

Town Clerk Meeting Minutes

Semi-Annual

MAY 18, 2009

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

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

The following people were sworn in as tellers by the Town Clerk;

Barbara Mard
Margaret Farwell
John McCormick, III
Pauline McCormick

Bruce Peterson
Susan Abramson
Gerald Condon
Patricia Condon

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

Motion- David Sweetman, Allen Phillips

It was unanimously voted to waive the reading of the Warrant and refer it as subject matter only.

Town Administrator Leon Gaumond, Jr. recognized certain Town Employees and Elected Officials, Retirees, as well as Board, Committee and Commission members who are celebrating milestones in their community service.

Article 1 - Authorization to hear the reports of officers and committees of the Town

Recommendation of Approval- Board of Selectmen

Motion- Christopher Rucho, Allen Phillips

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

- Library- Louise Howland Director of Beaman Memorial Public Library
- SWAT- Judith Doherty Chairperson
- Finance Committee- Raymond Bricault Chair

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

Recommendation of Approval- Board of Selectmen, Finance Committee

Motion-Allen Phillips, Christopher Rucho

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 2010, the period from July 1, 2009 through June 30, 2010, 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 2010 pursuant to Massachusetts General Laws, Chapter 44, Section 53F.

Motion- Kevin McCormick, Allen Phillips

To take action on Articles 3-15 inclusive.

Amendment

Motion- Andrew Feland, Heather Feland

To amend previous motion to bundle all revolving funds to include Articles 16 and 17.

It was voted by simple majority to bundle Articles 3-17 inclusive.

It was unanimously voted to Establish and Re-establish Revolving Fund Authorization for Articles 3-17 authorizing the town to set up FY 10 Revolving Funds pursuant to the provisions of MGL Chapter 44 § 53 E ½.

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

It was 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 2010 set at \$5,000;
- e) to not be used for any wages or salaries, since WBPA-TV is a volunteer organization; and
- f) to have the Board of Directors of WBPA-TV be the only authority empowered to expend monies from this fund;

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

It was 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 2010 set at \$50,000; and
- g) to have the Board of Health be the only authority empowered to expend monies from this fund.

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

It was 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 2010 at \$50,000; and
- d) to have the Cemetery Trustees be the only authority empowered to expend monies from said fund.

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

It was 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 2010 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 2010 set at \$60,000.

Article 7 - Authorization to re-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 2010 set at \$50,000; and
- e) to have the Planning Board be the only authority empowered to expend monies from this fund.

Article 8 - Authorization To Re-Establish A Revolving Fund For The Zoning Board Of Appeals

It was 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 2010 set at \$25,000; and
- e) to have the Zoning Board of Appeals be the only authority empowered to expend monies from this fund.

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

It was 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 2010 set at \$25,000; and
- e) to have the Conservation Commission be the only authority empowered to expend monies from this fund.

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

It was 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 2010 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 re-establish a fire alarm 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 2010 set at \$15,000; and
- e) to have the Fire Chief, be the only authority empowered to expend monies from this fund.

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

It was 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 2010 set at \$10,000; and
- e) to have the Fire Chief be the only authority empowered to expend monies from this fund.

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

It was 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 2010 set at \$25,000; and
- d) to have the School Committee be the only authority empowered to expend monies from this fund.

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

It was 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 2010 set at \$50,000; and
- d) to have the Park Commission be the only authority empowered to expend monies from this fund.

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

It was 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 2010 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 16- Authorization to establish a Revolving Fund for Celebrations

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

- a) to pay for the expenses and costs necessary for the annual Memorial Day Observance and other Celebrations and Observances as deemed by the Board of Selectmen including, but not limited to, the purchase of supplies and services, excluding full and part time employee salary or wage costs;
- b) to be the depository for all gifts, donations and fees collected by the Town for the sole purpose of financing the costs of the Memorial Day Observance and to be the depository for all gifts, donations and fees collected by the Town for the purpose of financing the costs of other Celebrations and Observances as deemed by the Board of Selectmen;
- c) to set a limit on expenditures from said fund in Fiscal Year 2010 at \$10,000; and
- d) to have the Town Administrator or by the Celebration Committee appointed by the Town Administrator be the only authority empowered to expend monies from said fund.

Article 17 – Authorization to establish a Revolving Fund for the Beaman Memorial Library

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

- a) to make expenditures from said fund to pay for any Board of Trustees approved operational expenses of the library;
- b) to be the depository for donations received in support of the library;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2010 set at \$15,000; and

- d) to have the Library Trustees be the only authority empowered to expend monies from said fund.

Article 18 – Authorization to expend funds in anticipation of reimbursement of State Highway Assistance Aid

Recommendation of Approval- Board of Selectmen, Finance Committee
Motion- Christopher Rucho, Allen Phillips

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 2010, for the period from July 1, 2009 through June 30, 2010, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 6A.

Article 19 – Authorization to Transfer funds from the Sale of Lots Account for expansion of the Mount Vernon Cemetery

Recommendation of Approval- Cemetery Trustees, Finance Committee
Motion- Allen Phillips, Christopher Rucho

After a brief presentation by Cemetery Trustee John McCormick, III it was unanimously voted to transfer the sum of One Hundred Fifty-Three Thousand Dollars and No Cents (\$153,000.00) from the Sale of Lots Account #026-04-91-04250 for the purpose of paying all costs relative to the expansion of the Mount Vernon Cemetery.



Article 20 - Authorization to set the salary of Elected Officials

Recommendation of Approval- Board of Selectmen, Finance Committee
Motion- Kevin McCormick , Valmore Pruneau

It was unanimously voted to determine and fix what salaries elective officers of the town shall receive for Fiscal Year 2010 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

Moderator	\$1.00;
Selectmen	\$1.00 each (5 members);
Town Clerk	\$39,850.34 in conformity with Section 5 Part AA of the Classification and Compensation Plan of the Personnel Bylaw;
Planning Board	\$1.00 each (5 members);
Cemetery Trustees	\$1.00 each (3 members); and
Municipal Light Board	\$300.00 each (3 members)

Article 21 – Authorization to restate the Sewer Budget for Fiscal Year 2009

Recommendation of Approval- Board of Selectmen, John Westerling

Motion- Valmore Pruneau, .Allen Phillips

It was unanimously voted to amend its vote under Article 20 of the May 19, 2008 Annual Town Meeting and to adopt the revised Fiscal Year 2009 sewer budget as follows:

Fiscal Year 2009 West Boylston Sewer Department Budget

Administration	\$126,140
Operations and Maintenance	\$850,000
Reserve Fund	\$100,000
Debt and Interest Payments	\$402,761
Capital Outlay	\$107,500
Total Budget Appropriation	\$1,586,401

and to meet said appropriation through:

- 1) allocating One Million Seventy-Six Thousand One Hundred Forty Dollars and No Cents (\$1,076,140.00) from Fiscal Year 2009 Sewer Enterprise Fund User Revenue, and
- 2) transferring Three Hundred Sixty-Two Thousand and Seventeen Dollars and No Cents (\$362,017.00) from Sewer Betterment Collections, and
- 3) transferring One Hundred Forty Eight Thousand Two Hundred and Forty Four Dollars and No Cents (\$148,244.00) from Sewer Enterprise Retained Earnings.

