

COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST BOYLSTON

SEMI-ANNUAL TOWN MEETING WARRANT

MAY 15, 2006

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 15, 2006 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 2007, the period from July 1, 2006 through June 30, 2007, 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 2007 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 2007 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 2007 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 2007 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 2007 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 2007 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, attorneys, planners, and engineers of the Planning Board for services provided for permit application and plan review, and consultant services;
- b) to fund administrative and wage expenses of the Planning Board, including wage and salary expenses of part-time employees of the Planning Board;
- c) to be the depository for fees derived from plan review filing fees and all other fees charged by the Planning Board;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2007 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 2007 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, attorneys, planners and engineers of the Conservation Commission for services provided for permit application and plan review, and consultant services;
- b) to fund administrative and wage expenses of the Conservation Commission, including, but not limited to, wage and salary expenses of part-time employees of the Conservation Commission;
- c) to be the depository for fees derived from all Wetland Protection Act filing fees and all other fees charged by the Conservation Commission;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2007 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 2007 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 Department of Public Works and in conformity with all applicable laws and permit requirements;
- c) to fund administrative and wage expenses associated with the administration of the programs of the Park Commission, including wage and salary expenses of the part-time employees of the Parks Commission;
- d) to be the depository for field user fees and donations collected by the Park Commission;
- e) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2007 set at \$25,000; and
- f) to have the Park Commission, or Director of Public Works, 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 2007 set at \$15,000; and

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

or take any other action relative thereto.

**ARTICLE 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 2007 set at \$10,000; and
- e) to have the Fire Chief be the only authority empowered to expend monies from this fund;

or take any action relative thereto.

**ARTICLE 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 2007 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 ESTABLISH A REVOLVING FUND FOR VOCATIONAL TRANSPORTATION

To see if the Town will vote to authorize the School Committee 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 expenses associated with the transportation of vocational education students;
- b) to be the depository for any revenues derived from vocational student transportation reimbursements;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2006 and Fiscal Year 2007 set at \$25,000; and
- d) to have the School Committee be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

ARTICLE 16 – 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 2007, for the period from July 1, 2006 through June 30, 2007, 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 17 – AUTHORIZATION TO AMEND THE PERSONNEL
BYLAW AND TO REVIEW THE CLASSIFICATION AND COMPENSATION
PLAN SO AS TO PROVIDE EMPLOYEES A COST –OF-LIVING PAY
INCREASE (2%)**

To see if the Town will vote to amend Section 5, Part AA. **Classification and Compensation Plan** of the Personnel Bylaw 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	\$ 9.81	\$10.79	\$11.76	\$12.77	\$13.74
2	\$10.77	\$11.86	\$12.92	\$13.99	\$14.39
3	\$11.73	\$12.88	\$14.08	\$15.25	\$16.45
4	\$12.69	\$13.97	\$15.23	\$16.51	\$17.79
5	\$13.67	\$15.05	\$16.41	\$18.34	\$19.14

Exempt Employees – Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	\$23,180	\$25,505	\$27,813	\$31,099	\$32,468
COA Director	\$28,525	\$31,391	\$34,230	\$38,276	\$39,960
7					
Children’s Librarian	\$26,444	\$29,045	\$31,726	\$34,364	\$37,006
Town Clerk	\$26,444	\$29,045	\$31,726	\$34,364	\$37,006
Assistant Library Director	\$28,525	\$31,278	\$34,164	\$37,009	\$39,852
8					
Building Inspector	\$21,589	\$23,756	\$25,906	\$28,076	\$30,224
9					
Principal Assessor	\$34,716	\$38,192	\$41,667	\$44,871	\$48,597

Town Accountant	\$34,716	\$38,192	\$41,667	\$44,871	\$48,597
10					
Library Director	\$36,244	\$40,991	\$43,842	\$48,371	\$52,172
Treasurer/Tax Collector	\$40,454	\$44,504	\$48,549	\$52,598	\$56,647
11					
Superintendent of Streets and Parks	\$54,211	\$58,664	\$63,118	\$67,570	\$71,554

