

**SEMI-ANNUAL TOWN MEETING
TOWN CLERK MEETING MINUTES**

MAY 15, 2006

Article 1, Section 3 of the Town of West Boylston 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 Moderator was informed that 111 registered voters are in attendance and that the quorum requirement established by Article 1, Section 3 of the General Bylaws has been met.

Leon Gaumond recognized and congratulated town employees who have attained anniversary milestones, as well as noting upcoming retirements.

Town meeting called to order at 7:12 p.m.

The following people were appointed and sworn in as tellers by the town clerk.

Richard Butler	Susan Abramson
Barbara Mard	Margaret Farwell
John McCormick, III	Elizabeth Prochnow
Pauline McCormick	Carolyn Padden

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

Moderator David Sweetman asked for a motion to accept the provisions of Massachusetts General Law Chapter 39 Section 15 allowing the Moderator to determine a 2/3rd's Majority vote.

Motion- Allen Phillips Second- Kevin McCormick. Unanimously voted.

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

Motion- Alexander Fallavollita, Sr.
Second- Christopher Rucho
Sponsor - Board of Selectmen

It was Unanimously voted to hear the reports of the officers and standing committees of the town.
Slide show presentation given by the Finance Committee- recommends approval

ARTICLE 2 - AUTHORIZATION TO BORROW IN ANTICIPATION OF REVENUE AND TO ENTER INTO A COMPENSATING BALANCE AGREEMENT WITH A BANK

Motion- John B. DiPietro, Sr.
Second- Allen Phillips
Sponsor- Board of Selectmen
Finance Committee- recommends approval

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 2007, the period from July 1, 2006 through June 30, 2007, in conformity with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in

accordance with Massachusetts General Laws, Chapter 44, Section 17, and It was voted It was voted to authorize the Treasurer/Tax Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2007 pursuant to Massachusetts General Laws, Chapter 44, Section 53F.

Upon a motion by Allen Phillips and second by Christopher Rucho if was voted by a Majority to take action on articles 3-14 inclusive, regarding the establishment of revolving funds in conformity with M.G.L. Chapter 44 § 53E 1/2.

Motion by Allen Phillips, Second by Christopher Rucho

It was voted to establish revolving funds as printed in the warrant for articles 3-14 inclusive.

ARTICLE 3 - AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR WBPA-TV

It was voted to authorize and establish a Revolving Fund for WBPA-TV in conformity with Massachusetts General Laws, Chapter 44 Section 53E½ for the following purposes and subject to the following conditions:

- a) to be used to purchase equipment to further enhance the cable-casting abilities of the town;
- b) to be used to purchase expendable material as needed, such as videotape, batteries, gaffer's tape, lights, etc.;
- c) to be the depository for those receipts submitted to WBPA-TV for the operation of WBPA-TV that have been authorized by the Board of Directors of WBPA-TV, as well as the franchise license fee paid by Charter Communications to the town;
- d) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2007 set at \$5,000;
- e) to not be used for any wages or salaries, since WBPA-TV is a volunteer organization; and
- f) to have the Board of Directors of WBPA-TV be the only authority empowered to expend monies from this fund.

ARTICLE 4 - AUTHORIZATION TO 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 2007 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 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 2007 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 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 2007 operating budget;
- b) to fund the administrative expenses of the Council On Aging including, but not limited to, the wages of part-time employees of the Council On Aging;
- c) to be the depository for fees and donations derived from various fund raising activities collected by the Council On Aging;
- d) to be the depository for revenue and reimbursements from the Worcester Regional Transit Authority (WRTA) and user fees and donations for transportation services provided by the Council On Aging;
- e) to have the Council On Aging be the only authority empowered to expend monies from this fund; and
- f) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2007 set at \$60,000.

ARTICLE 7 - AUTHORIZATION TO 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 2007 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 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 2007 set at \$25,000; and
- e) to have the Zoning Board of Appeals be the only authority empowered to expend monies from this fund.

ARTICLE 9 - AUTHORIZATION TO 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 2007 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 ESTABLISH A JOSEPH E. AMELLO SWIMMING POOL AND SUMMER RECREATION PROGRAM REVOLVING FUND FOR THE PARK COMMISSION

It was voted to authorize the Park Commission to establish a Joseph E. Amello Swimming Pool and Summer Program Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

- a) to fund the costs of maintaining and operating the municipal swimming pool, including the purchase of supplies and services necessary to maintain the pool and facilities, and the wage and salary expenses of the part-time employees of the Parks Commission;
- b) to fund the costs of operating the summer recreation programs including the wage and salary expenses of the part-time employees;
- c) to fund administrative and wage expenses associated with the administration and operation of the summer recreation programs of the Park Commission, including wage and salary expenses of the part-time employees of the Parks Commission;
- d) to be the depository for swimming pool and summer recreation program user fees and donations collected by the Park Commission;
- e) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2007 set at \$50,000; and
- f) to have the Park Commission be the only authority empowered to expend monies from this fund.

ARTICLE 11 - AUTHORIZATION TO 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 2007 set at \$25,000; and
- f) to have the Park Commission, or Director of Public Works, or his/her successor, with the approval of the Park Commission, be empowered to expend monies from this fund.

