

**TOWN CLERK MEETING MINUTES  
SEMI-ANNUAL  
MAY 19, 2008**

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 called to order 7:15 p.m.

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

**Barbara Mard  
Barbara Deschenes  
Jack McCormick  
Pauline McCormick**

**Aaron Goodale  
Beverly Goodale  
Bruce Peterson  
Michael Kittredge**

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

Town Administrator recognized town employee anniversary dates, as well as retirements.

Moderator David Sweetman asked for a Motion- to accept the Provisions of Massachusetts General Law, Chapter 39:15 allowing the Moderator to determine a 2/3rd's Majority Vote.

**Motion-** Kevin McCormick  
**Second-** Allen Phillips

It was unanimously voted to accept the provisions of Massachusetts General Law Chapter 39 Section 15.

**Motion-** Kevin McCormick  
**Second-** Allen Phillips

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**

**Motion-** Christopher Rucho  
**Second-** Allen Phillips

It was unanimously voted to Hear the reports of the officers and standing committees of the

town.

The following officers of the town issued reports;

- ❖ Municipal Light Board- Chairman Winthrop Handy
- ❖ SWAT- Chairwoman Judith Doherty
- ❖ Library- Library Director Louise Howland
- ❖ Finance Committee- Chair Raymond Bricault

## **Article 2 –**

### **Authorization To Borrow In Anticipation Of Revenue And To Enter Into A Compensating Balance Agreement With A Bank**

**Motion-** Kevin McCormick

**Second-** Christopher Rucho

#### **Recommendation of Approval-** Finance Committee

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 2009, the period from July 1, 2008 through June 30, 2009, 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 2009 pursuant to Massachusetts General Laws, Chapter 44, Section 53F.

**Motion-** Allen Phillips

**Second-** Valmore Pruneau

It was unanimously voted to seek approval to take action on all Revolving Fund Authorization Articles, Articles 3-14, inclusive, under one vote.

**Motion-** Allen Phillips

**Second-** Valmore Pruneau

It was unanimously voted to approve Articles 3-14, Inclusive to establish Revolving Funds in conformity with Massachusetts General Laws, Chapter 44, Section 53E 1/2, for the following Fiscal Year 2009 Revolving Accounts.

## **Article 3 –**

### **Authorization To Establish A Revolving Fund For WBPA-TV**

It was unanimously 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 2009 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 unanimously 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 2009 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 unanimously 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 2009 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 unanimously 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 2009 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 2009 set at 60,000.

**Article 7 –**

**Authorization To Establish A Revolving Fund For The Planning Board**

It was unanimously 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 2009 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 unanimously 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 2009 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 unanimously 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 2009 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 Parks, Playground And Fields Revolving Fund For The Park Commission**

It was unanimously 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 2009 set at 50,000; 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 11 –**

#### **Authorization To Establish A Revolving Fund For The Fire Department**

It was unanimously 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 2009 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 Establish A Revolving Fund For The Fire Department**

It was unanimously 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 2009 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 Establish A Revolving Fund For The Memorial Day Observance**

It was unanimously 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 2009 at 5,000; and



- d) to have the Board of Selectmen be the only authority empowered to expend monies from said fund.

**Article 14 –**

**Authorization To Establish A Revolving Fund For Vocational Transportation**

It was unanimously 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 2009 set at 25,000; and
- d) to have the School Committee be the only authority empowered to expend monies from this fund.

**Article 15 –**

**Authorization To Establish The Summer Recreation Program Revolving Fund For The Park Commission**

**Motion-** Valmore Pruneau

**Second-** Allen Phillips

It was unanimously 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 2009 set at 50,000; and
- d) to have the Park Commission be the only authority empowered to expend monies from this fund.

**Article 16 –  
Authorization To Establish A Revolving Fund For Recycling**

**Motion-** Allen Phillips

**Second-** Valmore Pruneau

It was unanimously 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 2009 set at 10,000.00; and
- d) to have the Department of Public Works be the only authority empowered to expend monies from this fund.

**Article 17 –  
Authorization To Expend Funds In Anticipation Of Reimbursement Of State Highway Assistance Aid**

**Motion-** Christopher Rucho

**Second-** Kevin McCormick

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 2009, for the period from July 1, 2008 through June 30, 2009, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 6A.

**Article 18 –****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 (3%)****Motion-** Kevin McCormick**Second-** Christopher Rucho**Recommendation of Approval-** Personnel Board, Finance Committee

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:**

**CLASSIFICATION AND COMPENSATION PLAN****Non-Exempt Employees – Wage Earning Employees**

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	10.26	11.29	12.30	13.36	14.36
2	11.26	12.40	13.51	14.63	15.05
3	12.26	13.47	14.72	15.95	17.20
4	13.26	14.61	15.92	17.26	18.60
5	14.29	15.73	17.16	19.18	20.01

**Exempt Employees - Salaried Supervisors**

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	24,235.10	26,665.38	29,078.23	32,514.03	33,944.93
COA Director	29,823.40	32,819.48	35,787.88	40,018.05	41,777.98
7					
Children's Librarian	27,647.33	30,366.65	33,170.03	35,927.28	38,689.65
Town Clerk	27,647.33	30,366.65	33,170.03	35,927.28	38,689.65
Assistant Library Director	29,823.40	32,701.60	35,718.18	38,692.73	41,665.23
8					
Building Inspector	22,571.53	24,836.78	27,084.60	29,353.95	31,598.70
9					
Principal Assessor	36,295.25	39,929.90	43,562.50	46,912.20	50,808.23
Town Accountant	36,295.25	39,929.90	43,562.50	46,912.20	50,808.23
10					
Library Director	37,893.23	42,856.28	45,836.98	50,571.45	54,545.38
Treasurer/Tax Collector	42,294.58	46,528.85	50,758.00	54,991.25	59,224.50
11					

Director of Public Works	56,677.38	61,332.93	65,989.50	70,644.03	74,809.63
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### Non-Exempt Emergency Fire and Medical Services Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	8.22	9.02	9.87	10.68	11.53
2F	11.87	13.04	14.24	15.43	16.62
3F	13.08	14.28	15.47	16.67	17.98
4F	16.34	17.85	19.34	20.85	22.47

and insert:

### CLASSIFICATION AND COMPENSATION PLAN

### Non-Exempt Employees – Wage Earning Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	10.57	11.63	12.67	13.76	14.79
2	11.60	12.77	13.92	15.07	15.50
3	12.63	13.87	15.16	16.43	17.72
4	13.66	15.05	16.40	17.78	19.16
5	14.72	16.20	17.67	19.76	20.61