Non-Exempt Emergency Fire and Medical Services Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	\$ 7.86	\$ 8.63	\$ 9.44	\$10.22	\$11.03
2F	\$11.35	\$12.47	\$13.62	\$14.75	\$15.89
3F	\$12.51	\$13.66	\$14.79	\$15.94	\$17.20
4F	\$15.63	\$17.07	\$18.50	\$19.94	\$21.49

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	\$10.01	\$11.01	\$12.00	\$13.03	\$14.02
2	\$10.99	\$12.10	\$13.18	\$14.27	\$14.68
3	\$11.97	\$13.14	\$14.36	\$15.56	\$16.78
4	\$12.94	\$14.25	\$15.54	\$16.84	\$18.15
5	\$13.94	\$15.35	\$16.77	\$18.71	\$19.52

Exempt Employees – Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	\$23,644	\$26,015	\$28,369	\$31,721	\$33,117
COA Director	\$29,096	\$32,019	\$34,915	\$39,042	\$40,759

7					
Children's Librarian	\$26,973	\$29,626	\$32,361	\$35,051	\$37,746
Town Clerk	\$26,973	\$29,626	\$33,361	\$35,051	\$37,746
Assistant Library Director	\$29,096	\$32,019	\$34,915	\$39,042	\$40,759
8					
Building Inspector	\$22,021	\$24,231	\$26,424	\$28,638	\$30,828
9					
Principal Assessor	\$35,410	\$38,956	\$42,500	\$45,768	\$49,569
Town Accountant	\$35,410	\$38,956	\$42,500	\$45,768	\$49,569
10					
Library Director	\$36,969	\$41,811	\$44,719	\$49,338	\$53,215
Treasurer/Tax Collector	\$41,263	\$45,394	\$49,520	\$53,650	\$57,780
11					
Director of Public Works	\$55,295	\$59,837	\$64,380	\$68,921	\$72,985

Non-Exempt Emergency Fire and Medical Services Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	\$ 8.02	\$ 8.80	\$ 9.63	\$10.42	\$11.25
2F	\$11.58	\$12.72	\$13.89	\$15.05	\$16.21
3F	\$12.76	\$13.93	\$15.09	\$16.26	\$17.54
4F	\$15.94	\$17.41	\$18.87	\$20.34	\$21.92

or take any other action relative thereto.

ARTICLE 18 - AUTHORIZATION TO AMEND THE CLASSIFICATION PLAN OF THE PERSONNEL BYLAW TO INCLUDE PART-TIME NON-EXEMPT EMERGENCY FIRE AND MEDICAL EMPLOYEES

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:

Non-Exempt Emergency Fire and Medical Employees

Grade 2F	Call, full-time and per diem firefighters Call, full-time and per diem EMT's (Basic and Intermediate)
Grade 3F	Full-time Firefighter/Emergency Medical Technician (EMT) Full-time Firefighter/Emergency Medical Technician (EMT) Clerk
Grade 4F	Full-time, call and per diem Firefighter/Paramedic (PAR) Full-time, call and per diem Firefighter/Paramedic (PAR) Clerk

and insert the following:

Non-Exempt Emergency Fire and Medical Employees

Grade 2F	Call, full-time, part-time and per diem firefighters Call, full-time, part-time and per diem EMT's (Basic and Intermediate)
Grade 3F	Full-time, part-time and per diem Firefighter/Emergency Medical Technician (EMT) Full-time, part-time and per diem Firefighter/Emergency Medical Technician (EMT) Clerk
Grade 4F	Call, full-time, part-time and per diem Firefighter/Paramedic (PAR) Call, full-time, part-time and per diem Firefighter/Paramedic (PAR) Clerk

or take any other action relative thereto.

**ARTICLE 19 - AUTHORIZATION TO AMEND THE PERSONNEL BYLAW SO AS TO
CREATE THE POSITION OF DINING ROOM MANAGER**

To see if the town will vote to amend the Personnel Bylaw so as to create the position of Dining Room Manager to be classified at Grade 1 as a non-exempt employee to be compensated as follows:

CLASSIFICATION AND COMPENSATION PLAN

Non-Exempt Employees – Wage Earning Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	\$10.01	\$11.01	\$12.00	\$13.03	\$14.02

and to amend Section 5, Part AA of the Personnel Bylaw to read:

Grade 1. Casual Labor
Clerk/Typist
Custodian/Maintenance Worker
Dining Room Manager
Minutes Clerk

or take any other action relative thereto.