ARTICLE 12 - AUTHORIZATION TO ESTABLISH A 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 2007 set at \$15,000; and
- e) to have the Fire Chief, be the only authority empowered to expend monies from this fund.

ARTICLE 13 – AUTHORIZATION TO ESTABLISH A 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 2007 set at \$10,000; and
- e) to have the Fire Chief be the only authority empowered to expend monies from this fund.

ARTICLE 14- AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR THE MEMORIAL DAY OBSERVANCE

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) pay for the expenses and costs necessary for the annual Memorial Day Observance including, but not limited to, the purchase of supplies and services, excluding full and part time employee salary or wage costs;
- b) to be the depository for all gifts, donations and fees collected by the Town for the sole purpose of financing the costs of the Memorial Day Observance;
- c) to set a limit on expenditures from said fund in Fiscal Year 2007 at \$5,000; and
- d) to have the Board of Selectmen be the only authority empowered to expend monies from said fund.

ARTICLE 15- AUTHORIZATION TO ESTABLISH A REVOLVING FUND FOR VOCATIONAL TRANSPORTATION

Motion- Peter Desy
Second- Sibohan Bohanson
Sponsor- School Committee
Finance Committee- recommends approval

It was voted to authorize the School Committee to establish a Revolving Fund in conformity with Massachusetts General Laws, Chapter 44, Section 53E½, for the following purposes and subject to the following conditions:

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

ARTICLE 16 – AUTHORIZATION TO EXPEND FUNDS IN ANTICIPATION OF REIMBURSEMENT OF STATE HIGHWAY ASSISTANCE AID

Motion- Kevin McCormick
Second- Allen Phillips
Sponsor- Board of Selectmen
Finance Committee- recommends approval

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 It was voted It was voted to authorize the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow money from time to time during Fiscal Year 2007, for the period from July 1, 2006 through June 30, 2007, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts

ARTICLE 17 – AUTHORIZATION TO AMEND THE PERSONNEL BYLAW (2%) COST OF LIVING PAY INCREASE

Motion- Christopher Rucho
Second- Kevin McCormick
Sponsor- Board of Selectmen
Finance Committee- recommends approval
Bylaws Committee- recommends approval
Personnel Board- recommends approval

It was voted to amend Section 5, Part AA. **Classification and Compensation Plan** of the Personnel Bylaw as follows:

Delete Part AA as follows:

CLASSIFICATION AND COMPENSATION PLAN

Non-Exempt Employees – Wage Earning Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	\$ 9.81	\$10.79	\$11.76	\$12.77	\$13.74
2	\$10.77	\$11.86	\$12.92	\$13.99	\$14.39
3	\$11.73	\$12.88	\$14.08	\$15.25	\$16.45
4	\$12.69	\$13.97	\$15.23	\$16.51	\$17.79
5	\$13.67	\$15.05	\$16.41	\$18.34	\$19.14

Exempt Employees – Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	\$23,180	\$25,505	\$27,813	\$31,099	\$32,468
COA Director	\$28,525	\$31,391	\$34,230	\$38,276	\$39,960
7					
Children's Librarian	\$26,444	\$29,045	\$31,726	\$34,364	\$37,006
Town Clerk	\$26,444	\$29,045	\$31,726	\$34,364	\$37,006
Assistant Library Director	\$28,525	\$31,278	\$34,164	\$37,009	\$39,852
8					
Building Inspector	\$21,589	\$23,756	\$25,906	\$28,076	\$30,224
9					
Principal Assessor	\$34,716	\$38,192	\$41,667	\$44,871	\$48,597
Town Accountant	\$34,716	\$38,192	\$41,667	\$44,871	\$48,597
10					
Library Director	\$36,244	\$40,991	\$43,842	\$48,371	\$52,172
Treasurer/Tax Collector	\$40,454	\$44,504	\$48,549	\$52,598	\$56,647

Director of Public Works	\$54,211	\$58,664	\$63,118	\$67,570	\$71,554
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Non-Exempt Emergency Fire and Medical Services Employees

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

and insert the following:

CLASSIFICATION AND COMPENSATION PLAN

Non-Exempt Employees – Wage Earning Employees

CLASSIFICATION AND COMPENSATION PLAN

Non-Exempt Employees – Wage Earning Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	\$10.01	\$11.01	\$12.00	\$13.03	\$14.01
2	\$10.99	\$12.10	\$13.18	\$14.27	\$14.68
3	\$11.96	\$13.14	\$14.36	\$15.56	\$16.78
4	\$12.94	\$14.25	\$15.53	\$16.84	\$18.15
5	\$13.94	\$15.35	\$16.74	\$18.71	\$19.52

Exempt Employees - Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	\$23,644	\$26,015	\$28,369	\$31,721	\$33,117
COA Director	\$29,096	\$32,019	\$34,915	\$39,042	\$40,759
7					
Children's Librarian	\$26,973	\$29,626	\$32,361	\$35,051	\$37,746
Town Clerk	\$26,973	\$29,626	\$32,361	\$35,051	\$37,746
Assistant Library Director	\$29,096	\$31,904	\$34,847	\$37,749	\$40,649
8					
Building Inspector	\$22,021	\$24,231	\$26,424	\$28,638	\$30,828
9					
Principal Assessor	\$35,410	\$38,956	\$42,500	\$45,768	\$49,569
Town Accountant	\$35,410	\$38,956	\$42,500	\$45,768	\$49,569
10					

