

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST BOYLSTON**

**TOWN MEETING WARRANT**

**OCTOBER 17, 2005**

Worcester ss.

To the Constables of the Town of West Boylston,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of West Boylston qualified to vote in elections and town affairs, to meet in the Auditorium of the Middle/High School in said Town on Monday, October 17, 2005 at 7:00 p.m. in the evening, then and there to act on the following articles.

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

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

**ARTICLE 2 – ENDORSEMENT OF MASTER PLAN FOR THE TOWN OF WEST BOYLSTON**

To see if the Town will vote to endorse the Master Plan for the Town of West Boylston as prepared by the Town Wide Planning Committee and approved by the West Boylston Planning Board or take any other relative thereto.

**ARTICLE 3 - APPROPRIATION OR TRANSFER OF FUNDS FOR PUBLIC SHADE TREE PRUNING, LIMB CUTTING, TREE CUTTING AND CLEARING TO BE EXPENDED BY THE TREE WARDEN**

To see if the town will vote to raise and appropriate, or transfer from available funds a sum of money to be expended by the Tree Warden with prior approval of the Board of Selectmen for the purpose of pruning, removing branches and limbs, and cutting and clearing public shade trees that are dead, dying, or deemed to be a public safety hazard; said activities to be undertaken by the Tree Warden in conformity with all applicable laws and permit requirements; or take any other action relative thereto.

**ARTICLE 4 – TRANSFER FUNDS TO BE USED BY THE WEST BOYLSTON HISTORICAL COMMISSION**

To see if the town will vote to raise and appropriate the sum of Two Thousand Dollars and No Cents (\$2,000.00) for use by the West Boylston Historical Commission for expenses in connection with the placement of the Holbrook Chapel and the Mount Vernon Cemetery on the National Register of Historic Places, or take any other action relative thereto.

**ARTICLE 5 – APPROPRIATION OF FUNDS TO THE CEMETERY DEPARTMENT’S BUDGET LINE ITEM**

To see if the town will vote to raise and appropriate the sum of One Thousand Fifty-five Dollars and No Cents (\$1,055.00) to the Fiscal Year 2006 Cemetery Salary and Wages Account, Budget Line Item #04-91-5100, or take any other action relative thereto.

#### **ARTICLE 6 – APPROPRIATION OF FUNDS TO THE BUILDING INSPECTOR’S BUDGET LINE ITEM**

To see if the town will vote to raise and appropriate, or transfer from available funds a sum of money to the Fiscal Year 2006 Building Inspector Purchase of Services Account, Budget Line Item #02-41-6200, or take any other action relative thereto.

#### **ARTICLE 7 – APPROPRIATION OF FUNDS TO THE BUILDING INSPECTOR’S BUDGET LINE ITEM**

To see if the town will vote to raise and appropriate, or transfer from available funds a sum of money to the Fiscal Year 2006 Building Inspector Salary and Wages Account, Budget Line Item #02-41-5100, or take any other action relative thereto.

#### **ARTICLE 8 - AUTHORIZATION TO AMEND THE TOWN OF WEST BOYLSTON’S GENERAL BYLAWS REGARDING A CAPITAL PLANNING COMMITTEE**

To see if the Town will vote to amend the Town of West Boylston’s General Bylaws amending Article IV OFFICE OF FINANCIAL MANAGEMENT by re-titling the existing Section 8 as Section 9 and inserting the following as Section 8:

##### **Section 8 - Capital Investment Board**

- (A) A board to be known as the Capital Investment Board comprised of seven (7) voters of West Boylston, of whom at least four shall be members of the Finance Committee. Said Board shall choose its own officers, set its own rules and shall serve without pay, except the clerk who may receive reasonable compensation for his/her services. The Clerk of this Board may or may not be a member of the Board. The Moderator shall appoint the members of this Board for a term of three years. The Moderator shall forthwith fill by appointment any vacancies that occur in this membership and said appointee shall serve for the remainder of his predecessor’s term of office.
- (B) The Board shall consider matters relating to appropriations from the Capital Investment Fund, and may, but is not required to, make recommendations to the Town or any board, committee, or official thereof, relative to matters and establish policies relative to the funding of capital projects of the Town and set priorities and schedules for such capital projects. The Board may study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000 having a useful life of at least five years. All officers, boards, and committees, including the Selectmen and the School Committee, shall by September 1<sup>st</sup> each year give to such Committee, on forms prepared by it, information concerning all projects anticipated by them to need Town Meeting action during the ensuing six years. The Committee shall consider the relative need, timing, and cost of these expenditures and the effect each will have on the financial position of the Town.
- (C) The Committee shall transmit its recommendations to the Town Administrator, as well as the appropriate officer, board, agency or department involved in proposed capital improvement. These shall constitute a Capital Improvement Program. The report of this program shall, as to items planned for the ensuing fiscal year, be given to the Town Administrator and Finance Committee for their review and possible inclusion in the budget. The text and tables of a capital program for the following five years shall be published with the Town Administrator’s report. Such capital program after its adoption shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options, or appraisals;

but no such expenditure shall be incurred on projects which have not been approved by the Town either by approval as above or through the appropriations of sums in the current year or in prior years.

