

## WARRANT FOR A SPECIAL TOWN MEETING

Monday, May 2nd, 2016,

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

**Immediately preceding the Annual Town Meeting to transact fiscal year end 2016 town business.**

**MAY 2, 2016**

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 2nd, 2016, 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 2, 2016. With 130 registered voters. Selectmen James Wood, James Underwood and Michael May were present. Also, present were Town Administrator, Martin McNamara, Town Counsel Stephen Madaus, and Town Clerk Sandra Bourassa. Dennis Pojani, Moderator called the meeting to order at 7:06 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. Wood was made to waive the reading of the warrant. Seconded by Mr. Butler. Vote on the MOTION passed.

**ARTICLE 1.** To see if the Town will vote to transfer any unexpended balances of Fiscal Year 2016 appropriations, hitherto made to other accounts;

MOTION by Mr. Butler was made to make the following transfers: \$223.82 from Highway Salary account to Building Inspector Salary, \$21,126.00 from Highway Salary account to Fire Dept. Salary, \$532.25 from Highway Salary account to Treasurer/Collector Salary, \$380.00 from Highway Salary account to Selectmen's Admin Asst., \$55.00 Highway Salary account to Selectmen's Clerical, \$381.40 Highway Salary account to Planning Bd. Clerical. \$492.80 from Highway Salary account to Building Insp. Clerical, \$2,800.00 from General Insurance account to Unemployment Compensation, \$1.00 General Insurance to Regional School District Regular Assessment. Seconded by Ms. Quist. Finance Committee recommends approval. Vote on MOTION taken, MOTION passes unanimously.

MOTION made to adjourn this meeting with the completion of this article, Seconded. MOTION passes.

Meeting adjourned at 7:10PM.

Respectfully Submitted,

Sandra L. Bourassa, Boylston Town Clerk.

**WARRANT FOR THE ANNUAL TOWN MEETING  
MAY 2, 2016**

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. ANNUAL TOWN MEETING – MAY 2, 2016**

on **Monday, the second (2<sup>nd</sup>) of May AD, 2016 at seven-ten (7:10) 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 forty-five (45) 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 9, 2016**

on **Monday, the ninth (9<sup>th</sup>) of May AD, 2016**, 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 46.** To vote by official ballot for the necessary Town Officers, namely:

One Selectman for three (3) years; One Assessor for three (3) years ; One Board of Health member for three (3) years; One Planning Board member for five (5) years; One Municipal Light Board member for three (3) years; Two Library Trustees for three (3) years each; One Cemetery Commissioner for three (3) years; One Parks & Recreation member for five (5) years ; One Parks & Recreation member for four(4) years; One Parks & Recreation member for three(3) years: One School Committee member for three (3) years; One Moderator 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 2, 2016. With 130 registered voters we had the required quorum. Selectmen James Wood, James Underwood and Michael May were present. Also, present were Town Administrator, Martin McNamara, Town Counsel Stephen Madaus, and Town Clerk Sandra Bourassa. Dennis Pojani, Moderator called the meeting to order at 7:12 P.M. Mr. Pojani calling of the meeting and officer's return of service are in order as required. He set the bounds of the hall. A MOTION by Mr. Wood was made to waive the reading of the warrant. Seconded by Mr. Butler. Vote was taken on the motion. MOTION passed.

Motion was made by Mr. Wood to group articles 1-14 together, Mr. Pojani explained that they are articles we approve every year, seconded by Mr. Butler. Vote was taken on motion. MOTION passed. MOTION made on articles 1-14 to be accepted as written, seconded Mr. Brose. Board of Selectmen recommends approval, Finance Committee recommends approval and John McQuade, Light Dept. recommends approval on their article. Vote was taken on the MOTION. MOTION passed unanimously.

Mr. Pisinski, 44 Warren St. asked a question about last year's article that approved \$50,000.00 for the sewer study. He questioned if the final report was given to the selectmen or will it be presented at the Town meeting. Mr. May answered that the selectmen had received part 1 of the study and that the finally report would be available to the citizens once it is complete. Vote take on the MOTION, 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.