Library Director	\$36,969	\$41,811	\$44,719	\$49,338	\$53,215
Treasurer/Tax Collector	\$41,263	\$45,394	\$49,520	\$53,650	\$57,780
11					
Director of Public Works	\$55,295	\$59,837	\$64,380	\$68,921	\$72,985

Non-Exempt Emergency Fire and Medical Services Employees

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

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

Motion- Alexander Fallavollita, Sr.
Second- Christopher Rucho
Sponsor- Fire Department
Personnel Board- recommends approval
Bylaws Committee- recommends approval

It was Unanimously voted to amend Section 5, Part AA, **Classification and Compensation Plan** of the Personnel Bylaw as follows:

Delete Part AA as follows:

Non-Exempt Emergency Fire and Medical Employees

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

and insert the following:

Non-Exempt Emergency Fire and Medical Employees

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

Grade 4F Call, full-time, part-time and per diem Firefighter/Paramedic (PAR)
Call, full-time, part-time and per diem Firefighter/Paramedic (PAR) Clerk

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

Motion- Marcia Cairns
Second- Francis McHugh
Sponsor- Council on Aging
Personnel Board - recommends approval
Bylaws Committee- recommends approval

It was Unanimously voted to amend the Personnel Bylaw so as to create the position of Dining Room Manager to be classified at Grade 1 as a non-exempt employee to be compensated as follows:

CLASSIFICATION AND COMPENSATION PLAN

Non-Exempt Employees – Wage Earning Employees

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

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

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

ARTICLE 20 - AUTHORIZATION TO SET THE SALARY OF ELECTED OFFICIALS

Motion- Allen Phillips
Second- Kevin McCormick
Sponsor- Board of Selectmen
Bylaws committee- recommends approval
Personnel Board- recommends approval

It was Unanimously voted to determine and fix what salaries elective officers of the town shall receive for Fiscal Year 2007 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

Moderator	\$ 50.00;
Selectmen	\$ 100.00 each (5 members);

Town Clerk	\$37,746.00 in conformity with Section 5 Part AA of the Classification and Compensation Plan of the Personnel Bylaw
Planning Board	\$ 100.00 each (5 members);
Cemetery Trustees	\$ 100.00 each (3 members); and
Municipal Light Board	\$ 300.00 each (3 members)

ARTICLE 21 – AUTHORIZATION TO APPROPRIATE MONEY TO THE SEWER ENTERPRISE ACCOUNT FOR FISCAL YEAR 2007

Motion- Kevin McCormick
Second- Allen Phillips
Sponsor- Board of Selectmen
Finance Committee- recommends approval

It was Unanimously voted to raise and appropriate Eight Hundred Sixty Three Thousand Six Hundred and Seven Dollars (\$863,667) and transfer Three Hundred and Sixty Three Thousand Nine Hundred and Eighty Dollars (\$363,980) totaling the sum of One Million Two Hundred Twenty Seven Thousand Six Hundred Forty Seven Dollars (\$1,227,647) to the West Boylston Sewer Enterprise Account to be expended by the Board of Selectmen, acting as the Board of Sewer Commissioners, for sewer development, administration, assessment, operation, and maintenance expenses in Fiscal Year 2007 as follows:

Fiscal Year 2007 West Boylston Sewer Department Budget

Administration	-	\$127,820
Operations and Maintenance	-	\$571,305
Reserve Fund	-	\$100,000
Debt and Interest Payments	-	<u>\$428,522</u>
Total Budget Appropriation	-	<u>\$1,227,647</u>

and to meet said appropriation through:

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

ARTICLE 22 – AUTHORIZATION TO TRANSFER FREE CASH OR AVAILABLE FUNDS TO REDUCE THE FISCAL YEAR 2007 TAX RATE

Motion- Christopher Rucho

Second- Kevin McCormick
Sponsor- Board of Selectmen
Finance Committee- recommends approval

It was Unanimously voted to transfer Seven Hundred and Fifty Four Thousand, Eight Hundred and Eight Dollars and No Cents (\$754,808.00) from certified free cash to reduce or stabilize the Fiscal Year 2007 Tax Rate

ARTICLE 23 - FISCAL YEAR 2007 OMNIBUS BUDGET APPROPRIATION ARTICLE

Motion- John B. DiPietro, Sr.
Second- Allen Phillips
Sponsor- Board of Selectmen
Finance Committee- recommends approval

Motion "as read" to see if the town will raise and appropriate the sum of Eight-teen Million, Eighty Eight Thousand, Seven Hundred and Seventy Seven Dollars and No Cents (\$18,088,777.00) to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2007, the period of July 1, 2006 through June 30, 2007, including the costs of public education, debt and interest payments, and providing municipal services, and reduce the tax rate by transferring the following sums; Three Hundred and Nine Thousand Dollars and No Cents (\$309,000.00) from Ambulance Receipts Reserved and Twelve Thousand Dollars and No Cents (\$12,000.00) from the Wachusett Fund.