- (D) In accordance with Chapter 117 of the Acts of 1995, the Town of West Boylston is authorized to establish and maintain a special fund to be known as the Capital Investment Fund. The Town may appropriate to the Capital Investment Fund by a majority vote at an annual or special town Meeting in any year an amount not exceeding ten percent of the amount raised in the preceding fiscal year by taxation of real estate and tangible personal property. The aggregate amount of said fund at any time shall not exceed ten percent of the equalized valuation of the Town, as defined in section one of Chapter 44 of the General Laws. Any interest shall be added to and become part of the Capital Investment Fund. The Treasurer of the Town shall be the custodian of the fund and may deposit proceeds in national banks or invest the proceeds by deposit in savings banks, cooperative banks or trust companies organized under the laws of the Commonwealth or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. The Capital Investment Fund may be appropriated at an annual or special Town Meeting by a two-thirds vote. Said fund may be appropriated for any purpose for which the Town would be authorized to borrow money under sections seven and eight of Chapter 44 of the General Laws, other than clauses (1) and (2) of Chapter 44 Section 8, and to pay the debt service on said projects, which are approved by the the Capital Investment Board.

Or take any other action relative thereto.

**ARTICLE 9 – AUTHORIZATION TO ENTER INTO A FIVE-YEAR CONTRACT WITH BROWNING-FERRIS INDUSTRIES OF AUBURN, MASSACHUSETTS**

To see if the town will vote to award a five-year contract for trash removal with an option for an additional five years to Browning-Ferris Industries of Auburn, Massachusetts, or take any other action relative thereto.

**ARTICLE 10 – AUTHORIZATION TO TRANSFER FUNDS INTO FISCAL YEAR 2006 TRASH LINE ITEM**

To see if the town will vote to raise and appropriate or transfer from available funds the sum of Thirteen Thousand Dollars and No Cents (\$13,000.00) to the Fiscal Year 2006 Trash Removal and Tipping Fees Line Item #04-30-6200, or take any other action relative thereto.

**ARTICLE 11 - APPROPRIATION OR TRANSFER OF FUNDS TO THE SCHOOL DEPARTMENT BUDGET**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of Fifty-Two Thousand Dollars and No Cents (\$52,000.00), to be expended by the School Department, or take any other action relative thereto.

**ARTICLE 12 - APPROPRIATION TO FUND STUDIES AND/OR PREPARATION OF PLANS FOR ADDITION OF CLASSROOMS AND/OR OTHER INSTRUCTIONAL FACILITIES TO THE MIDDLE / HIGH SCHOOL AND/OR TO THE MAJOR VICTOR E. EDWARDS ELEMENTARY SCHOOL**

To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to be expended by the School Committee for architectural, construction, engineering and related studies and analyses as to the addition of classrooms and/or other instructional facilities to the Middle/High

School, 125 Crescent Street, and/or to the Major Victor E. Edwards Elementary School, 70 Crescent Street, which studies and analyses may include, but need not be limited to, design and engineering services, environmental evaluations, architectural, construction and condition evaluations, useful life determinations, surveys, cost calculations and projections, formulation of reports, and preparation of plans, drawings, specifications, and invitations for bids or requests for proposals related to any additions or acquisition of modular units recommended thereby; or take any other action relative thereto.

### **ARTICLE 13 – AUTHORIZATION FOR THE BOARD OF SELECTMEN TO FILE SPECIAL LEGISLATION RELATIVE TO ADMINISTRATIVE OVERSIGHT OF THE HIRING PROCESS IN THE TOWN OF WEST BOYLSTON**

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.

#### **An Act Relative to Administrative Oversight of the Hiring Process in the Town of West Boylston**

**Section One:** Section 4 of Chapter 23 of the Acts of 1995, “An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston”, is hereby amended by inserting, after the conclusion of that section, a new paragraph as follows: - The appointment of all employees by the finance committee, board of appeals and personnel board, and any other multi-member body under the jurisdiction of the board of selectmen, must be approved by the board of selectmen. In order to receive the board of selectmen’s approval, each multi-member body shall inform the board of selectmen, in writing, of its intent to post openings for such positions. If the board of selectmen concurs that such position may be filled, the multi-member body may proceed to fill the positions in accordance with the town by-laws, personnel policy, state statutes and provisions of this act. The multi-member body shall inform the selectmen, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless said board of selectmen vote by at least a two-thirds majority vote of its membership to disapprove specifically designated appointments. The board of selectmen may consolidate and/or abolish employee positions as those positions are defined in this section, subject to the limitations of the general laws.

**Section Two:** Section 6 of Chapter 23 of the Acts of 1995, “An Act Establishing a Board of Selectmen-Town Administrator Form of Government in the Town of West Boylston”, is hereby amended by inserting, at the conclusion of that section, a new paragraph, as follows: - The appointment of all employees by any of the multi-member bodies listed in this section must be approved by the town administrator. In order to receive the town administrator’s approval, each multi-member body shall inform the town administrator, in writing, of its intent to post openings for such positions. If the town administrator concurs that such position may be filled, the multi-member body may proceed to fill the position in accordance with the town by-laws, personnel policy, state statutes and provisions of this act. The multi-member body shall inform the town administrator, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless the town administrator disapproves the appointment in writing. The town administrator may, at his discretion and with the approval of the board of selectmen, consolidate and/or abolish employee positions as those positions are defined in this section, subject only to the limitations of the general laws.

**Section Three:** This act shall take effect upon passage.

or take any other action relative thereto.

### **ARTICLE 14 – AUTHORIZATION TO AMEND THE ZONING BYLAWS OF THE TOWN OF WEST BOYLSTON**

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 3.8 (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 and 500 feet southeasterly of Hartwell Street" so that Section 3.8.B. reads:

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 Hartwell Street and westerly of Shrewsbury Street as is located southeasterly of a line parallel to a 500 feet southeasterly of Hartwell Street or take any other action relative thereto.

**ARTICLE 15 - AUTHORIZATION TO TRANSFER FUNDS TO THE STABILIZATION FUND**

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