

TOWN OF WEST BOYLSTON  
SEMI-ANNUAL TOWN MEETING  
OCTOBER 19, 1998  
ADJOURNED SESSION  
NOVEMBER 9, 1998

The adjourned session of the meeting under the foregoing Warrant was held this day in the auditorium of the West Boylston Middle/High School and was called to order at 7:10 p.m. by Moderator John L. Sullivan.

Upon motion of David J. Sweetman, second by Wayne M. LeBlanc, 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. Charles F. Greenough presented a report on behalf of the Town-wide Planning Committee; Ellen Dolan presented an update on the construction at the library and Barbara M. Deschenes announced that the Town of West Boylston banner on display on the stage was available for residents who wished to purchase one.

**Article 2.**

Upon motion of James A. Ryan, Second by David J. Sweetman, it was unanimously voted to transfer the sum of \$2,000.00 from the Fiscal Year 1999 Police Department Salaries and Wages Account, Budget Line Item 02-10-5100, to the Fiscal Year 1999 Police Department Purchase of Services Account, Budget Line Item 02-10-6200.

**Article 3.**

Upon motion of David J. Sweetman, second by James A. Ryan, it was unanimously voted to transfer the sum of \$2,000.00 from the Fiscal Year 1999 Building Inspector's Salaries and Wages Account, Budget Line Item 02-41-5100 to the Fiscal Year 1999 Computer Operations Capital Outlay Account, Budget Line Item 01-55-6800 for the purpose of purchasing a personal computer and printer for the office of the Inspector of Buildings.

**Article 4.**

Upon motion of Wayne M. LeBlanc, second by David J. Sweetman, it was voted to transfer the sum of \$6,500.00 from the Fiscal Year 1999 Board of Health Revolving Fund Account authorized by action taken under Article 6 of the May 18, 1998 Semi-Annual Town Meeting, to the Fiscal Year 1999 Computer Operations Purchase of Services Account, Budget Line Item 01-55-6200, for the purpose of purchasing software and related services required by the Board of Health to develop a community septic system and health permit management system.

**Article 5.**

Upon motion of James A. Ryan, second by David J. Sweetman, it was unanimously voted to appropriate the sum of \$2,814.38 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 for an April 30, 1997 Backflow Prevention Device Test for the Bruce L. Shepard Public Safety Headquarters in the amount of \$30.00;
- (2) a bill dated March 9, 1998 for a pre-employment employee physical test for an employee of the Public Safety Communications Center in the amount of \$15.00; and
- (3) a bill dated July 23, 1997 for engineering design services on Shrewsbury Street in the amount of \$2,769.39 and to meet said appropriation by transferring said amount from the Fiscal Year 1999 additional Lottery distribution state aid fund.

**Article 6.**

Upon motion of David J. Sweetman, second by Wayne M. LeBlanc, it was unanimously voted to appropriate the sum of \$5,000.00 to the Fiscal Year 1999 Medicare Insurance Employer Share Account, Budget Line Item 09-16-5170, and to meet said appropriation by transferring said amount from the Fiscal Year 1999 additional Lottery distribution state aid fund.

**Article 7.**

Upon motion of Wayne M. LeBlanc, second by David J. Sweetman, it was unanimously voted to appropriate the sum of \$986.00 to the Fiscal Year 1999 County Retirement Assessment Account, Budget Line Item 09-11-5170, and to meet said appropriation by transferring said amount from Fiscal Year 1999 additional Lottery distribution state aid fund.

**Article 8.**

Upon motion of James A. Ryan, second by David J. Sweetman, it was voted to appropriate the sum of \$40,000.00 to supplement and be used with the \$79,100.00 appropriated through action taken under Article 11 of the May 19, 1998 Semi-Annual Town Meeting for the purpose of purchasing radio and communication equipment for municipal departments, and to meet said appropriation by transferring said amount from the Fiscal Year 1999 additional Lottery distribution state aid fund.

**Article 9.**

Upon motion of David J. Sweetman, second by James A. Ryan, it was voted to appropriate the sum of \$5,000.00 to be used to install leak detection protection on the Mixter Municipal Office Building underground heating oil storage tank, and to meet said appropriation by transferring said amount from the Fiscal Year 1999 additional Lottery distribution state aid fund.

**Article 10.**

Upon motion of Wayne M. LeBlanc, second by Charles A. Stevens, it was voted to appropriate the sum of \$3,000.00 to be expended by the Board of Library Trustees for the purpose of acquiring a computer and printer to be used as the base for the Historic Photographs Archiving Project "Picturing Our Past", and to meet said appropriation by transferring said amount from the Fiscal Year 1999 additional Lottery distribution state aid fund.

