

MAY 4, 2009

THE COMMONWEALTH OF MASSACHUSETTS

WORCESTER: SS

BOYLSTON

To either of the Constables of the Town of Boylston in the County of Worcester within The Commonwealth aforesaid:

GREETING:

In the name of The Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Boylston aforesaid, qualified to vote in elections and Town affairs, to meet at the following places and times for the following purposes:

SPECIAL TOWN MEETING In accordance with the above notice and Article III, Section 1 of the Town of Boylston By-Laws, the following articles will be considered on **Monday, May 4th, 2009, the first Monday of May, at seven o'clock (7:00) P.M. at the Tahanto Regional High School Auditorium, 1001 Main Street, Boylston, MA.**

Voters of the Town of Boylston, Massachusetts, met in the auditorium of the Tahanto Regional High School according to legal notice on May 4, 2009. With 146 registered voters. Selectmen, Roger Deal, Ken Sydow, James Stanton were present. Also, present were Town Administrator, Nancy Colbert Puff, Town Counsel Stephen Madaus, and Town Clerk Sandra Bourassa. Dennis Pojani, Moderator called the meeting to order at 7:05 P.M.. Mr.Pojani stated we had the required quorum present, Calling of the meeting and officer's return of service are in order as required. He set the bounds of the hall and introduced the Town officials. The Pledge of Allegiance was said. A MOTION by Mr. Stanton was made to waive the reading of the warrant. Seconded by Mr. Brose. Vote on the MOTION passed.

ARTICLE 1. To see if the Town will vote to transfer any unexpended balances of Fiscal Year 2009 appropriations, hitherto made to other accounts;

MOTION was made by Mr. Stanton to accept this article as read by the Town Accountant, Dan Haynes Seconded by Mr. Sydow . The following transfers were read: to – Town Counsel Acct.# 001-151-5780-000 - \$5,000.00, Town Garage Exp. Acct.# 001-197-5780-000- \$9,000.00, Snow & Ice Removal Acct. #001-423-5780-000 \$24,819.34 and Health Insurance Acct. # 001-914-5171-000 - \$27,600.00 from Town Audit Acct. # 001-122-5385-000 - \$2,500.00, Storm Water Management - \$18,600.00, Municipal Office Expense Acct# 001-192-5780-000- \$5,000.00, Building Inspector Asst. Wages Acct # 001-241-5111-000 - \$2,000.00, Highway Expenses Acct. # 001-420-5780-000- \$33,819.34 , Interest on Temp Loans Acct. # 001-752-5915-000 - #2,000.00 and Unemployment Comp. Acct # 001-913-5171-000 - \$2,500.00 Total of \$66,419.34. Finance Committee recommends approval. Vote on the taken. MOTION passed unanimously.

ARTICLE 2. To see if the Town will vote to transfer \$33,485 from the FY 2009 Vocational Education Tuition, line item 5320 in the Town Budget, to line item 5510 for funding FY 2009 expenses of the Boylston Elementary School; or take any action relative thereto.

MOTION made by Mr. Stanton to accept this article as written. Seconded by Mr. Sydow. Finance Committee recommends approval . Vote on MOTION passed.

MOTION made by Mr. Stanton to adjourn the meeting Seconded by Mr. Brose. Vote on MOTION passed.

Meeting adjourned at 7:10 PM.

Respectfully Submitted by

Sandra L. Bourassa , Town Clerk

**WARRANT FOR THE ANNUAL TOWN MEETING
MAY 4, 2009**

THE COMMONWEALTH OF MASSACHUSETTS

WORCESTER: SS

BOYLSTON

To either of the Constables of the Town of Boylston in the County of Worcester within The Commonwealth aforesaid:

GREETING:

In the name of The Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Boylston aforesaid, qualified to vote in elections and Town affairs, to meet at the following places and times for the following purposes:

1. GENERAL TOWN MEETING – MAY 4, 2009

on Monday, the fourth (4th) of May AD, 2009 at seven fifteen (7:15) P.M., at the Tahanto Regional High School Auditorium, 1001 Main Street, Boylston MA, to take any action relative to the business of the Town as set forth in Articles one (1) through thirty-five (35) of this Warrant; and at its adjournment, which shall be upon completion of Town Meeting action upon all articles listed on the Warrant.

2. ELECTION AND BALLOT – MAY 11, 2008

on Monday, the eleventh (11th) of May AD, 2009, to vote by ballot at the Town's annual election, at the Boylston Town Hall, at the Hillside Municipal Complex located at 221 Main Street within the Town of Boylston, with polls opening at twelve o'clock (12:00) noon and closing at eight o'clock (8:00) P.M. on the following:

ARTICLE 36. To vote by official ballot for the necessary Town Officers, namely:

One (1) Selectman for three (3) years; One (1) Assessor for three (3) years; One (1) Assessor for two (2) years; One (1) Board of Health member for three (3) years; One (1) Planning Board member for five (5) years; One (1) Municipal Light Board member for three (3) years; Two(2) Library Trustee members for three (3) years; One (1) Library Trustee members for two (2) years; One (1) Cemetery Commissioner for three (3) years; One (1) Parks and Recreation Commission member for five (5) years; One (1) Parks and Recreation Commission member for one (1) year; One (1) School Committee member for three (3) years.