### Exempt Employees - Salaried Supervisors

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	24,962.15	27,465.34	29,950.58	33,489.45	34,963.28
COA Director	30,718.10	33,804.06	36,861.52	41,218.59	43,031.32
7					
Children's Librarian	28,476.75	31,277.65	34,165.13	37,005.10	39,850.34
Town Clerk	28,476.75	31,277.65	34,165.13	37,005.10	39,850.34
Assistant Library Director	30,718.10	33,682.65	36,789.73	39,853.51	42,915.19
8					
Building Inspector	23,248.68	25,581.88	27,897.14	30,234.57	32,546.66
9					
Principal Assessor	37,384.11	41,127.80	44,869.38	48,319.57	52,332.48
Town Accountant	37,384.11	41,127.80	44,869.38	48,319.57	52,332.48
10					
Library Director	39,030.03	44,141.97	47,212.09	52,088.59	56,181.74
Treasurer/Tax Collector	43,563.42	47,924.72	52,280.74	56,640.99	61,001.24

11					
Director of Public Works	58,377.70	63,172.92	67,969.19	72,763.35	77,053.92

### **Non- Exempt Emergency Fire and Medical Services Employees**

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
<b>1F</b>	8.47	9.29	10.17	11.00	11.88
<b>2F</b>	12.23	13.43	14.67	15.89	17.12
<b>3F</b>	13.47	14.71	15.93	17.17	18.52
<b>4F</b>	16.83	18.39	19.92	21.48	23.14

### **Article 19 – Authorization To Set The Salary Of Elected Officials**

**Motion-** Allen Phillips

**Second-** Valmore Pruneau

It was unanimously voted to determine and fix what salaries elective officers of the town shall receive for Fiscal Year 2009 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

<b>Moderator</b>	50.00
<b>Selectmen</b>	100.00 each (5 members)
<b>Town Clerk</b>	39,850.34 in conformity with Section 5 Part A of the Classification and Compensation Plan of the Personnel Bylaw
<b>Planning Board</b>	100.00 each (5 members)
<b>Cemetery Trustees</b>	100.00 each (3 members)
<b>Municipal Light Board</b>	300.00 each (3 members)

### **Article 20 – Authorization To Appropriate Money To The Sewer Enterprise Account For Fiscal Year 2009**

**Motion-** Valmore Pruneau

**Second-** Allen Phillips

**Recommendation of Approval-** Finance Committee

It was unanimously voted to raise and appropriate the sum of One Million Five Hundred Eighty-Six Thousand Four Hundred and One Dollars and No Cents (1,586,401.00) 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 2009 as follows:

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### **Fiscal Year 2009 West Boylston Sewer Department Budget**

<b>Administration</b>	<b>126,140.00</b>
<b>Operations and Maintenance</b>	<b>850,000.00</b>
<b>Reserve Fund</b>	<b>100,000.00</b>
<b>Debt and Interest Payments</b>	<b>402,761.00</b>
<b>Capital Outlay</b>	<b><u>107,500.00</u></b>
<b>Total Budget Appropriation</b>	<b>1,586,401.00</b>

and to meet said appropriation through:

- 1) the appropriation of One Million Seventy-Six Thousand One Hundred Forty Dollars dollars and No Cents (1,076,140.00) from Fiscal Year 2008 Sewer Enterprise Fund User Revenue, and
- 2) the appropriation of Four Hundred Two Thousand Seven Hundred Sixty-One Dollars and No Cents (402,761.00) from Sewer Betterment Collections, and
- 3) the appropriation of One Hundred Seven Thousand Five Hundred Dollars and No Cents (107,500.00) from Sewer Enterprise Retained Earnings.

#### **Article 21 –**

#### **Authorization To Transfer Free Cash Or Available Funds To Reduce The Fiscal Year 2009 Tax Rate**

**Motion-** Valmore Pruneau

**Second-** Christopher Rucho

**Recommendation of Approval-** Finance Committee

It was unanimously voted to transfer the sum of Seven Hundred Thirty-Six Thousand Three Hundred Seventy-Seven Dollars and No Cents (736,377.00) from Certified Free Cash to reduce or stabilize the Fiscal Year 2009 Tax Rate.

#### **Article 22 - Fiscal Year 2009 Omnibus Budget Appropriation Article**

**Motion-** Christopher Rucho

**Second-** Kevin McCormick

**Recommendation of Approval-** Finance Committee

It was unanimously voted to raise and appropriate the sum of Nineteen Million, Nine Hundred

and Ninety Six Thousand, Two Hundred and Twenty Three Dollars and No Cents (19,996,223.00) to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2009, the period of July 1, 2008 through June 30, 2009, including the costs of public education, debt and interest payments, and providing municipal services; and reduce the tax rate by transferring the following sums:

<b>Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>
<b>180,000</b>	Ambulance Receipts Reserved	The General Fund
<b>25,000</b>	Wachusett EMS Fund	The General Fund

## OMNIBUS BUDGET

### TOWN OF WEST BOYLSTON

#### FY 2009 - MUNICIPAL OPERATING BUDGET REQUESTED

#### GOVERNMENT

<b>01-14</b>	<b>MODERATOR</b>	
5100	Salary	50.00
	Other Expenses	<u>250.00</u>
	Total	300.00
<b>01-22</b>	<b>BOARD OF SELECTMEN</b>	
5100	Salaries	500.00
	Other Expenses	<u>9,420.00</u>
	Total	9,920.00
<b>01-23</b>	<b>TOWN ADMINISTRATOR</b>	
5100	Salaries and Wages	152,474.00
	Other Expenses	<u>9,500.00</u>
	Total	161,974.00
<b>01-31</b>	<b>FINANCE COMMITTEE</b>	
	Other Expenses	<u>155.00</u>
	Total	155.00
<b>01-32</b>	<b>RESERVE FUND</b>	
	Other Expenses	<u>50,000.00</u>
	Total	50,000.00
<b>01-35</b>	<b>TOWN ACCOUNTANT</b>	