**Article 11.**

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.F Types of Employees.

Part 4. Fractional-time by adding the language: "in a regularly scheduled year round position" so as to read: "4. Fractional-time: A person who works less than 20 hours weekly in a regularly scheduled year round position".

**Article 12.**

Upon motion of David J. Sweetman, second by Charles A. Stevens, it was voted to amend the General Bylaws of the Town of West Boylston ARTICLE XXI PERSONNEL BYLAW, Section 5 N. Vacations, Part 3 Vacation Allowances, by changing "10 through 14 years" to "10 through 19 years".

**Article 13.**

Upon motion David J. Sweetman, second by James A. Ryan, it was unanimously voted to waive the reading of this article.

Upon motion of Elise B. Wellington, second by David J. Sweetman, it was unanimously voted to amend this article by adding the words "**or structure**" after the word "**building**" in the definition of "**co-location**".

Upon motion of John S. Wilson, second by Richard D. Johnson, it was unanimously voted to amend "**unlicensed wireless services**" by deleting the language "**such as an amateur radio facility**".

Upon motion of Elise B. Wellington, second by David J. Sweetman, it was unanimously voted to add Sub-Section 2.7.7, Definitions, incorporating both floor amendments, to the West Boylston Zoning Bylaws, Section 2.7 Wireless Communications Service District:

**"2.7.7 Definitions**

**Antenna:** The surface from which wireless radio signals are sent and received by a personal wireless service facility.

**Applicant:** A person or entity with an application before the Planning Board for a permit for a personal wireless service facility.

**Array:** A set of antennas for one carrier or service that are placed on a mount at a given height Above Ground Level (AGL), and spaced so as to avoid internal interference.

**Camouflaged:** A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged".

**Cellular Phone Service:** A mobile telephone service operating in the 800 megahertz (Mhz) spectrum.

**Co-location:** The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building **or structure** by more than one carrier.

**Commercial Mobile Radio Service (CMRS):** Pursuant to Section 704 of the Federal Telecommunications Act of 1996, CMRS are any of several technologies using radio signals at various frequencies to send and receive voice, data and video. These are considered "functionally equivalent services" by the Telecommunications Act. (See definition below).

**Coverage:** The geographic area reached by an individual personal wireless service facility installation.

**Cross-polarized (or dual-polarized) antenna:** A low mount that has three panels flush mounted or attached very close to the shaft.

**Design:** The appearance of personal wireless service facilities including their materials, structural strength, color and shape.

**Electromagnetic Fields (EMF):** EMF are fields of radiation produced by all electromagnetic waves, from gamma rays to radio waves, some of which are harmful. Radiofrequency radiation (see definition below) produced by wireless facilities is one kind of electromagnetic field.

**Elevation:** The measurement of height above a given point.

**Enhanced Specialized Mobile Radio (ESMR):** Private land mobile radio with telephone services.

**Environmental Assessment (EA):** An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in an area which meets certain criteria, and therefore, may be environmentally impacted by or with that personal wireless service facility. The EA must show how any possible impacts can be mitigated.

**Equipment Shelter:** An enclosed structure, cabinet, shed or box at the base of the mount used to contain batteries and electrical equipment. This equipment is connected to the antenna by cable. Equipment shelters are also called "base transceiver stations" for Personal Communications Systems (PCS).

**Fall Zone:** The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris or collapsing material.

**Functionally Equivalent Services:** Cellular, PCS, Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging are considered functionally equivalent services.

**Guyed Tower:** A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

**Horizontal Co-location:** The clustering of one mount next to another.

**Lattice Tower:** A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

**Licensed Carrier:** A company authorized by the FCC to construct and operate a commercial mobile radio services system.

**Location:** The area where a personal wireless service facility is located or proposed to be located.

**Modification:** The changing of any portion of a personal wireless service facility from its description in a previously approved special permit. Examples of modification are changes in design or ownership.

**Monopole:** A type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed on top.

**Mount:** The structure or surface upon which antennas are mounted. There are four types of mounts:

- Roof-mount: mounted on the roof of a building.
- Side-mount: mounted on the side of a building.
- Ground-mount: mounted on the ground.
- Structure-mount: mounted on a structure other than a building.

**Omnidirectional antenna:** Often called a "whip" antenna, a thin rod that beams and receives a signal in all directions.

**Paging:** A service that provides tone, text and limited voice messaging.

**Panel Antenna:** A flat surface antenna usually deployed in three directional "sectors" (0 degrees to 120 degrees, 120 degrees to 240 degrees and 240 degrees to 360 degrees) and used to concentrate or beam the signal into (or from) that sector only.

