

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEST BOYLSTON
SEMI-ANNUAL TOWN MEETING WARRANT
OCTOBER 19, 2009

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 19, 2009 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 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS TO CHANGE THE DATE OF THE ANNUAL ELECTION

To see if the Town will vote to amend Article I of the General Bylaws of the Town, TOWN MEETINGS AND ELECTION, by deleting the first sentence of Section 1 and replacing it with the following sentence:

The annual town election shall be held on the first Tuesday following the thirty-fifth (35th) day after which the Semi-annual Town Meeting held in May is opened, as set forth in the paragraph below.

Or take any other action relative thereto.

ARTICLE 3 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the town will vote to amend Article XII, PUBLIC WAYS AND PROPERTIES, by deleting therefrom Sections 1 through 10 in their entirety and replacing them with the following provisions:

“Section 1

Streets and Sidewalks

1. Digging Up or Obstruction of Public Way No person shall excavate, disturb the surface of or dig up any public sidewalk or street of the town, or place thereon any staging or other temporary or permanent structure or object, without having first obtained a written permit from the Board of Selectmen or its designee (the “Board”). Any person having such a permit shall, before the expiration of the same, restore such sidewalk or street to its original condition or to a condition satisfactory to the Board. Any permit issued under the provisions of this section shall be in force for such time as the Board may specify and shall be subject to such other conditions as the Board may prescribe, including, without limitation, requiring the permit holder to provide the Board with a bond in an amount sufficient in the Board’s judgment to secure the proper performance of the work. The Board shall have the right to revoke said permit for noncompliance with its terms.

2. Placement of Certain Articles on Public Way

(A) Sharp Objects No person shall throw or place or cause to be thrown or placed upon any public street or highway of the town, any nails, spikes, screws, glass, tin cans, or other similar articles.

(B) Grates and Platforms No person shall suffer or cause a platform or grate of an entrance or opening to a cellar or basement in any public street or sidewalk to rise above the surface of any such street or sidewalk, and every such entrance, or opening shall at all times be covered by a suitable platform or grate, and in case of a coal hole, by a suitable covering. Such entrances or openings, when in use, shall be properly guarded.

(C) Slippery Substances No person shall throw or place upon any public sidewalk or street crossing, any banana skin, orange skin, or other slippery substance.

D) Ashes, Rubbish No person shall place ashes, rubbish, or merchandise of any kind in a public street or sidewalk.

3. Permit For Placement of Certain Obstructions No person shall place or cause to be placed in any public sidewalk or street any wood, lumber, coal, barrel, sports equipment or other obstruction without first obtaining a written permit from the Selectmen.

4. Snow and Ice From Roofs No owner or occupant of a building abutting upon any brick, concrete or other curbed or finished sidewalk, the roof of which building slants toward such sidewalk, shall permit such building to be without barrier, snow-guard or other device to prevent the falling of snow or ice from such roof to the sidewalk. The placement of snow by snow blowing, plowing, shoveling, or other means within the public way that would inhibit safe travel or the snow removal operations of the town is prohibited.

5. Permit for Placing Building Material on Public Way No person who intends to erect, alter, take down any building or part thereof on land within the town that abuts any public street shall place any building materials or rubbish on said street without obtaining a permit from the Selectmen. Such permission shall be subject to such conditions as the Selectmen may prescribe, including, without limitation, limiting the effectiveness of the permit to no more than ninety days from its issuance, and requiring the permit holder to provide the Board with a bond in an amount sufficient in the Board’s judgment to secure the proper performance of the work.

6. Removal of Vehicles During Snow Whenever a parking ban has been issued, the Director of Public Works, or other officer having charge of ways, shall have the authority to remove, or cause to be removed, from a public way or a way open to the public any vehicle that interferes with the Town's removal or plowing of snow or ice from said way, to a public garage or parking lot or other convenient place. The owner of such vehicle shall be responsible for the cost of such removal and storage charges, if any, resulting therefrom.

7. Advertisements and Notices No person shall place any advertisement or notice upon any shade tree, fence, guideboard, guidepost, or pole belonging to, or under the control of the Town.

8. Speed Limit No person shall operate a motor vehicle on a public way in the Town of West Boylston at a rate of speed inconsistent with public safety or convenience.

Section 2

Parades and Public Gatherings

No person shall form or conduct any parade in any public street, public sidewalk or public way within the town, or form or conduct for the purpose of display or demonstration, any procession or assembly of people, except a military or funeral parade or procession, within such public street, sidewalk or way, without first obtaining a written permit from the Selectmen, and no person shall take part in any such parade, procession or assembly which is not authorized by such a permit.

