

**Town of West Boylston
Oct. 20, 2008
Semi-Annual town Meeting**

Town Clerk Meeting Minutes

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 7:10 p.m.

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

Barbara Mard
John McCormick, III
Pauline McCormick
Barbara Deschenes

Beverly Goodale
Margaret Farwell
Bruce Peterson
Louise Howland

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.

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.

Upon a motion by Patricia Halpin, and Second by Christopher Rucho it was unanimously voted to accept the provisions of Massachusetts General Law Chapter 39 Section 15.

Upon a motion by Allen Phillips and second by Christopher Rucho is 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- John DiPietro, Sr., and Second- Christopher Rucho

It was unanimously voted to hear special reports of the officers and standing committees of the town.

- Solid Waste Advisory Team-
 - Chair Judith Doherty - presentation

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

Recommendation of Approval- Finance Committee

Motion- Allen Phillips, and Second by Christopher Rucho

It was unanimously voted to transfer the following unexpended balances of Fiscal Year 2009 appropriations, to Fiscal Year 2009 appropriation accounts:

TRANSFER TO			TRANSFER FROM		
ACCT. #	DESCRIPTION	AMOUNT REQUIRED	ACCT. #	DESCRIPTION	AMOUNT REQUIRED
010-05-41-06200	COA Purchased Services	1,800	010-05-41-05100	COA Salaries	1,800
010-02-10-06300	Police Training	2,000	010-02-10-05100	Police Salaries	2,000
010-02-20-06800	Fire Capital	11,200	010-09-11-05170	County Retirement	4,500
			010 09-14 05170	Health Insurance	6,700
010-01-62-05100	Town Clerk Salaries	1,400	010-01-61-05100	Election Salaries	1,400
Total Required		16,400	Total Required		16,400

ARTICLE 3 – APPROPRIATION TO FUND AN ELDERLY COMMUNITY SERVICES PROGRAM

Recommendation of Approval- Council on Aging, Finance Committee

Motion- Allen Phillips, and Second by Christopher Rucho

It was unanimously voted to transfer from Free Cash, the sum of Four Thousand Dollars and No Cents (\$4,000.00) to fund an Elderly Community Services Program.

ARTICLE 4 - AUTHORIZATION TO APPROPRIATE OR RESERVE FUNDS FROM THE 2009 COMMUNITY PRESERVATION FUND RESERVES

Recommendation of Approval- Finance Committee, and the Community Preservation Committee

Upon a motion by Patrick Crowley, and Second by Patricia Halpin to move the town vote to appropriate by transfer the following amounts:

- Upon a motion by Patrick Crowley, and Second by Patricia Halpin; It was voted by simple majority to appropriate by transfer \$8,500 from Fiscal Year 2009 Historic Resources Reserves to fund, for historic preservation purposes, a Gravestone and Monument Condition Assessment;
- Upon a motion by Patrick Crowley, and Second by Patricia Halpin it was voted by simple majority to appropriate by transfer \$3,000 from Fiscal Year 2009 Historic Resources

Reserves to fund, for historic preservation purposes, the cleaning, printing, identifying and preserving of approximately 600 glass negatives;

- Upon a motion by Patrick Crowley, and Second by Patricia Halpin It was unanimously voted to appropriate by transfer \$25,000 from 2009 Budgeted Reserve Fund to fund, for recreation purposes, the Goodale Park Open Space and Recreation project Phase 1 - Architectural and Engineering Services;
- Upon a motion by Patrick Crowley, and Second by Allen Phillips It was voted by simple majority to appropriate by transfer \$9,250 amount from Fiscal Year 2009 Historic Resources Reserves to fund, for historic preservation purposes, the restoration of the fireplace in the Holbrook Chapel at Mount Vernon Cemetery.

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

Recommendation of Approval- Finance Committee

Motion- Christopher Rucho, and Second by Allen Phillips

It was unanimously voted to close out the balance remaining under Article 20 of the May 2001 town meeting in the amount of \$1,969.29 to the Stabilization Fund.