Voters of the Town of Boylston, Massachusetts, met in the auditorium of the Tahanto Regional High School according to legal notice on May 4, 2009. With 146 registered voters. Selectmen, Roger Deal, James Stanton and Kenneth Sydow were present. Also, present were Town Administrator, Nancy Colbert Puff, Town Counsel, Stephen Madaus and Town Clerk, Sandra Bourassa. Moderator , Dennis Pojani called the meeting to order at 7:15 P.M. . Mr. Pojani stated we had the required quorum present, Call of the meeting and the officer's return of service are in order as required. He set the bounds of the hall. Motion by Mr. Stanton was made to waive the reading of the warrant. Seconded by Mr. Brose. Vote on the MOTION passed.

MOTION was made by Mr. Stanton accept article 1-14 as a group. Seconded by Mr. Brose. MOTION passes. MOTION made by Mr. Stanton to accept article 1-14 as written in the warrant. Seconded by Mr. Brose. Selectmen recommend approval.. Finance committee recommend approval .Light Dept recommends article #9.. Mr. Projani asked if there were any question. With no questions Vote on the MOTION was taken MOTION passed unanimously.

***ARTICLE 1.** To see if the Town will vote to authorize the Board of Selectmen to choose all necessary Town officers; or act in any other way thereon.

***ARTICLE 2.** To hear and act upon the reports of Town officials and committees; or act in any other way thereon.

Sponsor: Board of Selectmen

***ARTICLE 3.** To see if the Town will vote to authorize the Board of Selectmen to employ Counsel where, in their judgment, it may be necessary under the provisions of Chapter 40 of the General Laws of the Commonwealth; or act in any other way thereon.

Sponsor: Board of Selectmen

***ARTICLE 4.** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of revenue of the financial fiscal year beginning July 1, 2009 and ending June 30, 2010, and to issue a note or notes therefore and to renew any note or notes as may be given for a period of less than one (1) year in accordance with Chapter 44 of the General Laws of the Commonwealth, as amended; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

***ARTICLE 5.** To see if the Town will vote to authorize the Trustees of the Public Library to appoint such officers and employees as may be necessary for the fiscal year beginning July 1, 2009, and to fix the compensation therefore, consistent with the Personnel Plan; or act in any other way thereon.

Sponsor: Library Trustees

***ARTICLE 6.** To see if the Town will vote to authorize the Commissioners of the Cemetery to appoint such officers and employees as may be necessary for the fiscal year beginning July 1, 2009, including the appointment of a Cemetery Superintendent, and to fix the compensation therefore, consistent with the Personnel Plan; or act in any other way thereon.

Sponsor: Cemetery Commission

***ARTICLE 7.** To see if the Town will vote to authorize the Planning Board to appoint such officers and employees as may be necessary for the fiscal year beginning July 1, 2009, and to fix the compensation therefore, consistent with the Personnel Plan; or act in any other way thereon.

Sponsor: Planning Board

***ARTICLE 8.** To see if the Town will vote to appropriate the money received from The Commonwealth of Massachusetts as a Library grant-in-aid for the purpose of purchasing books and other items at the discretion of the Library Trustees; or act in any other way thereon.

Sponsor: Library Trustees

Finance Committee comments: Finance Committee recommends approval.

***ARTICLE 9.** To see if the Town will vote that the income from sales of electricity to private consumers, or for electricity supplied to municipal buildings or for municipal power, and from jobbing during the current fiscal year, be appropriated for the Municipal Lighting Plant, the whole to be expensed by the manager of the Municipal Lighting Plant, under the direction and control of the Municipal Light Board, for the expense of the plant for said fiscal year, as defined in Section 57 of Chapter 164 of the General Laws; and for the purchase, sale, installation and servicing of merchandise and equipment in accordance with the provisions of Chapter 235 of the Acts of 1937; and for any out of state travel expense in accordance with the provisions of Section 5 of Chapter 40 of the General Laws, and if said sum and income shall exceed said expense for the fiscal year, such excess shall be transferred to the Construction Fund of said plant and appropriated and used for such additions thereto as may thereafter be authorized by the Municipal Light Board; and fix the compensation of the Municipal Light Board members for the fiscal year beginning July 1, 2009, as provided by Section 4A of Chapter 41 of the General Laws, as follows: Chairman - \$300.00 and two (2) members - \$300.00 each, a total of \$900.00, and such compensation to be paid from the operating account of the Municipal Light Plant; or act in any other way thereon.

Sponsor: Municipal Light Board

Finance Committee comments: Finance Committee recommends approval.

***ARTICLE 10.** To see if the Town will vote to accept any highway funds from County, State or Federal agencies, to authorize the Board of Selectmen to enter into agreements with Mass Highway, so-called, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow from time to time during Fiscal Year 2010, in anticipation of reimbursement of said highway assistance, in conformity with the provisions of Massachusetts General Laws Chapter 44 Section 6A for maintenance, repair, construction of Town roads and programs consistent with Chapter 90 funds, to be expended by the Highway Department; or act in any other way thereon.