Article 22 – Authorization to appropriate money to the Sewer Enterprise Account for Fiscal Year 2010

Recommendation of Approval- Board of Selectmen

Motion- Steven Quist * put in new motion

It was unanimously voted to appropriate the sum One Million Four Hundred Ninety-Three Thousand Two Hundred and One Dollars and No Cents_(\$1,493,201.00) 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 2010 as written in the warrant by amending Section 1, and Section 3 as stated below;

Fiscal Year 2010 West Boylston Sewer Department Budget

Administration	\$133,040
Operations and Maintenance	\$866,000
Reserve Fund	\$ 50,000
Debt and Interest Payments	\$400,861
Capital Outlay	\$ 43,300
Total Budget Appropriation	\$1,493,201

and to meet said appropriation through:

- 1) the appropriation of One Million Thirty-Three Thousand Two Hundred and Eighty-Nine Dollars and No Cents (\$1,033,289.00) from Fiscal Year 2010 Sewer Enterprise Fund User Revenue, and
- 2) the appropriation of Three Hundred Sixty Thousand One Hundred and Ninety-Two Dollars and No Cents (\$360,192.00) from Sewer Betterment Collections, and
- 3) the appropriation of Ninety-Nine Thousand Dollars and No Cents (\$99,000.00) from Sewer Enterprise Retained Earnings.

Article 23 - Fiscal Year 2010 Omnibus Budget appropriation article

Recommendation of Approval- Board of Selectmen

Motion- Christopher Rucho, Allen Phillips

It was unanimously voted to raise and appropriate the sum of \$19,160,558 as printed in the town meeting warrant, amending line item Library Salaries as \$183,821 and line item Library Other Expenses \$83,179, necessary to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2010, the period of July 1, 2009 through June 30 2010, including the costs of public education, debt and interest payments, and providing municipal services, and reduce the tax rate by transferring the following sums;

Transfer \$360,000 from Ambulance Receipts Reserved to the General Fund

Transfer \$25,000 from Wachusett EMS Fund to the General Fund

Fiscal Year 2010 Omnibus Budget						
010	01	14	05100	000	Moderator Salary	1
					Other Expenses	50
010	01	14	06700	000	Moderator Other Charges	0
					TOTAL MODERATOR	51
010	01	22	05100	000	Selectmen Salaries	5
					Other Expenses	5,550
					TOTAL SELECTMEN	5,555
010	01	23	05100	000	Town Administrator Salaries	152,975
					Other Expenses	9,100
					TOTAL TOWN ADMINISTRATOR	162,075

010	01	31	06200	000	Finance Committee Purchased Services	0
010	01	32	06700	000	<i>Reserve Fund</i>	48,659
TOTAL FINANCE COMMITTEE						48,659
010	01	35	05100	000	Finance Director Salary and Wages	45,000
					Other Expenses	113,150
TOTAL FINANCE DIRECTOR						158,150
010	01	36	06200	000	<i>Town Audit</i>	38,000
012	01	36	06200	000	<i>Town Audit (Enc)</i>	0
TOTAL TOWN AUDIT						38,000
010	01	41	05100	000	Assessor's Salaries	27,503
					Other Expenses	51,985
TOTAL ASSESSORS						79,488
010	01	45	05100	000	Treasurer/Collector Salaries	125,098
					Other Expenses	18,665
TOTAL TREASURER/COLLECTOR						143,763
010	01	51	06200	000	Town Counsel	81,500
TOTAL TOWN COUNSEL						81,500
010	01	52	06700	000	Personnel Board Other Charges	0
TOTAL PERSONNEL BOARD						0
010	01	55	05100	000	Computer Salaries & Wages	0
					Other Expenses	56,190
010	01	55	06800	000	Computer Capital Outlay	4,500
TOTAL DATA PROCESSING						60,690
010	01	61	05100	000	Town Clerk Salaries	58,433
					Other Expenses	2,241
TOTAL TOWN CLERK						60,674
010	01	62	05100	000	Elections Salaries	9,900
					Other Expenses	10,917
TOTAL ELECTIONS & REGISTRATIONS						20,817
010	01	75	05100	000	Planning Board Salaries	3,000

010	01	92	05100	000	Public Safety H.Q. Salaries	20,430
					Other Expenses	41,010
					TOTAL PUBLIC SAFETY HEADQUARTERS	61,440
010	01	94	051**	000	Town Hall Salaries	12,670
					Other Expenses	138,400
					TOTAL TOWN HALL	151,070
010	01	95	06200	000	Print Town Report	2,000
					TOTAL PRINT TOWN REPORT	2,000
					TOTAL GENERAL GOVERNMENT	1,076,932

010	02	10	051**	000	Police Salaries	1,128,156
					Other Expenses	22,600
010	02	10	06300	000	Police Training	0
012	02	10	05800	207	Police Capital Outlay	19,463
					TOTAL POLICE	1,170,219
010	02	20	051**	000	Fire Salaries	449,922
					Other Expenses	56,100
010	02	20	06800	000	Fire Capital Outlay	0
					TOTAL FIRE	506,022
010	02	35	05100	000	Communications Salaries	196,895
					Other Expenses	37,100
					TOTAL PUBLIC SAFETY COMMUNICATIONS	233,995
010	02	41	051**	000	Building Inspector Salaries	82,445
					Other Expenses	7,100
					TOTAL BUILDING INSPECTOR	89,545
010	02	44	06200	000	Sealer of Weights Purchased Services	1,775
					TOTAL SEALER OF WEIGHTS	1,775
010	02	91	06200	000	Emergency Management Purchased Services	4,900
010	02	91	06400	000	Emergency Management Supplies	0
					TOTAL EMERGENCY MANAGEMENT	4,900
010	02	92	051**	000	Animal Control Salary	8,250
					Other Expenses	900