ARTICLE 20 - 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 2007 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

Moderator	\$ 50.00;
Selectmen	\$ 100.00 each (5 members);
Town Clerk	\$37,746.00 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 21 – AUTHORIZATION TO APPROPRIATE MONEY TO THE SEWER
ENTERPRISE ACCOUNT FOR FISCAL YEAR 2007**

To see if the town will vote to raise and appropriate or transfer from available funds the sum of One Million Two Hundred Twenty Seven Thousand Six Hundred Forty Seven Dollars (\$1,227,647) to the West Boylston Sewer Enterprise Account to be expended by the Board of Selectmen, acting as the Board of Sewer Commissioners, for sewer development, administration, assessment, operation, and maintenance expenses in Fiscal Year 2007 as follows:

Fiscal Year 2007 West Boylston Sewer Department Budget

Administration	-	\$127,820
Operations and Maintenance	-	\$571,305
Reserve Fund	-	\$100,000

Debt and Interest Payments	-	<u>\$428,522</u>
Total Budget Appropriation	-	<u>\$1,227,647</u>

and to meet said appropriation through:

- (1) the appropriation of Five Hundred Thirty-One Thousand Eight Hundred Sixty-Seven Dollars and No Cents (\$531,867.00) from Fiscal Year 2007 Sewer Enterprise Fund User Revenue, and
- (2) the appropriation of Three Hundred Thirty-One Thousand Eight Hundred Dollars and No Cents (\$331,800) from Sewer Betterment Collections, and
- (3) the appropriation of Three Hundred Sixty-Three Thousand Nine Hundred Eighty Dollars and No Cents (\$363,980) from Sewer Enterprise Retained Earnings

or take any other action relative thereto.

ARTICLE 22 – AUTHORIZATION TO TRANSFER FREE CASH OR AVAILABLE FUNDS TO REDUCE THE FISCAL YEAR 2007 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 2007 Tax Rate, or take any other action relative thereto.

ARTICLE 23 - FISCAL YEAR 2007 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 2007, the period of July 1, 2006 through June 30, 2007, including the costs of public education, debt and interest payments, and providing municipal services; or take any other action relative thereto.

(The proposed draft of the Fiscal Year 2007 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the budget figures for Fiscal Year 2005, appropriation figures for Fiscal Year 2006, and the Town Administrator's recommendations for Fiscal Year 2007.)

ARTICLE 24 – AUTHORIZATION TO RAISE AND APPROPRIATE FUNDS TO THE CAPITAL INVESTMENT FUND

To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) to the Capital Investment Fund, or take any other action relative thereto.

ARTICLE 25 – APPROPRIATION OF FUNDS TO THE GENERAL LIABILITY SELF-INSURANCE CLAIMS ACCOUNT

To see if the Town will vote to raise and appropriate the sum of Two Thousand Dollars and No Cents (\$2,000.00) to the General Liability Self-Insurance Claims Account #012-09-45-07740-203, or take any other action relative thereto.

ARTICLE 26 – AUTHORIZATION TO APPROPRIATE FUNDS FOR THE SCHOOL DEPARTMENT

To see if the Town will vote to raise and appropriate or transfer from available funds the following sums of money for the School Department: Fifteen Thousand Dollars and No Cents (\$15,000.00) for the installation of intrusion alarms, Twenty-Five Thousand Dollars and No Cents (\$25,000.00) to install security close circuit cameras at the Middle/High School, Forty Thousand Dollars and No Cents (\$40,000.00) for building renovations to control access to the Middle/High School, and Four Thousand Dollars and No Cents (\$4,000.00) to purchase for building system operation sensors to warn of building system failures, or take any other action relative thereto.

ARTICLE 27 – AUTHORIZATION TO TRANSFER UNEXPENDED FUNDS FROM FISCAL YEAR 2006 APPROPRIATIONS AND OTHER NECESSARY TRANSFERS TO THE FISCAL YEAR 2006 APPROPRIATIONS

To see if the Town will vote to transfer from available funds or from any unexpended balances of Fiscal Year 2006 appropriations, hitherto made, to Fiscal Year 2006 appropriation accounts; or take any other action relative thereto.

