

**TOWN OF WEST BOYLSTON  
SEMI-ANNUAL TOWN MEETING  
OCTOBER 18, 1999**

The Semi-annual Town Meeting under the foregoing warrant was held in the auditorium of the West Boylston Middle/High School on October 18, 1999 and was called to order at 7:10 p.m. by Moderator John L. Sullivan.

Upon motion of David J. Sweetman, Second by Charles A. Stevens, it was unanimously voted to waive the reading of the warrant.

**Article 1.** Upon motion of Wayne M. LeBlanc, second by David J. Sweetman, it was unanimously voted to hear the reports of the officers and standing committees of the town. Ellen Dunlap spoke on behalf of the Finance Committee to explain their written report; Ellen Dolan gave a progress report on the construction/renovation project at the library; and Michael Cohen presented the third report of the Town-Wide Planning Committee.

**Article 2.** Upon motion of Wayne M. LeBlanc, second by David J. Sweetman, it was unanimously voted to pass over this article, which would have transferred a sum of money to the Capital Investment Fund.

**Article 3.** Upon motion of Wayne M. LeBlanc, second by David J. Sweetman, it was unanimously voted to pass over this article, which would have transferred a sum of money to the Stabilization Fund.

**Article 4.** Upon motion of David J. Sweetman, second by Charles A. Stevens, it was unanimously voted to appropriate the sum of \$43,848.20 from the Fiscal Year 1999 Sewer Enterprise Surplus Account to the fiscal year 2000 Sewer Enterprise Fund.

**Article 5.** Upon motion of James A. Ryan, second by David J. Sweetman, it was unanimous voted to appropriate the sum of \$414.95 from the additional FY 1999 Lottery Aid authorized by Chapter 68 of the Acts of 1999. Said sum to pay the following bills being held by the Town Accountant from prior fiscal years for which no encumbered funds are available:

- (1) A bill dated June 20, 1999 for a legal advertisement in the Boston Globe for the Planning Board in the amount of \$255.85;
- (2) A bill dated June 30, 1999 for a legal advertisement in the Telegram and Gazette for the Planning Board in the amount of \$59.10; and
- (3) Bills for reimbursement of training expenses for members of the Finance Committee in the amount of \$100.00.

**Article 6.** Upon motion of James A. Ryan, Second by David J. Sweetman, it was unanimously voted to pass over this article that would have appropriated a sum of money for funding overrun costs for the library renovation and expansion project.

**Article 7.** The motion for this article was made by Charles A. Stevens with a second by Wayne M. LeBlanc. Following much discussion about the pros and cons of revising the manner in which real estate abatements are allowed for the elderly, this article was defeated.

**Article 8.** Charles A. Stevens made the motion for this article with a second by Wayne M. LeBlanc. The article to increase certain abatements was defeated by a vote of 39 in favor and 46 opposed.

**Article 9.** Upon motion of Wayne M. LeBlanc, second by Charles A. Stevens, it was unanimously voted to authorize the Board of Selectmen to petition the General Court of the Commonwealth for special legislation relative to the election of the Board of Water Commissioners of the West Boylston Water District, to read substantially as follows:

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

**An Act Relative to the Election of the Board of Water Commissioners of the West Boylston Water District**

**Section 1.** Notwithstanding any contrary provisions of Section 9 of Chapter 352 of the Acts of 1933, members of the Board of Water Commissioners of the West Boylston Water District shall be elected by ballot at the Town of West Boylston annual town election. Said office of the Water District shall appear on the same ballot as the elected officers of the Town of West Boylston.

**Section 2.** The provisions of this Act shall be deemed consistent with Chapter 33 of the Acts of 1999. This Act shall affect only the manner of electing the Board of Water Commissioners and shall not affect the existing term of any commissioners elected prior to or as a result of the enactment of Chapter 33 of the Acts of 1999.

**Section 3.** This Act shall take effect upon its passage.

**Article 10.** Upon motion of Charles A. Stevens, second by Wayne M. LeBlanc, it was unanimously voted to waive the reading of this article.

Upon motion of Wayne M. LeBlanc, second by Charles A. Stevens, it was unanimously voted to authorize the Board of Selectmen to petition the General Court of the Commonwealth for special legislation authorizing intra-department budget line transfers, to read substantially as follows:

**An Act Relative to the Budget of the Town of West Boylston**

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

**Section 1.** Notwithstanding the provisions of any general or special law to the contrary, in the event the Town of West Boylston prepares an annual budget which is divided into departmental expenses and expense categories and which is further divided into line item accounts, said town is hereby authorized, without further town meeting approval, to transfer funds among said line item accounts, provided the following conditions are met:

- a) the transfers remain within the same department or budget category;
- b) the transfers are approved in advance by the Board of Selectmen, the Finance Committee and the budget manager for each department or expense category;

c) the transfer does not exceed \$5,000 for any single line item transfer; and

d) no new employee shall be so funded.