Article 20- May 2001 ATM

Upon motion of Charles A. Stevens, second by Kevin McCormick, it was voted 143 in favor and 41 opposed to appropriate the sum of \$40,000 for the purpose of funding the costs and expenses of the Woodland Parks Improvement Project, including, but not limited to, the costs of materials and contracted services necessary to complete the Woodland Park Improvement Project, and further to meet said appropriation by transferring the sum of \$40,000 from the Stabilization Fund, provided that any unexpended balance from said appropriation shall revert to the Stabilization Fund.

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

Recommendation of Approval- Bylaws Committee

Motion- John DiPietro, Sr., and Second by Allen Phillips

It was voted by simple majority to amend the General Bylaws by adding in Article I the following provision, as authorized under Massachusetts General Law Chapter 39 Section 15:

Section 7

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

ARTICLE 7 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

Recommendation of Approval- Bylaws Committee

Motion- Christopher Rucho, and Second by Allen Phillips

It was unanimously voted to amend Article III – TOWN CLERK, Section 2 to strike the word “He” and “His” and replace it with “Town Clerk.”

ARTICLE 8 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

Motion- Allen Phillips, and Second by Christopher Rucho to accept Article 8 as written in the warrant deleting the words “Or take any other action relative thereto.”

Amendment-

Motion by Patrick Crowley and second by Karen Pare,

To see if the Town will vote to amend Article IV- Office of Financial Management,

- Section 8 (B)- Capital Investment Board by deleting the numeral “\$20,000” and substituting the phrase “\$20,000 or greater” in the clause that presently reads: “The Board may study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000”; and
- Section 8 (D) to change references to the annual Town Meeting to “Semi-Annual Town Meetings.”

Amendment carries by simple majority vote.

Motion-

Upon a motion by Patrick Crowley, and second by Karen Pare, it was voted by simple majority to accept Article IV- Office of Financial Management, as amended;

- Section 8 (B)- Capital Investment Board by deleting the numeral “\$20,000” and substituting the phrase “\$20,000 or greater” in the clause that presently reads: “The Board may study proposed capital outlays involving the acquisition of land or an expenditure of \$20,000”; and
- Section 8 (D) to change references to the annual Town Meeting to “Semi-Annual Town Meetings.”

ARTICLE 9 – AUTHORIZATION TO AMEND THE GENERAL BYLAW

Recommendation of Approval- Bylaws Committee

Motion- Christopher Rucho, and Second by Allen Phillips

It was unanimously voted to amend the General Bylaws by renumbering Article V, Section 5- Housing Partnership Committee – to become Article XXXIV HOUSING PARTNERSHIP COMMITTEE.

ARTICLE 10 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

Recommendation of Approval- Bylaws Committee

Motion- John DiPietro, Sr., and Second by Christopher Rucho

It was voted by simple majority to amend Article III, TOWN CLERK, of the General Bylaws by adding the following:

Section 3 - FILING OF BUSINESS CERTIFICATES

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

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

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

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

ARTICLE 11 - AUTHORIZATION TO AMEND THE GENERAL BYLAWS

Recommendation of Approval- Bylaws Committee

Motion- Allen Phillips, and Second by Christopher Rucho

It was unanimously voted to amend Section 1 of Article II – TOWN OFFICERS AND DUTIES by adding the following at the end of the second paragraph: "Housing Authority, as provided for in G.L. c. 121B, § 5."

ARTICLE 12 - AUTHORIZATION TO AMEND THE GENERAL BYLAW Article XXXII – FIRE SAFETY BYLAW

Recommendation of Approval- Bylaws Committee

Motion- Christopher Rucho, and Second by John B. DiPietro, Sr.

Upon a motion by Christopher Rucho, and Second by John B. DiPietro, Sr. it was unanimously voted to pass over this article.