ARTICLE 28 – APPROPRIATION TO FUND AN ELDERLY COMMUNITY SERVICES PROGRAM

To see if the Town will vote to raise and appropriate the sum of Fourteen Thousand Three Hundred Dollars and No Cents (\$14,300.00) to fund an Elderly Community Services Program for the purpose of providing a payment voucher for services rendered for the departments, boards, and committees of the municipality to resident property owners who have attained the age of sixty (60) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides. Said program shall be subject to the following conditions in addition to any and all eligibility requirements promulgated by the Board of Selectmen:

1. participation in the program shall be limited to elderly residents of the town who own property and are willing and able to provide services to the town;
2. program participants shall receive compensation at the basic minimum wage rate for the

Commonwealth of Massachusetts as promulgated by the Department of Labor and Workforce Development, Division of Occupational Safety for each hour of service rendered for a total not to exceed One Thousand Three Hundred Dollars and No Cents (\$1,300) in any calendar year;

3. the Treasurer/Tax Collector shall comply with the wage, tax, and payroll deduction requirements of the state Department of Revenue and the federal Internal Revenue Service, prior to compensating program participants; and
4. program participants who meet the eligibility guidelines established by the Board of Selectmen shall be selected for participation on a first-come-first-served basis;

or take any other action relative thereto.

ARTICLE 29 - AUTHORIZATION TO APPROPRIATE FUNDS FOR POST-CLOSURE LANDFILL MONITORING

To see if the Town will vote to raise and appropriate the sum of Seventeen Thousand Dollars and No Cents (\$17,000.00) for post-closure landfill monitoring required by the Department of Environmental Protection, or take any other action relative thereto.

ARTICLE 30 – AUTHORIZATION TO APPROPRIATE FUNDS TO REPAIR AND REFURBISH THE BRUCE L. SHEPARD PUBLIC SAFETY HEADQUARTERS

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 Fire Chief for roof repairs and lock replacements for the Bruce L. Shepard Public Safety Building, or take any other action relative thereto.

ARTICLE 31 – 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 (\$5,000.00) for the expenses of the Bicentennial Celebration Committee; or take any other action relative thereto.

**ARTICLE 32 – 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-Four Thousand Dollars and No Cents (\$24,000.00) from the ambulance receipts reserved for appropriation to be expended by the Fire Chief to pay the costs associated with the Fire Department ambulance billing service, or take any other action relative thereto.

**ARTICLE 33 – AUTHORIZATION TO AMEND THE ZONING BYLAWS TO ADD
AN INCENTIVE ZONING PROVISION**

To see if the Town will vote to amend the Zoning Bylaws by adding a new section, Section 3.10 Incentive Zoning as follows:

3.10. - INCENTIVE ZONING

3.10.A Purpose

The purpose of this By-law is to increase the supply of housing in the Town of West Boylston that is available to and affordable by very low, low, and moderate income households who might otherwise have difficulty in finding homes in West Boylston. Through this bylaw, the Town encourages new, converted or renovated housing developments, where adequate public services exist, to include a proportion of housing units that are affordable. This bylaw is intended to ensure that such housing is affordable over the long-term and is provided in accordance with the requirements set forth by the Massachusetts Department of Housing and Community Development (“DHCD,” or the successor agency thereto), the West Boylston Master Plan and programs of the West Boylston Housing Partnership.

Accordingly, the provisions of the Section are designed to: **(1)** increase the supply of affordable rental and ownership housing in the Town of West Boylston, and **(2)** assist in the achievement the 10% affordable housing threshold established by the Commonwealth in M.G.L. chapter 40-B, Section 20-23, and **(3)** encourage a greater diversity and distribution of housing to meet the needs of families and individuals at all income levels, **(4)** prevent the displacement of West Boylston residents; and **(5)** create viable housing opportunities to employees of the Town of West Boylston.

3.10.B Definitions

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

Affordable housing unit (AFU): A dwelling unit that is sold or rented for an amount that is deemed affordable for a household at or below 70% of the area median income as reported by DHCD or the U.S. Department of Housing and Urban Development (“HUD”). In calculating the price of an affordable unit, no more than 30% of the subject household’s income may be devoted to qualifying housing costs.