Motion-
Andrew Feland, second by JoAnne Dunn motion to waive the reading of the article and to accept the article as written in the warrant
Motion withdrawn by Mr. Feland and Ms. Dunn

Motion-
Andrew Feland and second by Heather Feland to waive the reading of the article and accept the article "as read" during the original motion by Selectman DiPietro

The motion carried to waive the reading of the article and accept the article "as read" during the original motion

It was voted to raise and appropriate the sum of Eight-teen Million, Eighty Eight Thousand, Seven Hundred and Seventy Seven Dollars and No Cents (\$18,088,777.00) to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2007, the period of July 1, 2006 through June 30, 2007, including the costs of public education, debt and interest payments, and providing municipal services, and reduce the tax rate by transferring the following sums; Three Hundred and Nine Thousand Dollars and No Cents (\$309,000.00) from Ambulance Receipts Reserved and Twelve Thousand Dollars and No Cents (\$12,000.00) from the Wachusett Fund.

FISCAL YEAR 2007 TOWN OF WEST BOYLSTON MUNICIPAL OPERATING BUDGET

Account Number	Account Description	FY 2007 Approved
<u>GENERAL GOVERNMENT</u>		
01-14 MODERATOR		
5100	Salary	50
5700	Other Charges	250

		Total	300
01-22 BOARD OF SELECTMEN			
5100	Salaries		500
6200	Purchase of Services		9,820
		Total	10,320
01-23 TOWN ADMINISTRATOR			
5100	Salaries and Wages		137,020
6200	Purchase of Services		6,200
		Total	143,220
01-31 FINANCE COMMITTEE			
6200	Purchase of Services		155
		Total	155
01-32 RESERVE FUND			
6700	Other Charges		60,000
		Total	60,000
01-35 TOWN ACCOUNTANT			
5100	Salaries and Wages		42,205
6200	Purchase of Services		110,000
6400	Supplies		600.00
6700	Other Charges		500.00
		Total	153,305
01-36 TOWN AUDIT			
6200	Purchase of Services		30,500
		Total	30,500
01-41 BOARD OF ASSESSORS			
5100	Salaries and Wages		25,755
6200	Purchase of Services		56,426
6400	Supplies		100
6700	Other Charges		275
		Total	82,556
01-45 TREASURER / TAX COLLECTOR			
5100	Salaries and Wages		120,250
6200	Purchase of Services		14,655
6400	Supplies		50
6700	Other Charges		2,250

		Total	137,205
01-51 TOWN COUNSEL			
6200	Purchase of Services		70,000
		Total	70,000
01-52 PERSONNEL BOARD			
6700	Other Charges		100
		Total	100
01-55 COMPUTER OPERATIONS			
5100	Salaries and Wages		3,000
6200	Purchase of Services		49,075
6400	Supplies		1,200
6800	Capital Outlay		6,000
		Total	59,275
01-61 TOWN CLERK			
5100	Salaries and Wages		54,413
6200	Purchase of Services		500
6700	Other Charges		1,020
		Total	55,933
01-62 ELECTIONS & REGISTRARS			
5100	Salaries and Wages		8,700
6200	Purchase of Services		12,220
		Total	20,920
01-92 PUBLIC SAFETY HEADQUARTERS			
5100	Salaries and Wages		19,350
6200	Purchase of Services		30,000
6400	Supplies		7,500
		Total	56,850
01-93 MIXTER BUILDINGS- SEWER USAGE			
6200	Purchase of Services		17,000
		Total	17,000
01-94 MIXTER BUILDING			
5100	Salaries and Wages		12,000
6200	Purchase of Services		69,900
6400	Supplies-Building		10,300
		Total	92,200

01-95 TOWN REPORT		
6200	Purchase of Services	3,361
Total		3,361
TOTAL GENERAL GOVERNMENT		\$993,200

PUBLIC SAFETY		
02-10 POLICE DEPARTMENT		
5100	Salaries and Wages	879,764
6200	Purchase of Services	13,000
6400	Supplies	7,736
6700	Other Charges	3,500
6800	Capital Outlay	31,501
Total		935,501
02-20 FIRE DEPARTMENT		
5100	Salaries and Wages	432,531
6200	Purchase of Services	12,000
6300	Training Expenses	5,000
6400	Supplies	32,969
6700	Other Charges	4,000
Total		486,500
02-35 PUBLIC SAFETY COMMUNICATIONS		
5100	Salaries and Wages	184,150
6200	Purchase of Services	37,610
6400	Supplies	3,000
6700	Other Charges	2,000
Total		226,760
02-41 BUILDING INSPECTOR		
5100	Salaries and Wages	48,501
6200	Purchase of Services	4,750
Total		53,251
02-43 PLUMBING INSPECTOR		
5100	Salary	10,780
Total		10,780
02-44 SEALER OF WEIGHTS		
6200	Purchase of Services	1,960

		Total	1,960
02-45 WIRING INSPECTOR			
5100	Salary		8,330
		Total	8,330
02-91 CIVIL DEFENSE			
6200	Purchase of Services		1,616
6400	Supplies		2,500
		Total	4,116
02-92 ANIMAL CONTROL			
5100	Salaries and Wages		8,550
6200	Purchase of Services		750
6400	Supplies		150
6700	Other Charges		150
		Total	9,600
TOTAL PUBLIC SAFETY			1,736,798

<u>PUBLIC EDUCATION</u>			
PUBLIC EDUCATION			
Educational Expenses			8,757,690
		Total	8,757,690
TOTAL PUBLIC EDUCATION			\$8,757,690