This article would have amended General Bylaw Article XXXII – FIRE SAFETY BYLAW, by adding the following sections:

- Section 5 Violations of Fire Codes
- Section 6- Control and Curtailment of Signals Emitted by Alarm Systems
- Section 7 Penalties

ARTICLE 13 - AUTHORIZATION TO AMEND THE GENERAL BYLAWS

Recommendation of Approval- Bylaws Committee

Motion- Christopher Rucho, and Second by Allen Phillips

It was unanimously voted to amend Article XXV Non-Criminal Disposition of the General Bylaws as follows:

Section Number and Name		Enforcing person	Schedule
ARTICLE III TOWN CLERK			
Section 3	Filing of Business Certificates	Town Clerk or Designee	First Offense \$100 Second Offense \$200 Third and Subsequent \$300 in accordance with MGL Ch 110 § 5
ARTICLE XXV	TRANSIENT VENDORS, HAWKERS & PEDDLERS		
Section 4	Transient Vendors	Police Department	\$50
Section 5	Hawkers and Peddlers	Police Department	\$20

ARTICLE 14 - AUTHORIZATION TO AMEND THE GENERAL BYLAW

Recommendation of Approval- Bylaws Committee

Motion- John DiPietro, Sr., and Second by Allen Phillips

It was unanimously voted to amend Article XIII - by deleting the second paragraph of Section 4, which states as follows: "No person shall light or extinguish any public lamp in any street or public place in the Town, except by permission of the Selectmen or persons having the care and control of such lamps."

ARTICLE 15 – AUTHORIZATION TO AMEND THE GENERAL BYLAWS

Recommendation of Approval- Bylaws Committee

Motion- Allen Phillips, and Second by Christopher Rucho

It was unanimously voted to delete Section 7 of Article IV – OFFICE OF FINANCIAL MANAGEMENT,

And inserting in its place:

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

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

Recommendation of Approval- The Bylaws Committee, Planning Board and Open Space

Main Motion

Upon a motion by Allen Phillips, and second by Christopher Rucho to move the town vote to approve Article 16 as written in the warrant deleting the words “Or take any action relative thereto.”

Amendment

Upon a motion by Vincent Vignaly, and Second by John DiPietro, Sr., to move the town to strike the words “prime source of” in the second sentence of Section 1.

Motion Withdrawn

The motion to Amend and second were withdrawn by Vincent Vignaly, and John DiPietro, Sr.

Amendment

Upon a motion by Vincent Vignaly, and Second by Christopher Rucho, to move the town to strike the words “whose prime source of income is derived” in the second sentence of Section 1, and replace it with “having income derived”.

Amendment passed by a simple majority vote.

It was voted by simple majority to amend the General Bylaws of the Town by adding the following:

ARTICLE XXXV AGRICULTURAL COMMISSION

1. Membership and qualifications

There is hereby established an Agricultural Commission, consisting of seven members appointed by the Town Administrator. The Commission will consist of a minimum of four members having income derived from farming or agricultural-based enterprises in West Boylston and another three who are interested in farming. Three members shall serve for a term of three years; two members shall serve for a term of two years and three thereafter; and two members shall serve for a one year term, and three years thereafter. It shall have a chairperson selected by a majority vote of

the members. It may have such subcommittees and ad hoc committees as the Agricultural Commission may choose to create. All members shall be residents of the Town of West Boylston. Any member of the Agricultural Commission may be removed for cause.