Section 3

Private Street Repairs

a. Repairs shall be limited to the filling of holes or depressions with suitable materials to make ways passable, resurfacing or reconstruction of said ways with road chip and oil pug mix or other suitable materials, and/or the installation of drainage.

b. All repairs will be done at the sole discretion of the Board of Selectmen.

c. Requests for repairs to a private street shall be made in writing to the Board of Selectmen, by a majority of the owners of property who abut said private way. A list of abutters shall be approved by the Board of Assessors prior to submittal.

d. The cost of all repairs to a private way shall be paid by the abutters of said private way in the form of a betterment charge, and/or the abutters shall make a cash deposit. The Selectmen may, at their option, require a cash deposit for said repairs from the abutters.

e. The Town of West Boylston shall have no liability for repairs to private ways under the provision of Chapter 40, Section 6N of the Massachusetts General Laws.

f. Repairs made pursuant to this by-law shall be limited to the following unaccepted private streets or specified portions thereof:

Afra Terrace	Howard Avenue
Alcazar Avenue	Jasmine Drive
Alhambra Road	Mary Drive
Angell Brook Drive	Oak Avenue
Ardmore Avenue	Oxford Street
Brayton Road	Princeton Avenue from Longview Street to dead end

Delmar Drive	Reed Street
Edwards Street	Tobin Lane
Evergreen Avenue	Valley Street
Harvard Avenue	Western Avenue from Prescott Street east to dead end
Hillside Village Drive	

Section 4

Curb Cut Permits

Any person wanting private access to a public way shall apply in writing to the Board of Selectmen or its designee on the form entitled Town of West Boylston Permit Application for Entrances to Public Ways.

Within fifteen (15) days of receipt of the duly signed and completed permit application form, the Director of Public Works shall review the permit request and the proposed work for compliance with the Town's regulations regarding private entrances to public ways and the applicable standards for public safety and highway design, and shall provide the Board of Selectmen with a written recommendation on the so-called curb cut request.

The Board of Selectmen shall review the permit application, the recommendation of the Director of Public Works, and any other relevant information deemed necessary by the Board of Selectmen including, but not limited to, the advice and recommendations of the Chief of Police and the state highway department, and shall act upon the permit request within forty-five (45) days of the receipt of the duly signed and completed permit application form.

Section 5

Regulations

The Board of Selectmen shall promulgate and, from time to time, amend rules and regulations relating to any permits required under Article XII, which rules and regulations may include, but shall not be limited to, requirements for plans, insurance, notification of public utilities, traffic control, protection of adjoining properties, clean-up, back-filling, testing, scheduling, workmanship quality, bonds, and permit fees. Such regulations may also designate a Town officer to act as the Board's agent in issuing permits hereunder or enforcing the provisions thereof.

Section 6

Enforcement

Any violation of the permit requirements of this By-law, including any violation of the terms and conditions of a permit issued hereunder, shall be punishable by a fine to be determined by the Board of Selectmen, with each day during which such violation continues being considered a separate offense."

Or take any other action relative thereto.

ARTICLE 4 – AUTHORIZATION TO AMEND GENERAL BYLAWS

To see if the Town will vote to amend Article XXIV DENIAL. SUSPENSION OR REVOCATION OF CERTAIN LOCAL LICENSES AND PERMITS FOR FAILURE TO PAY MUNICIPAL TAXES OR CHARGES, Section 1 Purpose, by adding after the words "betterments or other municipal charges" the following words "including amounts assessed under the provisions of Chapter 40, Section 21D of the Massachusetts General Laws," or take any other action relative thereto.

ARTICLE 5 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the Town will vote to amend ARTICLE XXIII PUBLIC HEARING AND NOTICE, **Section 1 Circumstances requiring a public hearing and hearing notice and Section 2 Notice to the public of a change in town rules, regulations, fee, schedules, and hours of operation**

By amending Section 1 as follows, by deleting

e. promulgates, eliminates, alters, or modifies any local rule or regulation in instances which affects the rights of the citizens of West Boylston to lawfully use and enjoy their private property, and to operate lawful businesses within the Town of West Boylston, and where the authority to promulgate such rules or regulations is vested in a local authority, without first holding a public hearing, notice of such hearing is to be published in a local newspaper on two (2) occasions, the first of which is to be at least fourteen (14) calendar days prior to the public hearing and the second publication to be at least seven (7) days prior to the public hearing.

And inserting:

e. promulgates, eliminates, alters, or modifies any local rule or regulation in instances which affects the rights of the citizens of West Boylston to lawfully use and enjoy their private property, and to operate lawful businesses within the Town of West Boylston, and where the authority to promulgate such rules or regulations is vested in a local authority, without first holding a public hearing, notice of such hearing is to be published on the town's website fourteen (14) calendar days prior to the public hearing.