Dwelling Unit: A habitable dwelling.

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

Local housing fund: An account established by: (a) The Town for the specific purpose of creating affordable housing, including use by the Town Housing Authority for the purchase of land or units, or the development of new or rehabilitation of existing dwelling units for affordable housing occupants; or (b) a housing or community development corporation designated by the Town and created under the laws of the Commonwealth of Massachusetts.

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

3.10.C Applicability

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

3.10.D Provision of Affordable Units

1. **Density Bonus:** All developments including a residential component with Single-Family residences MAY be allowed to construct up to one hundred and fifty (150) percent of the dwelling unit density that is allowed by right under the current zoning bylaw (1.5 units for every unit currently allowed – i.e. a project that is permitted to construct 10 units may construct up to 15 units with a special permit issued under this by-law), provided that a minimum of fifteen (15) percent of the total number of dwelling units are set aside as Affordable Housing Units, as defined hereunder. All developments including a residential component with Multi-Family residences MAY be allowed to construct up to two hundred (200) percent of the dwelling unit density that is allowed by right under the current zoning bylaw, provided that a minimum of twenty (20) percent of the total number of dwelling units are set aside as Affordable Housing Units. Calculation of the number of Affordable Units shall be rounded up to the next higher whole unit.
2. **Frontage Bonus:** With the grant of a Special Permit hereunder, the Planning Board may grant a reduction of the minimum lot frontage to no less than two thirds (2/3) of the frontage required in the applicable Zoning District.
3. **Buffer Requirement:** When multi-family units are proposed, a buffer at least 30’ wide by 8’ high vegetated visual buffer must be constructed in areas of the site that border single-residence uses or Zoning Districts.

4. **Distribution of affordability for RENTAL units:** Affordable rental units shall be set aside, as a minimum, in compliance with Housing Partnership needs assessment, as follows:
 - a) In developments which include fewer than three (3) affordable units all affordable units shall serve low or moderate income households.
 - b) In developments which include exactly three (3) affordable units,
 - One (1) affordable unit shall serve a very-low-income household
 - Two (2) affordable units shall serve a low or moderate income household
 - c) In developments which include more than three (3) affordable units, the units shall be distributed generally as follows:
 - 25% shall serve very-low-income households
 - 75% shall serve low or moderate income households
5. **Distribution of affordability for OWNERSHIP units:** Affordable ownership units shall serve low or moderate income households, unless an applicant and the SPGA agree that very low income households should be served.
6. **Relationship to the affordable housing inventory:** It is intended that the affordable housing units serving low and very-low income households that result from this by-law be considered as Local Initiative Units in compliance with the requirements of the Local Initiative Program administered by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD); **or** that such units comply with such other program that allows for inclusion on the Town's subsidized housing inventory, as kept by DHCD.
7. **Relationship to public funding programs:** Developers may participate in public subsidy programs and still meet the requirements of this Section. Such participation will be subject to the approval of the subsidizing agency and to the unit price limitations of the funding program as well as those required by this Section. In case of conflicting price limitations, the lower price requirement shall prevail.
8. **Relationships to other organizations:** Subject to the approval of the West Boylston Housing Partnership and the applicable subsidizing agency, developers may elect to work with a local nonprofit housing provider, to distribute, maintain or operate the units in accordance with the requirements of this section.

3.10.E Affordability Requirements

1. **Duration of affordability:** Affordable units shall be subject to restrictions that, to the extent legally possible, preserve the perpetual affordability of the units as defined by this by-law.
2. **Maximum rental price:** Rents for the affordable units, including utilities and other housing costs, shall not exceed 30% of the targeted annual gross household income, as adjusted for household size. Specific prices shall be determined by reference to standards set forth by DHCD or HUD, if applicable, and are subject to approval by the SPGA.
3. **Maximum sales price:** Housing costs, including monthly housing payments, principal and interest payments, insurance, condominium fees and other housing costs, shall not exceed thirty percent (30%) of the targeted gross household income, as adjusted for household size. Specific prices shall be determined by reference to standards set forth by DHCD or HUD, if applicable, and are subject to approval by the SPGA.