**Sponsor:** Board of Selectmen

**\*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; 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, 2016 and ending June 30, 2017, and to issue a note or notes therefor 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; 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, 2016, and to fix the compensation therefor, 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, 2016, including the appointment of a Cemetery Superintendent, and to fix the compensation therefor, 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, 2016, and to fix the compensation therefor, 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, 2016, as provided by Section 4A of Chapter 41 of the General Laws, as follows: Chairman - \$800.00 and two (2) members - \$800.00 each, a total of \$2400.00, 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 MassDOT – Highway Division, so-called, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow from time to time during the fiscal year beginning July 1, 2016, in anticipation of reimbursement of said highway assistance, in conformity with the provisions of Section 6A of Chapter 44 of the General Laws, 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 Section 53E ½ of Chapter 44 of the General Laws, for the following purposes:

1. To be the depository for all departmental receipts of the Cemetery Commission.
2. To authorize expenditures for the following:
  - a. For wages, salaries and fringe benefits associated with such wages or salaries for Cemetery Commission Employees.
  - b. For operational purposes other than regular wages and including the cost of grave openings and related expenses
  - c. For payment of maintenance expenses including supplies and materials and part-time labor
  - d. For payment of expenses related to the expansion of the cemetery
  - e. For compensation for part time commissioners and clerk; and
3. To set the expenditure limit as not to exceed \$30,000

Or act in any other way thereon.

**Sponsor:** Cemetery Superintendent

**Finance Committee comments:** Finance Committee recommends approval.

**Board of Selectmen recommendation:**

**\*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 Section 53E½ of Chapter 44 of the 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; and
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:**

**\*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 Section 53E ½ of Chapter 44 of the 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; and
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:**

**\*ARTICLE 14.** To see if the Town will vote to authorize the Board of Health to continue its use of the revolving fund established at the 2012 Annual Meeting, established in accordance with Section 53E½ of Chapter 44 of the General Laws, to be utilized for the following purposes:

1. To be a depository for reimbursements from the administration of flu vaccinations at Board of Health clinics;
2. To authorize expenditures from said fund to pay for additional vaccine, materials and supplies associated with Public Health Clinics;
3. To set the annual expenditure limit at \$3,000.00; and
4. To have the Board of Health be the only board authorized to expend funds from said account;

Or act in any other way thereon.

**Sponsor:** Board of Health

**Finance Committee comments:** Finance Committee recommends approval.

**Board of Selectmen Recommendation:**

**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;

**Sponsor:** Board of Selectmen

**Finance Committee comments:**

Selectmen, Chair	\$ 1,447	2 members each at \$ 1,206
Town Clerk	\$ 33,263 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	\$ 53	
Planning Board Clerk	\$ 53	

MOTION was made by Mr. Wood to accept this article as written, seconded by Mr. Brose. Finance Committee recommends approval. Vote taken on the MOTION. MOTION passes 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 act in any other way thereon.: (proposed changes are in **bold**)

**Section 15:** Classification Schedule Amended May **2016** - Effective July 1, 2017

Classification	Position Status	Grade	Hourly Rates	
			Min	Max
Library Page	Hourly		<b>9.73</b>	<b>10.03</b>
Election Worker	Hourly		<b>9.73</b>	<b>10.03</b>
Town Meeting Checker	Hourly		<b>9.73</b>	<b>10.03</b>
Election Clerk	Hourly		<b>10.83</b>	<b>10.83</b>
Election Warden	Hourly		<b>10.83</b>	<b>10.83</b>
Clerical	Special Temp		<b>9.73</b>	<b>10.03</b>
Library Housekeeper	Special Part Time		<b>11.03</b>	<b>11.77</b>
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 Co-ord./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**

<b>Grade</b>	<b>Min</b>	<b>Mid</b>	<b>Max</b>
1	11.21	13.19	15.20
2	12.11	14.30	16.42
3	13.12	15.48	17.82
4	14.13	16.66	19.14
5	15.29	17.99	20.66
6	16.53	19.43	22.35
7	17.87	20.88	24.11
8	19.26	22.66	26.05
9	20.84	24.46	28.10
10	22.50	26.43	30.39
11	24.34	28.52	32.81
12	26.22	30.81	35.40
13	28.32	33.26	38.24
14	30.57	35.93	41.29
15	33.05	38.82	44.59
16	35.68	41.93	48.15
17	38.52	45.29	52.03
18	41.52	47.64	56.16

**Schedule C: Salary Compensation Schedule-**

<b>Job Title</b>	<b>Annual Salary</b>
Chairman, Registrar of Voters	\$ 693
Council on Aging, Meal Coordinator	\$ 1,130
Director of Veteran's Services	\$ 218
Electrical Inspector	\$ 8,962
Assistant Electrical Inspector	\$ 617
Plumbing Inspector	\$ 9,617
Assistant Plumbing Inspector	\$ 801
Gas Inspector	\$ 2,892
Assistant Gas Inspector	\$ 248
Registrar of Voters	\$ 314
Health Agent	\$ 41,981
Dog Officer	\$ 2,362
Animal Inspector	\$ 1,358
Nurse	\$ 1,500
Vital Stat Clerk	\$ 200
Tree Warden	\$ 1,275

MOTION was made by Mr. Wood to accept this article as it was written, seconded by Mr. Brose. Finance Committee recommends approval. There was a question on why the employees were getting a 2.5% raise. Mr. May explained how the employees had not got a raise some years. Vote taken on MOTION. MOTION passes.