Sponsor: Highway Superintendent

Finance Committee comments: Finance Committee recommends approval.

***ARTICLE 11.** To see if the Town will vote to authorize the Board of Cemetery Commissioners to continue its use of the revolving fund, established at the May 1995 Annual Town Meeting, under and subject to the provisions of Chapter 44 Section 53E ½ of the Massachusetts General Laws, for the following purposes:

1. To be the depository for all departmental receipts of the Cemetery Commission and from those funds to make expenditures in accordance with Massachusetts General Laws Chapter 41 Sections 41, 42, 52 and 56 for the following:

- a. For operational purposes other than regular wages and including the cost of grave openings and related expense,
- b. For payment of maintenance expenses including supplies and materials and part-time labor
- c. For payment of expenses related to the expansion of the cemetery
- d. For compensation for part time commissioners and clerk;
- e. To set the expenditure limit as not to exceed \$15,000;
or act in any other way thereon.

Sponsor: Cemetery Superintendent

Finance Committee comments: Finance Committee recommends approval.

Board of Selectmen recommendation: Recommends approval.

***ARTICLE 12.** To see if the Town will vote to authorize the Planning Board to continue its use of the revolving fund established at the May 8, 2000 Annual Town Meeting, established in accordance with Chapter 44 Section 53E ½ of the Massachusetts General Laws, to be utilized for the following purposes:

1. To be the depository for engineering and advertising fees charged by the Planning Board to various developers for the plan review process.
2. To authorize expenditures from said fund to pay engineering and advertising costs associated with the plan review process.
3. To set the annual expenditure limit at \$20,000.
4. To have the Planning Board be the only board authorized to expend funds from said account; or act in any other way thereon.

Sponsor: Planning Board

Finance Committee comments: Finance Committee recommends approval.

Board of Selectmen recommendation: Recommends approval.

***ARTICLE 13.** To see if the Town will vote to authorize the Conservation Commission to continue its use of the revolving fund established at the May 14, 2002 Annual Meeting, established in accordance with Chapter 44 Section 53E ½ of the Massachusetts General Laws, to be utilized for the following purposes:

1. To be the depository for engineering and advertising fees charged by the Conservation Commission to various developers for the plan review process.
2. To authorize expenditures from said fund to pay engineering and advertising costs associated with the plan review process.

3. To set the annual expenditure limit at \$10,000.
4. To have the Conservation Commission be the only board authorized to expend funds from said account; or act in any other way thereon.

Sponsor: Conservation Commission

Finance Committee comments: Finance Committee recommends approval.

Board of Selectmen recommendation: Recommends approval.

***ARTICLE 14.** To see if the Town will vote to authorize the office of the Boylston ambulance service to continue its use of the revolving fund established at the May 2, 2005 Annual Meeting, established in accordance with the provisions of Massachusetts General Laws Chapter 44 Section 53E ½ for the following purposes:

1. To be the depository for all receipts of the ambulance service and to authorize the Fire Chief to make expenditures in accordance with Massachusetts General Laws Chapter 41 Sections 41, 42, 52 and 56 for the following:
 - (a) for operational purposes other than regular wages;
 - (b) for payment of the cost of the repair, replacement and upgrading and enhancement of ambulance equipment and supplies and other related expenses; and
 - (c) for compensation for non-salary emergency medical technician/inspection and fire education services for the Fire Department.
2. To set the expenditure limit of \$262,480; or act in any other way thereon.

Sponsor: Fire Department

Finance Committee recommendation: will be made at the Town Meeting

Board of Selectmen recommendation: Recommends approval.

ARTICLE 15. To see if the Town will vote to fix the compensation for the following Town Officers: three (3) Selectmen, Town Clerk, Moderator, three (3) Assessors, three (3) School Committee members, three (3) Board of Health members, three (3) Cemetery Commissioners, five (5) Planning Board members, all in accordance with the recommendations of the Finance Committee, and to instruct the Selectmen or other boards to fix a given compensation for the persons hired or appointed by such boards; or act in any other way thereon.

Sponsor: Personnel Board

Finance Committee comments:

Selectmen, Chair	\$ 1,354	2 members each at \$ 1,137
Town Clerk	\$ 28,536 plus fees	
Town Moderator	\$ 15	
Assessors, Chair	\$ 1,500	2 members each at \$ 1,000
School Committee, Chair	\$ 100	2 members each at \$ 50
Board of Health, Chair	\$ 277	2 members each at \$ 185.50
Cemetery Commission, Chair	\$ 213	2 members each at \$ 160
Planning Board, Chair	\$ 370	4 members each at \$ 53
Planning Board, Vice-Chair	\$ 0	
Planning Board Clerk	\$ 53	

MOTION was made by Mr. Prince, Personnel Committee to accept this article as written. Seconded by Mr. Stanton. Finance Committee recommends approval. Vote taken on the motion, MOTION passed unanimously.

