents (\$5,000); or take any action thereto.

**ARTICLE 26 – AUTHORIZATION TO ACCEPT THE PROVISIONS OF MASSACHUSETTS
GENERAL LAWS, CHAPTER 32; SECTION 89B AUTHORIZING AN ANNUITY PAYMENT
FOR DEPENDENTS OF CALL FIREFIGHTERS KILLED IN THE PERFORMANCE OF
DUTY**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32; Section 89B, authorizing an annuity payment to dependents of police officers or fire fighters killed in performance of duty, which includes a call firefighter's widow and/or dependents and a part-time police officer's widow and/or dependents; or take any action relative thereto.

**ARTICLE 27 – AUTHORIZATION TO ENTER INTO SOLID WASTE DISPOSAL
AGREEMENTS IN EXCESS OF THREE YEARS**

To see if the Town will vote to authorize the Board of Selectmen to enter into one or more contracts for the transportation and disposal of trash, recyclables and solid waste for terms in excess of three years; or take any other action relative thereto.

**ARTICLE 28 – AUTHORIZATION TO APPROPRIATE FUNDS FROM THE
STABILIZATION FUND FOR SOLID WASTE MANAGEMENT PLANNING AND
RELATED CONTRACT NEGOTIATION EXPENSES**

To see if the Town will appropriate the sum of Fifteen Thousand Dollars and No Cents (\$15,000) from the Stabilization Fund to be expended by the Board of Selectmen for the purposes of retaining the services of a qualified professional consultant and attorney to assist the Board of Selectmen in developing contracts for the transportation and disposal of trash, recyclables and solid waste, provided that any unexpended balance as of June 30, 2006 be transferred back to the Stabilization Fund; or take any other action relative thereto.

**ARTICLE 29 – AUTHORIZATION TO APPROPRIATE FUNDS FOR THE
BICENTENNIAL CELEBRATION COMMITTEE**

To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000) for the expenses of the Bicentennial Celebration Committee; or take any other action relative thereto.

**ARTICLE 30 – AUTHORIZATION TO APPROPRIATE CAPITAL INVESTMENT FUND
MONEY FOR ARCHITECTURAL PLANS NECESSARY FOR REPLACEMENT AND
REPAIR OF SCHOOL ROOFS**

To see if the Town will vote to appropriate the sum of Seventy Thousand Dollars and No Cents (\$70,000) from the Capital Investment Fund to be expended by the School Committee for the purpose of developing architectural plans, engineering studies and cost-estimates necessary for the replacement and repair of the roofs of the West Boylston Middle School/High School and Major Edwards Elementary School, and other required building improvements, provided that any unexpended balance as of June 30, 2005 be transferred back to the Capital Investment Fund; or take any other action relative thereto.

**ARTICLE 31 – AUTHORIZATION TO APPROPRIATE AMBULANCE RECEIPTS
RESERVED FOR APPROPRIATION FOR AMBULANCE BILLING EXPENSES**

To see if the Town will vote to appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000) from Ambulance Receipts Reserved For Appropriation to be expended by the Fire Chief to pay the costs associated with the Fire Department's ambulance billing service; or take any other action relative thereto.

**ARTICLE 32 - AUTHORIZATION TO PAY BILLS FROM PREVIOUS
FISCAL YEARS**

To see if the Town will vote to raise and appropriate the sum of being held by the Town Accountant from prior fiscal years for which no encumbered funds are available, or take any other action relative thereto.

**ARTICLE 33 – AUTHORIZATION TO AMEND THE PERSONNEL
BYLAW AND TO REVIEW THE CLASSIFICATION AND COMPENSATION
PLAN SO AS TO PROVIDE EMPLOYEES A COST –OF-LIVING PAY
INCREASE (1%)**

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

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
1	\$ 9.52	\$10.48	\$11.42	\$12.40	\$13.34
2	\$10.46	\$11.51	\$12.54	\$13.58	\$13.97
3	\$11.39	\$12.50	\$13.66	\$14.80	\$15.97

4	\$12.32	\$13.56	\$14.78	\$16.03	\$17.27
5	\$13.27	\$14.60	\$15.93	\$17.80	\$18.57