**Section 2.** This Act shall take effect as of July 1, 2000, or upon the approval of the General Court, the date the Act is signed by the Governor of the Commonwealth.

**Article 11.** Upon motion of James A. Ryan, second by David J. Sweetman, it was unanimously voted to approve the following non-binding resolution to be delivered to the state representatives and senator representing the Town of West Boylston:

BE IT RESOLVED THAT THE Town Meeting vote to petition its representatives and senator to request the amendment of the provisions of Massachusetts General Law Chapter 59, Section 5G and Massachusetts General Law Chapter 58, Sections 15, so as to allow the Department of Revenue to establish value annually for land belonging to the Commonwealth, and to provide for payments-in-lieu-of-taxes (PILOT) to municipalities annually for all land owned and acquired by the Commonwealth so that the Commonwealth will make PILOT payments to municipalities the following year, after property has been so acquired.

**Article 12.** Upon motion of Charles A. Stevens, second by James A. Ryan, it was unanimously voted to direct the Board of Selectmen to provide Alcide A. L'Ecuyer, West Boylston Chief of Police (Retired) with a monetary severance payment equivalent to forty-five (45) work days, at a rate equal to his compensation during the last year of his most recent contract with the Town of West Boylston.

**Article 13.** Upon motion of David J. Sweetman, second by Charles A. Stevens, it was unanimously voted to waive the reading of this article and to amend the General By-laws of the Town of West Boylston, ARTICLE XXI, PERSONNEL BY-LAW to establish rules and regulations for members of the West Boylston Fire Department in the following areas:

- (1) classification and compensation levels for firefighters and emergency medical service providers;
- (2) hours of work and overtime regulations.

1. Amend Section 5, Part AA. **Classification and Compensation Plan** of the Personnel By-law as follows:

- A. Add a new category of employees under 1. **Classification Plan** to be inserted after **Exempt Employees – Salaried Employees** as follows:

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

**Grade F1.** Call Support Employee

**Grade F2.** Call Firefighter  
Call Firefighter/Emergency Medical Technician(EMT)  
Call Firefighter/Paramedic (PAR)  
Part-time Firefighter  
Part-time Firefighter/Emergency Medical Technician (EMT)  
Part-time Firefighter/Paramedic (PAR)  
Full-time Firefighter

**Grade F3.** Full-time Firefighter/Emergency Medical Technician (EMT)

**Grade F4.** Full-time Firefighter/Paramedic (Par)

- B. Add a new division under 2. **Compensation Plan** to be inserted after **Exempt Employees- Salaried Supervisors** as follows:

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

<b>Grade</b>	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
1	\$ 7.30	\$ 8.02	\$ 8.76	\$ 9.49	\$10.23
2	\$10.54	\$11.58	\$12.64	\$13.70	\$14.76
3	\$11.61	\$12.68	\$13.74	\$14.81	\$15.96
4	\$14.51	\$15.85	\$17.17	\$18.51	\$19.95

The non-exempt emergency fire and medical services employee wage levels do not include annual stipends for department officers, and training and skill certification required by the Board of Fire Engineers for the delivery of fire fighting, emergency medical, rescue, inspection and administrative services. The Board of Fire Engineers established requirements for annual stipends, including levels of compensation, as part of the rules and regulations of the West Boylston Fire Department. Annual stipends shall range from \$250 to \$2,000.

The Non-Exempt Emergency Fire and Medical Services Employees Classification Plan and Compensation Plan shall become effective on the following dates:  
January 1, 2000 – Grades F3 and F4; July 1, 2000 – Grades F1 and F2

2. Amend **Section 5, Part CC Step Increases** by adding the following paragraphs:

As of the appropriate effective date of the Non-Exempt Emergency Fire and Medical Services Employees Classification Plan and Compensation Plan for each class of department employees (January 1, 2000 for Grades F3 and F4 and July 1, 2000 for Grades F1 and F2), all active employees in good standing with the Board of Fire Engineers, shall receive a step increase after two (2) years of service and every two (2) years thereafter.

3. Amend **Section 5, Part K Work Hours** of the Personnel Bylaw so that the new Part K reads as follows:

#### **K WORK HOURS**

The work week for salary computation purposes for non-exempt employees extends from 12:01 a.m. on Sunday to 12:00 midnight on Saturday.

