

Town of West Boylston
Town Clerk Meeting Minutes
May 17, 2010
Semi-Annual Town Meeting

Article 1 Section 3 of the Town of West Boylston's General Bylaws states that "One Hundred (100) legal voters, including the presiding officer and the clerk, shall constitute a quorum, provided that a number less than a quorum may vote an adjournment; and that not more than Seventy-five (75) shall be required to maintain a quorum once the meeting has been called to order by the Moderator and that a quorum of Seventy-five (75) be required to reconvene any adjourned session of any such meeting."

The Town Clerk informed the Moderator that 100 registered voters were in attendance and that the quorum requirement has been met. Town meeting was called to order at 7:07 p.m.

M.G.L. Ch. 39 § 15 accepted Oct. 20, 2008 Semi-Annual Town Meeting. General Bylaws Article I § 7 states: 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.

The following people were appointed as tellers by the Town Clerk;

Barbara Deschenes	Louise Howland
Michael Kittredge	John F McCormick, III
Pauline McCormick	Susan Abramson
Elaine Novia	Gary Peterson
Barbara Mard	

Following the Pledge of Allegiance, a moment of silence was conducted for all the members of the community who have passed and the servicemen and women who have made the ultimate sacrifice serving in the armed forces in Iraq, Afghanistan and around the world.

Leon Gaumont, Town Administrator recognized town employees for years of service and unselfish dedication to the town. Retirees and elected officials were also honored.

Upon a motion by Kevin McCormick and duly seconded by Christopher Rucho, it was unanimously voted to waive the reading of the Warrant and refer it as subject matter only.

Article 1 - Authorization to hear the Reports Of Officers and Committees of the Town

Recommendation of Approval- Town Moderator
Motion- Christopher Rucho

It was unanimously voted to hear the reports of the officers and standing committees of the town. The following boards and committees reported;

SWAT- Janet Vignaly
School Regionalization Cmte- Mark Trudeau
Library- Louise Howland, Library Director

Fire Department- Chief Pauley
Finance Cmte- Chris Berglund, Chair
Community Preservation Cmte- Patrick Crowley, Chair

Fire Department Captain Mark Hopewell, President of the West Boylston Firefighters Association, and Paramedic Colby Fiske gifted the town with two Automatic Defibrillators valued at \$60,000, purchased and donated by the Firefighters Association.

Article 2 - Authorization to borrow in anticipation of revenue and to enter into a compensating balance agreement with a bank

Recommendation of Approval- Finance Director
Motion- Kevin McCormick

It was unanimously voted 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 2011, the period from July 1, 2010 through June 30, 2011, 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 2011 pursuant to Massachusetts General Laws, Chapter 44, Section 53F.

Motion- John O'Brien

To take action on Articles 3-18 inclusive. Motion to bundle unanimously voted.

Motion- John O'Brien

To take action on Articles 3-18 inclusive, but not including Article 13 to re-establish a revolving fund for Vocational Education Transportation. Motion to bundle excluding Article 13 unanimously voted.

Recommendation of Approval- BOS

Motion- John O'Brien

It was unanimously voted to re-establish Revolving Fund Authorization for Articles 3-18, but not including Article 13, authorizing the town to set up FY 11 Revolving Funds pursuant to the provisions of MGL Chapter 44 § 53 E ½.

Article 3 - Authorization to re-establish a Revolving Fund for WBPA-TV

It was voted 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 2011 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.

Article 4 - Authorization to re-establish a Revolving Fund for the Board of Health

It was voted 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 2011 set at \$50,000; and
- g) to have the Board of Health be the only authority empowered to expend monies from this fund.

Article 5 - Authorization to re-establish a Revolving Fund for the Cemetery Trustees

It was voted 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 2011 at \$50,000; and
- d) to have the Cemetery Trustees be the only authority empowered to expend monies from said fund.

Article 6 - Authorization to re-establish a Revolving Fund for the Council on Aging

It was voted 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 2011 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 2011 set at \$60,000.

Article 7 - Authorization to re-establish a Revolving Fund for the Planning Board

It was voted 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 2011 set at \$50,000; and

- e) to have the Planning Board be the only authority empowered to expend monies from this fund.

Article 8 - Authorization to re-establish a Revolving Fund for the Zoning Board of Appeals

It was voted 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 2011 set at \$25,000; and
- e) to have the Zoning Board of Appeals be the only authority empowered to expend monies from this fund.

Article 9 - Authorization to re-establish a Revolving Fund for the Conservation Commission

It was voted 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 2011 set at \$25,000; and
- e) to have the Conservation Commission be the only authority empowered to expend monies from this fund.

Article 10 - Authorization to re-establish a Parks, Playground and Fields Revolving Fund for the Park Commission

It was voted 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 2011 set at \$50,000; and
- f) to have the Park Commission be empowered to expend monies from this fund.

Article 11 - Authorization to re-establish a Fire Alarm Revolving Fund for the Fire Department

It was voted 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 2011 set at \$15,000; and
- e) to have the Fire Chief, be the only authority empowered to expend monies from this fund.

Article 12 – Authorization to re-establish a Hazmat Revolving Fund for the Fire Department

It was voted 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 2011 set at \$10,000; and
- e) to have the Fire Chief be the only authority empowered to expend monies from this fund.

Article 13 - Authorization to re-establish a Revolving Fund for Vocational Transportation

It was voted to pass over this article. This article would have allowed 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 2011 set at \$25,000; and
- d) to have the School Committee be the only authority empowered to expend monies from this fund.

Article 14 - Authorization to re-establish the Summer Recreation Program Revolving Fund for the Park Commission

It was voted to authorize the Park Commission to establish The 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 operating the summer recreation programs including the wage and salary expenses of the part-time employees;
- b) to be the depository for summer recreation program user fees and donations collected by the

Park Commission;

- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$50,000; and
- d) to have the Park Commission be the only authority empowered to expend monies from this fund.