	5100	Salaries and Wages	45,000.00
		Other Expenses	<u>113,150.00</u>
	Total		158,150.00
<b>01-36</b>	<b>TOWN AUDIT</b>		
		Other Expenses	<u>27,500.00</u>
	Total		27,500.00
<b>01-41</b>	<b>BOARD OF ASSESSORS</b>		
	5100	Salaries and Wages	27,800.00
		Other Expenses	<u>52,300.00</u>
	Total		80,100.00
<b>01-45</b>	<b>TREASURER/TAX COLLECTOR</b>		
	5100	Salaries and Wages	127,192.00
		Other Expenses	<u>18,915.00</u>
	Total		146,107.00
<b>01-51</b>	<b>TOWN COUNSEL</b>		
		Other Expenses	<u>85,000.00</u>
	Total		85,000.00
<b>01-52</b>	<b>PERSONNEL BOARD</b>		
	6700	Other Expenses	<u>100.00</u>
	Total		100.00
<b>01-55</b>	<b>COMPUTER OPERATIONS</b>		
	5100	Salaries and Wages	1,500.00
		Other Expenses	55,315.00
	6800	Capital Outlay	<u>13,000.00</u>
	Total		69,815.00
<b>01-61</b>	<b>TOWN CLERK</b>		
	5100	Salaries and Wages	57,046.00
		Other Expenses	<u>2,490.00</u>
	Total		59,536.00
<b>01-62</b>	<b>ELECTIONS &amp; REGISTRARS</b>		
	5100	Salaries and Wages	11,000.00
		Other Expenses	<u>12,130.00</u>
	Total		23,130.00



<b>01-75</b>	<b>PLANNING BOARD</b>		
	5100	Salaries and Wages	4,500.00
		Other Expenses	-
	Total		4,500.00
<b>01-92</b>	<b>PUBLIC SAFETY HEADQUARTERS</b>		
	5100	Salaries and Wages	20,430.00
		Other Expenses	<u>43,210.00</u>
	Total		63,640.00
<b>01-94</b>	<b>TOWN HALL</b>		
	5100	Salaries and Wages	12,670.00
		Other Expenses	<u>144,800.00</u>
	Total		157,470.00
<b>01-95</b>	<b>TOWN REPORT</b>		
		Other Expenses	<u>2,461.00</u>
	Total		2,461.00
<b>TOTAL GENERAL GOVERNMENT</b>			<b>1,099,858.00</b>

**PUBLIC SAFETY**

<b>02-10</b>	<b>POLICE DEPARTMENT</b>		
	5100	Salaries and Wages	1,173,140.00
		Other Expenses	28,300.00
	6800	Capital Outlay	<u>27,069.00</u>
	Total		1,228,509.00
<b>02-20</b>	<b>FIRE DEPARTMENT</b>		
	5100	Salaries and Wages	481,347.00
		Other Expenses	<u>69,700.00</u>
	Total		551,047.00
<b>02-35</b>	<b>PUBLIC SAFETY COMMUNICATIONS</b>		
	5100	Salaries and Wages	196,895.00
		Other Expenses	<u>49,150.00</u>
	Total		246,045.00
<b>02-41</b>	<b>BUILDING INSPECTOR</b>		

5100	Salaries and Wages	95,500.00
	Other Expenses	<u>8,550.00</u>
Total		104,050.00
<b>02-44</b>	<b>SEALER OF WEIGHTS</b>	
	Other Expenses	<u>1,900.00</u>
Total		1,900.00
<b>02-91</b>	<b>EMERGENCY MGT.</b>	
	Other Expenses	<u>5,500.00</u>
Total		5,500.00
<b>02-92</b>	<b>ANIMAL CONTROL</b>	
5100	Salaries and Wages	8,550.00
	Other Expenses	<u>1,050.00</u>
Total		9,600.00
<b>TOTAL PUBLIC SAFETY</b>		<b>2,146,651.00</b>

**PUBLIC EDUCATION**

Educational Expenses	9,380,045.00
<b>TOTAL PUBLIC EDUCATION</b>	<b>9,380,045.00</b>

**PUBLIC WORKS**

<b>04-20</b>	<b>DPW</b>	
5100	Salaries and Wages	359,989.00
	Other Expenses	<u>197,700.00</u>
Total		557,689.00
<b>04-23</b>	<b>SNOW AND ICE REMOVAL</b>	
5100	Salaries and Wages	52,324.00
	Other Expenses	<u>52,000.00</u>
Total		104,324.00
<b>04-24</b>	<b>STREET LIGHTING</b>	
	Other Expenses	<u>81,761.00</u>
Total		81,761.00

<b>04-30</b>	<b>TRASH REMOVAL AND TIPPING FEES</b>	
	Other Expenses	<u>418,000.00</u>
	Total	418,000.00
<b>04-91</b>	<b>CEMETERIES</b>	
	5100 Salaries and Wages	<u>40,230.00</u>
	Total	40,230.00
<b>TOTAL PUBLIC WORKS</b>		<b>1,202,004.00</b>

**HUMAN SERVICES**

<b>05- 11</b>	<b>BOARD OF HEALTH</b>	
	5100 Salaries and Wages	12,500.00
	Other Expenses	<u>0</u>
	Total	12,500.00
<b>05-41</b>	<b>COUNCIL ON AGING</b>	
	5100 Salaries and Wages	50,182.00
	Other Expenses	<u>1,020.00</u>
	Total	51,202.00
<b>05-43</b>	<b>VETERANS' SERVICES</b>	
	5100 Salaries and Wages	1,581.00
	Other Expenses	600.00
	6780 Veterans' Benefits	<u>42,324.00</u>
	Total	44,505.00
<b>TOTAL HUMAN SERVICES</b>		<b>108,207.00</b>

**CULTURE AND RECREATION**

<b>06-10</b>	<b>LIBRARY</b>	
	5100 Salaries and Wages	213,390.00
	Other Expenses	<u>100,250.00</u>
	Total	313,640.00
<b>06- 91</b>	<b>HISTORICAL COMMISSION</b>	
	Other Expenses	0
	Total	0

<b>06-92</b>	<b>CELEBRATIONS</b>	
	Other Expenses	<u>1,710.00</u>
	Total	1,710.00
<b>06-95</b>	<b>ARTS COUNCIL</b>	
	Other Expenses	<u>500.00</u>
	Total	500.00
<b>TOTAL CULTURE AND RECREATION</b>		<b>315,850.00</b>

**DEBT SERVICE**

<b>07-10</b>	<b>MATURING DEBT - PRINCIPAL</b>	
6910	Long Term Debt - Principal	<u>1,155,301.00</u>
	Total	1,155,301.00
<b>07-50</b>	<b>MATURING DEBT - INTEREST</b>	
6915	Long Term Debt - Interest	<u>467,399.00</u>
	Total	467,399.00
<b>07-53</b>	<b>INTEREST ON TEMPORARY LOANS</b>	
6925	Short Term Debt - Interest	<u>19,000.00</u>
	Total	19,000.00
<b>TOTAL DEBT SERVICE</b>		<b>1,641,700.00</b>

**INTERGOVERNMENTAL**

<b>08-40</b>	<b>INTERGOVERNMENTAL</b>	
	Other Expenses	<u>3,340.00</u>
	Total	3,340.00
<b>TOTAL INTERGOVERNMENTAL</b>		<b>3,340.00</b>