<u>PUBLIC WORKS</u>			
04-20 STREETS AND PARKS			
5100	Salaries and Wages		320,500
6200	Purchase of Services		49,500
6300	Roadway Improvements		1,000
6400	Supplies		30,232
6425	Parks Maintenance		21,000
6450	Municipal Gasoline and Fuel		75,000
6700	Other Charges		4,048
		Total	501,280
04-23 SNOW AND ICE REMOVAL			
5100	Salaries and Wages		40,800
6200	Purchase of Services		20,000

6400	Supplies	32,000
Total		92,800
04-24 STREET LIGHTING		
6200	Purchase of Services	79,561
Total		79,561
04-30 TRASH REMOVAL AND TIPPING FEES		
6200	Purchase of Services	360,830
Total		360,830
04-91 CEMETERIES		
5100	Salaries and Wages	33,723
6400	Supplies	5,500
Total		39,223
TOTAL PUBLIC WORKS		\$1,073,694

<u>HUMAN SERVICES</u>		
05-41 COUNCIL ON AGING		
5100	Salaries and Wages	63,829
6200	Purchase of Services	1,020
Total		64,849
05-43 VETERANS' SERVICES		
5100	Salaries and Wages	1,581
6200	Purchase of Services	200
6710	Other Charges	300
6780	Veterans' Benefits	5,844
Total		7,925
TOTAL PUBLIC SERVICE		\$72,774

<u>CULTURE AND RECREATION</u>		
06-10 LIBRARY		
5100	Salaries and Wages	210,186
6200	Purchase of Services	56,261
6300	Books and Library Materials	48,906
6400	Supplies	6,400
Total		321,753
06-92 MEMORIAL DAY EXPENSES		

6400	Supplies	2,210
Total		2,210
06-95 ARTS COUNCIL		
6200	Purchase of Services	500
Total		500
TOTAL CULTURE AND RECREATION		\$324,463

DEBT SERVICE		
07-10 MATURING DEBT - PRINCIPAL		
6910	Long Term Debt - Principal	915,301
Total		915,301
07-50 MATURING DEBT - INTEREST		
6915	Long Term Debt - Interest	496,813
Total		496,813
07-53 INTEREST ON TEMPORARY LOANS		
6925	Short Term Debt - Interest	98,600
Total		98,600
TOTAL DEBT SERVICE		\$1,510,714

INTERGOVERNMENTAL CHARGES		
08-40 INTERGOVERNMENTAL CHARGES		
6780	Regional Planning Assessment	1,401
Total		1,401
TOTAL INTERGOVERNMENTAL CHARGES		\$1,401

EMPLOYEE BENEFITS		
09-11 RETIREMENT AND PENSION		
5170	County Retirement Assessment	454,443
Total		454,443
09-12 WORKERS' COMPENSATION INSURANCE		
5170	Workers' Compensation Insurance	48,000
Total		48,000
09-13 UNEMPLOYMENT INSURANCE		
5170	Unemployment Insurance Compensation	25,000
Total		25,000

09-14 GROUP HEALTH INSURANCE - EMPLOYER			
5170	Group Health Insurance Premiums - Employer	2,744,000	
	Total	2,744,000	
09-15 GROUP LIFE INSURANCE -EMPLOYER			
5170	Group Life Insurance Premium - Employer	14,500	
	Total	14,500	
09-16 MEDICARE INSURANCE - EMPLOYER			
5170	Medicare Payments - Employer	147,000	
	Total	147,000	
TOTAL EMPLOYEE BENEFITS		\$3,432,943	

GENERAL INSURANCE			
09-45 GENERAL INSURANCE			
6740	General Insurance Expenses	185,100	
	Total	185,000	
TOTAL GENERAL INSURANCE		\$185,100	

TOTAL OPERATING BUDGET		18,088,777	
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ARTICLE 24 – AUTHORIZATION TO RAISE AND APPROPRIATE FUNDS TO THE CAPITAL INVESTMENT FUND

Motion- Allen Phillips
Second- Christopher Rucho

It was Unanimously voted to ***lay on the table*** this article that would have raised and appropriated the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) to the Capital Investment Fund.

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

Motion- Alexander Fallavollita, Sr.
Second- Allen Phillips
Sponsor- Board of Selectmen
Finance Committee- recommends approval

It was Unanimously voted to raise and appropriate the sum of Two Thousand Dollars and No Cents (\$2,000.00) to the General Liability Self-Insurance Claims Account #012-09-45-07740-203.

ARTICLE 26 – AUTHORIZATION TO APPROPRIATE FUNDS FOR THE SCHOOL DEPARTMENT

Motion- Richard Baker
Second- Siobhan Bohannon
Sponsor- School Department
Finance Committee- recommends approval
Capital Investment Board- recommends approval

Motion by Richard Baker "as read" to see if the town will vote to transfer and appropriate from Overlay Surplus the sum of \$44,000 to the School Department for the installation of intrusion alarms and to install security close circuit cameras at the Middle/High School and to purchase building system operation sensors to warn of building system failures.