Article 15 - Authorization to re-establish a Revolving Fund for Recycling

It was voted to authorize the Department of Public Works to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2, for the following purposes and subject to the following conditions:

- a) to pay for expenses associated with the responsible recycling of electronic components that are banned from the waste stream, the environmentally responsible recycling of yard waste by the distribution of compost bins, the environmentally responsible recycling of kitchen waste by the distribution of kitchen scrap pails, environmentally responsible recycling of newsprint and commingled plastics by the distribution of recycling bins and the environmentally responsible recycling of scrap metal;
- b) to be the depository for any revenues derived from the collection of funds for the receipt of electronic components or the sale of compost bins, kitchen scrap pails, recycling bins and scrap metal;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$10,000.00; and
- d) to have the Town Administrator be the only authority empowered to expend monies from this fund

Article 16- Authorization to re-establish a Revolving Fund for Pay-As-You-Throw

It was voted to authorize the Department of Public Works to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2, for the following purposes and subject to the following conditions:

- a) to pay for expenses associated with the purchase of trash bags and the operation of the town's pay-as-you-throw trash program;
- b) to be the depository for any revenues derived from the sale of trash bags;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$130,175.00; and
- d) to have the Department of Public Works be the only authority empowered to expend monies from this fund.

Article 17- Authorization to re-establish a Revolving Fund for Celebrations

It was voted to authorize the Board of Selectmen 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 the expenses and costs necessary for the annual Memorial Day Observance and other Celebrations and Observances as deemed by the Board of Selectmen 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 and to be the depository for all gifts, donations and fees collected by the Town for the purpose of financing the costs of other Celebrations and Observances as deemed by the Board of Selectmen;
- c) to set a limit on expenditures from said fund in Fiscal Year 2011 at \$10,000; and
- d) to have the Municipal Assistant or by the Celebrations Committee appointed by the Town Administrator be the only authority empowered to expend monies from said fund.

Article 18 – Authorization to re-establish a Revolving Fund for the Beaman Memorial Library

It was voted to authorize the Board of Library Trustees to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2, for the following purposes and subject to the following conditions:

- a) to make expenditures from said fund to pay for any Board of Trustees approved operational expenses of the library;
- b) to be the depository for donations received in support of the library;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$15,000; and
- d) to have the Library Trustees be the only authority empowered to expend monies from said fund.

Article 19 – Authorization to establish a Revolving Fund for the Economic Development Task Force

Recommendation of Approval- EDTF, BOS
Motion- Steven Quist

It was unanimously voted to authorize the Board of Selectmen to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E1/2, for the following purposes and subject to the following conditions:

- a) to make expenditures from said fund to pay for any Town Administrator approved operational expenses of the Economic Development Task Force as well as The Gateway Improvement Project;

- b) to be the depository for donations received in support of economic development and The Gateway Improvement Project;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2011 set at \$15,000; and
- d) to have the Municipal Assistant be the only authority empowered to expend monies from said fund.

Article 20 – Authorization to expend funds in anticipation of reimbursement of State Highway Assistance Aid

Recommendation of Approval- Finance Director
 Motion- Christopher Rucho

It was unanimously voted 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 2011, for the period from July 1, 2010 through June 30, 2011, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 6A.

Article 21 - Authorization to amend the Personnel Bylaw so as to Create the position of Administrator/Inspector for the Board of Health

Recommendation of Approval- BOH
 Motion- John O'Brien

It was unanimously voted to Pass Over this article which would have created the position of Administrator/Inspector for the Board of Health to be classified at Grade 4 as a non-exempt and to amend Section 5, Part AA of the Personnel Bylaw to read:

- Grade 4. Administrative Assistant to the Chief of Police
- Administrative Secretary for Streets and Parks
- Administrative Assessors
- Administrator/Inspector for the Board of Health
- Assistant Tax Collector
- Assistant Treasurer
- Dispatcher

Article 22 – Authorization to Reclassify Board of Health Secretary to Administrator/Inspector for the Board of Health

Recommendation of Approval- BOH
 Motion- John O'Brien

It was unanimously voted to Pass Over this article which would have changed the classification of the Board of Health Secretary Grade 3 to Administrator/Inspector for the Board of Health Grade 4.

Article 23 – 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%)

Recommendation of Approval- Board of Selectmen
 Motion- Kevin McCormick

It was unanimously voted to amend Section 5, Part AA. Classification and Compensation Plan of the Personnel Bylaw by deleting the current language and inserting the following:

Non-Exempt Employees – Wage Earning Employees					
Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	10.78	11.86	12.92	14.04	15.09
2	11.83	13.03	14.20	15.37	15.81
Grade	Step 1	Step 2	Step 3	Step 4	Step 5
3	12.88	14.15	15.46	16.76	18.07
4	13.93	15.35	16.73	18.14	19.54
5	15.01	16.52	18.02	20.16	21.02

Exempt Employees - Salaried Supervisors					
Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	25,461.39	28,014.65	30,549.59	34,159.24	35,662.55
COA Director	31,332.46	34,480.14	37,598.75	42,042.96	43,891.95
7					
Children’s Librarian	29,046.29	31,903.20	34,848.43	37,745.20	40,647.35
Town Clerk	29,046.29	31,903.20	34,848.43	37,450.20	40,647.35
Assistant Library Director	31,322.46	34,356.30	37,525.52	40,650.58	43,773.49
8					
Building Inspector	23,713.65	26,093.52	28,455.08	30,839.26	33,197.59
9					
Principal Assessor	38,131.79	41,950.36	45,766.77	49,285.96	53,379.13
Town Accountant	38,131.79	41,950.36	45,766.77	49,285.96	53,379.13
10					
Library Director	39,810.63	45,024.81	48,156.33	53,130.36	57,305.37
Treasurer/Tax Collector	44,434.69	48,883.21	53,326.35	57,773.81	62,221.26
11					

Director of Public Works	59,545.25	64,436.38	69,328.57	74,218.62	78,595.00
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Non- Exempt Emergency Fire and Medical Services Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	8.64	9.48	10.37	11.22	12.12
2F	12.47	13.70	14.96	16.21	17.46
3F	13.74	15.00	16.25	17.51	18.89
4F	17.17	18.76	20.32	21.91	23.60