**EMPLOYEE BENEFITS**

<b>09-11</b>	<b>RETIREMENT AND PENSION</b>	
5170	County Retirement Assessment	<u>516,864.00</u>
	Total	516,864.00

<b>09-12</b>	<b>WORKERS' COMPENSATION INSURANCE</b>	
5170	Workers' Compensation Insurance	<u>55,000.00</u>
	Total	55,000.00
<b>09-13</b>	<b>UNEMPLOYMENT INSURANCE</b>	
5170	Unemployment Insurance Compensation	<u>100,000.00</u>
	Total	100,000.00
<b>09-14</b>	<b>GROUP HEALTH INSURANCE - EMPLOYER</b>	
5170	Group Health Insurance Premiums - Employer	<u>3,113,604.00</u>
	Total	3,113,604.00
<b>09-15</b>	<b>GROUP LIFE INSURANCE - EMPLOYER</b>	
5170	Group Life Ins. Premium-Employer	<u>13,000.00</u>
	Total	13,000.00
<b>09-16</b>	<b>MEDICARE INSURANCE - EMPLOYER</b>	
5170	Medicare Payments - Employer	<u>155,000.00</u>
	Total	155,000.00
<b>TOTAL EMPLOYEE BENEFITS</b>		<b>3,953,468.00</b>

**GENERAL INSURANCE**

<b>09-45</b>	<b>GENERAL INSURANCE</b>	
6740	General Insurance Expenses	<u>145,100.00</u>
	Total	145,100.00
<b>TOTAL GENERAL INSURANCE</b>		<b>145,100.00</b>

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**TOTAL OPERATING BUDGET** **19,996,223.00**

**Article 23–**

**Authorization To Transfer Unexpended Funds From Fiscal Year 2008 Appropriations And Other Necessary Transfers To The Fiscal Year 2008 Appropriations**

**Motion-** Kevin McCormick

**Second-** Christopher Rucho

**Recommendation of Approval- Finance Committee**

It was unanimously voted to transfer the following unexpended balances of Fiscal Year 2008 appropriations, to Fiscal Year 2008 appropriation accounts;

<b>Amount</b>	<b>Transfer From</b>	<b>Transfer To</b>
<b>38,500</b>	Group Health Insurance	Snow Removal Salaries
<b>2,500</b>	Group Health Insurance	Snow Removal Purchase Services
<b>147,000</b>	Group Health Insurance	Snow Removal Supplies
<b>5,000</b>	Group Health Insurance	Finance Committee Reserve Fund
<b>7,000</b>	Group Health Insurance	Mixer Purchased Services
<b>6,000</b>	Overlay Surplus	Mixer Purchased Services
<b>40,000</b>	Overlay Surplus	Unemployment Compensation
<b>1,500</b>	Town Audit	Finance Director Other Charges
<b>500</b>	Finance Dir. Purch. Serv. (PY Encm)	Finance Director Other Charges
<b>248,000</b>		

**Article 24 –****Authorization To Pay Bills From A Previous Fiscal Year**

**Motion-** Allen Phillips

**Second-**Valmore Pruneau

**Recommendation of Approval-** Finance Committee

It was unanimously voted to appropriate the sum of \$1,960.73 to pay a FY 2007 bill from Weston & Sampson for supplies provided during the last quarter of FY 2007 in the amount of \$1,960.73 being held by the Finance Director in his capacity as Town Accountant from a prior fiscal year for which no encumbered funds are available, and further, to meet said appropriation by transferring the sum of \$1,960.73 from the FY 2008 from the Sewer Enterprise Fund Certified Retained Earnings.

**Article 25 –****Authorization To Appropriate Ambulance Receipts Reserved For Appropriation For Ambulance Billing Expenses**

**Motion-** Valmore Pruneau

**Second-** Allen Phillips

**It was unanimously voted to Pass Over this Article**

This would have allowed the Town to appropriate the sum of Thirty Thousand Dollars and No Cents (30,000.00) 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 26 –**

**Authorization To Expend Funds From The Capital Investment Fund To Fund Capital Equipment**

**Motion-** Christopher Rucho

**Second-** Kevin McCormick

**Recommendation of Approval-** Finance Committee, Capital Investment Board

It was unanimously voted to spend the sum of One hundred and Twenty Thousand and No Cents (\$120,000.00) from the Capital Investment Fund for the purpose of the purchasing the following capital equipment;

\$85,000 to be expended by the School Committee for gymnasium windows at Major Edwards Elementary School; and

\$35,000 to be expended by the Fire Department for the replacement of Car #2.

**Article 27 –**

**Authorization To Transfer Funds From The Summer Recreation Revolving Fund To The Fields Revolving Account**

**Motion-** Christopher Rucho

**Second-** Kevin McCormick

**Recommendation of Approval-** Finance Committee, Parks Commission

It was unanimously voted to transfer the sum of Ten Thousand Dollars and No Cents (10,000.00) from the Summer Recreation Revolving Account to the Fields Revolving Account.

**Article 28 –**

**Authorization To Transfer Funds From The Sale Of Lots Account**

**Motion-** Allen Phillips

**Second-** Valmore Pruneau

**Recommendation of Approval-** Finance Committee, Cemetery Trustees

It was unanimously voted to transfer the sum of Eight Thousand Dollars and No Cents (8,000.00) from the Sale of Lots Account #026-04-91-04250 for engineering and survey work associated with the development of the remaining land in the Mount Vernon Cemetery.

**Article 29 –**

**Authorization To Appropriate Funds From The Community Preservation Revenues**

**Motion-** Patrick Crowley, C. P. C. Chairman

**Second-** Christopher Rucho

**Recommendation of Approval-** Finance Committee, Community Preservation Committee

It was unanimously voted to appropriate 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 2009, with each item to be considered a separate appropriation:

<b>Amount</b>	<b>Transfer From</b>	<b>Purpose</b>
<b>\$13,200</b>	FY 2009 Estimated Revenues	Committee Administrative Expenses
<b>\$26,400</b>	FY 2009 Estimated Revenues	Historic Resources Reserve
<b>\$26,400</b>	FY 2009 Estimated Revenues	Community Housing Reserve
<b>\$26,400</b>	FY 2009 Estimated Revenues	Open Space Reserve; and
<b><u>\$171,600</u></b>	FY 2009 Estimated Revenues	Budgeted Reserve
<b>\$264,000.00</b>		

**Article 30–  
Appropriation To Fund An Elderly Community Services Program**

**Motion-** Allen Phillips

**Second-** Valmore Pruneau

**Recommendation of Approval-** Finance Committee, Council on Aging

It was unanimously voted to raise and appropriate the sum of Nine Thousand Dollars and No Cents (\$9,000.00), 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 31 -**  
**Authorization To Hire Two Full-Time Firefighters**

**Motion-** Kevin McCormick

**Second-** Valmore Pruneau

**Recommendation of Approval-** Finance Committee, Fire Chief Pauley

It was voted by a simple majority to raise and appropriate the sum of Forty-Five Thousand Dollars and No Cents (\$45,000.00) for use by the Fire Department to augment the funds from a Federal Safer Grant in the amount of Two Hundred Ten Thousand Eight Hundred and Fifty Dollars and No Cents (\$210,850.00) to hire two additional full-time firefighters.