ARTICLE 16. To see if the Town will vote to amend the Town's Personnel Plan and By-laws by replacing Schedules A, B and C with the following; or take any action relative thereto: (proposed changes are in bold)
Section 15: Classification Schedule Amended May 2009 - Effective July 1, 2009

Classification	Position Status	Grade	Hourly Rates	
			Min	Max
Library Page	Hourly		8.34	8.61
Election Worker	Hourly		8.34	8.61
Town Meeting Checker	Hourly		8.34	8.61
Election Clerk	Hourly		9.29	9.29
Election Warden	Hourly		9.29	9.29
Clerical	Special Temp		8.34	11.18
Library Housekeeper	Special Part Time		9.27	10.11
Asst Laborer	Special Hourly	2		
Library Assistant/Sr. Technician	Reg. Part Time	3		
Laborer/Custodian	Reg. Full Time	3		
Emergency Medical Technician	Hourly	3		
Firefighter	Hourly	3		
Deputy Chief	Hourly	3+\$500		
Fire Captain	Hourly	3+\$300		
Fire Lieutenant	Hourly	3+\$200		
Asst Town Clerk	Special Part Time	5		
Police Service Aide	Hourly	5		
Asst. Inspector/Electrician	Hourly	5		
Assessors' Clerk	Reg. Part Time	5		
Children's Librarian	Reg. Part Time	5		
COA Coord/Community Outreach	Reg. Part Time	5		
P&R Program Coordinator	Reg. Part Time	5		
Equipment Operator/Laborer	Reg. Full Time	6		
Facilities Technician	Reg. Full Time	6		
Assistant Treasurer/Collector	Reg. Part Time	6		
Asst Library Director	Reg. Part Time	7		
Admin Asst. Board of Assessors	Reg. Part Time	7		
Admin Asst to Hwy Supt.	Reg. Part Time	7		
Admin Asst to Chief of Police	Reg. Part Time	7		
Admin Asst to Planning Board	Reg. Part Time	7		
Admin Asst to Board of Selectmen	Reg. Full Time	7		
Equipment Operator/Mechanic	Reg. Full Time	7		
Working Foreman	Reg. Full Time	8		
Admin Asst to Health & Conservation	Reg. Part Time	8		
Town Treasurer/Collector	Reg. Full Time	9		
Foreman	Reg. Full Time	9		
Building Inspector	Salaried	10		
Library Director	Salaried	11		
Fire Chief/Forest Warden	Salaried	12		
Hwy/Cemetery Superintendent	Salaried	12+\$845		
Police Chief	Salaried	14		
Town Administrator	Salaried	14		

Schedule B: Salary Compensation Schedule

Grade	Min	Mid	Max
1	9.62	11.32	13.04

2	10.38	12.27	14.09
3	11.25	13.27	15.29
4	12.12	14.28	16.41
5	13.12	15.43	17.73
6	14.19	16.68	19.17
7	15.32	17.92	20.69
8	16.53	19.44	22.34
9	17.88	20.98	24.10
10	19.30	22.67	26.07
11	20.87	24.47	28.15
12	22.50	26.43	30.37
13	24.30	28.54	32.81
14	26.24	30.82	35.42
15	28.35	33.30	38.25
16	30.61	35.97	41.31
17	33.04	38.85	44.63
18	35.67	40.87	48.19

Schedule C: Salary Compensation Schedule-

<u>Job Title</u>	<u>Annual Salary</u>
Chairman, Registrar of Voters	\$ 693
Council on Aging, Meal Coordinator	\$ 969
Director of Veteran's Services	\$ 200
Electrical Inspector	\$ 7,688
Assistant Electrical Inspector	\$ 530
Plumbing Inspector	\$ 8,250
Assistant Plumbing Inspector	\$ 687
Gas Inspector	\$ 2,481
Assistant Gas Inspector	\$ 212
Registrar of Voters	\$ 269
Health Agent	\$ 36,016
Town Counsel	\$ -----
Dog Officer	\$ 2,026
Animal Inspector	\$ 1,165
Nurse	\$ 1,500
Vital Stat Clerk	\$ 200
Tree Warden	\$ 1,093

MOTION made by Mr. Prince to accept this article as written. Seconded by Mr. Stanton. Finance Committer recommends approval Vote taken on the motion. MOTION passed unanimously.

ARTICLE 17. To see if the Town will vote to transfer a sum of money not to exceed \$ 215,000 from the Hillside Receipts Reserved Account to the Appropriation Account (Account # 192-5785), for the maintenance, upkeep, repair, operations and improvements of town-owned buildings, property and land, to be expended by the Board of Selectmen;

MOTION made by Mr. Sydow to accept this article as read. Seconded by Mr. Brose Mr. Sydow explained the article Finance Committee recommends approval. Vote taken on motion. MOTION passed unanimously.