Article 24- Authorization to set the salary of Elected Officials

Recommendation of Approval- Finance Cmte
Motion- Steven Quist

It was unanimously voted to determine and fix what salaries elective officers of the town shall receive for Fiscal Year 2011 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

Moderator	\$ 1.00;
Selectmen	\$ 1.00 each (5 members);
Town Clerk	\$40,647.35 in conformity with Section 5 Part AA of the Classification and Compensation Plan of the Personnel Bylaw
Planning Board	\$ 1.00 each (5 members);
Cemetery Trustees	\$ 1.00 each (3 members); and
Municipal Light Board	\$300.00 each (3 members)

Article 25– Authorization to Transfer unexpended funds from Fiscal Year 2010 Appropriations and other necessary transfers to the Fiscal Year 2010 Appropriations

Recommendation of Approval- Finance Cmte
Abstaining- Capital Investment Board
Motion- Christopher Rucho

It was unanimously voted to transfer from available funds or from any unexpended balances of Fiscal Year 2010 appropriations, to Fiscal Year 2010 appropriation accounts.

Account Number	From	Amount	Account Number	Transfer To	Amount
010-09-14-05170.000	Group Health Insurance Premiums	\$188,161	010-4-23-05100.000	Snow Removal Sal & Wage	\$7,476.00
			010-04-23-06200.000	Snow Removal Purch Service	\$687.00
			010-04-23-06400.000	Snow Removal Supplies	\$142,023.00
			010-04-20-06200.000	DPW Purch Services	\$6,500.00
			310-00-00-01601.010	Education	\$25,000.00
			010-06-10-06700.000	Library Other Charges	\$6,475.00
010-09-45-06740.000	General Insurance	\$5,000.00	010-09-16-05170.000	Medicare - Town's Share	\$5,000.00
010-09-12-05170.000	Worker's Comp Insurance	\$1,500.00	010-01-23-06200.000	Town Admin - Purch Services	\$1,500.00
010-09-15-05170.000	Group Life Insurance Premiums	\$700.00	010-01-45-05100.000	Treasurer/Collector Salaries	\$700.00

010-01-51-06200.000	Town Counsel	\$4,400.00	010-04-20-06200.000	DPW Purch Services	\$4,400.00
010-01-51-06200.000	Town Counsel	\$5,175.00	010-02-10-06400.000	Police Supplies	\$5,175.00
010-02-20-05100.000	Fire Salaries & Wages	\$46,880.00	010-02-20-06400.000	Fire Supplies	\$46,880.00
	TOTAL	\$251,816.00		TOTAL	\$251,816.00

Article 26 – Authorization to Pay Bills from a Previous Fiscal Year

Recommendation of Approval- DPW Director
 Abstaining- Finance Cmte
 Motion- John O’Brien

It was unanimously voted to transfer the sum of \$7,548.91 and \$9,925.63 from Sewer Retained Earnings to pay bills Weston & Sampson Engineers.

Article 27 – Authorization to appropriate money to the Sewer Enterprise Account for Fiscal Year 2011

Recommendation of Approval- DPW Director, Finance Cmte
 Motion- Kevin McCormick

It was unanimously voted to raise and appropriate or transfer from available funds the sum of One Million, Four Hundred Ninety Thousand, Eight Hundred Sixty-Seven Dollars and No Cents (\$1,490,867.00) 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 2011 as follows:

Fiscal Year 2011 West Boylston Sewer Department Budget

Administration	\$ 113,040
Operations and Maintenance	\$ 922,304
Reserve Fund	\$ 20,000
Debt and Interest Payments	\$ 389,408
Capital Reserve	\$ 46,115
Total Budget Appropriation	\$ 1,490,867

And to meet said appropriation through:

- (1) the appropriation of One Million One Hundred Thirty Thousand Five Hundred Fifty-Nine Dollars and No Cents (\$1,130,559) from Fiscal Year 2011 Sewer Enterprise Fund User Revenue, and
- (2) the appropriation of Three Hundred Sixty Thousand Three Hundred Eight Dollars and No Cents (\$360,308) from the Fund Balance Reserved for Sewer Betterment Debt Service.

Article 28 - Fiscal Year 2011 Omnibus Budget appropriation article

Recommendation of Approval- Board of Selectmen, Finance Cmte
 Motion- Steven Quist

- 1) AMENDMENT
 Motion to amend- Marc Trudeau duly seconded by Lisa Graham

I hereby move to amend the budget, as read, by moving \$20,000 (twenty thousand dollars and no cents) from line item 10 4 30 6200 0, Trash Removal and Tipping Fees, to line item 301, Education- Expenses.

After debate the motion and second were withdrawn

2) AMENDMENT

Motion to amend- Marc Trudeau duly seconded by Lisa Graham

I hereby move to amend the budget, as read, by moving \$40,000 (forty thousand dollars and no cents) from line item 10 4 30 6200 0, Trash Removal and Tipping Fees, to line item 301, Education- Expenses.

After debate the motion and second were withdrawn

3) AMENDMENT

Motion to amend- Marc Trudeau duly seconded by Lisa Graham

I hereby move to amend the budget, as read, by moving \$20,000 (twenty thousand dollars and no cents) from line item 10 4 30 6200 0, Trash Removal and Tipping Fees, to line item 301, Education- Expenses.

After debate it was unanimously voted to accept the Amendment to move \$20,000 from Trash Removal and Tipping Fees to the Education Expenses.