**ARTICLE 17.** To see if the Town will vote to transfer from available funds in the Treasury from the Hillside Receipts Reserved Account a sum not to exceed \$168,000 to the Hillside Expenses Account(# 193-5780), and a sum not to exceed \$62,500 to the Hillside Salaries Account (# 193-5110) and to appropriate both sums for the maintenance, upkeep, repair, operations and improvements of Town-owned buildings, property and land, to be expended by the Board of Selectmen; or act in any other way thereon.

MOTION was made by Mr. Wood to accept this article as read, seconded by Mr. Healy. Finance Committee recommends approval. Vote taken on MOTION. MOTION passes unanimously.

**ARTICLE 18.** To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$15,000 to the Other Post-Employment Benefits (OPEB) Liability Trust Fund; or act in any other way thereon.

MOTION was made by Mr. May to accept this article as read, seconded by Mr. Butler. Finance Committee recommends approval. Mr. McNamara explained what this article was about.. Mr. Butler explained how much was in “free cash” and what articles would be funded from “free cash” and what the balance of “free cash” would be if these article pass. Vote taken on MOTION. MOTION passes unanimously.

**ARTICLE 19. Senior Residential Development Zoning By-law:** To see if the Town will vote to amend the Zoning By-laws for the Town of Boylston by deleting Section 5, “Reserved”, and inserting in lieu thereof a new Section 5, entitled “Senior Residential Development”, to allow for over-55 age-restricted senior residential developments by special permit on parcels of land containing at least 10 acres in the Residential (R) Zoning District, to authorized the Planning Board to adopt rules and regulations for the administration of the Senior Residential Development By-law, and by amending Section 4.02, Schedule of Use Regulations, by adding “Senior Residential Development” as a use allowed by special permit in the Residential Zoning District, the full text of the proposed Senior Residential Development Zoning By-law is on file in the office of the Town Clerk and available for inspection during regular Town Hall business hours; or act in any other way thereon.

MOTION was made by Mr. Viscomi to accept this article was written in the hand- outs that were available. He explained that the Planning Board had held public hearings on this article and the articles 19-24 and recommended approval on all of them. MOTION was seconded by Ms. Quist. Ms. Johnson asked why this only pertaining to the residential area. Mr. Viscomi explained why. A few people spoken in favor and against this article, then a MOTION was made to move the MOTION. MOTION was seconded by Mr. Butler. Vote on the MOTION passes. Vote on the article MOTION was taken by a stand vote. Vote was Yes- 109, No-14. A 2/3 vote was needed. MOTION passed.

**ARTICLE 20.** To see it the Town will vote to amend the Zoning Map for the Town of Boylston by changing the designation of land areas located off of Shrewsbury Street/Route 140, being shown as a portion of Parcel 13 on Assessor’s Map 12 and a portion of Parcel 7 on Assessor’s Map 36, from the current designation of Residential (R) to be designated as Flexible Business District (FBD), all as shown on a plan of land entitled, ‘Exhibit Showing Proposed Zoning Map Amendment from Residential to Flexible Business in Boylston, Massachusetts’ prepared by Thompson-Liston Associates, Inc., dated Feb. 26, 2016, on file and available for public inspection at the office of the Town Clerk during regular business hours at the Town Hall.

Said amendment meaning and intending to include the remainder of the land owned by John DiPilato, et al identified as Assessors Map 12 Parcel 13 and a larger portion of the land owned by Worcester Sand and Gravel Co., Inc. identified as Assessors Map 7 Parcel 36 in the Flexible Business District; or act in any other way thereon.



MOTION was made by Mr. Viscomi to accept this article as read. Seconded by Mr. Healy. Mr. Viscomi presented a map of the parcel and explained the article. Planning board recommends approval. Voice vote on the MOTION was taken. A 2/3 vote is needed. MOTION passed unanimously.

**ARTICLE 21.** To see if the Town will vote to amend the Zoning By-Laws for the Town of Boylston by inserting in Section 4.02, “Schedule of Use Regulations”, in Subsection 4.02.04, “Industrial”, the following use and description:

		RR	R	GR	VB	HR	NB	RB	C	H	IP	FBD	MUI
<b>Distribution Center</b>								SP#				SP#	

MOTION was made by Mr. Viscomi to accept this article as read. Seconded by Mrs. Levy. Planning board recommends approval. Voice vote on the MOTION was taken. A 2/3 vote is needed. MOTION passed unanimously.