TOTAL ANIMAL CONTROL					9,300
TOTAL PUBLIC SAFETY					2,015,756

310	Education-Expenses	8,920,792
	TOTAL EDUCATION	8,920,792

010	04	20	051**	000	DPW Salaries	328,461
					Other Expenses	187,459
TOTAL DPW						515,920
010	04	23	051**	000	Snow Removal Salaries	52,324
					Other Expenses	52,000
TOTAL SNOW REMOVAL						104,324
010	04	24	06200	000	Street Lighting	81,761
TOTAL STREET LIGHTING						81,761
010	04	30	06200	000	Trash Removal and Tipping Fees	313,000
012	04	30	06200	208	Prior Year Bill	0
TOTAL TRASH REMOVAL & TIPPING						313,000
010	04	91	051**	000	Cemetery Salaries	35,910
TOTAL CEMETERY						35,910
TOTAL PUBLIC WORKS						1,050,915

010	05	11	05100	000	Board of Health Salaries	10,300
TOTAL BOARD OF HEALTH						10,300
010	05	41	05100	000	Council on Aging Salaries	43,471
Other Expenses						2,639
010	05	41	06200	000	Council on Aging Purchased Services	0
TOTAL COUNCIL ON AGING						46,110
010	05	43	051**	000	Veteran's Services Salary	1,581
Other Expenses						600
010	05	43	06780	000	Veteran's Benefits	42,324
TOTAL VETERANS SERVICES						44,505
TOTAL HUMAN SERVICES						100,915

010	06	10	051**	000	Library Salaries	183,821
					Other Expenses	83,179
					TOTAL LIBRARY	267,000
010	06	92	06400	000	Memorial Day Supplies	0
010	06	95	06200	000	Arts Council Purchased Services	0
					TOTAL OTHER CULTURE AND RECREATION	0
					TOTAL CULTURE AND RECREATION	267,000

010	07	10	06910	000	Maturing Debt-Principal	1,150,301
010	07	50	06915	000	Maturing Debt-Interest	413,450
010	07	53	06925	000	Interest on Temporary Loans	1,350
					TOTAL DEBT SERVICE	1,565,101

010	08	40	06780	000	Regional Planning Assessment	1,509
					TOTAL INTERGOVERNMENTAL	1,509

010	09	11	05170	000	County Retirement Assessment	554,734
010	09	12	05170	000	Workers Compensation Insurance	42,000
010	09	13	05170	000	Unemployment Compensation	150,000
010	09	14	05170	000	Group Health Insurance Premiums	3,106,904
010	09	15	05170	000	Group Life Insurance Premium	13,000
010	09	16	05170	000	Medicare-Town's Share	155,000
010	09	45	06740	000	General Insurance	140,000
012	09	45	07740	000	Self-Insurance Deductible Expenses	0
					TOTAL EMPLOYEE BENEFITS	4,161,638

GRAND TOTAL **\$19,160,558**

Article 24– authorization to transfer unexpended funds from FY 2009 appropriations and other necessary transfers to the FY 2009 appropriations

Recommendation of Approval- Board of Selectmen, Finance Committee
Motion- Allen Phillips, Christopher Rucho

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

Amount Transferred	FROM	TO
\$ 20,000	010-09-14-05170.000 Health Insurance	010-04-23-05100 Snow and Ice Salaries

\$155,000	010-09-14-05170.000 Health Insurance	010-04-23-06400 Snow and Ice Supplies
\$ 13,000	012-01-22-07700.209 ATM 5-08 #37 Bicentennial Public Safety	010-01-23-06200 Town Administrator Purchase Services
<u>\$ 16,000</u>	010-04-20-5100 DPW Salaries & Wages	010-04-20-6400 DPW Supplies
\$204,000	TOTAL TRANSFER	

Article 25 – Authorization to pay bills from a previous FY

Recommendation of Approval- Board of Selectmen

Motion- Kevin McCormick, Allen Phillips

It was unanimously voted to **Pass Over** this article. This would have allowed the town to appropriate a sum of money to pay a bill from a previous fiscal year being held by the Finance Director in his capacity as Town Accountant for which no encumbered funds are available.

Article 26 – Authorization to appropriate Ambulance Receipts Reserved for appropriation for Ambulance Billing Expenses

Recommendation of Approval- Chief Richard Pauley, Finance Committee

Motion- Valmore Pruneau., Christopher Rucho

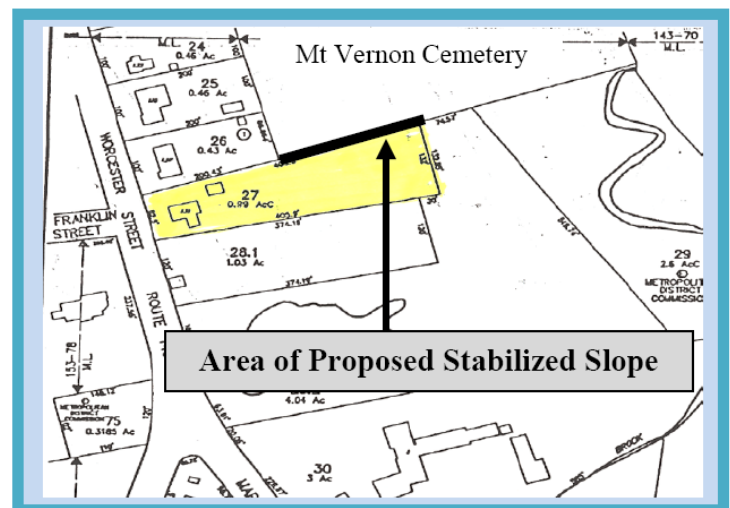
It was unanimously voted to appropriate the sum of Eighteen Thousand Dollars and No Cents (\$18,000.00) from the ambulance receipts reserved for appropriation to be expended by the Fire Chief to pay the costs associated with the Fire Department Ambulance Billing Service.