**Article 32 –**  
**Authorization To Appropriate Funds To The DPW**

**Motion-** Kevin McCormick

**Second-** Christopher Rucho

**Recommendation of Approval-** Finance Committee, DPW Director John Westerling

It was voted by a simple majority to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) for use by the Department of Public Works for the painting of double yellow lines on town streets.

**Article 33 –**  
**Authorization To Appropriate Funds To The DPW**

**Motion-** Kevin McCormick

**Second-** Christopher Rucho

**Recommendation of Approval-** Finance Committee, DPW Director John Westerling

It was voted by a simple majority to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) for use by the Department of Public Works to paint the town's loader.

**Article 34 –**  
**Authorization To Appropriate Funds To The DPW**

**Motion-** Allen Phillips

**Second-** Kevin McCormick

It was unanimously voted to Pass Over this Article

This Article would have allowed the town to raise and appropriate or transfer from available funds the sum of Eleven Thousand One Hundred Dollars and No Cents (\$11,100.00) for use by the Department of Public Works for the purchase of a new mower.

**Article 35 –  
Authorization To Appropriate Funds To The DPW**

**Motion-** Valmore Pruneau

**Second-** Allen Phillips

It was unanimously voted to Pass Over this Article

This Article would have allowed the town to raise and appropriate or transfer from available funds the sum of Seven Thousand Two Hundred Dollars and No Cents (7,200.00) for use by the Department of Public Works for the purchase of a new aerator.

**Article 36 –  
Petitioned Article – Authorization To Appropriate Funds To Restore Half-Time Remedial Math Teacher At Major Edwards Elementary School**

**Motion-** Petitioner Craig Gardner

**Second-** Julianne DiRivera

“to see if the town vote to raise and appropriate or transfer from available funds the sum of Twenty-Three Thousand Four Hundred Dollars and No Cents (23,400.00) to fund a half-time remedial math teaching position at Major Edwards Elementary School.”

**Point of Order-** Finance Director Michael Daley

Mr. Daley declared to the Moderator that the motion must state a source of funding.

**Motion-** Craig Gardner

**Second-** Julianne DiRivera

It was unanimously voted to withdraw the motion

**Motion to Amend-** Craig Gardner

**Second-** James Brissette

“to see if the town vote to transfer from Overlay Surplus the sum of Twenty-Three Thousand Four Hundred Dollars and No Cents (23,400.00) to fund a half-time remedial math teaching position at Major Edwards Elementary School.”

It was voted by a simple majority to accept the amendment to the motion.

It was voted by simple majority to transfer the sum of Twenty-Three Thousand Four Hundred Dollars and No Cents (23,400.00) from Overlay Surplus to fund a half-time remedial math teaching position at Major Edwards Elementary School.

**Article 37 –**

## **Authorization To Appropriate Funds For The Bicentennial**

**Motion-** Kevin McCormick

**Second-** Valmore Pruneau

**Recommends Disapproval-** Finance Committee

It was voted by a simple majority to transfer the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00) from Overlay Surplus for use to offset the costs of Municipal Officials providing public safety support to the Bicentennial Committee to be expended by the Board of Selectmen.

## **Article 38 –**

### **Authorization To Transfer Money To The Stabilization Fund**

**Motion-** Christopher Rucho

**Second-** Valmore Pruneau

It was unanimously voted to Pass Over this Article

This Article would have allowed the Town to raise and appropriate or transfer a sum of money to the Stabilization Fund.

## **Article 39–**

### **Authorization To Raise And Appropriate Funds To The Capital Investment Fund**

**Motion-** Kevin McCormick

**Second-** Christopher Rucho

**Recommendation of Approval-** Finance Committee, Capital Investment Board

It was unanimously voted to transfer the sum of Eight Thousand Two Hundred and Twenty Five Dollars and No Cents (\$8,225.00) to the Capital Investment Fund.

## **Article 40 –**

### **Authorization To Enter Into A Lease**

**Motion-** Allen Phillips

**Second-** Valmore Pruneau

It was voted by a simple majority to allow the Board of Selectmen to enter into a lease with D&S Realty, LLP, a Massachusetts Limited Liability Partnership for municipal office space at 127 Hartwell Street.

## **Article 41 –**

### **Authorization To Amend The General Bylaws Of The Town**

**Motion-** Valmore Pruneau

**Second- Christopher Rucho**

**Recommendation of Approval- Bylaws Committee, Board of Selectmen**

It was unanimously voted to amend the General Bylaws of the Town by deleting the language in Section 4 of Article XIV, Licenses and Permits, Transient Vendors, Hawkers and Peddlers;

**by deleting the following:**

**“Section 4 Transient Vendors. Hawkers and Peddlers**

The display, for sale to the general public, of merchandise or goods from a temporary or portable location shall be prohibited except by permit from the Board of Selectmen. Said permit will require a fee as established, and amended, by the Board of Selectmen which is not inconsistent with Section 5. of Chapter 101 of the Mass. General Laws, as well as the following requirements:

- a.) Transient vendors, as defined in Mass. General Laws Chapter 101, must receive written permission from the owner of the property where they are anticipating conducting their business and present this to the Board of Selectmen at the time of application for permit.
- b.) A transient vendor will notify the Police Department as to the time, date and location of their activities.

This by-law shall not apply to any person engaged in the spreading of information concerning any religion or religious viewpoint, even though the sale of books, pamphlets or magazines may be involved therein.

Nor shall it be construed so as to interfere with any person in his constitutional right to freedom of expression of opinion, either by means of speech or of written or printed matter.”

**and replace it with the following:**

**“Section 4 Transient Vendors**

4.1. The term “transient vendor,” for the purpose of this bylaw, shall be the same as defined in Section 1 of Chapter 101 of the General Laws. The term “outdoor transient vendor,” for purposes of this bylaw, shall mean any person, either principal or agent, who engages in any exhibition and sale of goods, wares, or merchandise, in one locality, which business is not conducted in or under a tent, booth, building or other structure.