It was unanimously voted, as amended to raise and appropriate, the sum of \$19,501,540 necessary to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2011, the period of July 1, 2010 through June 30, 2011, including the costs of public education, debt and interest payments, and providing municipal services, and reduce the tax rate by transferring the following sums:

Raise and Appropriate	\$18,916,184.79	
From Free Cash	\$182,000	
From Ambulance Receipts Reserved	\$378,000	
From Wachusett EMS Fund	\$25,000	
From the Balance Remaining in Article 17 ATM 05/96	\$355.21	For the FY 11 Principal
	<u>\$19,501,540.00</u>	



Town of West Boylston					Fiscal 2010 Budget	Fiscal 2011 Budget	
010	01	14	05100	000	Moderator Salary	1.00	1.00
					Other Expenses	50.00	50.00
010	01	14	06700	000	Moderator Other Charges		
TOTAL MODERATOR					51.00	51.00	
010	01	22	05100	000	Selectmen Salaries	5.00	5.00
					Other Expenses	5,550.00	5,550.00
TOTAL SELECTMEN					5,555.00	5,555.00	
010	01	23	05100	000	Town Administrator Salaries	152,975.00	156,455.00

					Other Expenses	10,575.00	21,300.00
					TOTAL TOWN ADMINISTRATOR	163,550.00	177,755.00
010	01	31	06200	000	Finance Committee Purchased Services	0.00	0.00
010	01	32	06700	000	<i>Reserve Fund</i>	48,659.00	48,659.00
					TOTAL FINANCE COMMITTEE	48,659.00	48,659.00
010	01	35	05100	000	Finance Director Salary and Wages	45,000.00	45,900.00
					Other Expenses	113,150.00	113,150.00
					TOTAL FINANCE DIRECTOR	158,150.00	159,050.00
010	01	36	06200	000	Town Audit	38,000.00	26,000.00
012	01	36	06200	000	Town Audit (Enc)		
					TOTAL TOWN AUDIT	38,000.00	26,000.00
010	01	41	05100	000	Assessor's Salaries	27,503.00	28,053.00
					Other Expenses	51,985.00	51,065.00
					TOTAL ASSESSORS	79,488.00	79,118.00
010	01	45	05100	000	Treasurer/Collector Salaries	125,098.00	129,900.00
					Other Expenses	18,665.00	18,665.00
					TOTAL TREASURER/COLLECTOR	143,763.00	148,565.00
010	01	51	06200	000	Town Counsel	81,500.00	75,000.00
					TOTAL TOWN COUNSEL	81,500.00	75,000.00
010	01	52	06700	000	Personnel Board Other Charges	0.00	0.00
					TOTAL PERSONNEL BOARD	0.00	0.00
010	01	55	05100	000	Computer Salaries & Wages	0.00	0.00
					Other Expenses	56,190.00	56,840.00
010	01	55	06800	000	Computer Capital Outlay	4,500.00	18,800.00
					TOTAL DATA PROCESSING	60,690.00	75,640.00
010	01	61	05100	000	Town Clerk Salaries	58,433.00	59,602.00
					Other Expenses	2,241.00	2,600.00
					TOTAL TOWN CLERK	60,674.00	62,202.00
010	01	62	05100	000	Elections Salaries	9,900.00	10,000.00
					Other Expenses	10,917.00	13,600.00
					TOTAL ELECTIONS & REGISTRATIONS	20,817.00	23,600.00
010	01	75	05100	000	Planning Board Salaries	3,000.00	3,000.00
010	01	92	05100	000	Public Safety H.Q. Salaries	20,430.00	0.00
					Other Expenses	41,010.00	34,110.00
					Municipal Building Maintenance		9900.00
					TOTAL PUBLIC SAFETY HEADQUARTERS	61,440.00	44,010.00
010	01	94	051**	000	Town Hall Salaries	12,670.00	13,635.00
					Other Expenses	138,400.00	137,696.00
					TOTAL TOWN HALL BUILDING	151,070.00	151,331.00

010	01	95	06200	000	Print Town Report	2,000.00	1,500.00
TOTAL PRINT TOWN REPORT						2,000.00	1,500.00
TOTAL GENERAL GOVERNMENT						1,078,407.00	1,081,036.00
010	02	10	051**	000	Police Salaries	1,128,156.00	1,153,627.00
						Other Expenses	24,750.00
010	02	10	06300	000	Police Training	0.00	10,750.00
012	02	10	05800	207	Police Capital Outlay	19,463.00	12,500.00
TOTAL POLICE						1,170,219.00	1,201,627.00
010	02	20	051**	000	Fire Salaries	449,922.00	502,950.00
						Other Expenses	57,700.00
010	02	20	06800	000	Fire Capital Outlay	0.00	0.00
TOTAL FIRE						506,022.00	560,650.00
010	02	35	05100	000	Communications Salaries	196,895.00	202,830.00
						Other Expenses	44,000.00
TOTAL PUBLIC SAFETY COMMUNICATIONS						233,995.00	246,830.00
010	02	41	051**	000	Building Inspector Salaries	82,445.00	81,461.00
						Other Expenses	8,160.00
TOTAL BUILDING INSPECTOR						89,545.00	89,621.00
010	02	44	06200	000	Sealer of Weights Purchased Services	1,775.00	1,775.00
TOTAL SEALER OF WEIGHTS						1,775.00	1,775.00
010	02	91	06200	000	Emergency Management Purchased Services	4,900.00	3,000.00
010	02	91	06400	000	Emergency Management Supplies		1,900.00
TOTAL EMERGENCY MANAGEMENT						4,900.00	4,900.00
010	02	92	051**	000	Animal Control Salary	8,400.00	8,400.00
						Other Expenses	900.00
TOTAL ANIMAL CONTROL						9,300.00	9,300.00
TOTAL PUBLIC SAFETY						2,015,756.00	2,114,703.00
310					Education-Expenses	8,920,792.00	7,999,953.00
						Vocational Education	1,101,441.00
TOTAL EDUCATION						8,920,792.00	9,101,394.00
010	04	20	051**	000	Highway Salaries	328,461.00	341,855.00
						Other Expenses	187,459.00
						<i>Municipal Building Maintenance</i>	9,900.00
TOTAL STREETS AND PARKS						515,920.00	549,931.00
010	04	23	051**	000	Snow Removal Salaries	52,324.00	53,371.00
						Other Expenses	52,000.00
TOTAL SNOW REMOVAL						104,324.00	105,371.00