ARTICLE 18. To see if the Town will vote to:

Amend Article VI of the General By-laws, entitled “Protection of Persons and Property,” by inserting a new Section 21 after Section 20 therein, to read as follows:

Section 21. PUBLIC CONSUMPTION OF MARIHUANA (or MARIJUANA) OR TETRAHYDROCANNABINOL

No person shall smoke, ingest, or otherwise use or consume marihuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced by non-criminal disposition pursuant to G.L. c. 40, Sec 21D, by the Board of Selectmen or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, Sec 32L;

MOTION was made by Mr. Stanton to accept this article as written. Seconded by Mr. Brose. Mr. Stanton explained the article. Mr. Seiler, 198 Linden St. asked why we need a Town by-law when there was a state one. Mr. Stanton explained why and the Police Chief explained it further. Mr. Madnick from the ACLU asked to speak, because he was a non-resident a MOTION was made to let him speak. Motion was seconded. MOTION passed. Mr. Madnick spoke on the state laws of not smoking in a public places. After a few more questions a vote was taken on the motion. MOTION passed with a stand vote of yes – 75 no -36.

ARTICLE 19. To see if the Town will vote to accept Section 25 of Chapter 41 of the General Laws and thereby empower and authorize the Board of Selectmen to appoint suitable citizens of the Town to serve as Assessors for a term of not more than three (3) years, and the Board of Selectmen may remove them at any time for cause, after a hearing;

MOTION made by Mr. Sydow to accept this article as read. Seconded by Mr. Stanton. Mr. Sydow explained the article and why the selectmen wanted the Assessors position to be appointed. Mr. Cravedi, chairman, Board of Assessors spoke against the position to be appointed . There was a question on how the board would be appointed. Mr. Sydow stated as their term expired then they would be appointed. Mr. Lazar, Sewall St. stated don't take the vote away from the people. Mrs. Richardson, clerk to the Assessors stated that the selectmen had only appointed people to the position when it had been vacated due to someone resigning before the next election. Paul O'Connor, Assessor stated he is here to serve the people of the Town. Motion was made to have a paper vote, seconded , vote was taken on the motion. MOTION failed. A stand vote was taken on the article motion. MOTION was defeated..

ARTICLE 20. To see if the Town will vote to authorize the Board of Assessors, in accordance with Section 21A of Chapter 268A of the general laws, to appoint a member of said board to represent the Board of Assessors at the Appellate Tax Board, as may be necessary for the fiscal year starting July 1, 2009, and the Board of Assessors shall fix the compensation for such services;

MOTION was made by Mr. Cravedi to authorize the Board of Assessors to appoint a member of said Board to represent the Board of Assessors at the Appellate Tax Board, as may be necessary for the fiscal year starting on July1, 2009, the salary for such services shall not exceed the sum of \$1,700.00, to be paid in accordance with an

hourly rate for services to be established by the Board of Assessors. Seconded by Mr. Brose. Finance Committee recommends approval. Mr. Cravedi explained that this article would allow one of the Board members to attend hearings instead of hiring an outside company, which would save the Town money. Vote taken on the motion, MOTION passed.

ARTICLE 21. To see if the Town will vote:

- I) To accept Section 147A of the Chapter 140 of the general laws; and
- II) To amend Section 11, entitled “Animal Control” in Article IV of the General Bylaws by deleting subsection 11.10 therein in its entirety and inserting in lieu thereof the following:

11.10 In accordance with Section 151 of Chapter 140 of the general laws, the Board of Selectmen shall annually on May first designate one or more dog officers and assistant dog officers, who may be police officers or constables. The duly appointed dog officer(s), assistant dog officer(s) and the Town’s police officers shall be the enforcement officers for purposes of enforcing the provisions of this Animal Control Bylaw or any applicable provision of the general laws, including Section 173A of Chapter 140. The non-criminal penalty for any violation of this Animal Control Bylaw or for a violation of the general laws concerning the control of dogs shall be Fifty Dollars (\$50.00) per violation;

MOTION made by Mr. Deal to accept this article as written, with the correction in VI. In Article IV of the General Bylaws. Seconded by Mr. Stanton. There was a question if this changes the dog officers job, answer was no, it just allows him to fine people that violate the law. Vote was taken on motion. MOTION passes.

ARTICLE 22. To see if the town will vote to transfer a sum of \$25,000 from the Ambulance Receipts Reserved Account for communication equipment, the repair, replacement and upgrading of ambulance equipment and supplies, reimbursement of advanced life support services provided to the town and other service related expenses;

MOTION made by Chief Flanagan to accept this article as read. Seconded by Mr. Stanton. Finance Committee recommends approval. Vote taken on motion, MOTION passes

ARTICLE 23. To see if the town will vote to transfer a sum of \$47,480 from the Ambulance Receipts Reserved Account for the purpose of funding a portion of the salary of full-time emergency medical technician/firefighter/inspector/fire prevention officer and funding a portion of weekend emergency medical technician coverage;

MOTION made by Chief Flanagan to accept this article as read. Seconded by Mr. Stanton. Finance Committee recommends approval. Vote was taken on the motion. MOTION passes.