4.2 Every transient vendor or outdoor transient vendor, before making any sale of goods, wares, or merchandise in the Town, shall apply to the Board of Selectmen for a license and shall accompany such application with a license fee (as set forth in the Board of Selectmen’s rules and regulations). Transient vendors must receive written permission from the owner of the property where they are anticipating conducting their business and present this to the Board of Selectmen at the time of application for a license. Thereupon the Board of Selectmen shall issue a license to the applicant, provided that the applicant meets all the requirements that may be established by this bylaw or regulations adopted hereunder.

4.3 The Board of Selectmen may adopt regulations to implement this bylaw.

4.4 Such license shall authorize the sale of goods, wares, and merchandise, and shall remain in force so long as the licensee shall continuously keep and expose for sale in the Town such stock of goods, wares or merchandise, but not later than January 1 following the date of issuance.

4.5 No license shall be granted under this bylaw until the applicant has complied with the provisions of General Laws, Chapter 101, Section 3, and has exhibited to the Board of Selectmen a license by the Director of Standards of the Commonwealth, where applicable.

4.6 No person licensed under this bylaw shall conduct business in such a manner as would impede foot or vehicular traffic along or to a public way or public street or public sidewalk or access road or driveway.

4.7 The Board of Selectmen is hereby authorized to revoke any license under the provisions of this bylaw where the licensee is guilty of violating any provision of this bylaw or regulations adopted by the Board of Selectmen under this bylaw, which violation would make such licensee unfit to hold the license.

4.8 Any person who violates any provision of this Section 4 or regulations adopted hereunder shall be subject to the penalty set forth in Article XXV. Each day such violation occurs or continues shall be a separate offense

4.9 Members of the police department duly appointed shall enforce the provisions of this Section 4

4.10 If any clause, sentence, paragraph or section of this bylaw adopted hereunder or the application thereof to any person or circumstances shall for any reason be adjudged by a court to be invalid, such judgment shall not affect, impair or invalidate the remainder of this bylaw or its application.

## **Section 5      Hawkers and Peddlers**

5.1. The term “hawkers and peddlers,” for the purpose of this bylaw, shall be the same as defined in Chapter 101 of the Massachusetts General Laws.

5.2 No person shall go from place to place within the limits of the Town of West Boylston selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares or merchandise, either on foot or from any animal or vehicle, except as authorized by law, without first obtaining a license to do so from the Board of Selectmen upon payment of a license fee (set forth in the Selectmen’s rules and regulations) , said fee to be in conformity with Chapter 101 of the Massachusetts General Laws.

5.3 The Board of Selectmen may adopt regulations to implement this bylaw.

5.4 Licenses issued under the provisions of this Section 5 shall continue in force no later than January 1 following the date of issuance.

5.5 The provisions of Section 5.2 shall not apply to any hawking or peddling of newspapers, religious publications, ice, flowering plants and flowers, and wild fruits, nuts and berries, provided however that such hawkers and peddlers shall comply with the provisions of this bylaw and regulations adopted by the Board of Selectmen hereunder, and, before the sale of any of these articles, shall record their names and residences with the Board of Selectmen.

5.6 The provisions of Section 5.2 shall not apply to any hawker or peddler who has obtained a license from the Commonwealth of Massachusetts, pursuant to G.L. c.101, § 22, provided however, that such hawkers and peddlers shall comply with the provisions of this bylaw and such regulations as may be adopted by the Board of Selectmen.

5.7 The sale by hawkers and peddlers of jewelry, furs, wines, or spiritous liquors, small artificial flowers or miniature flags is prohibited.

5.8 Any person licensed under this bylaw or otherwise shall keep said license in his/her possession which shall be readily available for display. The license shall indicate the license number, and shall include the licensee's signature and date of the license expiration. The licensee shall display such license when requested to do so by any officer or agent of the West Boylston Police Department or the Board of Health.

5.9 No person licensed under this bylaw or otherwise shall conduct business in such a manner as would impede foot or vehicular traffic along or to a public way or public street or public sidewalk or access road or driveway.

5.10 All hawkers and peddlers shall have adequate trash control.

5.11 No hawker or peddler shall expose for sale any goods, wares or merchandise until the vehicle or receptacle has been inspected and approved by the Board of Health Agent. Any meats, butter, cheese, fish and fresh fruit or vegetables offered for sale by any hawker or peddler must be inspected by Board of Health Agent.

5.12 Vehicles utilized for the selling of frozen desserts or confections must have installed on said vehicle an amber flashing light visible from the front and rear of the vehicle and such light must be flashing when the vehicle is stopped for the purpose of transacting business.

5.13 Failure to comply with this bylaw or the regulations adopted hereunder may result in suspension or revocation of licenses and/or permits granted hereunder. In addition, a penalty fee for each offense may be assessed. Each day on which said violation continues shall be considered a separate offense.

5.14 Members of the police department duly appointed shall enforce the provisions of this Section 5.

5.15 If any clause, sentence, paragraph or section of this bylaw adopted hereunder or the application thereof to any person or circumstances shall for any reason be adjudged by a court to be invalid, such judgment shall not affect, impair or invalidate the remainder of this bylaw or its application.”

**Article 42 –**

**Authorization To Amend The Zoning Bylaws General Requirements For Home Occupations**

**Motion-** John Baker

**Second-** Patricia Halpin

**Recommendation of Approval-** Bylaws Committee, Planning Board, Building Inspector

After much discussion, this Article was defeated.

This Article would have allowed the town to amend the Zoning Bylaws, Section 3.5 B.1 General Requirements for Home Occupations as follows:

**By deleting the following:**

1. There shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or other variation from the residential character of the principal building.

**And inserting:**

1. There shall be no exterior display, no exterior storage and no other exterior indication (except as provided for in B.2 below) of the home occupation or other variation from the residential character of the principal residential buildings. This includes the parking of commercial vehicles as in Section 5.2 A.1.f. There shall be no exterior storage of related equipment and supplies.

**Article 43 – Authorization To Amend The Zoning Bylaws**

**Motion-** John Baker

**Second-** Patricia Halpin

**Recommendation of Approval-** Bylaws Committee, Planning Board, Building Inspector

It was unanimously voted to amend the Zoning Bylaws, Section 6.2.A as follows:

**By deleting the following:**

The Board of Appeals is and shall be the Board of Appeals appointed from time to time pursuant to the town by-laws and under the authority of Chapter 40A, Massachusetts General Laws.

**And inserting:**

There shall be a Board of Appeals consisting of five members appointed by the Selectmen, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Said board shall elect annually a chair and a clerk from its own number. There shall be three associate members of the Board of Appeals appointed by the Board of Selectmen. Each shall serve a term of five years.