Article 27 – Authorization for Slope Easement

Recommendation of Approval- Cemetery Trustees, Finance Committee

Motion- Steven Quist, Valmore Pruneau

After a brief presentation from Cemetery Trustee Aaron Goodale it was unanimously voted to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purpose of protecting certain Town cemetery land by having the surface of the land adjoining the cemetery land slope towards its boundary with the cemetery land, said easement to be acquired upon a strip fifty feet in depth and 204.47± feet in length upon property located at Worcester Street (Route 140) shown as Parcel 27 on Assessors Map 152, and a temporary construction easement upon said property for the purpose of grading said slope.



Article 28 - Establish A Regional School District Planning Committee

Recommendation of Approval- Shared Services Committee

Motion- James Ryan , Cheryl Carlson

It was unanimously voted to create a special unpaid committee to be known as a Regional School District Planning Committee, to consist of three members, including one member of the School Committee, to be appointed by the Moderator in accordance with the provisions of Section 14 of Chapter 71 of the General Laws, as amended.

Article 29 – Vote to Appropriate Funds from the Community Preservation Revenues

Recommendation of Approval- Community Preservation Committee

Motion 1- David Sweetman, Kevin McCormick

To divide and consider Projects A-C individually.

Unanimously voted

Motion 2- Patrick Crowley, floor

I move that the town vote that \$4,000 be appropriated from the Community Housing Reserve to fund for Affordable Housing Purposes a Housing Production Plan.

Unanimously Voted

Motion 3- Patrick Crowley, floor

I move the town vote that \$20,000 be appropriated from the Historic Resources Reserve and \$1,000 be appropriated from the 2009 CPA Budgeted Reserve to fund for Historic Preservation purposes the digitization of town records.

Unanimously voted

Motion 4- Patrick Crowley, floor

I move the town vote that \$59,000 be appropriated from the 2009 CPA Budgeted Reserve to fund for Historic Preservation purposes repairs to the Beaman Memorial Library.

Unanimously voted

Project	Total Appropriation	Source of Appropriation
Appropriations:		

A	To fund for affordable housing purposes a Housing Production Plan	\$4,000	\$4,000 the Community Housing Reserves
B	To fund for historic preservation purposes the digitization of town records	\$21,000	\$20,000 From Historic Resources Reserves and \$1,000 from the 2009 CPA Budgeted Reserve
C	To fund for historic preservation purposes repairs to the Beaman Memorial Library	\$59,000	\$59,000 From Historic Resources

Article 30 – Authorization to appropriate funds from the Community Preservation Revenues

Recommendation of Approval- Community Preservation Committee

Motion- Patrick Crowley, Allen Phillips

It was unanimously voted to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2010, with each item to be considered a separate appropriation:

Appropriations:

From FY 2010 estimated revenues for Committee Administrative Expenses	5%	\$10,000
---	----	----------

Reserves:

From FY 2010 estimated revenues for Historic Resources Reserve	10%	\$20,000
From FY 2010 estimated revenues for Community Housing Reserve	10%	\$20,000
From FY 2010 estimated revenues for Open Space Reserve	10%	\$20,000
From FY 2010 estimated revenues for Budgeted Reserve	65%	\$130,000

Article 31– Appropriation to fund an Elderly Community Services Program

Recommendation of Approval- Council on Aging

Motion- Christopher Rucho Allen Phillips

It was unanimously voted to transfer the sum of Eleven Thousand Dollars and No Cents (\$11,000.00) from Certified Free Cash 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 32 – Authorization to transfer funds to the Unemployment Compensation Trust Fund

Recommendation of Approval- Board of Selectmen

Motion- Allen Phillips, Valmore Pruneau

It was unanimously voted to transfer \$23,450 from the Unemployment Insurance Compensation Account, Budget Line Item #09-13-5170, to the Unemployment Compensation Trust Fund.

Article 33 – Authorization to establish a Revolving Fund for Pay-As-You-Throw for FY 09

Recommendation of Approval- Board of Selectmen, Finance Committee

Motion- Kevin McCormick, 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 purchase of trash bags and the operation of the town's pay-as-you-throw trash program;
- b) to be the depository for any revenues derived from the sale of trash bags;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2009 set at \$25,000.00; and
- d) to have the Department of Public Works be the only authority empowered to expend monies from this fund.

Article 34– Authorization to re-establish a Revolving Fund for Pay-As-You-Throw for FY10

Recommendation of Approval- Board of Selectmen

Motion- Kevin McCormick, 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 purchase of trash bags and the operation of the town's pay-as-you-throw trash program;

- b) to be the depository for any revenues derived from the sale of trash bags;
- c) to have a limit on the total amount which may be spent from the fund in Fiscal Year 2010 set at \$127,250; and
- d) to have the Department of Public Works be the only authority empowered to expend monies from this fund.

Article 35 – Authorization to set Demand Charges for Delinquent Local Taxes

Recommendation of Approval- Treasurer Tax Collector

Disapproval- Finance Committee

Motion- Valmore Pruneau, Christopher Rucho

It was voted by simple majority to charge for each written demand issued by the collector a fee of Ten Dollars and No Cents (\$10.00) to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15.

Article 36- Authorization to appropriate funds for post-closure Landfill Monitoring

Recommendation of Approval- Board of Selectmen

Motion- Steven Quist, Allen Phillips

It was unanimously voted to raise and appropriate the sum of Twenty Three Thousand Five Hundred Dollars and No Cents (\$23,500.00) for post-closure landfill monitoring required by the Department of Environmental Protection for fiscal years 2009 and future years.

Article 37 - Authorization to expend funds from the Stabilization Fund for Ice Storm Damage

Recommendation of Approval- Board of Selectmen, Finance Committee

Motion- Christopher Rucho, Valmore Pruneau

It was voted by 2/3rd's majority as declared by the Moderator, the expenditure of \$275,000 from the Stabilization Fund to cover the town's portion of the ice storm clean up and brush removal from the December 2008 ice storm and that any unexpended funds remaining as of December 31, 2009 will revert back to the Stabilization Fund.

Article 38 – Authorization to transfer funds to the Stabilization Fund

Recommendation of Approval- Board of Selectmen

Motion- Allen Phillips, Christopher Rucho

It was unanimously voted to **Pass Over** this article. This article would have transferred money to the Stabilization Fund.

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

Recommendation of Approval- Board of Selectmen

Motion- Kevin McCormick, Valmore Pruneau

It was unanimously voted to **Pass Over** this article. This article would have allowed the town to raise or appropriate money to the Capital Investment Fund.