010	04	24	06200	000	Street Lighting	81,761.00	80,561.00
					TOTAL STREET LIGHTING	81,761.00	80,561.00
010	04	30	06200	000	Trash Removal and Tipping Fees	313,000.00	300,825.00
010	04	34	06300	000	Landfill Monitoring Expenses	0.00	0.00
					TOTAL TRASH REMOVAL & TIPPING	313,000.00	300,825.00
010	04	91	051**	000	Cemetery Salaries	35,910.00	38,330.00
					TOTAL CEMETERY	35,910.00	38,330.00
					TOTAL PUBLIC WORKS	1,050,915.00	1,075,018
010	05	11	05100	000	Board of Health Salaries	10,300.00	10,300.00
					TOTAL BOARD OF HEALTH	10,300.00	10,300.00
010	05	41	05100	000	Council on Aging Salaries	43,471.00	43,893.00
					Other Expenses	2,639.00	2,639.00
					TOTAL COUNCIL ON AGING	46,110.00	46,532.00
010	05	43	051**	000	Veteran's Services Salary	1,581.00	1,581.00
					Other Expenses	600.00	600.00
010	05	43	06780	000	Veteran's Benefits	42,324.00	48,000.00
					TOTAL VETERANS SERVICES	44,505.00	50,181.00
					TOTAL HUMAN SERVICES	100,915.00	107,013.00
010	06	50	06***	000	Recreation - Other Expenses	0.00	6,000.00
					TOTAL RECREATION	0.00	6,000.00
010	06	10	051**	000	Library Salaries	189,021.00	195,205.00
					Other Expenses	83,179.00	84,431.00
					Building Maintenance		9,900.00
					TOTAL LIBRARY	272,200.00	289,536.00
010	06	92	06400	000	Memorial Day Supplies	0.00	0.00
010	06	95	06200	000	Arts Council Purchased Services	0.00	350.00
					TOTAL OTHER CULTURE AND RECREATION	0.00	350.00
					TOTAL CULTURE AND RECREATION	272,200.00	295,886.00
010	07	10	06910	000	Maturing Debt-Principal	1,150,301.00	1,150,301.00
010	07	50	06915	000	Maturing Debt-Interest	413,450.00	358,762.00
010	07	53	06925	000	Interest on Temporary Loans	1,350.00	1,350.00
					TOTAL DEBT SERVICE	1,565,101.00	1,510,413.00
010	08	40	06780	000	Regional Planning Assessment	1,509.00	1,509.00
010	08	43	06780	000	Wachusett Earth Day Collaborative	0.00	2,145.00
					TOTAL INTERGOVERNMENTAL	1,509.00	3,654.00
010	09	11	05170	000	County Retirement Assessment	554,734.00	685,423.00

010	09	12	05170	000	Workers Compensation Insurance	42,000.00	45,000.00
010	09	13	05170	000	Unemployment Compensation	150,000.00	175,000.00
010	09	14	05170	000	Group Health Insurance Premiums	3,101,704.00	2,996,000.00
010	09	15	05170	000	Group Life Insurance Premium	13,000.00	13,000.00
010	09	16	05170	000	Medicare-Town's Share	155,000.00	160,000.00
010	09	45	06740	000	General Insurance	140,000.00	138,000.00
012	09	45	07740	000	Self-Insurance Deductible Expenses	0.00	0.00
TOTAL EMPLOYEE BENEFITS						4,156,438.00	4,212,423.00
GRAND TOTALS						19,162,033.00	19,501,540.00

Article 29 – Authorization to appropriate Ambulance Receipts Reserved for Appropriation for Ambulance Billing Expenses

Recommendation of Approval- Fire Chief
Motion- Christopher Rucho

It was unanimously voted to appropriate the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) 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.

Article 30 – Authorization to Appropriate Ambulance Receipts Reserved for Appropriation

Recommendation of Approval- Fire Chief
Motion- John O'Brien

It was unanimously voted to appropriate the sum of Eighteen Thousand Two Hundred Fifty Dollars and No Cents (\$18,250.00) from Ambulance Receipts Reserved for Appropriation to provide stipends for ALS/Paramedic on-call coverage.

Article 31 – Vote to appropriate funds for Community Preservation Fund Projects

Recommendation of Approval- CPC, Parks Comm
Motion- Patrick Crowley

It was unanimously voted that the following be appropriated from the Community Preservation Fund Revenue's, or transferred from prior year reserves for Community Preservation purposes or from Debt as follows:

Project	Total Appropriation	Source of Appropriation
To fund the Goodale Park Project Phase 1A, including costs incidental or related thereto	\$ 618,000	\$218,850.52 Transfer From The CPA Fund Undesignated Fund Balance, \$130,000 Transfer From The FY 2010 CPA Fund Undesignated Budgeted Reserve, \$9,250 Transfer From The CPC FY 2010 Administration Budget Appropriation,