In the case of a vacancy, inability to act, or conflict of interest on the part of a member of the Board of Appeals, his place may be taken by an associate member designated by the chair.

**Article 44–**

**Authorization To Amend The Zoning Bylaws General Provisions For Off Street Parking**

**Motion-** Patricia Halpin

**Second-** Karen Paré

It was voted by a simple majority to Pass Over this Article

This Article would have allowed the town to amend the Zoning Bylaws, Section 5.2A.1f as follows:

**By deleting the following:**

- f. No commercially licensed vehicles in excess of 18,000 lbs. gross vehicle weight, except school buses or a farm vehicle, and construction equipment during actual construction on the site, shall be parked overnight in a residential district.

**And inserting:**

- f. No commercially licensed vehicles in excess of 11,000 lbs. gross vehicle weight, except school buses, farm vehicles, commonly accepted pick-up trucks or vans, and construction equipment during actual construction on the site, shall be parked overnight in a residential district.

**Article 45–**

**Authorization To Amend The Zoning Bylaws By Adding An Affordability Component To The Continuing Care Retirement Community Overlay District**

**Motion-** Karen Paré

**Second-** Patricia Halpin

**Recommendation of Approval-** Bylaws Committee, Planning Board

It was voted by a 2/3rds majority as declared by the Moderator under the provisions of MGL 39 §15 to allow the town to amend the Zoning Bylaws, Section 2.9 Continuing Care Retirement Community Overlay District by inserting Section E as follows and re-enumerating the remaining



sections accordingly:

**E      Affordability**

To assist the Town in creating units eligible for the Chapter 40B Subsidized Housing Inventory through means other than a Comprehensive Permit and to prevent the Town from falling behind in meeting the requirements for Affordable Housing as detailed in Massachusetts General Law Chapter 40B, CCRC projects with greater than five (5) dwelling units must provide Affordable Housing Units to serve low or moderate income households, as follows:

- 1) **Percentage of Affordable Units:** At least 15% of ownership units must be Affordable Housing Units. At least 20% of rental units must be Affordable Housing Units.
- 2) Living quarters for support staff, if any, are excluded from the Affordable Housing provision. Definitions, provisions and procedures for Affordable Units are governed by the provisions of Section 3.
- 3) 3.10 Incentive Zoning, except to the extent that there is a conflict between the bylaws. In the case of a conflict, the provisions of this bylaw shall apply.

**Article 46–**

**Authorization To Amend The Zoning Bylaw Concerning Definition Of The Continuing Care Retirement Community Overlay District**

**Motion-** Vincent Vignaly

**Second-** Patricia Halpin

**Recommendation of Approval-** Bylaws Committee, Planning Board

It was unanimously voted to amend the Zoning Bylaws, Section 2.9 B Applicability as follows:

***By deleting the following:***

A Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon a grant of a Special Permit by the Planning Board upon any parcel of land situated within a General Residence District or in the Continuing Care Retirement Community Overlay District as shown on the Zoning Map.

***And replacing it with:***

A Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon a grant of a Special Permit by the Planning Board upon any parcel of land situated within a General Residence District, within the Industrial District located south of Hartwell Street or in the Continuing Care Retirement Community Overlay District as shown on the Zoning Map.

## CCRC

### ARTICLE 46



#### LEGEND

- PROPOSED CCRC EXPANSION
- EXISTING CCRC ZONE



**Article 47 –**

**Authorization To Amend The Zoning Bylaws Regarding Permitting For Signs And Billboards**

**Motion-** Lawrence Salate

**Second-** Patricia Halpin

**Recommendation of Approval-** Bylaws Committee, Planning Board

It was voted by a 2/3rds majority as declared by the Moderator under the provisions of M.G.L. Chapter 39 § 15 to allow the town to amend the Zoning Bylaws Section 5.6 F.2 Permits as follows:

***By deleting the following:***

- a) A sign permit from the Inspector of Buildings shall be required for the erection, construction or alteration of a sign. The application for a sign permit shall be submitted in such a form as the Inspector of Buildings may prescribe and shall include a drawing to scale and other such information as may be required for a complete understanding of the proposed work. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

In reviewing applications submitted to him, the Inspector of Buildings shall apply the following standards, in acting upon each permit, unless otherwise specifically provided:

- i. The sign will not cause visual confusion, glare or offensive lighting in a neighborhood.
- ii. The sign will not be a detriment to the surrounding area.
- iii. The sign will not significantly alter the character of the zoning district.
- iv. The sign will not interfere with traffic safety in the area.

***And inserting in its place:***

- a) A Sign Building Permit from the Inspector of Buildings shall be required for the erection, construction or alteration of a sign. A completed Sign Building Permit Application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and a Sign License Fee as established by the Board of Selectmen.

In reviewing applications submitted to him, the Inspector of Buildings shall apply the following standards, in acting upon each Sign Building Permit, unless otherwise specifically provided:

- i. The sign will not cause visual confusion, glare or offensive lighting in a neighborhood.
- ii. The sign will not be a detriment to the surrounding area.
- iii. The sign will not significantly alter the character of the zoning district.
- iv. The sign will not interfere with traffic safety in the area.

***And by deleting the following:***

- d) Sign permits shall be issued for five (5) years. Renewal permits shall be issued after inspection and approval by the Inspector of Buildings.

***And inserting the following in its place:***

- d) Sign Licenses shall be issued for five (5) years. Renewal licenses shall be issued after inspection and approval by the Inspector of Building, as well as receipt of the appropriate fee as established by the Board of Selectmen.

**Article 48–**

**Authorization To Amend The Zoning Bylaws Regarding Sign Permits For Public, Civic And Non-Profit Organizations**

**Motion-** Karen Paré

**Second-** Patricia Halpin

**Recommendation of Approval-** Bylaws Committee, Planning Board, Building Inspector

Motioned to accept Article 48 as printed in the warrant, deleting the second- & third sentence- “All requests for such signs may be subject to review with the Town Administrator, the Chair of the Zoning Board of Appeals and/or the Chair of the Planning Board. Such review, for cause, is at the discretion of the Inspector of Buildings.” of proposed section 5.6 D3.

It was unanimously voted to allow the town to amend the Zoning Bylaws, Section 5.6 D.3 as follows:

***By deleting the following:***

- 3. **Public, Civic and Non-profit Organizations:** Permanent or temporary signs which do not comply with this by-law may be authorized by special permit issued by the Board of Selectmen to public or other non-profit organizations.