Article 40 – Authorization to expend funds from the Capital Investment Capital Equipment

Recommendation of Approval- Board of Selectmen

Motion- Valmore Pruneau., Allen Phillips

It was unanimously voted to **Pass Over** this article. This would have allowed the town to expend money from the Capital Investment Fund for the purchase of items as recommended by the Capital Investment Board.

Article 41– Authorization to transfer money from the Sewer Enterprise Fund

Recommendation of Approval- Board of Selectmen, Finance Committee

Motion- Steven Quist, Valmore Pruneau

It was unanimously voted to transfer the sum of Thirty-one Thousand, Seven Hundred Fifty-Two Dollars and Eighty-three Cents (\$31,752.83) from the Sewer Enterprise Fund to repay the General Fund and/or Stabilization Fund for start-up betterment costs.

Article 42 – Authorization to amend the General Bylaws of the town by adding Article XXXVI - Traffic

Recommendation of Approval- Chief Minnich, Bylaws Committee, Finance Committee

Motion- Christopher Rucho, Allen Phillips

It was voted by simple majority to amend the General Bylaws of the Town by adding Article XXXVI TRAFFIC as found on the town’s website at www.westboylston-ma.gov and on file with the Town Clerk, and further, to amend Article XXV of the General Bylaws of the Town, entitled Non-Criminal Disposition, to include in the Schedule therein the fines stated in Section 3 of said Traffic Bylaws.

Proposed bylaws of the Town of West Boylston

ARTICLE XXXVI

TRAFFIC

§ 1.	Definitions	2
§ 2.	Approval of Massachusetts Highway Department	4
§ 3.	Penalties	5
§ 4.	Push Carts and Riding Animals	5
§ 5	Sleds and Roller Skates	5
§ 6.	Exemptions from Traffic Ordinances	5
§ 7.	Experimental Regulations	5

OPERATION OF VEHICLES

§ 8.	Clinging to Moving Vehicles	6
------	-----------------------------	---

§ 9.	Riding on Vehicle Prohibited	6
§ 10.	Vehicle Weight Exclusions	6
§ 11.	Restricting Collection and Deliveries	7
§ 12.	Keep to the Right of Roadway Division	7
§ 13.	Overtaking Other Vehicles	7
§ 14.	Sound Horn When Necessary	7
§ 15.	Obstructing Intersection or Crosswalk	7
§ 16.	Following Too Closely	8
§ 17.	Care in Starting, Stopping, Turning or Backing	8
§ 18.	Underpasses or Overpasses and Intersections with Islands	8
§ 19.	Driving on Roads Under Construction	9
§ 20.	Driving on Sidewalks	9
§ 21.	Emerging from Alley, Private Driveway, or Building	9
§ 22.	Opening Vehicle Doors	9
§ 23.	Funeral Processions	9
§ 24.	Permits for Parades	10
§ 25.	Obedience to Traffic Signs and Signals	10
§ 26.	Obedience to Stop Signs	10
§ 27.	Obedience to Yield Signs	10

TRAFFIC SIGNS, SIGNALS, MARKINGS, AND DEVICES

§ 28.	Traffic Control Signal Legend	11
§ 29.	Display of Unauthorized Signs, Signals and Markings	12
§ 30.	Interference with Signs, Signals and Markings	13

CIRCULATION REGULATIONS

§ 31.	Passenger Curb Loading Zone	13
§ 32.	Commercial Curb Loading Zone	13
§ 33.	Obstructing Travel by Stopping Vehicle	13
§ 34.	Prohibited Left Turns	13
§ 36.	Prohibited Right Turns	14
§ 37.	Right Turn Only	14
§ 38.	“U” Turns	14

SPEED REGULATIONS

§ 39.	Speed Regulations	14
-------	-------------------	----

PEDESTRIAN CONTROL REGULATIONS

§ 40.	Crossing Ways or Roadways	15
§ 41.	Actuation of Traffic Control Signals	15
§ 42.	Obedience to Traffic Control Signals	15
§ 43.	Operators to Exercise Due Care	16
§ 44.	Exemptions	16

§ 1. Definitions

(a) For the purpose of this chapter, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning.

“bicycle” - any wheeled vehicle propelled by pedals and operated by one or more persons.

"bus stop" - an area adjacent to the edge of a roadway reserved and designated for the boarding of or alighting from buses.

"commercial loading zone" - space adjacent to the edge of a roadway reserved and designated for the exclusive use of commercial vehicles during the loading or unloading of freight.

"commercial vehicle" - any vehicle designed, maintained or used in the transportation of goods, wares, or merchandise for commercial purposes, which is registered with the Registry of Motor Vehicles as a commercial vehicle.

"crosswalk" - that portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

"driveway" - a private way connecting a house, garage or other building or area requiring a vehicular access with the street and designated by a proper curb cut having a Street Access Permit approved by the Board of Selectmen under Article XII, Section 8 of these Bylaws.

"emergency vehicle" - vehicles of the fire department or police department or ambulances and emergency vehicles of federal, state and municipal departments.

"intersection" - the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more streets which join one another or the area within which vehicles traveling upon different streets joining at an angle may come in conflict

"lane" - a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

"officer" - any member of the West Boylston Police Department, provided such officer is in uniform or presents his/her badge of office, or any other officer authorized to direct or regulate traffic or to make arrests for the violation of traffic regulations.

"official traffic control devices" - all signs, signals, markings, and devices conforming to the standards as prescribed by the Massachusetts Highway Department consistent with these bylaws placed or erected by the authority of a public body or official having jurisdiction, for the purpose of regulating, directing, warning, or guiding traffic.

"passenger zone" - a place adjacent to the edge of a roadway reserved and designated for the exclusive use of vehicles during the loading or unloading of passengers.

"pedestrian" - any person afoot or riding on a conveyance moved by human power, except bicycles.

"roadway" - that portion of a street or highway between designated curb lines or that part improved and intended to be used for vehicular traffic.

"rotary traffic" - counterclockwise operation of vehicles around an object or structure.

"sidewalk" - that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, set aside for the use of pedestrians.

"standing" - the non-temporary stopping of a vehicle, whether occupied or not, except that a vehicle shall not be deemed to be standing when it is stopping for the purpose of and while actually engaged in receiving or discharging passengers or in compliance with the instructions of a police officer, traffic control sign or signal, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle..

