

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEST BOYLSTON
SEMI-ANNUAL TOWN MEETING WARRANT

OCTOBER 20, 2008

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 20, 2008 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.

Or take any other action relative thereto.

ARTICLE 2 – AUTHORIZATION TO MODIFY FISCAL YEAR 2009 APPROPRIATIONS AND OTHER NECESSARY ADJUSTMENTS TO THE FISCAL YEAR 2009 BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds or from any unexpended balances of Fiscal Year 2009 appropriations, hitherto made, to Fiscal Year 2009 appropriation accounts; or take any other action relative thereto.

ARTICLE 3 – APPROPRIATION TO FUND AN ELDERLY COMMUNITY SERVICES PROGRAM

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of Nine Thousand Dollars and No Cents (\$9,000.00) to fund an Elderly Community Services Program, or take any other action relative thereto.

ARTICLE 4 - AUTHORIZATION TO APPROPRIATE OR RESERVE FUNDS FROM THE

2009 COMMUNITY PRESERVATION FUND RESERVES

To see if the Town will vote to appropriate by transfer the following amounts from Fiscal Year 2009 Community Preservation Fund Reserves or from the General CPA Fund Balance, with each appropriation being treated as a separate item:

\$8,500 from Historic Resources Reserves to fund, for historic preservation purposes, a Gravestone and Monument Condition Assessment;

\$3,000 from Historic Resources Reserves to fund, for historic preservation purposes, the cleaning, printing, identifying and preserving of approximately 600 glass negatives;

\$25,000 from General CPA Fund Balance to fund, for recreation purposes, the Goodale Park Open Space and Recreation project Phase 1 - Architectural and Engineering Services;

\$9,250 from Historic Resources Reserves to fund, for historic preservation purposes, the restoration of the fireplace in the Holbrook Chapel at Mount Vernon Cemetery

Or take any other action relative thereto.

ARTICLE 5 - AUTHORIZATION TO CLOSE OUT APPROPRIATION UNDER ARTICLE 20 OF MAY 2001 TOWN MEETING

To see if the town will vote to transfer the unexpended balance of \$1,969.29 remaining in the appropriation under Article 20 of the May 2001 Semi-Annual Town Meeting to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 6 - AUTHORIZATION TO ACCEPT THE PROVISIONS OF MASSACHUSETTS GENERAL LAW CHAPTER 39 SECTION 15

To see if the town will vote to amend the General Bylaws by adding in Article I the following provision, as authorized under Massachusetts General Law Chapter 39 Section 15:

Section 7

If a two-thirds vote of Town Meeting is required by statute, the Moderator may, at his or her discretion, decline to verify a voice vote by polling the voters or by dividing the meeting, and may record the vote as a two-thirds vote without taking such a count.

Or take any other action relative thereto.

ARTICLE 7 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the town will vote to amend Article III – **TOWN CLERK**, Section 2 to strike the word “He” and replace with “Town Clerk,” or take any other action relative thereto.

ARTICLE 8 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the town will vote to amend Article IV – OFFICE OF FINANCIAL MANAGEMENT, Section 8 (B) – Capital Investment Board by deleting the numeral “\$20,000 and substituting the phrase “\$10,000 or greater” in the clause that presently reads: “The Board may study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000,” and (D) to change references to the annual Town Meeting to “Semi-Annual Town Meetings,” or take any other action relative thereto.

ARTICLE 9 – AUTHORIZATION TO AMEND THE GENERAL BYLAW

To see if the town will vote to amend the General Bylaws by renumbering Article V, Section 5 – Housing Partnership Committee – to become Article XXXIV **HOUSING PARTNERSHIP COMMITTEE**, or take any action relative thereto.

ARTICLE 10 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the town will vote to amend Article III, TOWN CLERK, of the General Bylaws by adding the following:

Section 3 - FILING OF BUSINESS CERTIFICATES

Any person conducting business in the Commonwealth of Massachusetts under any title other than the real name of the person conducting the business, whether individually or as a partnership, whose office is situated in the Town of West Boylston shall file in the office of the Town Clerk, a certificate stating the full name and residence of each person conducting such business, the place, including street and number, where, and the title under which it is conducted, and shall amend and/or renew said certificate from time to time, and pay the appropriate fee, as required by M.G.L. Chapter 110 §5.