The normal scheduled work week for emergency fire personnel shall be forty-five (45) hours as scheduled by the Chief Fire Engineer. Personnel are expected to respond to calls and attend meetings and training outside of the normal hours on an as needed basis.

4. Amend **Section 5, Part L Overtime** of the Personnel Bylaw by deleting the present language in **3. Emergency Fire Personnel** and replacing it with the following:

#### **3. Emergency Fire Personnel:**

Overtime for full-time Fire Department employees, including firefighters, Emergency Medical Technicians and Paramedics, shall be paid at the rate of one and one-half (1 ½) times their regular rate of pay for all hours worked in excess of fifty-three (53) hours within a work week.

**Article 14.** Upon motion of Wayne M. LeBlanc, second by Charles A. Stevens, it was unanimously voted to accept the provisions of Massachusetts General Laws Chapter 41, Section 111M allowing the town to indemnify its Emergency Medical Technicians and Paramedics while incapacitated for lost wages.

**Article 15.** Upon motion of Wayne M. LeBlanc, second by Charles A. Stevens, it was unanimously voted to accept the provisions of Massachusetts General Laws Chapter 41, Section 111N allowing the town to indemnify its Emergency Medical Technicians and Paramedics for certain medical expenses.

**Article 16.** Upon motion of Charles A. Stevens, second by David J. Sweetman, it was unanimously voted to waive the reading of this article.

Upon motion of James A. Ryan, second by David J. Sweetman, it was unanimously voted to amend the General Bylaws of the Town of West Boylston ARTICLE XXI PERSONNEL BYLAW, Section 5, Part AA Classification and Compensation Plan as follows so as to create the position of Assistant Town Accountant, to be classified on Grade 5 of the Non-Exempt Employees-Wage Earning Employees Classification and Compensation Plan, and to reclassify the position of Assistant Treasurer from Grade 5 to Grade 4 of said plan as follows:

## **AA CLASSIFICATION AND COMPENSATION PLAN**

### **1. Classification Plan**

The official classification plan of the town is as follows:

- Grade 1.**      Casual Labor  
                 Clerk/Typist  
                 Custodian/Maintenance Worker  
                 Minutes Clerk
- Grade 2.**      Animal Control Officer  
                 Assistant Town Clerk  
                 Dog Officer  
                 Treasurer/Tax Collector Clerk  
                 Van Driver
- Grade 3.**      Assistant Administrative Assessor  
                 Assistant Children's Librarian  
                 Dispatcher  
                 Library Assistant  
                 Secretary  
                 Secretary/Bookkeeper
- Grade 4.**      Administrative Secretary for Public Works  
                 Assistant Tax Collector  
                 Assistant Treasurer  
                 Administrative Assistant to the Police Chief  
                 Municipal Assistant
- Grade 5.**      Assistant Town Accountant

**Article 17.** Upon motion of Charles A. Stevens, second by David J. Sweetman, it was unanimously voted to appropriate and transfer the sum of \$16,000.00 to the Fiscal Year 2000 Town Accountant Salaries and Wages Account, Budget Line Item #01-35-5100, and to meet said appropriation by transferring the amount of \$13,000.00 from the Town Accountant Purchase of Services Account, Budget Line Item #01-35-6200, and \$3,000.00 from the Treasurer/Tax Collector Salaries and Wages Account, Budget Line Item #01-45-5100.

**Article 18.** Upon motion of David J. Sweetman, second by Charles A. Stevens, it was unanimously voted to appropriate and transfer the sum of \$3,000.00 to the Fiscal Year 2000 Computer Operations Account, Budget Line Item #01-55-6800 for the purpose of purchasing three personal computer workstations and accessories for municipal use, and to meet said appropriation by transferring the amount of \$3,000.00 from the Treasurer/Tax Collector Salaries and Wages Account, Budget Line Item #01-45-5100.

**Article 19.** Upon motion of Wayne M. LeBlanc, second by Charles A. Stevens, it was unanimously voted to appropriate and transfer the sum of \$1,500.00 to the Fiscal Year 2000 Town Audit Purchase of Services Account, Budget Line Item #01-36-6200, and to meet said appropriation by transferring the sum of \$1,500.00 from the Treasurer/Tax Collector Salaries and Wages Account, Budget Line Item #01-45-5100.