"street or highway" - the entire width between property lines of every way open to the use of the public for the purpose of travel.

"taxicab stand" - a space adjacent to the edge of a roadway where taxicabs are required to park while waiting to be hired.

"thickly settled district" - the territory contiguous to any way which is built up with business structures or dwelling houses whose location will average less than two hundred (200) feet between them for a distance of a quarter of a mile or more.

"through-way" - any way within the town's jurisdiction where vehicular traffic from intersecting streets or highways is required to stop before entering or crossing.

"traffic" - pedestrians, ridden or herded animals, vehicles or other conveyances individually or collectively using any street or highway for the purpose of travel.

"traffic island" - an area or space set aside within a roadway, which is not intended for use by vehicular traffic.

"u turn" - the turning of a vehicle by means of a continuous turn whereby the direction of such vehicle is reversed.

"vehicle" - a device in, upon or by which any person or property is or may be transported, or used on a street or highway, including bicycles, when the provisions of these bylaws are applicable to them.

§ 2. Approval of Massachusetts Highway Department

The town shall submit for the approval of the Massachusetts Highway Department all amendments to this Article which may require the approval of the Massachusetts Highway Department. The town shall duly retain such amendments and they shall be open to public inspection and published at least once in a local newspaper.

§ 3. Penalties

(a) Any person violating a subsection of this Article shall be punished by a fine according to the following schedule:

- | | | |
|----|---|----------|
| a. | first offense in any 12 month period | \$ 60.00 |
| b. | second offense in any 12 month period | \$ 90.00 |
| c. | third and any subsequent offense in any 12 month period | \$120.00 |

(b) Unless a different penalty is expressly stated in this Article or other parts of the bylaws.

§ 4. Push Carts and Riding Animals

Every person propelling any push cart, riding an animal upon a roadway, or driving an animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their nature can have no application.

§ 5. Sleds and Roller Skates

No person upon roller skates or riding in or by means of any sled, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall apply to any street or roadway open to public use as such unless the same is closed by issuance of a permit from the director of public works and under such restrictions the Board of Selectmen shall prescribe.

§ 6. Exemptions from Traffic Bylaws

The provisions of this chapter shall not apply to operators, lawfully upon or actually engaged in work upon a street or highway closed to travel or under construction or repair or to officers when engaged in the performance of public duties, or to operators of emergency vehicles while operating in an emergency and in performance of public duties, when the nature of the work of any of these activities necessitates a departure from any part of this chapter. These exemptions shall not, however, exempt the operator of any vehicles from the consequences of his/her actions.

§ 7. Temporary Regulations

For the purposes of experiment, the Board of Selectmen may promulgate temporary traffic rules regulating traffic for a period not exceeding ninety (90) days for the purpose of studying the effect of such traffic regulations under actual conditions, notwithstanding that such temporary regulations may be inconsistent with the provisions of this chapter. No such temporary regulation shall be in force unless such regulations have been duly published in accordance with law and official signs, signals, markings or other devices are displayed.

OPERATION OF VEHICLES

§ 8. Clinging to Moving Vehicles

No person traveling upon a sled, roller skates, coaster, bicycle or any toy vehicle or mechanism shall cling to, or attach himself or herself to any other moving vehicle upon any roadway.

§ 9. Riding on or in Vehicle Prohibited

(a) No person shall ride on or in any portion of a motor vehicle not designated or intended for the use of passengers.

(b) No person shall board or alight from a vehicle while it is in motion.

§ 10. Vehicle Weight Exclusion

(a) When official signs are posted specifying weight exclusion for vehicles, no commercial vehicle exceeding the posted authorized carrying capacity shall be permitted upon such posted streets.

(b) An exception to Section 10(a) is made for the delivery and pickup of materials to and from

premises abutting upon posted streets which specify weight exclusions or to adjacent streets which cannot be reached by other public ways. This section shall not apply to emergency vehicles as herein defined, or to buses.

(c) Any person violating this section shall be punished by a fine of one hundred dollars (\$100.00).

§ 11. Restricting Collection and Deliveries

When official signs are erected giving notice thereof, there shall be no collection or delivery of goods or materials of any kind between the hours posted on streets or parts of streets except in an emergency, and then only as authorized by the Chief of Police covering one day's delivery or collection.

§ 12. Keep to the Right of Roadway Division

On roadways which are divided by a parkway, grass plot, reservation, viaduct, or by any structure or area, operators shall keep to the right of such a division except when otherwise directed by an officer, signs, signals or markings.

§ 13. Overtaking Other Vehicles

The operator of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless traffic markings allow such passage and there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead and without causing the operator of any such vehicle to change speed or alter course, except as provided in G.L. c. 89, § 2.

§ 14. Sound Horn When Necessary

The operator of a vehicle shall give an audible warning with his or her horn or other suitable warning device whenever necessary to ensure safe operation of a vehicle.

§ 15. Obstructing Intersection or Crosswalk

No operator shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle that he or she is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic control signal indication to proceed.

§ 16. Following too Closely

The operator of a vehicle shall not follow another vehicle so closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

§ 17. Care in Starting, Stopping, Turning or Backing

Before starting, stopping, turning from a direct line, or backing up, the operator of any vehicle shall first see that such movement can be made safely. If the operation of another vehicle could be affected by a stopping or turning movement, the operator of such vehicle shall be given a plainly visible signal.

§ 18. Operation at Underpasses or Overpasses and at Intersections with Islands

Operators of vehicles shall proceed only as indicated by official signs, signals, or markings at any junction or crossing of ways where the roadway grade has been separated and where the ways are

connected by ramps, and at any intersection of ways in which there are traffic islands.

§ 19. Driving on Roads Under Construction

(a.) No operator shall cause a vehicle to enter any street or highway or section thereof when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel and one or more signs, lights or signals have been erected to indicate that all or part of the street or highway is not to be use or when so advised by an officer either audibly or by signals.

(b) Whenever traffic signs or warning lights are erected or warning lights are displayed in or adjacent to a street or highway to notify the presence of personnel and equipment in such street, every operator of a vehicle shall regulate the speed of his vehicle a degree consistent with the particular condition to ensure public safety.

§ 20. Driving on Sidewalks

The operator of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway.