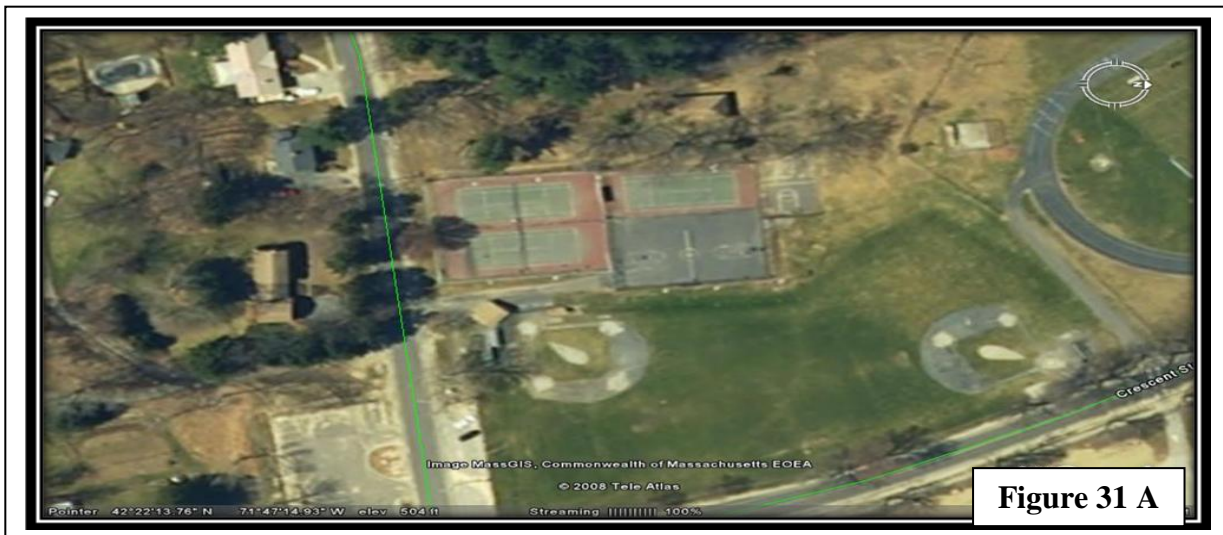
\$141,899.48 Appropriated From The FY 11 Estimated CPA Fund Revenues,

And

\$118,000 From Borrowing As Allowed Under MGL C44B, §11, or any other enabling authority.

and that the Treasurer and the Board of Selectmen are authorized to take all actions necessary or convenient to carry out the Goodale Park Project.

Figure 31 A- Goodale Park in its current state, Figure 31 B- Architectural Drawing of proposed changes.



Article 32 – Authorization to appropriate funds from the Community Preservation Revenues

Recommendation of Approval- CPC
Motion- Kevin McCormick

It was unanimously voted to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2011, with each item to be considered a separate appropriation:

Appropriations:

From FY 2011 estimated revenues for Committee Administrative Expenses \$ 7,200

Reserves:

From FY 2011 estimated revenues for Historic Resources Reserve \$ 21,300
From FY 2011 estimated revenues for Community Housing Reserve \$ 21,300
From FY 2011 estimated revenues for Open Space Reserve \$ 21,300

Article 33– Appropriation to fund an Elderly Community Services Program

Recommendation of Approval- Council on Aging
Motion- Steven Quist

It was unanimously voted to transfer and appropriate, the sum of Eleven Thousand Dollars and No Cents (\$11,000.00) from Overlay Surplus 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.

Article 34 – Authorization to expend funds from the Capital Investment Fund to fund Capital Equipment

Recommendation of Approval- Finance Cmte, CIB
Motion- Christopher Rucho

It was unanimously voted to expend the sum of \$62,000 from the Capital Investment Fund for the purchase of a new hot water boiler for the Middle/High School (\$29,000) and a new police cruiser for the Police Department (\$33,000).

Article 35 – School Operating Budget Appropriation

Recommendation of Approval- School Cmte, Finance Cmte
Motion- Lisa Mooreland, School Cmte

Motion-

I move the town vote to approve Article 35 as printed in the warrant deleting the words “or take any other action relative thereto” and transferring the sum of \$99,181 from Free Cash, \$4,698 from Overlay Surplus and \$35,105 from the Stabilization Fund for a total of \$138,984 to fund any difference between the allocation for the School Department Operations as presented in the Town’s Fiscal Year 2011 Budget and the allocation requested in the School Department Operating Budget as approved by the West Boylston School Committee.

Motion to split the article;

I move that the motion under Article 35 be divided as follows:

- a) I move the town vote to transfer the sum of \$99,181 from Free Cash and \$4,698 from Overlay Surplus; and
- b) I move the town vote to transfer the sum of \$35,105 from the Stabilization fund

Motion to split the article unanimously voted.

Vote-

- a) It was voted to authorize the town to transfer the sum of \$99,181 from Free Cash and \$4,698 from Overlay Surplus to fund any difference between the allocations for the School Department Operations as presented in the Town’s Fiscal Year 2011 Budget and the allocation requested in the School Department Operating Budget as approved by the West Boylston School Committee.
- b) Under the provisions of M.G.L. Ch. 39 § 15, and General Bylaws Article I § 7, it was declared by the Moderator that a 2/3rd’s vote was achieved to transfer the sum of \$35,105 from the Stabilization Fund, to fund any difference between the allocations for the School Department Operations as presented in the Town’s Fiscal Year 2011 Budget and the allocation requested in the School Department Operating Budget as approved by the West Boylston School Committee.

Article 36 – Authorization to appropriate funds to fund Real Estate periodic inspections

Recommendation of Approval- Board of Assessors
Motion- John O'Brien

It was unanimously voted to transfer the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from Overlay Surplus for the purpose of continuation of real estate periodic inspections.

Article 37 – Authorization to appropriate funds to fund Personal Property periodic inspections

Recommendation of Approval- Board of Assessors
Motion- John O'Brien

It was unanimously voted to transfer the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Overlay Surplus for the purpose of completing personal property periodic inspections.

Article 38 – Authorization to transfer funds to the Stabilization Fund

Recommendation of Approval- Finance Cmte
Motion- Kevin McCormick

It was unanimously voted to Pass Over this article which would have transferred a sum of money to the Stabilization Fund.

Article 39 – Authorization to raise and appropriate funds to the Capital Investment Fund

Recommendation of Approval- Finance Cmte, CIB
Motion- Steven Quist

It was unanimously voted to Pass Over this article which would have transferred a sum of money to the Capital Investment Fund.

Article 40 - Authorization to petition the Legislature to prohibit texting while driving in the Town of West Boylston

Recommendation of Approval- Board of Selectmen
Motion- John O'Brien

Representative James O'Day informed town meeting floor that the House of Representatives were taking similar actions regarding texting legislation and that it was not necessary to address this issue at the town level. After little debate, the motion to authorize the Board of Selectmen to petition the General Court for special legislation to ban texting while driving in the Town of West Boylston was defeated.