ARTICLE 24. To see if the town will vote to transfer a sum of \$190,000 from the Ambulance Receipts Reserved Account for the purchase of a new ambulance and updated supplies and equipment;

MOTION made by Chief Flanagan to accept this article as read. Seconded by Mr. Stanton. Finance Committee recommends approval. The Chief explained that a new ambulance was needed and it supports itself. Vote was taken on the motion. MOTION passes.

ARTICLE 25. To see if the town will raise or appropriate a sum of \$20,000 for the purchase of a used vehicle to replace the Fire Department's Car 1, a 2000 Ford Explorer;

MOTION made by Chief Flanagan to accept this article as read, as a transfer from free cash. Seconded by Mr. Stanton. Finance Committee recommends approval. Vote was taken on the motion. MOTION passes.

ARTICLE 26. To see if the town will vote to raise or appropriate a sum of \$35,000 for the purpose of purchasing fire apparatus and equipment; such sum may be used for the town's matching portion of the Assistance to Firefighters Grant Program;

MOTION made by Chief Flanagan to accept this article as read, as a transfer from free cash. Seconded by Mr. Stanton. Finance Committee recommends approval. The Chief explained that this was 5% of a \$700,00 grant that the Fire Dept is to receive. Vote was taken on the motion. MOTION passes.

ARTICLE 27. To see if the Town will vote to appropriate funds from the Treasury, the sum of \$155,000 for replacement of a front-end loader for the Highway Department;

MOTION was made by Mr. Parker, Highway Superintendent to accept this article as read, as a transfer. Seconded by Mr. Stanton. Finance Committee recommends approval. Mr. Parker explained that he needed to replace the current front end loader. Vote taken on motion, MOTION passes.

ARTICLE 28. To see if the Town will vote to amend the Town of Boylston Zoning Map and Zoning Bylaw as follows:

To amend the existing Zoning Map by changing the Zoning District from Residential to Industrial on a parcel of land located on the easterly side of Shrewsbury Street (Route 140) containing 2.78 acres, being shown on Assessors Map 9 as Parcel 14 and bounded and described as follows:

A certain tract of land on the easterly side of Shrewsbury Street, otherwise known as Route 140 in the Town of Boylston, County of Worcester, Massachusetts, which is bounded as follows:

BEGINNING at the northwest corner thereof at an iron pin on the easterly line of Shrewsbury Street at land now or formerly of one Hall;

THENCE N. 43° 32' E. a distance of 72.32 feet along said Hall land to a point at land now or formerly of R. D. and V. R. Francis;

THENCE S. 46° 28' E. a distance of 120.00 feet along land now or formerly of R. D. and V. R. Francis to a point;

THENCE N. 43° 32' E. a distance of 362.55 feet along land now or formerly of R. D. and V. R. Francis to a point which marks the intersection of a stone wall and the westerly sideline of School Street;

THENCE southeasterly along the broken stone wall and land now or formerly of B. S. Club, Inc. a distance of 268 feet more or less to a point;

THENCE continuing southeasterly along the broken stone wall and land now or formerly of B. E. Brown and P. Hastings a distance of 225 feet more or less to a point;

THENCE westerly along land now or formerly of B. E. Brown and P. Hastings a distance of 173.67 feet to a point;

THENCE in a different course but still westerly along land now or formerly of J. C. Foss a distance of 50 feet more or less to a point;

THENCE in a different course but still westerly along land now or formerly of J. C. Foss a distance of 117 feet more or less to a bound on the easterly side of Shrewsbury Street;

THENCE N 26° 25' 40'' W. along the easterly side of Shrewsbury Street a distance of 258.78 feet to the point of beginning. Containing, by estimation, 2.78 acres.

Being the same premises described in a deed from Fuller Motor Home Rentals, Inc. to Robert Fuller and Sheri L. Fuller dated December 28, 2006 and recorded at Worcester District Registry of Deeds in Book 40462, Page 14. and

To amend the Town of Boylston Zoning Bylaw Section **9.02** Schedule of Dimensional Requirements by inserting a new Building Use category under the Industrial District as follows:

9.02 Schedule of Dimensional Requirements

District	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (feet)	Minimum Setback			Lot Width (feet)	Lot Depth (feet)
			Front (feet)	Side (feet)	Rear (feet)		
<u>Building/Use</u>							
Industrial	Sale and rental of recreational vehicles limited to motor homes, campers, camping Trailers and related accessories.						
	2 Acres	200'	50'	50'	50'	200'	250'

MOTION was made by Mr. Fuller, citizen to accept this article as written. Seconded by Mrs. Fuller. Mr. Baker, Planning Board Chairman, explained that the citizen had submitted this bylaw change and the Planning Board had held a public hearing on it With no objection from the meeting, the Planning recommends approval of the change. Mr. McCabe, Mr. Fuller’s Attorney spoke on the article and explained what their intend is. Mr. Symonds spoke against the article and stated she was not notified on the There were a number of questions on if this was spot zoning and why the abutters were not notified about the meeting. Mr. McCabe answered the questions, it was not spot zoning and that the meeting was advertized in the paper and posted it at Town Hall covered the requirement of notifying the public. After a few more people spoke a motion was made to move the question. Motion seconded. Motion passes. Motion was made to have a paper vote, seconded, vote on motion was defeated. Vote on article motion was taken as a stand vote, MOTION was defeated yes- 18 no – 97