Amendment-

A motion to amend the School Departments initial request of \$44,000 to \$19,000 made by Russell Chernan and seconded by Amy Pasquale

Motion to amend passed by a Majority vote

It was voted to transfer and appropriate from Overlay Surplus the sum of Nineteen Thousand Dollars and No Cents (\$19,000.00) to the School Department for the installation of intrusion alarms at the Middle/High School and to purchase system operation sensors to warn of building system failures.

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

Motion- Kevin McCormick
Second- Christopher Rucho
Sponsor- Board of Selectmen
Finance Committee- recommends approval

It was Unanimously voted to transfer the following unexpended balances of Fiscal Year 2006 appropriations, hitherto made, to Fiscal Year 2006 appropriation accounts.

FY06 Budget Transfers

TRANSFER TO			TRANSFER FROM		
Account #	Description	Amt. Required	Account #	Description	Amt. To Transfer
010 04-23 06400.000	Snow Removal- Supplies	30,534.00	010 04-23 05100.000	Snow Removal- Salaries & Wages	8,034.00
			010 09-45 06740.000	General Insurance	1,200.00
			012 02-44 06200.205	Sealer of Weights and Measures- Purchase of Service	2,100.00
			010 09-12 05170.000	Workers' Comp. Insurance	6,900.00
			010 02-41 05100.000	Building Inspector -Salaries & Wages	5,400.00
			010 02-41 06200.000	Building Inspector -Purchase of Service	2,400.00
			010 05-41 05100.000	COA - Salaries & Wages	4,500.00
010 02-10 05100.000	Police- Salaries and Wages	13,400.00	010 07-53 06925.000	Interest on Temporary Loans	9,000.00
			010 09-12 05170.000	Workers' Comp. Insurance	4,400.00

010 01-23 06200.000	Town Administrator- Purchase of Service	15,000.00	010 01-93 06200.000	Mixer Sewer Use- Purchase of Service	15,000.00
010 01-55 06200.000	Computer- Purchase of Service	3,200.00	010 02-41 06200.000	Building Inspector- Purchase of Service	3,200.00
010 02-20 06200.000	Fire- Purchase of Service	4,800.00	010 09-45 06740.000	General Insurance	4,800.00
010 09-16 05170.000	Medicare Town Share	12,300.00	012 01-35 07200.203	GASB 34 - A# 7 10/02 ATM	2,300.00
			012 01-22 07240.205	Neg. Trash Contract- A# 28 5/04 ATM	10,000.00
Total Required		79,234.00	Total Available		79,234.00

ARTICLE 28 – APPROPRIATION TO FUND AN ELDERLY COMMUNITY SERVICES PROGRAM

Motion- Christopher Rucho
Second- Allen Phillips
Sponsor- Council on Aging
Finance Committee- recommends approval

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

1. participation in the program shall be limited to elderly residents of the town who own property and are willing and able to provide services to the town;
2. program participants shall receive compensation at the basic minimum wage rate for the Commonwealth of Massachusetts as promulgated by the Department of Labor and Workforce Development, Division of Occupational Safety for each hour of service rendered for a total not to exceed One Thousand Three Hundred Dollars and No Cents (\$1,300) in any calendar year;
3. the Treasurer/Tax Collector shall comply with the wage, tax, and payroll deduction requirements of the state Department of Revenue and the federal Internal Revenue Service, prior to compensating program participants; and
4. program participants who meet the eligibility guidelines established by the Board of Selectmen shall be selected for participation on a first-come-first- served basis.

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

Motion- John B. DiPietro, Sr.
Second- Kevin McCormick
Sponsor- Board of Selectmen
Finance Committee- recommends approval

It was voted to raise and appropriate the sum of Seventeen Thousand Dollars and No Cents (\$17,000.00) for post-closure landfill monitoring required by the Department of Environmental Protection.

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

Motion- Alexander Fallavollita, Sr.
Second-Kevin McCormick
Sponsor- Fire/Police Department

It was Unanimously voted to *Passover* this article which would have had the town vote to raise and appropriate or transfer from available funds Twenty Thousand Two Hundred and Fifty Dollars and No Cents (\$20,250.00) to be expended by the Fire Chief for roof repairs and lock replacements for the Bruce L. Shepard Public Safety Building.

ARTICLE 31 – AUTHORIZATION TO APPROPRIATE FUNDS FOR THE BICENTENNIAL CELEBRATION COMMITTEE

Motion- Allen Phillips
Second- Christopher Rucho
Sponsor- Bicentennial Committee
Finance Committee- recommends approval
Bicentennial Committee- recommends approval

It was voted to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) for the expenses of the Bicentennial Celebration Committee.

ARTICLE 32 – AUTHORIZATION TO APPROPRIATE AMBULANCE RECEIPTS RESERVED FOR APPROPRIATION FOR AMBULANCE BILLING EXPENSES

Motion- Christopher Rucho
Second- Kevin McCormick
Sponsor- Fire Department
Finance Committee- recommends approval

It was Unanimously voted to appropriate the sum of Twenty-Four Thousand Dollars and No Cents (\$24,000.00) from the Ambulance Receipts Reserved for appropriation to be expended by the Fire Chief to pay the costs associated with the Fire Department Ambulance Billing Service.

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

Motion- Karen Paré
Second- Russell Chernan
Sponsor- Planning Board
Housing Partnership- recommend approval
Planning Board- recommend approval
Bylaws Committee- recommend approval
Town-wide Planning Committee- recommend approval

Motion to accept this article "as read", and waive the reading of this article to amend the Zoning bylaws by adding a new section, Section 3.10 Incentive Zoning.