4. **Resale prices:** Subsequent resale prices shall be determined based on a percentage of the median income at the time of resale as determined by reference to a binding deed rider or use restriction encumbering the subject unit.
5. **Marketing plan:** The affordable units must be rented or sold using marketing and selection guidelines approved by DHCD and the West Boylston Housing Partnership.
6. **Preference for Town residents and persons employed within the Town:** Unless otherwise prohibited by law, not less than seventy percent (70%) of the affordable units shall be initially offered to residents of the Town of West Boylston, to persons employed within the Town of West Boylston, and persons who, although not currently residents of the Town, have previously resided in the Town of West Boylston for a minimum of five (5) years.

3.10.F Development Standards

1. **Location of affordable units:** Affordable units shall be dispersed throughout the development so as to ensure a true mix of market-rate and affordable housing.
2. **Comparability:** Affordable units shall be externally indistinguishable from market rate units in the same development. Affordable units should be comparable to market rate units in terms of location, quality, character, and room size.
3. **Unit size:** Except as otherwise authorized by the SPGA, affordable units shall contain one or more bedrooms. The mix of unit sizes among the affordable units shall be proportionate to that of the development as a whole.
4. **Rights and privileges:** The owners or renters of affordable units shall have all rights, privileges and responsibilities accorded to market-rate owners or renters, including access to all non-fee amenities within the development.

3.10.G Alternative Methods of Affordability

Section 3.10.D mandates that affordable units shall be provided onsite. However in certain exceptional circumstances the Planning Board may, at the formal written request of the applicant and with the support of the Housing Partnership, consider an alternative method of compliance. In granting such authorization, the Planning Board must find that the applicant has demonstrated that building the required affordable units on-site would create a significant hardship, or that such alternate method of compliance is in the best interests of the Town. A significant hardship shall be defined as being of such significance that the property cannot physically accommodate the required affordable units and/or related requirements, such as height, setbacks or parking due to topographic conditions, other than size, of the property. To have such a request considered, the burden of proof shall be on the applicant, who must make full disclosure to the Town of all relevant information. Approval of the alternate methods of compliance shall be only for the method described. The Town may consider these methods only in rare and exceptional circumstances:

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

number of dwelling units contained in the structure. Off-site units shall be subject to the same construction schedule as otherwise required of on-site units as set forth in Section 3.10.I.

3.10.H Procedures

All projects shall comply with the following procedures as applicable:

1. **Pre-application Meeting:** The applicant shall convene a pre-application meeting with the West Boylston Housing Partnership to discuss the project proposal and affordable housing requirements.
2. **Submission of Affordable Housing Plan:** The applicant shall fill out and submit an Affordable Housing Plan form to the West Boylston Housing Partnership prior to making an application for a Special Permit. This form requires the following information: project units by location, square footage, unit types, number and types of rooms, and location of and number of affordable units. Specific floor plans shall be included with this submission.
3. **Planning Board Application:** The applicant shall make a formal application for a Special Permit and Subdivision or Site Plan Review, as applicable, to the West Boylston Planning Board. The applicant is required to comply with all other applicable Zoning and/or Subdivision Regulations.
4. **Housing Partnership Review:** The West Boylston Housing Partnership shall, in the next regularly scheduled meeting after necessary public notice, review the Affordable Housing Plan and prepare a recommendation to the Planning Board.
5. **Planning Board Review:** The Planning Board shall meet to hear the special permit application in accordance with other by-laws and regulations regarding special permit applications. The Planning Board decision may require modifications, conditions and safeguards, including documentation regarding affordability. The Board shall explain any deviation from the Housing Partnership recommendations in writing in its decision.
6. **Revised Affordable Housing Plan:** As needed to secure Planning Board approval, a revised affordable housing plan may be submitted to the Planning Board. No building permit shall be issued until the applicant submits proof that the special permit decision of the Planning Board has been recorded and that a final approval letter for the Affordable Housing Plan has been issued.
7. **Special Permit Condition:** Each special permit shall contain a condition that no occupancy permit may be issued for the project unless and until the applicant demonstrates, with written evidence, that the approved affordable units are eligible for inclusion on the town's subsidized housing inventory, as kept by DHCD.