The petition for special legislation would have taken the following form:

AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO PROHIBIT TEXTING WHILE DRIVING WITHIN THE TOWN'S BORDERS

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 section 13 of chapter 90 of the General Laws, or any other general or special law to the contrary, a person operating a moving motor vehicle in the Town of West Boylston who, by means of a mobile telephone or an electronic wireless communications device, other than a voice-activated global positioning or navigation system that is permanently affixed to the vehicle, sends, reads, or writes a text message, shall be guilty of a civil automobile law violation as defined in M.G.L. c. 90C, s. 1. As used in this act, a mobile telephone means an electronic wireless device that has an internal feature or function for wireless communications that shall include, but is not limited to talking or listening to another person on the telephone, text messaging, or sending an electronic or text message to another mobile wireless telephone or other electronic communication devices.

Section 2.

Violations of section 1 of this act shall be punished by a fine of one hundred (\$100) dollars for the first offense, two hundred (\$200) dollars for a second offense, and three hundred (\$300) dollars for subsequent offenses committed during any twelve-month period.

Section 3.

Any law enforcement officer with jurisdiction in the Town of West Boylston is authorized to enforce the provisions of this act. Said law enforcement officer may stop the motor vehicle and issue a citation to the operator, but only if the officer observes the violation, as defined in section one, or has reasonable grounds to believe that a violation of section one has been committed, is being committed or is about to be committed. Notwithstanding the provisions of this act, all other administrative enforcement and appeal procedures that apply to chapter 90, section 13 of the General Laws shall apply to this act.

Section 4.

The provisions of this act shall take effect upon its passage.

Article 41 - Authorization to amend the General Bylaws Article XVII

Recommendation of Approval- Bylaws Cmte
Motion- Christopher Rucho

It was unanimously voted to amend Article XVII of the General Bylaws as follows:

Delete the following Section 2;

“These By-laws shall be reviewed at least every five years and made up to date with all amendments, then published in the next printing of the Annual Town Report, the first printing to be in the 1977 Annual Town report.”

And insert the following:

“Section 2. The By-laws Committee shall review these By-laws from time to time and at least every five years to assure the By-laws are current, coherent and consistent. The Committee shall report its findings to the responsible board, committee or commission. The Committee shall

review all additions, deletions and changes to the By-laws proposed to Town Meeting and may make recommendations to Town Meeting on such additions, deletions and changes.”

And;

Delete the following Section 3 Bylaws Committee

[The By-laws Committee shall consist of the Moderator, the chairman of the Board of Selectmen, the chairman of the Planning Board, the Town Clerk and three members to be appointed by the Board of Selectmen.

The Chairman of the By-laws Committee will be elected by the members of that committee and the Town Clerk will act as secretary of that committee.]

And insert the following:

“Section 3 Bylaws Committee The By-laws Committee shall consist of the Moderator as Chairman, Town Clerk as Secretary, the chairman of the Board of Selectmen, the chairman of the Planning Board, and three registered voters to be appointed by the Board of Selectmen. The method and term of these appointments shall be determined by the Board of Selectmen.”

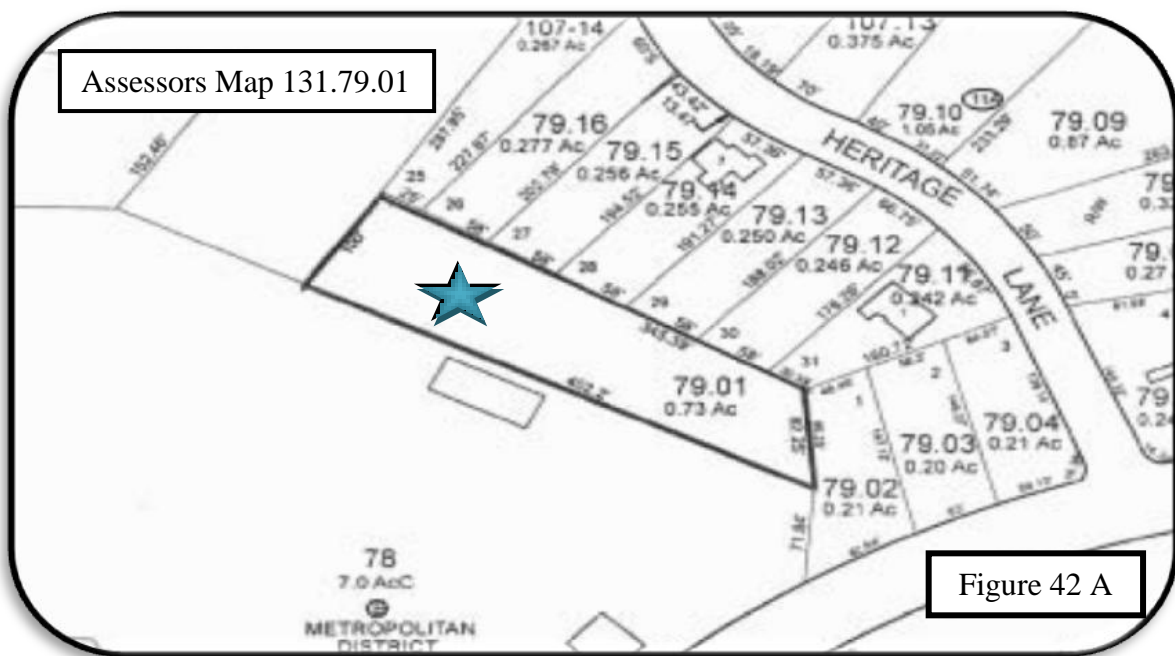
Article 42 - Authorization to accept a parcel of property on Lancaster Street

Recommendation of Approval- Board of Assessors, Treasurer/Collector
Motion- Kevin McCormick

It was unanimously voted Pass Over this article which would have authorized the Board of Selectmen to acquire by gift or otherwise a parcel of property located on the northwesterly side of Lancaster Street (State Route 110) identified as Parcel 79.01 on Map 131, for drainage purposes.