**Article 20.** Upon motion of Wayne M. LeBlanc, second by Charles A. Stevens, it was unanimously voted to appropriate the sum of \$12,000.00 from the additional FY 1999 Lottery Aid authorized by Chapter 68 of the Acts of 1999 to the Fiscal Year 2000 Streets and Parks Department Purchase of Services Account, Budget Line Item #01-45-5100.

**Article 21.** The motion for this article, made by James A. Ryan, second by Charles A. Stevens to appropriate the sum of \$3,000.00 for the purpose of purchasing football equipment for West Boylston Youth Sports was defeated.

**Article 22.** Upon motion of Charles A. Stevens, second by David J. Sweetman, it was unanimously voted to waive the reading of this article.

Upon motion of David J. Sweetman, second by Charles A. Stevens, it was unanimously voted to amend the vote taken under article 19 of the October 20, 1997 Semi-Annual Town Meeting so as to authorize the acceptance of a parcel of property identified as lot 49 on a definitive subdivision plan of land entitled: "Worcester Corporate Center" owned by Saint Pierre Associates II Limited Partnership, 317 East Mountain Street, Worcester, Massachusetts, dated December 17, 1990, said parcel containing 4,338+/- acres; and said conveyance shall take place subject to the following conditions.

1. Transfer of title to and use of said property shall be subject to the terms and conditions of a transfer agreement by and between Saint Pierre Associates II Limited Partnership, 317 East Mountain Street, Worcester, Massachusetts and the West Boylston Board of Selectmen so as to allow the Town of West Boylston to develop said parcel as a public way serving the Worcester Corporate Center, a proposed industrial/office park located in West Boylston.
2. Saint Pierre Associates II Limited Partnership shall convey title of said property to the Town of West Boylston that is free and clear of encumbrances for no monetary consideration; and
3. transfer of said property to the Town of West Boylston shall take place only after the Town of West Boylston has secured a Public Works Economic Development (PWED) Grant of a minimum of \$1,000,000 for the purpose of constructing a public road on lot 49 and installing necessary utilities therein.

**Article 23.** Upon motion of Charles A. Stevens, second by David J. Sweetman, it was unanimously voted to waive the reading of this article.

Upon motion of Charles A. Stevens, second by Wayne M. LeBlanc, it was unanimously voted to authorize the Board of Selectmen to petition the legislature for a special act that will enable the Town and the West Boylston Municipal Lighting Plant to purchase from the Commonwealth of Massachusetts, for no consideration, approximately 61 acres of land and structures located thereon, formerly owned by the County of Worcester, to the north of Paul X. Tivnan Drive in the Town as shown on a plan entitled "Land in West Boylston Owned by the Commonwealth", a copy of which is on file in the Office of the Town Clerk, for the operations of the West Boylston Municipal Lighting Plant or its successors and for municipal services and purposes for the Town, with approximately 25 acres of land shown on said plan as Lots A and C, to be used for the operation of the West Boylston Municipal Lighting Plant or its successors, and approximately 36 acres shown on said plan as Lot B, to be used by the Town for municipal services and purposes. The costs of any appraisals, surveys and other expenses deemed necessary by the division of capital asset management to be paid by the West Boylston Municipal Lighting Plant; and said act to further provide that if any consideration is necessary for the Town to acquire the property, then pursuant to Massachusetts general laws, Chapter 40, Section 14, the Town shall be authorized to purchase the property and consideration therefor shall be paid entirely by the West Boylston Municipal Lighting Plant.

**Article 24.** Upon motion of George F. Bernardin, second by Elise B. Wellington, it was unanimously voted to amend the Zoning Bylaws of the Town of West Boylston, SECTION 5 SPECIAL REGULATIONS by adding the following language to Section 5.1 Accessory Use after the first sentence:

"All accessory uses shall comply with the dimensional requirements for the primary use to which they are accessory, as stated in Section 3.2. Swimming pools and racquet courts are permitted as accessory structures in all districts and require a building permit. They shall be fenced or otherwise protected against intrusion as required by the State Building Code. Racquet court fencing shall be at least eight feet (8') high. Swimming pools shall comply with the Town's General Bylaws, Article XV, Section 6."