Violations of this bylaw shall be punished pursuant to M.G.L. Chapter 40, §21 and §21D and Town Bylaw, Enforcement, Article XXV, by a fine of up to \$300.00 for each month during which such violations continue.

And further, to amend Town Bylaw, Enforcement, Article XXV Non-Criminal Disposition Schedule under Chapter 40, §21D, to reflect the above referenced fine and Non-Criminal Disposition Fine Schedule in Article XXV of the General Bylaws as follows:

First Offense \$100.00, Second Offense \$200.00, Third and Subsequent Offenses \$300.00, and to list the Town Clerk or designee, Zoning Enforcement Officer, or any Police Officer of the town as the “Enforcement Officer”. Violations of this section shall be punished by a fine of not more than \$300.00 for each month during which each such offenses continues.

Or take any other action relative thereto

ARTICLE 11 - AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the town will vote to amend Section 1 of Article II – TOWN OFFICERS AND DUTIES by adding the following at the end of the second paragraph: “Housing Authority, as provided for in G.L. c. 121B, § 5; or take any other action relative thereto.

ARTICLE 12 - AUTHORIZATION TO AMEND THE GENERAL BYLAW

To see if the town will vote to amend the Article XXXII – FIRE SAFETY BYLAW by adding the following sections:

Section 5 Violations of Fire Codes

1. Incorporation of Regulations

In order to protect and enhance public safety by reducing the risk of fire hazard, the provisions of the Code of Massachusetts Regulations 527 C.M.R. 1.00 to 50.00 as from time to time amended, are hereby incorporated in and made part of this by-law and any violation of any provision thereof shall constitute a violation of this section.

2. Violations and Penalties

Whoever violates any provision of this by-law shall be punished by a fine of fifty dollars (\$50.00) for each offense. In the case of any continuing violation, each day said violation continues shall constitute a separate offense. This by-law may be enforced pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D by the head of the Fire Department or his authorized designee as well as by town officers having police powers.

3. Abatement of Fire Hazards

A. Investigation of Conditions

The Fire Chief or his authorized designee, upon complaint of a person having an interest in any building or premises or property adjacent thereto, may at any reasonable hour enter into any buildings and any other premises, including adjacent property, within the jurisdiction of the Town and make an inspection or investigation as to the existence of conditions likely to cause fire.

B. Order of Compliance

The Fire Chief or his authorized shall, in writing, order such conditions to be remedied, and whenever such officers or persons find in any building or upon any premises any accumulation of combustible rubbish, including, but not limited to, wastepaper, rags, cardboard, string, packing material, sawdust, shavings, sticks, waste leather, or rubber products, broken boxes or barrels or any refuse or unusable material that is or may become dangerous as a fire hazard or as an obstacle to easy ingress into or egress from such buildings or premises, they shall, in writing, order the same to be removed or such conditions to be remedied.

C. Notice

Notice of such order shall be served upon the owner, occupant or his authorized agent by a member of the Fire or Police Department.

D. Non-compliance

If said order is not complied with within twenty-four (24) hours or such additional time as the enforcing person determines reasonable as stated in said notice, the person making such order, or any person designated so to do, may enter into such building or upon such premises and remove such refuse, or any unusable materials or abate such conditions at the expense of such owner or occupant of said premises.

E. Abatement of Condition after Non-compliance. Any expense so incurred shall be a debt due to the Town of West Boylston upon completion of such removal or abatement and the rendering of an account therefor to the owner or his authorized agent, and shall be recoverable from such owner in an action of contract. Any such debt shall constitute a lien on the land, effective upon the filing in the Worcester South District Registry of Deeds a statement of claim therefor signed by the enforcing person and the Selectmen and setting forth the amount of said lien. The lien shall be enforced within the time and in the manner provided for the collection of taxes upon real estate, as set forth more particularly in G.L. c. 148, § 5 and laws referenced therein.

F. Penalty

Any such owner or occupant who fails or refuses to comply with said order shall be punished by a fine of fifty dollars (\$50.00). Each day that the non-compliance continues shall constitute a separate offense.

Section 6- Control and Curtailment of Signals Emitted by Alarm Systems

A. Every alarm user shall submit to the Police Chief and the Fire Chief his name, address and telephone number, and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police or Fire Department, to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the West Boylston Police Department and Fire Department of any change in the list of employees or other persons authorized to respond to alarms.