Exempt Employees – Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	\$22,500	\$24,757	\$26,998	\$30,187	\$31,516
COA Director	\$27,689	\$30,470	\$33,227	\$37,153	\$38,788
7					
Children's Librarian	\$25,668	\$28,193	\$30,796	\$33,356	\$35,921
Town Clerk	\$25,668	\$28,193	\$30,796	\$33,356	\$35,921
Assistant Library Director	\$27,689	\$30,361	\$33,163	\$35,924	\$38,684
8					
Building Inspector	\$20,956	\$23,059	\$25,147	\$27,252	\$29,338
9					
Principal Assessor	\$33,698	\$37,072	\$40,446	\$43,555	\$47,172
Town Accountant	\$33,698	\$37,072	\$40,446	\$43,555	\$47,172
10					
Library Director	\$35,181	\$39,789	\$42,556	\$46,953	\$50,643
Treasurer/Tax Collector	\$39,268	\$43,199	\$47,126	\$51,056	\$54,986
11					
Superintendent of Streets and Parks	\$52,622	\$56,945	\$61,267	\$65,589	\$69,456

Non-Exempt Emergency Fire and Medical Services Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	\$ 7.63	\$ 8.38	\$ 9.16	\$ 9.92	\$10.70
2F	\$11.02	\$12.11	\$13.22	\$14.32	\$15.43
3F	\$12.14	\$13.26	\$14.36	\$15.48	\$16.69
4F	\$15.17	\$16.57	\$17.96	\$19.36	\$20.86

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	\$ 9.62	\$10.58	\$11.53	\$12.52	\$13.47
2	\$10.56	\$11.63	\$12.67	\$13.72	\$14.11
3	\$11.50	\$12.63	\$13.80	\$14.95	\$16.13
4	\$12.44	\$13.70	\$14.93	\$16.19	\$17.44
5	\$13.40	\$14.75	\$16.09	\$17.98	\$18.76

Exempt Employees – Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	\$22,725	\$25,005	\$27,268	\$30,489	\$31,831
COA Director	\$27,966	\$30,775	\$33,559	\$37,525	\$39,176
7					
Children's Librarian	\$25,925	\$28,475	\$31,104	\$33,690	\$36,280
Town Clerk	\$25,925	\$28,475	\$31,104	\$33,690	\$36,280
Assistant Library Director	\$27,966	\$30,665	\$33,495	\$36,283	\$39,071
8					
Building Inspector	\$21,166	\$23,290	\$25,398	\$27,525	\$29,631
9					
Principal Assessor	\$34,035	\$37,443	\$40,850	\$43,991	\$47,644
Town Accountant	\$34,035	\$37,443	\$40,850	\$43,991	\$47,644
10					
Library Director	\$35,533	\$40,187	\$42,982	\$47,423	\$51,149
Treasurer/Tax Collector	\$39,661	\$43,631	\$47,597	\$51,567	\$55,536

Superintendent of Streets and Parks	\$53,148	\$57,514	\$61,880	\$66,245	\$70,151
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Non-Exempt Emergency Fire and Medical Services Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	\$ 7.71	\$ 8.46	\$ 9.25	\$10.02	\$10.81
2F	\$11.13	\$12.23	\$13.35	\$14.46	\$15.58
3F	\$12.26	\$13.39	\$14.50	\$15.63	\$16.86
4F	\$15.32	\$16.74	\$18.14	\$19.55	\$21.07

or take any other action relative thereto.

ARTICLE 34 - 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 2005 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

Moderator	\$ 50.00;
Selectmen	\$ 100.00 each (5 members);
Town Clerk	\$ \$36,280 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 35 – AUTHORIZATION TO APPROPRIATE MONEY TO THE SEWER
ENTERPRISE ACCOUNT FOR FISCAL YEAR 2005**

To see if the Town will vote to appropriate the sum of Nine Hundred Eighty Thousand Dollars (\$980,000) 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 2005 as follows:

Fiscal Year 2005 West Boylston Sewer Department Budget

Administration	-	\$ 154,400
Operations and Maintenance	-	\$ 475,500
Debt and Interest Payments	-	<u>\$ 350,100</u>
Total Budget Appropriation	-	\$ 980,000
Less Sewer Betterment Revenue		
Reserved for Debt Payments	-	\$ 331,000
Less Sewer Use Revenue	-	<u>\$ 630,000</u>
Town Contribution (Stabilization Fund)	-	\$ 19,000

and to meet said appropriation through:

- (1) the transfer of Three Hundred Thirty-One Thousand Dollars and No Cents (\$331,000) from Sewer Betterment Revenue Reserved for Debt Payments,
- (2) the appropriation of Six Hundred Thirty Thousand Dollars and No Cents (\$630,000) from Fiscal Year 2005 Sewer Enterprise Fund User Revenue, and
- (3) the transfer of Nineteen Thousand Dollars and No Cents (\$19,000) from the Stabilization Fund, provided that any unexpended balance of the Stabilization Fund transfer be closed out to the Stabilization Fund at the end of Fiscal Year 2005; or take any other action relative thereto.