**Article 25.** Upon motion of Elise B. Wellington, second by Charles A. Stevens, it was voted 81 in favor and 2 opposed to amend the Zoning Bylaws of the Town of West Boylston 3.6 SITE PLAN REVIEW by revising the format of Subsections 3.6.B.1a and b to read as Sub-sections 3.6. B.1 a, b and c as follows:

**B. Scope**

1. Projects Requiring Site Plan Review:
  - a. No building permit for the construction or exterior expansion of any non-residential building or multi-family dwelling listed herein shall be given except in conformity with a site plan approved by the Planning Board. "Expansion" shall include a floor space increase of twenty-five percent (25%) or more within any ten (10) year period.
    - I The construction or enlargement of any multi-family dwelling containing more than four (4) units, or building accessory to such dwellings, including such dwellings on contiguous lots under the same ownership.
    - II The construction or exterior expansion of a Business Center which is any aggregation of three or more business uses which share a common parking area.
    - III The construction or exterior expansion of Industrial uses which contain more than 10,000 square feet.
    - IV The construction, rehabilitation, or change of use of a building involving fifteen (15) or more additional parking spaces in any district.
  - b. The construction or renovation of parking facilities involving fifteen (15) or more spaces with the exception of normal maintenance.
  - c. Any use designated "SPR" in Section 3.2 "Schedule Use Regulations".

**Article 26.** Upon motion of Charles A. Stevens, second by David J. Sweetman, it was unanimously voted to waive the reading of this article.

Upon motion of Vincent P. Vignaly, second by James A. Ryan, it was unanimously voted to amend the Zoning Bylaws of the Town of West Boylston by replacing Section 4.3.H, Common Driveways with a new, revised, Section 4.3.H Common Driveways to read as follows:

#### **4.3 Modifications to Dimensional Requirements**

##### **H. Common Driveways**

For lots to be used for residential dwelling purposes where adequate access is provided across the frontage, the Planning Board may grant a Special permit to allow common driveways for no more than four (4) lots that meet the zoning requirements. Common driveways shall not be used to satisfy zoning frontage requirements. Common driveways may be permitted to allow for more efficient traffic flow, to reduce traffic hazards from numerous individual driveways, to consolidate access to lots across wetland resources, and otherwise where, in the Planning Board's judgment, such an arrangement will be more advantageous to the neighborhood than separate driveways.

1. The applicant shall submit documents, plans, and profiles, stamped by a professional engineer, to the Planning Board for its approval of the proposed common driveway to assure compliance with the following standards for common driveways prior to the issuance of a building permit:

- a. The maximum grade shall be 12%. The minimum grade shall be 1%, with a 3% maximum grade within 50' of its intersection with a street right of way. The maximum length shall be five hundred feet (500'), and the angle of intersection with the street right of way shall be no less than 60°.
- b. The minimum width shall be 15 feet for the durable surface, with a 3 feet wide improved gravel shoulder on at least one side. Driveways shall be surfaced with a durable, all-season non-dusting material, drained and suitably maintained to the extent necessary to avoid any nuisance by reason of dust, erosion or water flow onto streets or adjoining property. The common driveway shall be paved within the right of way of the street to the satisfaction of the Superintendent of Streets.
- c. The common driveway shall exit onto the frontage street, and shall be located entirely within the boundaries of the lots served thereby. The plans shall show grading adjacent to the driveway to assure compliance with these standards.

d. The minimum easement width of 24 feet shall be created so that appropriate legal devices (easements or restrictive covenants which run with the land and hold the town harmless) shall be executed and recorded along with the deeds for the lots to assure that maintenance, repair, snow removal, de-icing, rubbish collection, and liability for the common driveway shall remain perpetually the responsibility of the private parties, or their successors-in-interest.

2. The applicant shall submit certified As-built plans and obtain the approval of the Building Inspector prior to the issuance of an occupancy permit.

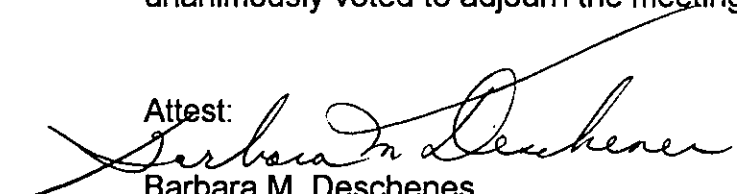
3. The Planning Board may establish appropriate procedures, including application and review fees, for Common Driveway Special Permit applications.

**Article 27.** Upon motion of Charles A. Stevens, second by David J. Sweetman, it was unanimously voted to pass over this article to accept as a public way, Heritage Lane.

**Article 28.** The motion for this article was made by James A. Ryan, second by Charles A. Stevens to undertake a feasibility study to regionalize all or part of the West Boylston public schools was defeated by a vote of 37 in favor and 43 opposed.

Upon motion of Charles A. Stevens, second by David J. Sweetman, it was unanimously voted to adjourn the meeting at 10:05 p.m.

Attest:

  
Barbara M. Deschenes  
Town Clerk