And

By amending Section 2 as follows, by deleting

e. Policies, rules and regulations that promulgates, eliminates, alters, or modifies any local rule or regulation in instances which affects the rights the citizens of West Boylston to lawfully use and enjoy their private property, and to operate lawful businesses within the Town of West Boylston, and where the authority to promulgate such rules or regulations is vested in a local authority, the town department, board, committee, commission, or officer, including the Municipal Light Plant, responsible for promulgating such change in policies, rules and regulations shall notify the public of such changes by causing to be published in a local newspaper a notice of such changes in public policies, rules, regulations, fee schedules, hours of operation, or levels of service on at least one (1) occasion at least seven (7) calendar days prior to said effective date.

And inserting,

e. Policies, rules and regulations that promulgates, eliminates, alters, or modifies any local rule or regulation in instances which affects the rights the citizens of West Boylston to lawfully use and enjoy their private property, and to operate lawful businesses within the Town of West Boylston, and where the authority to promulgate such rules or regulations is vested in a local authority, the town department, board, committee, commission, or officer, including the Municipal Light Plant, responsible for promulgating such change in policies, rules and regulations shall notify the public of such changes by causing to be published on the town's website a notice of such changes in public policies, rules, regulations, fee schedules, hours of operation, or levels of service on at least one (1) occasion at least seven (7) calendar days prior to said effective date.

ARTICLE 6 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the Town will vote to amend Article I TOWN MEETINGS AND ELECTIONS by adding “Section 8 No board, committee or commission may meet on a town, state, or federal election day,” 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 XXI PERSONNEL BYLAWS by amending Section Y Termination to include

“ 9.Exit Interviews

Purpose:

To ensure that exiting employees are informed of their benefits and rights and to maintain accurate records on reasons for employee terminations.

Policy:

It is the policy of the Town of West Boylston to ensure that any employee whose employment is being terminated (voluntarily or involuntarily) receives an exit interview. The exit interview shall be held at the time of the employee’s discharge. The interview will be conducted by the Town Administrator or his/her designee. The objectives of the exit interview include the following:

- ❖ To discuss the reasons for an employee’s resignation;
- ❖ To discover any grievances the employee may have about the department in order that corrective action(s) may be undertaken, as appropriate;
- ❖ To discover any misunderstandings the employee may have had about his/her job, or with his/her supervisor(s) in order that corrective action(s) may be undertaken, as appropriate;
- ❖ To review administrative details with the employee such as benefits continuation rights and conversion privileges, if any, final pay, re-employment policy, and employment compensation; and
- ❖ To arrange for the return of any Town of West Boylston property which has not already been returned to the department supervisor.

Procedure:

1. When an employee announces his/her intention to resign, the supervisor/department head should schedule an exit interview for the employee with the Town Administrator or his/her designee as soon as possible.
2. When a decision has been made to terminate an employee, the employee should meet with the Town Administrator or his/her designee for an exit interview as soon as possible, as appropriate.
3. During the exit interview, the Town Administrator or his/her designee will seek to meet all objectives listed in this Exit Interview Policy statement.

4. The departing employee will complete the Exit Interview Form (sample attached) as thoroughly as possible.
5. Any information obtained during the exit interview may be disclosed to (and/or discussed with) the supervisor, the Department Head, the Town Administrator and the Board of Selectmen in order to investigate any allegation(s) made and/or to be made aware of emerging problem(s). The Department Head, the Town Administrator may make recommendations to the Board of Selectmen for corrective action based on the information contained in the exit interview.'

Or take any other action relative thereto.

**ARTICLE 8 – AUTHORIZATION TO MODIFY
FISCAL YEAR 2010 APPROPRIATIONS AND OTHER NECESSARY
ADJUSTMENTS TO THE FISCAL YEAR 2010 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 2010 appropriations, hitherto made, to Fiscal Year 2010 appropriation accounts; or take any other action relative thereto.

**ARTICLE 9 – AUTHORIZATION TO EXPEND FUNDS FROM THE CAPITAL
INVESTMENT FUND TO FUND CAPITAL EQUIPMENT**

To see if the town will vote to expend a sum of money from the Capital Investment Fund for the purchase of items as recommended by the Capital Investment Board, or take any other action relative thereto.

**ARTICLE 10 – AUTHORIZATION TO PETITION LEGISLATURE TO ESTABLISH
A MUNICIPAL BUILDING FUND AND MUNICIPAL BUILDING COMMITTEE**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, as set forth below, establishing a Municipal Building Fund into which shall be deposited all funds appropriated but unexpended for the maintenance and repair of non-school buildings owned by the Town, which may be expended by a Municipal Building Committee without further Town Meeting vote; 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.