**ARTICLE 22.** To see if the Town will vote to amend the Zoning Bylaw for the Town of Boylston by inserting in Section 1.04, “Definitions”, after the definition of COMMUNICATION CENTER and before the definition of DWELLING, the following new definition:

DISTRIBUTION CENTER: A building and related facilities utilized for the receipt, storage, sorting, packaging, warehousing and/or distribution of goods, products or materials.

MOTION was made by Mr. Viscomi to accept this article as read. Seconded by Mr. Healy. Planning board recommends approval. Voice vote on the MOTION was taken. A 2/3 vote is needed. MOTION passed unanimously.

**ARTICLE 23.** To see if the Town will vote to amend the Zoning By-laws for the Town of Boylston by inserting in Section 9, “Dimensional Requirements”, Subsection 9.03, “Modification to Dimensional Requirements”, a new subparagraph 9.03.06, to read as follows:

SPECIAL PERMIT IN FBD ZONING DISTRICT  
 As part of an FBD Special Permit, the Planning Board may modify dimensional requirements for lots where it determines that such modifications will not negatively impact abutting properties.

MOTION was made by Mr. Viscomi to accept this article as read. Seconded by Mr. Butler. Planning board recommends approval. Mr. Viscomi explained the article. Vote was taken on the MOTION. A 2/3 vote is needed. MOTION passed.

**ARTICLE 24.** To see if the Town will vote to amend the Zoning By-Laws for the Town of Boylston by revising in Section 10, “Special Regulations”, Section 10.03.08, entitled “WAIVER”, to read as follows (new text underlined)::

**10.03.08 WAIVER**  
 The Board may, upon written request by an applicant, waive any technical requirements for a development plan. The Board may also waive any strict compliance with any of the requirements or guidelines set forth in Section 10.04 of the Zoning By-Laws where the Board finds that due to topography, location or other unusual conditions affecting the property, such requirements would adversely impact the development or use of the property or would be detrimental to the most appropriate design of a proposed development.

MOTION was made by Mr. Viscomi to accept this article as read. Seconded by Mr. Butler. Planning board recommends approval. Mr. Viscomi explained the article. Vote was taken on the MOTION. A 2/3 vote is needed. MOTION passed.

**ARTICLE 25.** To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$290,000 for completion of the Highway Garage project to include paving, salt shed construction, site work, and water service installation; or act in any other way thereon.

MOTION was made by Mr. Wood to accept this article as read, being a transfer from “free cash”. Seconded by Mr. Butler. Finance Committee recommends approval. Mr. Parker asked how big the salt shed would be. That had not been determined yet. Vote was taken on the MOTION. MOTION passed unanimously.

**ARTICLE 26.** To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$20,000 for the update of IT Systems at Town Offices; or act in any other way thereon.

MOTION was made by Mr. Underwood to accept this article as read, being a transfer from “free cash”. Seconded by Mr. Butler. Finance Committee recommends approval. Vote was taken on the MOTION. MOTION passed unanimously.

**ARTICLE 27.** To see if the Town will transfer from available funds in the Treasury and appropriate a sum not to exceed \$75,000 for renovations at the Boylston Town House; or act in any other way thereon.

MOTION was made by Mr. May to accept this article as read, being a transfer from “free cash”. Seconded by Mr. Butler. Finance Committee recommends approval. Mrs. Goodrich 2 Duffy Rd. asked if this money would be used to fix or replace the chair lift that is in need of replacement. Mr. Mero stated they are looking into that. Mrs. Symonds, School St. stated it needed to be ADA compliance. Vote was taken on the MOTION. MOTION passed unanimously.

**ARTICLE 28.** To see if the Town will vote to transfer and appropriate a sum not to exceed \$70,000 from the Ambulance Receipts Reserved Account to the Fire Department budget to supplement that portion of the operating budget associated with ambulance operations; or act in any other way thereon.

MOTION was made by Mr. Ronn, Deputy Fire Chief to accept this article as read, seconded by Mr. Brose. Finance Committee recommends approval. Vote taken on MOTION. MOTION passes unanimously.

**ARTICLE 29.** To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$2,378; such funds to be used for the Town’s 5% matching portion of the FEMA Assistance to Firefighter Grant Program; or act in any other way thereon.

MOTION was made by Mr. Ronn, Deputy Fire Chief to accept this article as read, being a transfer from “free cash” seconded by Mrs. Levy. Finance Committee recommends approval. Vote taken on MOTION. MOTION passes unanimously.