2. Meetings

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

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

3. Duties

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

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

4. Quorum

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

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

Motion- Christopher Rucho, and Second by Allen Phillips

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

Special Act Submission-

AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO AFFIX PENALTY AND ACCEPT FINE IN LIEU OF SUSPENSION FOR VIOLATION OF THE TOWN'S MOTEL OPERATION PERMIT BYLAW AND REGULATIONS

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

SECTION 1. Notwithstanding the provisions of Sections 21 and 21D of Chapter 40 of the General Laws or any other general or special law to the contrary, the Town of West Boylston, through its Board of Selectmen, shall have the authority to affix a penalty in an amount not more than \$4,000 per day for breach of Article XIV, Section 6 of the Town's General Bylaws, entitled Motel/Hotel Operation Permit, and the Town's Motel Operation Permit Regulations. The Board of Selectmen is hereby authorized to accept a fine in lieu of suspension for violation of said bylaws and regulations in an amount of not less than \$300 and not more than \$4,000 per day and to promulgate to implement the same.

SECTION 2. This act shall take effect upon its passage.

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

Recommendation of Approval- Finance Committee

Motion- John DiPietro, Sr., and Second by Allen Phillips

It was voted by simple majority to accept Massachusetts General Law Chapter 41 Section 108P which allows for additional compensation for collectors or treasurers.

**CHAPTER 41. OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
TERM OF OFFICE AND COMPENSATION OF TOWN OFFICERS**

Chapter 41: Section 108P. Additional compensation for collectors or treasurers

Section 108P. In any city, town or district that accepts this section, a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer or a certified Massachusetts district treasurer, shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the mayor or the board of selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn.

ARTICLE 19 - PETITIONED ARTICLE TO INITIATE PAY AS YOU THROW

Ten Taxpayer Petition

Recommendation of Approval- Solid Waste Advisory Committee, and the Finance Committee

Motion- Elise Wellington, and Second by JulieAnne DeRivera

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

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

Ten Taxpayer Petition

No Motion brought forth, Article dies.

This article would have amended the General Bylaws to include a Demolition Delay Bylaw. The Historical Commission wishes to modify portions of the demolition delay bylaw and resubmit its amended bylaw at a future town meeting.

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

Ten Taxpayer Petition

Recommendation of Approval- Planning Board, Department of Public Works, and the Water Department

Motion- Jeff Perkins, and Second by Patricia Halpin

It was voted by a simple majority to accept as a public ways the roadways known as Olde Century Farm Road and Garside Drive, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Roadway As-Built Plan Goodell Development LLC 'Century Farm' Old Century Farm Road," dated January 14, 2008, revised through March 28, 2008, prepared by Summit Engineering, Inc., and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire, on behalf of the Town, by gift, an easement to use Olde Century Farm Road and Garside Drive as shown on the aforesaid plan, as amended by revisions dated through May 9, 2008, for all purposes for which public ways are used in the Town of West Boylston, and drainage, utility, and other related easements.

Lay out by the Board of Selectmen

Town of West Boylston

**Order of Layouts
Olde Century Farm Road and Garside Drive**

Whereas the BOARD OF SELECTMEN of the TOWN OF WEST BOYLSTON, acting pursuant to G.L. c.82, §§ 21-24, having deemed that common convenience and necessity require the lay out as public ways of Olde Century Farm Road and Garside Drive, hereby lays out Olde Century Farm Road and Garside Drive as public ways as shown on the plans referenced below, and

Whereas the boundaries of said ways as laid out are 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., which plan was referred to the Planning Board and which plan, as amended by revisions to said plan dated May 9, 2008, is hereby adopted as a part of this order, and all land lying within the above described boundaries of Olde Century Farm Road and Garside Drive are hereby laid out as town ways.

The aforementioned plan is hereby forwarded to the Town Clerk for filing and the foregoing layouts are hereby reported to the Town for acceptance.

Adopted Oct. 1, 2008.

Town of West Boylston Board of Selectmen;

Allen Phillips, Kevin McCormick, Christopher Rucho, John DiPietro, Sr., and Valmore Pruneau

Filed with the Town Clerk Office on Oct. 1, 2008, and attested by Town Clerk Kim D. Hopewell

Motion to adjourn by Allen Phillips, and second by Christopher Rucho, unanimously voted.
Town Meeting adjourned at 9:24 p.m.

Attest:

Kim D. Hopewell,

Town Clerk