ARTICLE 29. To see if the town will vote to amend the Agreement entered into between the towns of Berlin and Boylston pursuant to Chapter 510 of the Acts of 1970 pursuant to which the Berlin-Boylston Regional School District was established and now operates so as to change the method of apportioning assessments for capital costs as follows, such change to be effective upon the approval of the amendment by the Boylston Town Meeting, as follows:

1. Delete the current text of Section IV(D) in its entirety.
2. Insert the following text as Section IV(D):
 - (D) Apportionment of Capital Costs

Capital costs shall be apportioned for a particular school fiscal year based on each member town's Running Average Percentage for that fiscal year. For the purpose of this section, the following terms shall be defined as set forth herein:

1. A member town's "Tahanto Enrollment Percentage" for a particular fiscal year is the number of that town's resident students enrolled in the regional school district, divided by the total number of resident students of member towns enrolled in the regional school district, each determined as of October 1 of the prior fiscal year.

2. A member town's "Foundation Enrollment Percentage" for a particular fiscal year is that town's Foundation Enrollment (as defined in M.G.L. Ch. 70, sec. 2, as it may be amended from time to time) as determined by the Massachusetts Department of Education for the prior fiscal year, divided by the total Foundation Enrollment of all member towns for the prior fiscal year.

3. A member town's "Annual Average Percentage" for a particular fiscal year is the sum of its Tahanto Enrollment Percentage plus its Foundation Enrollment Percentage for that fiscal year, divided by two.

5. A member town's "Running Average Percentage" for a particular fiscal year is the sum of its Annual Average Percentage for that fiscal year plus its Annual Average Percentage for each of the three preceding fiscal years, divided by four.

MOTION made by Mrs. Dono-Healy, School Committee, to accept this article as written. Seconded by Mr. Brenner. Mr. Mc Dermott , Superintendent of Schools explained the article and that this has to be approved by Boylston and Berlin and Berlin had approved it last fall. Vote on motion taken, MOTION passes

ARTICLE 30. To see if the Town will vote to amend the Zoning By-Laws of the Town of Boylston as required by its acceptance of G.L. c. 43D and its designation of "Priority Development Sites" there-under, by adding a new section 11.06, as follows:

11.06 11.06 PRIORITY DEVELOPMENT SITES

For any project located on a Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor's records as Map 11, Parcel 2; Map 11, Parcel 2-1; and Map 17, Parcel 40, decision(s) on all permit(s) hereunder, as defined in said G.L. c. 43D, as amended, whether issued by the Board of Appeals or the Planning Board, shall be rendered no later than one hundred eighty (180) days following submission of completed application(s) therefore. Said one hundred eighty (180) days may be waived or extended as provided in G.L. c. 43D.

For any project located on a Priority Development Site (PDS), as designated by Town Meeting pursuant to G.L. c. 43D and identified in the Assessor's records as Map 11, Parcel 2; Map 11, Parcel 2-1; and Map 17, Parcel 40, decision(s) on all permit(s) hereunder, as defined in said G.L. c. 43D, as amended, whether issued by the Board of Appeals or the Planning Board, shall be rendered no later than one hundred eighty (180) days following submission of completed application(s) therefore. Said one hundred eighty (180) days may be waived or extended as provided in G.L. c. 43D.

MOTION was made by Mr. Deal to accept this article as written. Seconded by Mr. Stanton. Mr. Baker , Planning Board recommends approval. Mrs. Colbert Puff, Town Administrator explained the article. A vote was taken on the motion, 2/3 vote is require. MOTION passed with a stand vote. Yes- 108, No- 0

ARTICLE 31. To see if the Town will vote to amend the General By-Laws of the Town of Boylston as required by its acceptance of G.L. c. 43D and its designation of “Priority Development Sites” there-under, as follows:

Item 1. By adding the following, new Section 6.05(d) to Article VI:

- (d) A completed application for removal of earth from a Priority Development Site (PDS) shall be submitted concurrently with any other permit application(s) required by the Zoning By-Laws or this By-Law, and shall be decided by the Board no later than one hundred eighty (180) days thereafter, unless such time is waived or extended as provided in G.L. c. 43D.

Item 2. By adding the following, new sentence to the end of Article VI, Section 7.07:

For a Priority Development Site (PDS), a completed application for a Driveway Permit shall be submitted concurrently with any other permit application(s) required by the Zoning By-Laws or this By-Law, and shall be decided by the appropriate Board no later than one hundred eighty (180) days thereafter, unless such time is waived or extended as provided in G.L. c. 43D.

Item 3. By adding the phrase “Except as provided in Section 9.05.07,” to the beginning of the first sentence of Article VI, Section 9.04.03, and by adding the following, new Section 9.05.07 to said Article VI:

- .07 Priority Development Sites. For any project or activity located on a Priority Development Site (PDS) and requiring a Stormwater Control Permit, an completed application therefore shall be submitted concurrently with any other permit application(s) required by the Zoning By-Laws or this By-Law, and shall be decided by the Conservation Commission no later than one hundred eighty (180) days thereafter, unless such time is waived or extended as provided in G.L. c. 43D.