**ARTICLE 36 – AUTHORIZATION TO APPROPRIATE MONEY FROM THE SEWER
ENTERPRISE CAPITAL RESERVE ACCOUNT FOR FISCAL YEAR 2005**

To see if the Town will vote to appropriate the sum of Twenty-two Thousand Dollars and No Cents (\$22,000) to be expended by the Sewer Department to pay for the necessary repairs, testing, and legal costs associated with a sewer main break that occurred on Worcester Street on December 3, 2003, and to meet said appropriation by transferring the amount of Twenty-Two Thousand Dollars and No Cents (\$22,000) from the Sewer Capital Reserve Replacement Fund, provided that any unexpended balance as of June 30, 2005 be transferred back to the Sewer Capital Reserve Replacement Fund, or take any other action relative thereto.

**ARTICLE 37 – AUTHORIZATION TO APPROPRIATE MONEY FROM THE SEWER
ENTERPRISE CAPITAL RESERVE ACCOUNT FOR FISCAL YEAR 2005**

To see if the Town will vote to appropriate the sum of One Hundred Thousand Dollars and No Cents (\$100,000) to be expended by the Sewer Department to pay for necessary emergency repairs to the sewer infrastructure in Fiscal Year 2005, and to meet said appropriation by transferring the amount of One Hundred Thousand Dollars and No Cents (\$100,000) from the Sewer Capital Reserve Replacement Fund, provided that any unexpended balance as of June 30, 2005 be transferred back to the Sewer Capital Reserve Replacement Fund, or take any other action relative thereto.

**ARTICLE 38 – AUTHORIZATION TO TRANSFER FREE CASH OR AVAILABLE
FUNDS TO REDUCE THE FISCAL YEAR 2005 TAX RATE**

To see if the town will vote to transfer a sum of money from certified free cash to reduce or stabilize the Fiscal Year 2005 Tax Rate, or take any other action relative thereto.

ARTICLE 39 - FISCAL YEAR 2005 OMNIBUS BUDGET APPROPRIATION ARTICLE

To see if the Town will vote to raise and appropriate, or transfer from available funds, such sums of money as may be necessary to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2005, the period of July 1, 2004 through June 30, 2005, including the costs of public education, debt and interest payments, and providing municipal services; or take any other action relative thereto.

(The proposed Fiscal Year 2005 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the budget figures for Fiscal Year 2003, appropriation figures for Fiscal Year 2004, and the Town Administrator's recommendations for Fiscal Year 2005.)

**ARTICLE 40 – AUTHORIZATION TO TRANSFER UNEXPENDED BALANCES
FROM FISCAL YEAR 2004 OPERATING BUDGET ACCOUNTS TO FISCAL YEAR
2005 OPERATING BUDGET**

To see if the Town will vote to transfer from unexpended Fiscal Year 2004 Operating Budget appropriations, or from other unexpended departmental appropriations to specific Fiscal Year 2005 Operating Budget Appropriation accounts; or take any other action relative thereto.

**ARTICLE 41 – AUTHORIZATION TO TRANSFER FUNDS TO THE UNEMPLOYMENT
COMPENSATION FUND**

To see if the Town will vote to transfer the amount of Ten Thousand Dollars and No Cents (\$10,000) from the Fiscal Year 2005 Unemployment Insurance Compensation Account, Budget Line Item #09-13-5170, to the Unemployment Compensation Fund; or take any other action relative thereto.

**ARTICLE 42 – AUTHORIZATION TO TRANSFER UNEXPENDED FUNDS FROM FISCAL
YEAR 2004 APPROPRIATIONS AND OTHER NECESSARY
TRANSFERS TO THE FISCAL YEAR 2004 APPROPRIATIONS**

To see if the Town will vote to transfer from available funds or from any unexpended balances of Fiscal Year 2004 appropriations, hitherto made, to Fiscal Year 2004 appropriation accounts; or take any other action relative thereto.

**ARTICLE 43 – APPROPRIATION TO FUND AN ELDERLY
COMMUNITY SERVICES PROGRAM**

To see if the Town will vote to raise and appropriate the sum of Six Thousand Dollars and No Cents (\$6,000) 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-served basis;

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 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 28th day of April in the year of our Lord, Two Thousand and Four.

Wayne M. LeBlanc, Chairman

Allen R. Phillips, Vice Chairman

James A. Ryan, Clerk

Alexander Fallavollita, Sr., Selectman

Kevin M. McCormick, 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