**PCS (Personal Communications Service):** An advanced form of radiotelephone services, capable of transmitting and receiving voice, data, text and video messaging. PCS operates in the 1850-1990 Mhz range.

**Personal Wireless Service Facility:** Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

**Public Utility Facilities:** Fixed equipment or installations for electricity, gas, water, or communications services for the public, privately or publicly owned.

**Radiofrequency (RF) Engineer:** Someone with a background in electrical engineering or microwave engineering who specializes in the study of radiofrequencies.

**Radiofrequency Radiation (RFR):** The emissions from personal wireless service facilities which can, in excessive amounts, be harmful to humans.

**Security Barrier:** A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

**Separation:** The distance between one carrier's array of antennas and another carrier's array.

**Site:** A portion of a subject property.

**Siting:** The method and form of placement of personal wireless service facilities on specific area of a subject property.

**Specialized Mobile Radio (SMR):** A group of services serving dispatch and data communication users, usually over a small geographic area. SMR operates over several frequencies in the 800 to 900 plus Mhz range.

**Unlicensed Wireless Services:** Commercial mobile services that can operate on public domain frequencies and that, therefore, need no Federal Communications Commission (FCC) license for each personal wireless service facility.

**Whip Antenna:** A very thin antenna, usually omnidirectional.

**Wireless Communications Tower:** A structure (with Antennas, if any) designed to facilitate the following types of service: cellular telephone service, personal communications service, and enhanced specialized mobile radio service.

**Article 14.**

Upon motion of Wayne M. LeBlanc, second by David J. Sweetman, it was unanimously voted to amend the General Bylaws of the Town of West Boylston **ARTICLE XX PUBLIC ENTERTAINMENT , Section 2** by deleting paragraphs a., b., and f.

**Article 15.**

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 II TOWN OFFICERS AND DUTIES, Section 2.**, by deleting the language "Director of Streets and Parks" in the second paragraph.

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**Article 16.**

Upon motion of David J. Sweetman, second by Charles A. Stevens, it was unanimously voted to waive the reading of this article and to refer to it by subject matter only.

Upon motion of David J. Sweetman, second by Charles A. Stevens, it was unanimously voted to amend the General Bylaws of the Town of West Boylston

**ARTICLE I TOWN MEETINGS** as follows:

a.) To delete the present title and to change the title to **ARTICLE 1 TOWN MEETINGS AND ELECTIONS**;

b.) Section 1. To change the word "meeting" to the word "election" in the first sentence.

c.) Section 2. To delete the present language and replace it with: "Warrants for all town meetings and elections shall be posted at the post office, the municipal office building, the municipal light plant, The Beaman Memorial Public Library, and the place of the town meeting and election at least seven (7) days before an election and the Semi-annual Town Meeting and no later than fourteen (14) days before a Special Town Meeting.

**Article 17.**

Upon motion of James A. Ryan, second by David J. Sweetman, it was unanimously voted to authorize the Board of Selectmen to release to Salvatore and Ann M. Bello for nominal consideration all rights, title and interest that the town may have in the property located at 136 Fairbanks Street and described in a warranty deed dated December 1, 1919 and recorded with the Worcester Registry of Deeds in Book 2493, Page 144 as the first parcel in tract second in said deed.

**Article 18.**

Upon motion of Wayne M. LeBlanc, second by Charles A. Stevens, it was voted to appropriate the sum of \$350,000.00 to undertake drainage and roadway improvement work with the sewer construction project area as recommended by the Superintendent of Streets and Parks and approved by the Board of Selectmen to be expended in conjunction with the Metropolitan District Commission; and to meet said appropriation by authorizing the Town Treasurer/Tax Collector to borrow the sum of \$350,000.00, to issue bonds or notes of the town therefor under the provisions of Massachusetts General laws, Chapter 44, Section 7 (1), (5), and (6), subject to the approval of the Board of Selectmen and to pay all necessary legal and

bond preparation costs associated with the issuance of said bonds or notes as authorized under the provisions of Massachusetts General laws, Chapter 44, Section 20, and further, that said appropriation and authorization to borrow shall only be used if there are no state highway assistance aid funds available to finance such improvements.

**Article 19.**

Upon motion of David J. Sweetman, second by Charles A. Stevens, it was unanimously voted to appropriate the sum of \$56,429.28 from the Fiscal Year 1998 Sewer Enterprise Surplus Account to the Fiscal Year 1999 Sewer Enterprise Fund.