§ 21. Emerging from Alley, Private Driveway, or Building

The operator of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to entering the roadway or the sidewalk extending across such alley or driveway and shall yield the right of way to any pedestrian as may be necessary to avoid collision. Upon entering the roadway the operator of a vehicle shall yield the right of way to all vehicles approaching upon the roadway.

§ 22. Opening Vehicle Doors

No person shall open the door of a vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so. No person shall leave a vehicle door open on the side of the vehicle adjacent to moving traffic for longer than necessary to load and unload passengers.

§ 23. Funeral Processions

(a) All vehicles in a funeral procession shall turn their headlights and taillights on while driving in the procession.

(b) All vehicle operators included in a funeral procession shall keep as near to the right edge of the roadway as is safe and feasible and follow the vehicle in front of it, as practicable.

(c) The operator of the first vehicle in a funeral procession shall be the only one governed by the traffic signal indication or the stop or yield sign at an intersection where there is a stop sign, yield sign or red light traffic control signal.

§ 24. Permits for Parades

No person, group of persons or group of vehicles shall march or parade upon any street or part thereof except under a permit of the Chief of Police designating the route of such parade There shall be no deviation from the route designated by the Chief of Police and such other requirements as are set forth herein. This section shall not apply to § 23 of this chapter, the police and fire departments of the town, nor to the units described in G.L. c. 33, § 50, dealing with the military and naval forces of the United States, or veterans and affiliated organizations.

§ 25. Obedience to Traffic Signs and Signals

The operator of any vehicle or bicycle shall obey the instructions of any official traffic control sign, signal, device, marking or legend, unless otherwise directed by a police officer in the performance of his or her duty. Every such operator shall comply with the order, signal or direction of a police officer notwithstanding any bylaw in this Article to the contrary.

§ 26. Obedience to Stop Signs

(a) In accordance with the provisions of G.L. c. 89, § 9, every operator of a vehicle approaching an intersection of ways where there exists facing him an official “stop” sign, or an official flashing red signal indication, shall bring his or her vehicle to a complete stop at such point as may be marked by a sign or line; or if a point is not so marked, before entering the crosswalk. If there is no such crosswalk, then the complete stop shall be made at the point closest to the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway before entering the intersection.

(b) This section shall not apply when the traffic is otherwise directed by a police officer or traffic control signals, or as provided in § 25 of this chapter.

§ 27. Obedience to Yield Signs

(a) Every operator of a vehicle approaching an intersection of ways where there exists facing him or her an official "yield" sign, shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways.

(b) This section shall not apply when the traffic is otherwise directed by a police officer or traffic control signal, or as provided in § 25 of this chapter .

TRAFFIC SIGNS, SIGNALS, MARKINGS AND DEVICES

§ 28. Traffic Control Signal Legend

(a) Colors and arrow indications in traffic control signals shall have the commands ascribed to them in this section and no other meanings; and every operator of a vehicle shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign, or except as provided in § 25 of this chapter.

(b) An operator of a vehicle shall not enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic control signals.

(c) While the green lens is illuminated, operators facing the signal may proceed through the intersection, but shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal is exhibited. Operators of vehicles making a right or left turn shall yield the right of way to pedestrians crossing with the flow of traffic.

(d) As applicable, when a right green arrow is illuminated, operators facing the signal may turn right. When a left green arrow is illuminated, operators facing the signal may turn left. When a vertical green arrow is illuminated, operators facing the signal may go straight ahead. When a green arrow is

exhibited together with a red or a yellow lens, operators may enter the intersection to make the movement permitted by the arrow, but shall yield the right of way to vehicles and pedestrians proceeding from another direction on a green indication.

(e) While the yellow lens is illuminated, waiting operators shall not proceed and any operator approaching the intersection or a marked stop line shall stop unless the operator is so close to the intersection that a stop cannot be made safely. If a green arrow is illuminated at the same time, operators may enter the intersection to make the movement permitted by such arrow.

(f)(1) Traffic facing a steady red signal shall stop at a clearly marked stop line. If there is no light, traffic shall stop before entering the crosswalk on the near side of the intersection or if there is no crosswalk, then before entering the intersection and shall remain standing until an indication to proceed is shown except as allowed by G.L. c. 89, §8.

(f)(2) No driver of a vehicle facing a red signal indication shall make a right turn, or a left turn from a one-way street into another one-way street, where official traffic signs are installed and maintained prohibiting such a turn.

(g) While the red and yellow lenses' are illuminated together, operators shall not enter the intersection. During such time the intersection shall be reserved for the exclusive use of pedestrians.

(h) A flashing red lens shall indicate the intersections at which an operator is required by law to stop before entering.

(i) A flashing yellow lens shall indicate the presence of a hazard and operators may only proceed with caution.

(j) A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or crossing traffic. Operators may proceed only with caution and shall be prepared to comply with a change in the signal to a yellow and red indication.

§ 29. Display of Unauthorized Signs, Signals and Markings

No person shall place, maintain, or display upon or in view of any street any unofficial sign, signal, device or marking which purports to be or is an imitation of or resembles an official traffic sign, signal, device or marking, or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The Chief of Police is authorized to remove every such prohibited sign, signal, device or marking or cause it to be removed without notice and he shall receive the cooperation of the Department of Public Works of the town in the performance of this duty.

§ 30. Interference with Signs, Signals and Markings

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal, device or marking shall be liable to a penalty not exceeding one hundred (\$100.00) dollars for each offense.

§ 31. Passenger Curb Loading Zone

When official signs are posted giving notice thereof, no person shall stop, stand or park any vehicle at any curb adjacent to the entrance of a building housing twelve (12) or more apartments, bank, church, hotel, railroad station, public building or any place of public assemblage, except for the, purpose

of picking up or dropping off passengers. Such entrance shall be designated as a passenger zone by the Board of Selectmen. The Board of Selectmen may remove such signs if it no longer designates a building of such specified use.

§ 32. Commercial Curb Loading Zone

When official signs are posted giving notice thereof, no person shall stop, stand or park any commercial vehicle at any curb designated as a commercial loading zone for any purpose or for any length of time other than for the expeditious unloading, delivery or pick up and loading of material not to exceed thirty (30) minutes during applicable loading zone hours. Such a zone shall be designated by the Board of Selectmen.

§ 33. Obstructing Travel by Stopping Vehicle

No person shall stop any vehicle on any street in such a manner as to hinder or obstruct public travel.