Amendment-

A Motion by Linda Isgro and second by Carmelo Isgro to amend section 3.10A second paragraph (2) by adding the words "but not to exceed" after the word "assist" so that amendment would read as follows: "(2) assist, but not exceed, in the achievement of 10% affordable housing threshold established by the commonwealth in M.B.L. chapter 40-B, Section 20-23, and"

Motion to amend defeated

It was Unanimously voted to accept this article "as read" in the original motion to amend the Zoning Bylaws by adding a new section, Section 3.10 Incentive Zoning as follows:

3.10. - INCENTIVE ZONING

3.10.A Purpose

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

Accordingly, the provisions of the Section are designed to:

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

3.10.B Definitions

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

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

Dwelling Unit: A habitable dwelling.

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

Local housing fund: An account established by:

(a) The Town for the specific purpose of creating affordable housing, including use by the Town Housing Authority for the purchase of land or units, or the development of new or rehabilitation of existing dwelling units for affordable housing occupants; or

(b) a housing or community development corporation designated by the Town and created under the laws of the Commonwealth of Massachusetts.

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

3.10.C Applicability

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

3.10.D Provision of Affordable Units

- 1. Density Bonus:** All developments including a residential component with Single-Family residences MAY be allowed to construct up to one hundred and fifty (150) percent of the dwelling unit density that is allowed by right under the current zoning bylaw (1.5 units for every unit currently allowed – i.e. a project that is permitted to construct 10 units may construct up to 15 units with a special permit issued under this by-law), provided that a minimum of fifteen (15) percent of the total number of dwelling units are set aside as Affordable Housing Units, as defined hereunder. All developments including a residential component with Multi-Family residences MAY be allowed to construct up to two hundred (200) percent of the dwelling unit density that is allowed by right under the current zoning bylaw, provided that a minimum of twenty (20) percent of the total number of dwelling units are set aside as Affordable Housing Units.
- 2. Frontage Bonus:** With the grant of a Special Permit hereunder, the Planning Board may grant a reduction of the minimum lot frontage to no less than two thirds (2/3) of the frontage required in the applicable Zoning District.
- 3. Buffer Requirement:** When multi-family units are proposed, a buffer at least 30' wide by 8' high vegetated visual buffer must be constructed in areas of the site that border single-residence uses or Zoning Districts.
- 4. Distribution of affordability for RENTAL units:** Affordable rental units shall be set aside, as a minimum, in compliance with Housing Partnership needs assessment, as follows:
 - a) In developments which include fewer than three (3) affordable units all affordable units shall serve low or moderate income households.
 - b) In developments which include exactly three (3) affordable units,
 - One (1) affordable unit shall serve a very-low-income household
 - Two (2) affordable units shall serve a low or moderate income household
 - c) In developments which include more than three (3) affordable units, the units shall be distributed generally as follows:
 - 25% shall serve very-low-income households
 - 75% shall serve low or moderate income households

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

3.10.E Affordability Requirements

1. **Duration of affordability:** Affordable units shall be subject to restrictions that, to the extent legally possible, preserve the perpetual affordability of the units as defined by this by-law.
2. **Maximum rental price:** Rents for the affordable units, including utilities and other housing costs, shall not exceed 30% of the targeted annual gross household income, as adjusted for household size. Specific prices shall be determined by reference to standards set forth by DHCD or HUD, if applicable, and are subject to approval by the SPGA.
3. **Maximum sales price:** Housing costs, including monthly housing payments, principal and interest payments, insurance, condominium fees and other housing costs, shall not exceed thirty percent (30%) of the targeted gross household income, as adjusted for household size. Specific prices shall be determined by reference to standards set forth by DHCD or HUD, if applicable, and are subject to approval by the SPGA.
4. **Resale prices:** Subsequent resale prices shall be determined based on a percentage of the median income at the time of resale as determined by reference to a binding deed rider or use restriction encumbering the subject unit.
5. **Marketing plan:** The affordable units must be rented or sold using marketing and selection guidelines approved by DHCD and the West Boylston Housing Partnership.
6. **Preference for Town residents and persons employed within the Town:** Unless otherwise prohibited by law, not less than seventy percent (70%) of the affordable units shall be initially offered to residents of the Town of West Boylston, to persons employed within the Town of West Boylston, and persons who, although not currently residents of the Town, have previously resided in the Town of West Boylston for a minimum of five (5) years.

3.10.F Development Standards

1. **Location of affordable units:** Affordable units shall be dispersed throughout the development so as to ensure a true mix of market-rate and affordable housing.

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

3.10.G Alternative Methods of Affordability

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

1. **Off-site Location:** With authorization by the Planning Board as described above, affordable units may be constructed by the developer on an alternate site. The alternate site must be suitable for residential development, be within the Town of West Boylston, add to the Town's stock of affordable housing units and contain a mix of market-rate and affordable housing units. Off-site units shall be comparable in quality, size and type to the market-rate units being created, and include at least one unit in addition to the number of units that would have otherwise been provided on-site. Affordable off-site units allowed by this Bylaw may be located in an existing structure, provided that their construction constitutes a net increase in the number of dwelling units contained in the structure. Off-site units shall be subject to the same construction schedule as otherwise required of on-site units as set forth in Section 3.10.I.