**Article 20.**

Upon motion of David J. Sweetman, second by Charles A. Stevens, it was unanimously voted to waive the reading of this article and to refer to it by subject matter only.

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 to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court.

The Board of Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

Amend Chapter 95 of the Acts of 1998 by deleting Sections 3 and 4 and adding a new Section 3 as follows:

Notwithstanding the provisions of any general or special law to the contrary, the Board of Selectmen of the Town of West Boylston, acting as said Board of Sewer Commissioners, may assess and collect such percentage as is determined by the town of the total cost to the town of establishing, developing and constructing a system of sewerage and sewage treatment and disposal, or components thereof, including any design, engineering, legal, management and administrative costs related to the establishing, developing and construction of such facilities, whether or not included in a contract for construction of such facilities, whether or not included in a contract for construction of such facilities, plus the total amount of the municipality's liability under all contracts it has entered into for the construction of such facilities, and may assess and collect estimated sewer assessments in connection with such costs. The total amount of such estimated sewer assessments shall not exceed ninety percent of such costs, and the total of such estimated assessments shall be allocated by the same method to be used for the allocation of the actual assessments upon the completion of the work.

When the final costs for establishing, developing, and constructing such facilities have been determined, the town may assess and collect actual sewer assessments. The provisions of Chapter eighty of the General Laws relative to the apportionment, division, interest and collection of assessments, as modified by Chapter 95 of the Acts of 1998, as amended, shall apply to estimated assessments under this section, but the provisions of Chapter eighty relating to abatements shall not apply to estimated assessments under this section.

Revenues from estimated assessments under this section shall be dedicated to the payment of the costs of constructing the facilities or to paying the principal and interest on any debt issued in connection with the construction of the facilities, until all such costs and debt service obligations have been paid in full, the balance to be treated as general fund revenue of the town.



#### Article 21.

Upon motion of David J. Sweetman, second by Charles A. Steven's, 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 appropriate the sum of \$8,000.00 to the Fiscal Year 1999 Snow and Ice Removal Capital Outlay Account, Budget Line Item #04-23-6800 for the purpose of purchasing snow plowing equipment, and to meet said appropriation by transferring the amount of \$3,400.00 from the Federal Revenue Sharing Account and \$4,600.00 from the Fiscal Year 1999 Streets and Parks Department Capital Outlay Account, Budget Line Item #04-20-6800.

#### Article 22.

Upon motion of Donald E. Davis, second by David J. Sweetman, it was unanimously voted to waive the reading of this article and to refer to it by subject matter only.

Upon motion of David J. Sweetman, second by Wayne M. Leblanc, it was voted to amend the General Bylaws of the Town of West Boylston, ARTICLE XIX DOG CONTROL, by adding Section 6. Removal of Dog Litter as follows:

##### Section 6. Removal of Dog Litter

a. Removal of Dog Litter If any dog shall defecate upon any public property or area, then the owner, keeper or person then walking or otherwise in charge of said dog shall immediately remove or cause to be removed from said property or area, all feces so deposited by said dog. Such owner, keeper or person when walking or otherwise in charge of a dog on a public property or a private area must have in his or her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to:

- (1) a receptacle upon property owned by the owner, keeper or person or,
- (2) a trash receptacle located on public property, if any, designated as a receptacle for dog or pet litter. This provision shall not apply to a person who is visually or physically disabled.

Unless said feces are removed, the owner, keeper and the person then walking or otherwise in charge of said dog (or if said owner, keeper or person shall be a minor, then the parent or guardian) shall be deemed to have committed a punishable offense.

b. Special Provision This bylaw shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.

c. Violation and fines This bylaw will be enforced by the Animal Control Officer and the Police Department. The commission of any violation of this bylaw shall be punishable by a fine of \$25.00 for the first offense, a fine of \$50.00 for a second offense, and a fine of \$100.00 for all other offenses.

#### Article 23.

Upon motion of Wayne M. LeBlanc, second by David J. Sweetman, it was voted to amend the General Bylaws of the Town of West Boylston, ARTICLE XXV NON-CRIMINAL DISPOSITION OF BYLAW VIOLATIONS by adding to the list under

##### ARTICLE XIX DOG CONTROL


Section 4 Removal of Dog Litter	Animal Control Officer & Police Department	\$25-1st; \$50- 2nd & \$100- all others
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**Article 24.**

Upon motion of Russell Chernin, and following much discussion and amendments, the article to require the Board of Selectmen to petition the General Court to enact legislation for a heavy truck exclusion on Lee Street was defeated.

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

Attest:

  
Barbara M. Deschenes  
Town Clerk