B. All alarm systems installed after the effective date of this by-law which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within fifteen (15) minutes after activation of the alarm system. All existing alarms within the Town of West Boylston must have a shut-off device installed within six (6) months of passage of this by-law.

C. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 pm. and 6 a.m. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (1) of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located shall constitute a public nuisance. Upon receiving complaints regarding such a continued and uninterrupted signal, the Police Department shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (1) of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

D. No alarm system which is designated to transmit emergency messages or signals to the Police or Fire Department will be tested until the Police or Fire Department has been notified.

E. The provisions of this by-law shall not apply to premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

Section 7 Penalties

Any such owner or occupant who fails or refuses to comply with said order shall be punished by a fine of fifty dollars (\$50), or at the discretion of the Fire Chief, take enforcement action in accordance with the provisions of Massachusetts General Laws Chapter 148A.

Or take any other action relative thereto.

ARTICLE 13 - AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the town will vote to amend Article XXV Non-Criminal Disposition of the General Bylaws as follows:

Section Number and Name	Enforcing Person	Schedule
Article III TOWN CLERK		
Section 3	Filing of Business Certificate Town Clerk or Designee	First Offense \$100
		Second Offense \$200
		Third and Subsequent \$300
		In accordance with MGL Ch 110, §5

ARTICLE XXV TRANSIENT VENDORS, HAWKERS & PEDDLERS

Section 4	Transient Vendors	Police Department	\$50.00
Section 5	Hawkers and Peddlers	Police Department	\$20.00

ARTICLE XXXII FIRE SAFETY BYLAW

Section 3	Violation of Fire Codes	Fire Chief	\$50 in accordance with MGL Ch 148A
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Or take any other action relative thereto.

ARTICLE 14 - AUTHORIZATION TO AMEND THE GENERAL BYLAW

To see if the Town will vote to amend Article XIII - by deleting the second paragraph of Section 4, which states as follows: "No person shall light or extinguish any public lamp in any street or public place in the Town, except by permission of the Selectmen or persons having the care and control of such lamps", or take any other action relative thereto.

ARTICLE 15 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the town will vote to delete Section 7 of Article IV – **OFFICE OF FINANCIAL MANAGEMENT**,

And inserting in its place:

“The Town Administrator shall develop a comprehensive set of written financial management and fiscal policies for review and approval by the Board of Selectmen. The Town Administrator shall develop said policies after receiving the advice and recommendations of the Finance Committee,”

Or take any other action relative thereto.

ARTICLE 16 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS TO INCLUDE ARTICLE XXXV - AGRICULTURAL COMMISSION

To see if the town will vote to amend the General Bylaws of the Town by adding the following:

ARTICLE XXXV AGRICULTURAL COMMISSION

1. Membership and qualifications

There is hereby established an Agricultural Commission, consisting of seven members appointed by the Town Administrator. The Commission will consist of a minimum of four members whose prime source of income is derived from farming or agricultural-based enterprises in West Boylston and another three who are interested in farming. Three members shall serve for a term of three years; two members shall serve for a term of two years and three thereafter; and two members shall serve for a one year term, and three years thereafter. It shall have a chairperson selected by a majority vote of the members. It may have such subcommittees and ad hoc committees as the Agricultural Commission may choose to create. All members shall be residents of the Town of West Boylston. Any member of the Agricultural Commission may be removed for cause.

2. Meetings

(a) Meetings of the Members. All meetings of the members shall be held at an Americans with Disabilities Act compliant place within the Town.

(b) Notice. The Agricultural Commission shall comply with the provisions of the Open Meeting Law, G.L. c.39, §23B.

3. Duties

The mission of the Commission shall be: Promote agricultural-based economic opportunities; preserve, revitalize and sustain the West Boylston agricultural industry, and encourage the pursuit of agriculture as a career opportunity and lifestyle.

Said Commission once appointed shall develop a work plan to guide its activities. Such activities include, but are not limited, to the following: shall serve as facilitators for encouraging the pursuit of agriculture in West Boylston; shall promote agricultural-based economic opportunities in Town; shall act as mediators, advocates, educators, and/or negotiators on farming issues; shall work for preservation of prime agricultural lands; and shall pursue all initiatives appropriate to creating a sustainable agricultural community.