***And inserting:***

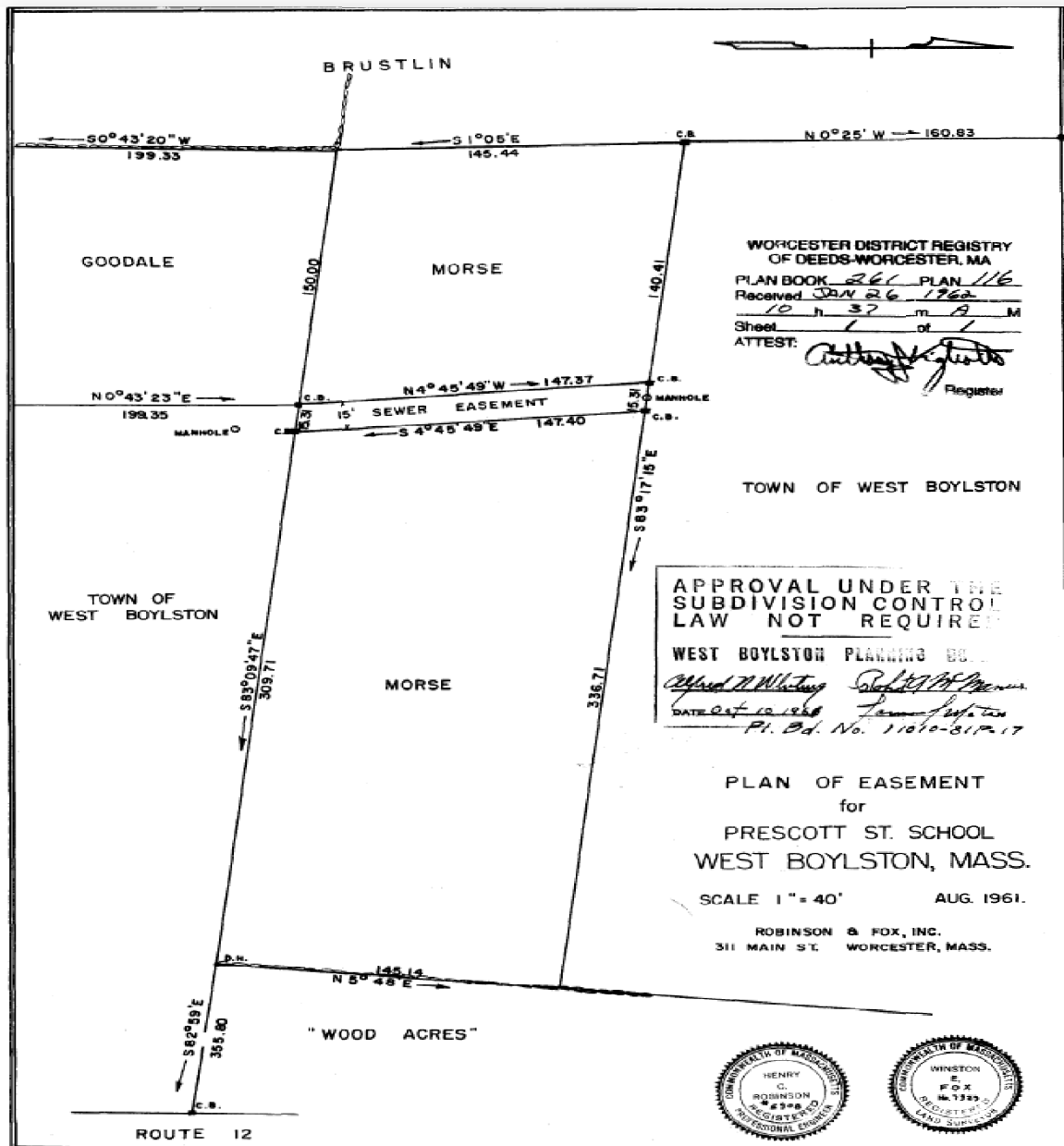
- 3. **Public, Civic and Non-profit Organizations:** Permanent or temporary signs which do not comply with this by-law may be authorized by a Sign Permit granted by the Inspector of Buildings to a public, civic or non-profit organization.

## Article 49 – Authorization To Accept An Access And Driveway Easement

**Motion-** Allen Phillips

**Second-** Valmore Pruneau

It was unanimously voted to authorize the Board of Selectmen to accept, on behalf of the Town, an access and driveway easement over a portion of a parcel of land located off Route 12, identified on Assessors Map 125, Block 42, owned by Edwin and Diane Attella, and shown on a plan on file with the Town Clerk.



**Article 50-**

**Petitioned Article To Accept Extension To Merrimount Road**

**Motion-** Vincent Vignaly

**Second-** Karen Paré

**Recommendation of Approval-** Planning Board, Board of Selectmen

It was unanimously voted to accept as a public way the roadway known as Merrimount Road Extension, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Roadway Acceptance Plan Merrimount Road Extension, West Boylston, Massachusetts," dated November 2, 2007, prepared by Andrysick Land Surveying, Inc., and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, an easement to use Merrimount Road Extension for all purposes for which public ways are used in the Town of West Boylston, as well as drainage, utility, and other related easements; and further to authorize the Planning Board to accept, on behalf of the Town, a restriction ensuring that the area of land shown as "Vegetative Buffer" on the afore-mentioned plan and on a plan recorded with the Worcester South District Registry of Deeds in Plan Book 861, Plan 61, is retained in its natural and vegetated condition.

The roadway is further described as follows:

<b>BEGINNING</b>	at the northwesterly corner thereof, at a granite bound in the northerly line of Merrimount Road at land of Laclaire;
<b>THENCE</b>	S 76°04'47" E 68.36 feet to a granite bound at a point of curvature;
<b>THENCE</b>	southwesterly by a curved line having a radius of 50.00 feet, an arc distance of 225.56 feet to a granite bound at a point of reverse curvature;
<b>THENCE</b>	westerly by a curved line having a radius of 25.00 feet, an arc distance of 34.24 feet to a concrete bound in the southerly line of Merrimount Road at land of Melendy;
<b>THENCE</b>	N 21°13'34" E 40.33 feet by Merrimount Road to the point of beginning.

**Article 51- Petitioned Article To Accept Olde Century Farm Road And Garside Drive**

No Motion was made on this article, no action taken

This article would have allowed the town to accept as a public ways the roadways known as Olde Century Farm Road and Garside Drive, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Roadway As-Built Plan Goodell Development LLC 'Century Farm' Old Century Farm Road," dated January 14, 2008, revised through March 28, 2008,

prepared by Summit Engineering, Inc., and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, an easement to use Olde Century Farm Road and Garside Drive for all purposes for which public ways are used in the Town of West Boylston, and drainage, utility, and other related easements.

Motion to adjourn, Second by the floor.

Town meeting adjourned at 10:55 p.m.

Attest:

Kim D. Hopewell  
Town Clerk  
West Boylston