CIRCULATION RESTRICTIONS

§ 34. Prohibited Left Turns

The operator of any vehicle or other conveyance shall not make a left turn from one street into another at the street intersections when official signs are erected giving notice thereof.

§ 35. Turning Movements

(a) Where official traffic control devices are erected directing specific traffic to use a designated lane or designating lanes to be used by traffic moving in a particular direction regardless of the center of the roadway or to prohibit a turn or to make a required turn at an intersection of roadways, drivers of vehicles shall obey the direction of every device.

§ 36. Prohibited Right Turns

The operator of a vehicle or other conveyance shall not make a right turn from one street into another when official signs are posted giving notice thereof,

§ 37. Right Turn Only

The operator of a vehicle shall make a right turn only when proceeding in the direction indicated when official signs are erected giving notice thereof.

§ 38. "U" Turns

(a) The operator of any vehicle shall not make a "U" turn unless such movement can be made safely and without interfering with other traffic.

(b) The operator of a vehicle shall not make a "U" turn when official signs are erected giving notice thereof.

SPEED REGULATIONS

§ 39. Speed Regulations

(a) No person shall operate a vehicle in excess of the posted speed limits.

(b) No person shall operate a vehicle at a speed greater than reasonable and prudent with regard to

traffic and the use of the way and the safety of the public. When no speed limit signs are erected, vehicles shall not exceed thirty (30) miles per hour in a thickly settled district and shall not exceed forty (40) miles per hour in a non-thickly settled district.

(c) No vehicle shall exceed twenty (20) miles per hour in a posted school zone.

PEDESTRIAN CONTROL REGULATIONS

§ 40. Crossing Ways or Roadways

(a) Pedestrians shall obey the directions of officers directing traffic. Whenever there is an officer directing traffic, or whenever there is a traffic control signal within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except at such controlled location. Pedestrian crossings shall be made within the limits of marked crosswalk and as hereinafter provided.

(b) It shall be unlawful for any person to activate a pedestrian control signal or enter a crosswalk unless the person intends to cross the roadway.

§ 41. Activation of Traffic Control Signals

(a) At a traffic control signal location where pedestrian indications are provided but which are shown only upon activation by a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian control signal push button has been activated and the pedestrian shall then cross only on the proper pedestrian signal indication. At traffic control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication for such crossing. If necessary, the green indication shall be activated by the pedestrian by means of a push button.

(b) At a traffic control signal location, pedestrians shall yield the right of way to vehicles of a funeral or an authorized emergency vehicle in its performance of emergency duties regardless of the signal indication given. Pedestrians shall not attempt to cross the roadway until such emergency vehicles or funeral procession has passed, at which time pedestrians shall then cross the roadway only as provided herein.

§ 42. Obedience to Traffic Control Signals

Traffic control signal color indications and legends shall have the commands ascribed to them in this section and not other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer.

(a) Red and yellow or the word "walk" - Whenever the red and yellow lenses are illuminated together or the single word "walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signals only.

(b) Red alone, "wait" or "don't walk" - At locations where pedestrian indications are provided, whenever the words "wait" or "don't walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal but any pedestrian who has partially completed his or her crossing on the walk indication shall either proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication, the "wait" indication or when the words "don't walk" are illuminated by rapid intermittent flashes.

(c) Green alone - At traffic control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication while exercising caution.

(d) Yellow alone, red alone, "wait" or flashing "don't walk" - Pedestrians approaching or facing yellow, red, "wait" or flashing "don't walk" illuminated indications shall not start to cross a roadway.

(e) Flashing red, flashing yellow or flashing green - At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall activate, where provided, the pedestrian indication signal indication, and cross the roadway only on the red-yellow or "walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

§ 43. Operators to Exercise Due Care

(a) The provisions of these ordinances shall in no way abrogate the provisions of G.L. c. 90, §§14 and 14A. In the event of a conflict between these bylaws and the general laws, the provisions of the general laws shall control.

(b) Notwithstanding the provisions of these bylaws, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary. Each vehicle operator shall exercise proper precautions which may become necessary for safe operation.

§ 44. Exemptions

The provisions of these bylaws governing the use of ways by pedestrians shall not apply to pedestrians engaged in work upon a roadway closed to travel or under construction or repair, by municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties, or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these bylaws.

And to further amend Article XXV Non-Criminal Disposition by adding;

ARTICLE XXXVI TRAFFIC	
Sections 3 Penalties	Police Officer First Offense \$60.00 Second Offense \$90.00 Third and any Subsequent Offense \$120.00

Article 43 – Authorization to accept Mass General Laws Chapter 152, Section 69

Recommendation of Approval- Board of Selectmen, Finance Committee
Motion- Allen Phillips, Christopher Rucho

It was voted by simple majority to accept the provisions of Mass General Laws Chapter 152, Section 69 to include within the terms “laborers, workmen and mechanics” such elected or appointed officers of the town, except the Selectmen or members of the police or fire force, as the Selectmen may, from time to

time, designate, so as to allow such elected or appointed officials to be covered under the town's workers' compensation coverage.

Article 44 – Authorization to borrow funds Municipal Buildings Project

Recommendation of Approval- Municipal Building Committee

Motion- Kevin McCormick, Allen Phillips

After much discussion a hand vote was taken with the following results; 98 for and 69 against, the motion failed to meet the 2/3rd's majority by 14 votes.

This Article would have authorized the Board of Selectmen to acquire, by purchase, gift or eminent domain, for general municipal purposes, including without limitation, for town hall purposes, a parcel of land located at 150 Hartwell Street, described in a deed recorded with the Worcester South District Registry of Deeds in Book 22449, Page 102, and that \$4,500,000 is appropriated in order to pay costs associated with the purchase, remodeling, making extraordinary repairs, equipping and furnishing, and related site improvements to a building located at 150 Hartwell Street, including all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$4,500,000 under Chapter 44 of the General Laws or any other enabling authority, that the Treasurer, Finance Director or any other official of the Town, with the approval of the Board of Selectmen is authorized to contract for and expend any federal or state aid available for the project, which shall be expended in addition to the amount appropriated by this vote; and that the Board of Selectmen, Treasurer and Finance Director is authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c. 59, § 21C (Proposition 2 ½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

Motion to adjourn 10:50 p.m.

Attest;

Kim D. Hopewell
Town Clerk