The petition for special legislation shall take the following form:

AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO ESTABLISH A
MUNICIPAL BUILDING FUND AND A MUNICIPAL BUILDING COMMITTEE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Town of West Boylston shall carry over from year to year amounts appropriated for the maintenance and repair of non-school buildings owned by the Town, which amounts remain unexpended for such purposes at the end of each fiscal year, to be held by the Town Treasurer in a separate account , to be known as the Municipal Buildings Fund , and may be expended in accordance with this act without further appropriation for the maintenance, repair or capital improvement of any municipal building. The non-school annual budget to be voted upon by the West Boylston Town Meeting shall contain a separate item for the maintenance and repair of each non-school building owned by the Town.

SECTION 2. A five-member board to be known as the Municipal Buildings Committee is hereby established, whose members shall be the Chairman of the Board of Selectmen, the Chairman of the Finance Committee, the Chairman of the Board of Library Trustees, or their designees, all of whom shall serve ex officio, and two registered voters of the Town of West Boylston to be appointed by the Town Administrator for a three-year term.

SECTION 3. Expenditures from the Municipal Buildings Fund shall only be made by a two-thirds vote of all of the members of the Municipal Buildings Committee.

SECTION 4. This act shall take effect upon its passage.

Or take any other action relative thereto.

ARTICLE 11 - AUTHORIZATION TO TRANSFER MONEY FROM THE SEWER ENTERPRISE

To see if the town will vote to transfer the sum of Thirty-one Thousand One Hundred Thirty-four Dollars and Thirty-three cents (\$31,134.33) from the Sewer Enterprise Fund to repay the General Fund and/or Stabilization Fund for start-up betterment costs, or take any other action relative thereto.

ARTICLE 12 - AUTHORIZATION TO PAY BILLS FROM A PREVIOUS FISCAL YEAR

To see if the town will vote to appropriate a sum of money to pay bills now being held by the Finance Director in his capacity as Town Accountant from a prior fiscal year for which no encumbered funds are available, or take any other action relative thereto.

ARTICLE 13 –AUTHORIZATION TO RESTATE THE SEWER BUDGET FOR FISCAL YEAR 2010

To see if the town will vote to amend its vote under Article 21 of the May 18 2009 Annual Town Meeting and to adopt a revised Fiscal Year 2010 sewer budget, or take any other action relative thereto.

ARTICLE 14 - 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.

**ARTICLE 15 - AUTHORIZATION TO TRANSFER FUNDS TO THE
CAPITAL INVESTMENT FUND**

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

**ARTICLE 16 - AUTHORIZATION TO CHANGE APPROPRIATION AUTHORITIES
FOR THE PARKS, PLAYGROUND AND FIELDS REVOLVING FUND FOR THE PARK
COMMISSION**

To see if the Town will vote to amend its vote under Article 10 of the May 18, 2009 Semi-Annual Town Meeting with regard to the Parks, Playground and Fields Revolving Fund by deleting the following:

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;

and inserting:

f) to have the Park Commission be empowered to expend monies from this fund;

or take any other action relative thereto.

**ARTICLE 17 - AUTHORIZATION TO CHANGE APPROPRIATION AUTHORITIES
FOR THE RECYCLING REVOLVING FUND**

To see if the Town will vote to amend its vote under Article 15 of the May 18, 2009 Semi-Annual Town Meeting with regard to the Recycling Revolving Fund by deleting the following:

d) to have the Department of Public Works be the only authority empowered to expend monies from this fund;

and inserting:

d) to have the Town Administrator be the only authority empowered to expend monies from this fund;

or take any other action relative thereto.

ARTICLE 18 - AUTHORIZATION TO APPROPRIATE FUNDS FOR PARTICIPATING IN

THE WACHUSETT EARTHDAY COLLECTION COLLABORATIVE

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Thousand Four Hundred Dollars and No Cents (\$1,400.00) to pay for the town's participation in the Wachusett Earthday Collection Collaborative, or take any other action relative thereto.

ARTICLE 19 – AUTHORIZATION TO ACCEPT MASSACHUSETTS GENERAL LAW
CHAPTER 64 I, §2(a)

To see if the Town will vote to accept the provisions of G.L. c 64 I, §2(a) authorizing the imposition of a local excise in the statutory amount of .75% on the sale of restaurant meals originating within the town, or take any other action relative thereto.

ARTICLE 20 – AUTHORIZATION TO AMEND MASSACHUSETTS GENERAL LAW
CHAPTER 64G, §3A

To see if the Town will vote to amend the amount of the local excise imposed under G.L. c64G, §3A on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the town from 3% to an amount up to 6%, or take any vote or votes in relation 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 30th day of September in the year of our Lord, Two Thousand and Nine.

Kevin M. McCormick, Chairman

Valmore H. Pruneau, Jr., Vice Chairman

Allen R. Phillips, Clerk

Christopher A. Rucho, Selectman

Steven Quist, 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