Town Counsel advised the Board of Selectmen that any action taken on drainage issues may be dealt with at a Selectmen’s meeting and therefore does not require Town Meeting approval.

FIGURE 42 A – Assessors Map, Parcel 131.79.01 is shown as outlined



Article 43 – Authorization to amend the General Bylaw Article XII

Recommendation of Approval- Bylaws Cmte
Motion- Steven Quist

It was unanimously voted to amend Article XII, PUBLIC WAYS AND PROPERTIES by deleting the current language and inserting the following language:

Section 1

No person shall drive, propel, wheel, or draw a vehicle of any kind whatsoever, except for a wheelchair, bicycle, child's stroller or wagon, or snow blower upon a Town sidewalk.

Section 2

No person shall place, or allow remaining, any vehicle, wood, construction material, gravel, merchandise, trash, snow, ice, basketball hoop nor any other type of obstruction within the limits of any street or upon any sidewalk so as to obstruct the travel thereon in any way.

Section 3

No person shall fasten a horse or other animal to any public place, shade tree, post, pole, or fence. No person shall allow any horse or livestock to travel upon any sidewalk.

Section 4

No person shall place any sign or notice upon any public building, shade tree, fence, street sign, or utility pole under the control of the Town, except with the permission of the Selectmen or other appropriate public agency.

Section 5

No person shall operate a motor vehicle on a public way in the Town of West Boylston at a rate of speed inconsistent with posted speed limits or that endangers public safety or convenience.

Section 6 Private Street Repairs

- a. 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 Street. A list of abutters shall be approved by the Board of Assessors prior to submittal.
- b. All repairs will be done at the sole discretion of the Board of Selectmen.
- c. The cost of all administration, materials, and construction to repair a private street shall be paid by the abutters of said Private Street in the form of a betterment charge.
- d. Repairs shall be limited to the filling of holes or depressions with suitable materials to make streets passable, the resurfacing or reconstruction of streets with the appropriate materials approved by the Board of Selectmen, and/or the installation of drainage.
- e. The Town of West Boylston shall bear no liability for repairs to private streets 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:

Alczar Avenue	Howard Avenue
Alhambra Road	Mary Drive
Ardmore Avenue	Oak Avenue
Brayton Road	Oxford Street
Delmar Drive	Princeton Avenue from Longview Street to dead end
Edwards Street	Reed Street
Evergreen Venue	Tobin Lane
Harvard Avenue	Valley Street
	Western Avenue from Prescott Street east to dead end

- g. Roadways under the control of a Condominium Homeowners Association or any private road controlled by a Homeowners Association Agreement shall not be covered by Section 6 of this bylaw.

Section 8 Driveway Permits

Any person wanting private access to a public street for a driveway shall apply in writing to the Board of Selectmen, or its designee, on the form entitled Town of West Boylston Street Access Permit. The Director of Public Works shall review the completed permit request form and the proposed work for compliance with the Town of West Boylston's regulations entitled Driveway Location Rules & Regulations and all standards including West Boylston's Stormwater Regulations for public safety and highway design within fifteen (15) days of receipt. The Director of Public Works shall either 1) approve the permit request form, 2) deny it, or 3) refer it to the Board of Selectmen with a written recommendation.

The Board of Selectmen shall review the referred permit request form, 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 recommendations of the Chief of Police and the MassDOT, and shall act upon the permit request within forty-five (45) days of receipt.

The Board of Selectmen shall have the authority to adopt regulations for the implementation of this section.

Section 9 Roadway Opening Permits

No person, corporation, company, or public utility, may test, bore, core, excavate, plane, recycle, alter or otherwise damage any surface within the public right-of-way within the Town of West Boylston including, but not limited to, the paved or unpaved traveled part of the roadway, and other land within the public right-of-way, without first obtaining a Road Opening Permit from the Town of West Boylston's Director of Public Works.

The regulations, fees, fines, specifications, bond and insurance requirements, and permit application requirements shall be defined in the document entitled Town of West Boylston Roadway Opening Permit Regulations.

The Board of Selectmen shall establish said requirements, fees, fines, specifications, bond and insurance requirements, and permit application requirements and may, from time to time, amend or alter the same by vote of the Board of Selectmen after a duly held public hearing.

Section 10

The Board of Selectmen may make parking rules and regulations relative to parking of vehicles and the establishment of handicapped and restricted parking areas, provided that the public is notified in conformity with the requirements of state law including, but not limited to Massachusetts General Laws, Chapter 40, Sections 21D, 22, 22A et al, and ARTICLE XXIII- PUBLIC HEARING AND NOTICE of the General Bylaws.

Article 44 - Authorization to petition the Legislature to adopt a Special Act

Recommendation of Approval- Board of Selectmen

Motion- Christopher Rucho

It was unanimously voted to Pass Over this article which would have authorized the Board of Selectmen to file a petition with the General Court under the provisions of Section 8 of Article 89 of the amendments to the Constitution of the Commonwealth of Massachusetts, to adopt a special act of legislation as follows:

AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO PROVIDE PROPERTY TAX ABATEMENTS TO "CITIZEN SOLDIERS"

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

Notwithstanding any special or general law to the contrary, the West Boylston Board of Assessors is authorized to grant, retroactive to Fiscal Year 2011, real and personal property tax abatements, up to 100% of the total tax assessed, to our "citizen soldiers" of the Massachusetts National Guard and Reservists on active duty and serving in foreign countries, for the fiscal year in which said military personnel is on active service and serving in foreign countries, subject to eligibility criteria developed by the Board of Assessors. The authority to grant abatements under this act shall expire after fiscal year 2020 unless specifically extended by vote of the West Boylston Board of Selectmen. Further, the General Court may make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and further, to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

The Board of Selectmen and Board of Assessors require additional procedural information before this article can be accepted and implemented. This article will be brought fourth a future Town Meeting.

Motion to adjourn from the floor and duly seconded. Meeting adjourned at 10 p.m.

Attest

Kim D. Hopewell, Town Clerk