Item 4. By adding the following, new paragraph as the second-to-last paragraph of Article VI, Section 17.01:

In the event that a permit, as aforesaid, is required for work proposed on a Priority Development Site (PDS), an application therefore shall be submitted concurrently with any other permit application(s) required by the Zoning By-Laws or this By-Law, and shall be decided by the Board no later than one hundred eighty (180) days thereafter, unless such time is waived or extended as provided in G.L. c. 43D.

MOTION was made by Mr. Deal to accept this article as written. Seconded by Mr. Stanton. Mr. Colbert Puff Explained the article. Vote taken on the article, MOTION passed

ARTICLE 32. To see if the Town will vote:

To amend the General Bylaws by inserting in Article VI therein a new Section 22, to be entitled “Storm Drain By-law”, that will generally provide as follows:

1. Set forth certain definitions concerning storm water and the municipal storm sewer system;

2. Authorize and designate the Board of Health (the “Board”) to be the enforcement agency for the Storm Drain By-law and authorize the Board to promulgate rules and regulations to effectuate the purposes of the Storm Drain By-law;
3. Prohibit: (i) the discharge of any pollutant or non-storm water discharge into the municipal storm sewer system, (ii) the construction or continuance of use of any illicit connection to the municipal storm sewer system and (iii) the obstruction or interference with the normal flow of storm water into or out of the municipal storm sewer system;
4. Exempt certain discharges, flows and/or activities from the prohibitions, such as flow resulting from fire fighting activities, waterline flushing, and discharges from landscape irrigation or lawn watering;
5. Provide the Board with authority to issue an emergency suspension of access to the municipal storm drain system upon a determination of an imminent risk of harm to the public health, safety, welfare or the environment;
6. Require persons responsible for, or having information of, a release or a threat of a release of materials at a facility or operation which may result in the discharge of pollutants to the municipal drainage system or the waters of the commonwealth to take all necessary steps to ensure containment and cleanup of the release and, in the event of a release of oil or hazardous materials, to immediately notify the Fire Department, the Police Department and the Board;
7. Authorize the Board to enforce the provision of the Storm Drain By-law by issuing written orders, by seeking injunctive relief in a court of competent jurisdiction, by issuing fines of not more than \$500 for each separate offense, or by issuing fines in accordance with the Non-Criminal Disposition By-law, provided the fine for the an offense shall be \$300;
8. Authorize the Board, to the extent permitted by law, to enter upon privately owned property for the purpose of performing their duties under the Storm Drain By-law; and
9. Provide residential property owners 120 days from the effective date of the Storm Drain By-law to comply with its provisions, provided good cause is shown for the failure to comply with the By-law during that 120-day period.

A copy of the full and complete text of the proposed Storm Drain By-law is on file at the office of the Town Clerk and available for public inspection and copying during regular business hours of Town Hall.

MOTION was made by Mr. McGrath to accept this article as written, correcting the typo of #4. irrigation or lawn watering and section 21 not 22. Seconded by Mr. Stanton. Mr. McGrath explained the article. Vote taken on motion, MOTION passes

ARTICLE 33. To see if the Town will vote to transfer from available funds in the Treasury a sum of money, not to exceed \$100,000, and direct the Board of Assessors to utilize the same to reduce the tax rate for the fiscal year 2010;

MOTION was made by Mr. Stanton to accept this article as read Seconded by Mr. Brose. Finance Committee recommends Approval. Mr. Stanton explained the article. Vote taken on the article, MOTION passed

ARTICLE 34. To see if the Town will vote to transfer from available funds in the Treasury the sum of \$300,000 to the Stabilization Account; or take any action relative thereto.

MOTION was made by Mr. Stanton to accept this article as read . Seconded by Mr. Deal. Finance Committee recommend approval. Vote was taken, 2/3 vote is required MOTION passed unanimously by voice vote

ARTICLE 35. To see if the Town will vote to raise by taxation and appropriate or transfer from available funds in the Treasury, such sums as may be necessary to defray and pay all Town debts and charges and appropriate the same as the Town sees fit for the fiscal year 2010, and to fix the compensation and salaries of all Town Officers, as may be shown in whole or in part by the Town Budget, so-called, as shown in the Fiscal Year 2010 Report of the Finance Committee;

MOTION made by Mr. Brose to accept this article as written with the correction of moving \$9,500.00 from Highway Expenses to Snow and Ice Removal. Seconded by Mr. Stanton. Vote taken on the motion, MOTION passes.

Mr. Pojani stated article 36 – the election will take place May 11, 2009 at Hillside Town Hall. Motion was made by Mr. Stanton to adjourn tonight meeting, seconded , MOTION passes.

Meeting adjourned at 9:20 P.M.

Respectfully Submitter,

Sandra L. Bourassa
Town Clerk