4. Quorum

A majority of the authorized membership of the Agricultural Commission shall constitute a quorum, but a smaller number may adjourn finally or from time to time without further notice until a quorum is secured.

If a quorum is present, a majority of the members present may take action on behalf of the Agricultural Commission.

or take any other action relative thereto.

**ARTICLE 17 - PETITION LEGISLATURE TO AUTHORIZE THE TOWN TO AFFIX A
PENALTY AND ACCEPT FINE IN LIEU OF SUSPENSION FOR VIOLATION OF THE
TOWN'S MOTEL OPERATION PERMIT BYLAW AND REGULATIONS**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, a copy of which is available at the Town Clerk's Office, authorizing the Town of West Boylston, through its Board of Selectmen, to affix a penalty for a breach of and to accept a fine in lieu of suspension for violation of Article XIV, Section 6 of the Town's General Bylaws, Hotel/Motel Operation Permit, or the Town's Motel Operation Permit Regulations and to authorize the Board of Selectmen to adopt regulations therefor; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition and to authorize the Board of Selectmen to approve such amendments; or take any other action in relation thereto.

ARTICLE 18 – AUTHORIZATION TO ACCEPT M.G.L. CHAPTER 41, SECTION 108P

To see if the town will vote to accept Massachusetts General Law Chapter 41 Section 108P which allows for additional compensation for collectors or treasurers, or take any other action relative thereto.

ARTICLE 19 - PETITIONED ARTICLE TO INITIATE PAY AS YOU THROW

Request that the Board of Selectmen initiate a policy for the residents of the town to "Pay-As-You-Throw," as recommended by the town's Solid Waste Advisory Team (SWAT), with 50 (33 gallon) large bags to be provided free to each participating household per year with any monies collected from the purchase of bags to be used solely to offset costs associated with trash removal and trash disposal.

**ARTICLE 20 - PETITIONED ARTICLE TO AMEND THE GENERAL
BYLAWS OF THE TOWN OF WEST BOYLSTON TO
INCLUDE ARTICLE XXXVI - DEMOLITION DELAY BYLAW**

Section 1. Purpose

This Bylaw is adopted for the purpose of protecting and preserving significant buildings within the Town that constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage owners of such buildings to seek out alternative options to preserve, rehabilitate or restore such

buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town. To achieve these purposes, the West Boylston Historical Commission is authorized to advise the Building Inspector with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this Bylaw.

Section 2. Definitions

2.1 Building

Any structure having a roof intended for shelter, housing, or enclosure of any person, process, equipment, animals or goods.

2.2 Commission

The Town of West Boylston Historical Commission.

2.3 Demolition

Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

2.4 Demolition Permit

The permit issued by the Building Inspector as required by the State Building Code for a total demolition, substantial demolition or removal of a building.

2.5 Preferably Preserved Building

Any historically or architecturally significant building that the Commission determines is in the public interest to be preserved or rehabilitated rather than demolished.

2.6 Significant Building

Any building that, in whole or in part, is at least fifty (50) years old;
and

2.6.1

is listed on, or is a contributing building within an area listed on the National Register of Historic Places, or is the subject of a pending application for such listing, or is eligible for such listing; or

2.6.2

Is included in any cultural or historic inventory prepared by the Commission; or

2.6.3

has been determined by vote of the Commission to be a significant building after a finding by the Commission that a building either:

A- is importantly associated with one or more historic persons or events, or with broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or

B- is historically or architecturally significant (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

If a building is of unknown age, it shall be presumed to be at least fifty (50) years old. The Commission shall provide a list of potentially Significant Building.

Section 3. Procedure

3.1

No permit for the demolition of a building that is, in whole or in part, a potentially Significant Building shall be issued other than in conformity with the provisions of this Bylaw, as well as in conformity with the provision of other laws and bylaws applicable to the demolition of buildings and issuance of permits generally.

3.2 Application Contents

Every application for a demolition permit for a building that is, in whole or in part, at least fifty (50) years old or a potentially Significant Building shall be filed with the Building Inspector and shall contain the following information:

- a) the address of the building to be demolished;
- b) the owner's name, address and telephone number, and the written assent of the owner to the filing of the application if the applicant is not the owner;
- c) a brief description of the type of building and the condition requiring issuance of the permit;
- d) the date of the building, established by the Board of Assessors, deed or documentation verifying the year of construction; and
- e) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.