3.10.I Administration and Enforcement

1. **Authority:** The Housing Authority shall be the enforcement agent regarding issues relative to certification of unit eligibility and implementation of the Housing Plan, following issuance of a final occupancy permit from the Building Inspector. The Planning Board will review the proposals and oversee construction, in accordance with the appropriate review (i.e. Subdivision or Site Plan) with recommendations from the Housing Partnership.
2. **Legal restrictions:** Affordable units shall be rented or sold subject to deed covenants, contractual agreements, and/or other mechanisms restricting the use and occupancy, rent levels and sales prices of such units to assure their affordability in perpetuity. All restrictive instruments shall be subject to prior review and approval by the Planning Board and no

occupancy permits may be issued until the Planning Board, in consultation with Town Counsel, issues such approval. All Subdivision and/or Homeowner or Condominium documents and fees shall be subject to review and approval by the Planning Board and the Town Counsel.

3. **Timing of commitments:** All contractual agreements with the Town and other documents necessary to ensure compliance with this Section shall be executed prior to and as a condition of the issuance of a Building Permit or occupancy permit, as may be specified herein.
4. **Timing of construction:** As a condition of the issuance of approval under this Section, the Planning Board may set a time schedule for the construction of both affordable and market-rate units. When no schedule is specified as a condition of approval, all construction in the development must be completed within five (5) years of the date of approval. No Certificate of Occupancy shall be issued for any market-rate units in a development subject to the requirements of this Section until 25% of the affordable units required to be constructed have been issued a Certificate of Occupancy. No Certificate of Occupancy shall be issued to more than 50% of the market-rate units until 100% of the affordable units required to be constructed have obtained a Certificate of Occupancy.
5. **Regulations:** The Planning Board may adopt regulations to facilitate the administration of this section.

3.10.J Conflict with Other By-laws

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

3.10.K Severability

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

or take any other action relative thereto.

ARTICLE 34 – 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, a plan prepared to provide short-term and long-term recommendations to policy makers and decision makers of the Town, as prepared by the Town Wide Planning Committee and approved by the West Boylston Planning Board or take any other action relative thereto.

ARTICLE 35 – PETITIONED ARTICLE TO FUND CONTINUED OPERATION OF THE JOSEPH E. AMELLO POOL AND RELATED SUMMER RECREATION AND SWIMMING PROGRAMS

To see if the Town will vote to appropriate the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) to the Board of Parks Commissioners Summer Recreation Account to be expended by the Board of Parks Commissioners for operation of the Joseph E. Amello Pool and related Summer Programs and to provide 40 man hours of DPW labor for pool operations, or take any other action relative thereto.

ARTICLE 36 – PETITIONED ARTICLE TO EXEMPT WEST BOYLSTON HOME OWNERS OVER THE AGE OF FIFTY-TWO (52) FROM THE MANDATORY SEWER HOOK-UP REGULATION

To see if the Town will vote to exempt West Boylston home owners over the age of fifty-two (52) from the mandatory sewer hook-up regulation, or to act in any way relative thereto.

ARTICLE 37 – PETITIONED ARTICLE TO ACCEPT STILLWATER HEIGHTS DRIVE

To see if the Town will vote to accept the roadway known as Stillwater Heights Drive of the Timberwood Estates Definitive Subdivision, off North Main Street (Route 140), West Boylston, MA as depicted on the plans entitled “Record Acceptance Plan, Timberwood Estates – Stillwater Heights Drive,” prepared by GRAZ Engineering, L.L.C.

or take any other action relative thereto.

ARTICLE 38 – AUTHORIZATION TO TRANSFER MONEY TO THE STABILIZATION FUND

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

And you are directed to serve this Warrant by posting an attested copy thereof at the place of said meeting as aforesaid and at the Post Office in said Town seven (7) days at least before the time of said meeting.

Hereof, fail not, make do return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hands this 26th day of April in the year of our Lord, Two Thousand and Six.

Kevin M. McCormick, Chairman

Christopher A. Rucho, Vice Chairman

Allen R. Phillips, Clerk

Alexander Fallavollita, Sr., Selectman

John B. DiPietro, 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