3.10.H Procedures

All projects shall comply with the procedures described in the *Rules and Regulations of the West Boylston Planning Board for Incentive Zoning Special Permits* and adopted by the Planning Board under the Home Rule Authority of Article 89 of the amendments to the Massachusetts Constitution, the Zoning Bylaws of the Town of West Boylston and Chapter 40A, Section 9 of the Massachusetts General Laws.

3.10.I Administration and Enforcement

1. **Authority:** The Housing Authority shall be the enforcement agent regarding issues relative to certification of unit eligibility and implementation of the Housing Plan, following issuance of a final occupancy permit from the Building Inspector. The Planning Board will review the proposals and oversee construction, in accordance with the appropriate review (i.e. Subdivision or Site Plan) with recommendations from the Housing Partnership.
2. **Legal restrictions:** Affordable units shall be rented or sold subject to deed covenants, contractual agreements, and/or other mechanisms restricting the use and occupancy, rent levels and sales prices of

such units to assure their affordability in perpetuity. All restrictive instruments shall be subject to prior review and approval by the Planning Board and no occupancy permits may be issued until the Planning Board, in consultation with Town Counsel, issues such approval. All Subdivision and/or Homeowner or Condominium documents and fees shall be subject to review and approval by the Planning Board and the Town Counsel.

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

3.10.J Conflict with Other By-laws

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

3.10.K Severability

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

ARTICLE 34 – ENDORSEMENT OF MASTER PLAN FOR THE TOWN OF WEST BOYLSTON

Motion- Kevin McCormick
Second- Allen Phillips
Sponsor- Town-wide Planning Committee
Finance Committee- recommends approval

It was voted to endorse the Master Plan for the Town of West Boylston, a plan prepared to provide short-term and long-term recommendations to policy makers and decision makers of the Town, as prepared by the Town Wide Planning Committee and approved by the West Boylston Planning Board.

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

Motion- Dennis Mulryan
Second- Peter Desy
Sponsor- Parks Department
Board of Selectmen- opposed
Finance committee- opposed

Ten Taxpayer Petition Article

Amendment-

Motion by Patrick Inderwish and second by the floor to add an additional \$25,000 to the Parks Department
Motion to amend passed by a Majority

Consideration and debate-

Town Accountant and Town Counsel advised against this amendment as going beyond the scope of the article as presented and posted in the warrant.

The motion and second was withdrawn

It was voted "as read" in the original motion to transfer and appropriate the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) from Overlay Surplus to the Board of Parks Commissioners Summer Recreation Account to be expended by the Board of Parks Commissioners for operation of the Joseph E. Amello Pool and related Summer Programs and to provide 40 man hours of DPW labor for pool operations.

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

Motion- J. Hamilton Givan
Second- Russell Chernan
Finance Committee- opposed
Board of Health- no recommendation
Board of Selectmen- opposed

Ten Taxpayer Petition

Opinion read by Chairman of the Board of Selectmen given to him by Legal Counsel Jeanne S. McKnight as follows:

"A vote under this article will have no effect since the mandatory sewer hookup regulation is a Board of Health regulation. Town Meeting may vote its preference on what regulations the Board of health might adopt, but it is entirely up to the board of Health to adopt its own regulations and Town Meeting cannot dictate to the board of health, whose powers come from state law. Furthermore, if the Board of Health did adopt such a regulation, it would violate state and federal age discrimination laws, in my opinion."

The Motion made "as read" to see if the town will vote to exempt from the mandatory sewer hook-up, retired residents over the age of 55 and those home owners that installed new septic systems during a one year period prior to the mandate, based on being able to prove their system is in good working condition. This article was **defeated** by a majority vote.

ARTICLE 37 – PETITIONED ARTICLE TO ACCEPT STILLWATER HEIGHTS DRIVE

Failed
No motion presented

Ten Taxpayer Petition

There was **no motion** on this article which would have asked the town to the roadway known as Stillwater Heights

Drive of the Timberwood Estates Definitive Subdivision, off North Main Street (Route 140), West Boylston, MA as depicted on the plans entitled "Record Acceptance Plan, Timberwood Estates – Stillwater Heights Drive," prepared by GRAZ Engineering, L.L.C.

REMOVE FROM TABLE ARTICLE 24

Motion by Allen Phillips and second by Christopher Rucho to remove from the table Article 24

Motion unanimously voted

Motion- Allen Phillips

Second- Christopher Rucho

Capital Investment - recommends approval

Finance Committee- recommends approval

Town-Wide Planning- recommends approval

It was unanimously voted to transfer and appropriate from Overlay Surplus \$69,000 to the Capital Investment Fund.

ARTICLE 38 – AUTHORIZATION TO TRANSFER MONEY TO THE STABILIZATION FUND

Motion- Kevin McCormick

Second- Allen Phillips

It was unanimously voted to ***passover*** this article which would have asked the town to raise and appropriate or transfer a sum of money to the Stabilization Fund.

Motion to Adjourn- Allen Phillips

Second- floor

Meeting adjourned- 10.58 p.m.

Attest:

Kim D. Hopewell

Town Clerk