3.3

Within seven (7) business days from the receipt of an application for a demolition permit of a building that is, in whole or in part, at least fifty (50) years old or is a potentially Significant Building, the Building Inspector shall forward a copy to the Commission. No demolition permit shall be issued at this time.

3.4

Within ten (10) business days after receipt by the Commission of the application for a demolition permit, the Commission shall make a Determination of Architectural or Historical Significance. Upon determination by the Commission that the building is not Architecturally or Historically Significant, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of fifteen (15) business days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building Inspector may issue the demolition permit.

3.5

Upon determination by the Commission that the building is Historically or Architecturally Significant, the Building Inspector and the applicant shall be so notified in writing and a demolition permit shall not be

issued. The commission shall hold a public hearing within twenty (20) business days of the Determination of Significance to determine whether the building should be preferentially preserved.

A public notice of time, place and purpose of the hearing shall be published by the Building Inspector at the expense of the applicant in a newspaper of general circulation in the Town not less than seven (7) days before the date of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before said hearing.

3.6

If, after a public hearing, the Commission determines that the Significant Building should not be Preferentially Preserved, the Commission shall so notify the Building Inspector in writing within five (5) business days of the hearing and the Building Inspector may issue a demolition permit upon receipt of the written decision.

3.7

If, after a public hearing, the Commission determines that the building should be Preferentially Preserved, the Commission shall so notify the Building Inspector in writing within five (5) business days of the hearing and no demolition permit shall be issued until twelve (12) months after the date of determination by the Commission.

3.8

Notwithstanding anything contained in Paragraph 3.7, the Building inspector may issue a demolition permit for a Preferentially Preserved Building at any time after receipt of written advice from the Commission to the effect that either:

- a) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
- b) the Commission is satisfied that, for at least twelve (12) months, the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building and that such efforts have been unsuccessful.

It shall be the responsibility of the owner of record, or any designee thereof, to assist in the facilitation of the implementation of the requirements of this Bylaw.

Section 4. Responsibility of Owners

- 1) by providing information, allowing access to the property and securing the premises;
- 2) by participating in the investigation of preservation options; and
- 3) by actively cooperating in seeking alternatives with the Commission and any interested parties.

Section 5. Non-compliance

Anyone who demolishes, removes, or relocates a building or structure identified in Section 2-6 through Section 2.6.3 without complying fully with the provisions of this Bylaw, shall be subject to a fine of not more than \$300.00 as limited by Chapter 40A MGL.

Section 6. Emergency Demolition

Nothing in this Bylaw shall restrict the Building Inspector from ordering the immediate demolition of any building in the event of imminent danger to the safety of the public

**ARTICLE 21 – PETITION TO ACCEPT OLDE CENTURY FARM ROAD AND
GARSDRIVE DRIVE**

To see if the Town will vote to accept as a public ways the roadways known as Olde Century Farm Road and Garside Drive, as heretofore laid out by the Board of Selectmen and shown on a plan entitled “Roadway As-Built Plan Goodell Development LLC ‘Century Farm’ Old Century Farm Road,” dated January 14, 2008, revised through March 28, 2008, prepared by Summit Engineering, Inc., and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, an easement to use Olde Century Farm Road and Garside Drive as shown on the aforesaid plan, as amended by revisions dated through May 9, 2008, for all purposes for which public ways are used in the Town of West Boylston, and drainage, utility, and other related easements; or take any other action relative thereto

And you are directed to serve this Warrant by posting an attested copy thereof at the place of said meeting as aforesaid and at the Post Office in said Town fourteen (14) days at least before the time of said meeting.

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

Given under our hands this 24th day of September in the year of our Lord, Two Thousand and Eight.

Allen R. Phillips, Chairman

Valmore H. Pruneau, Jr., Vice Chairman

John B. DiPietro, Sr., Clerk

Christopher A. Rucho, 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:

Municipal Office Building_____
West Boylston Middle/High School_____
West Boylston Post Office_____
Pruneau's Barber Shop_____
Municipal Lighting Plant_____
Beaman Memorial Library_____

Constable

Date