**ARTICLE 30.** To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$20,000 for the purpose of purchasing ten sets of replacement structural firefighting turnout gear for the Fire Department; or act in any other way thereon.

MOTION was made by Mr. Ronn, Deputy Fire Chief to accept this article as read, being a transfer from “free cash” seconded by Mr. Brose. Finance Committee recommends approval. Vote taken on MOTION. MOTION passes unanimously.

**ARTICLE 31.** To see if the Town will vote to transfer and appropriate a sum not to exceed \$5,000 from the Ambulance Receipts Reserved Account; such funds to be used for the purchase of maintenance tools and equipment for the Fire Department; or act in any other way thereon.

MOTION was made by Mr. Ronn, Deputy Fire Chief to accept this article as read, being a transfer from “free cash” seconded by Mr. Brose. Finance Committee recommends approval. Vote taken on MOTION. MOTION passes unanimously.

**ARTICLE 32.** To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$75,000 for road maintenance and paving work; or act in any other way thereon.

MOTION was made by Mr. Mero to accept this article as read, being a transfer from “free cash”. Seconded by Mr. Butler. Mr. Mero explained how this was addition to the chapter 91 monies from the state. Vote was taken on the MOTION. MOTION passed unanimously.

**ARTICLE 33.** To see if the Town will authorize the Tax Title Custodian to transfer the parcels of Town-owned and/or tax title land listed in the following table from the care, custody and management of the Tax Title custodian, to the care, custody and management of the Boylston Conservation Commission for conservation and passive recreation purposes pursuant to G.L. c. 40 §8C and Article 97 to the Amendments of the Massachusetts Constitution and to authorize the Town Treasurer / Tax Title Custodian to execute and record deeds transferring said parcels to the Conservation Commission for conservation and passive recreation purposes, the usage of such land to be administered through the enactment of suitable regulations; or act in any other way thereon.

Assessors Map	Parcel	Book	Page	Acreage
56	6-1	2760	272	8.05
56	12	3035	198	10.00
56	14	2872	406	27.00
61	7	2759	462	9.00
61	8	3035	200	24.00
65	2	2827	180	8.00
68	8	18929	377	8.50

MOTION was made by Mr. McGarth, Conservation Commission chairman, seconded by Mr. Ridinger. Mr. McGrath showed a map of the parcels and explained the article and how this would not cost the Town any money. Mrs. Levy stated we needed to plan for the future. Vote was taken on the MOTION. MOTION passed unanimously.

**ARTICLE 34.** To see if the Town will vote to:

1. Transfer to the Board of Selectmen for purposes of disposing of by sale a portion of the property known as “Hillside,” located along the westerly side of Main Street and acquired by the Town by an Order of Taking dated April 14, 1997, recorded at the Worcester District Registry of Deeds in Book 18761, Page 25, as originally acquired for the purpose of public convenience and for public and municipal purposes, including the Town’s public safety and other municipal services and open space and recreational purposes, said portion of land to be transferred to the Board of Selectmen for disposal by sale is located along the westerly sideline of Elmwood Place, contains approximately 178,321 square feet of land and is shown on a sketch

plan entitled "Plan of Land for Sale, Elmwood Place, Boylston, MA" dated 3-7-2016, prepared by James P. Smith, and available for public inspection during regular business hours at the office of the Town Clerk, and provided that the portion of land shall be sold for no less than a minimum amount as determined by the Town Meeting; and

2. Further authorize the Board of Selectmen to file with the General Court a petition for Special Legislation as may be required by the provisions of Article 97 of the Massachusetts Constitution, to authorize the sale of a portion of the property known as "Hillside", Main Street, acquired by the Town by an Order of Taking dated April 14, 1997, recorded at the Worcester District Registry of Deeds in Book 18761, Page 25, said portion of land to be sold being located along the westerly sideline of Elmwood Place, contains approximately 11,029,392 square feet of land and is shown on a sketch plan entitled "Boylston for Digital Equipment", dated 10-17-79, prepared by Charles A. Perkins and available for public inspection during regular business hours at the office of the Town Clerk; or act in any other way thereon.

Mr. May stepped out of the hall before MOTION was made on this article, he reclused himself because he is the owner of the property to be voted on.

MOTION by Mr. Riccardi was made to accept this article as it was written in the warrant, seconded by Mr. Butler. Finance Committee recommends approval. Town Council explained the article as stated an amount was needed. Mr. McNamara stated that the Town had gotten the land appraised and it was worth \$31,000.00. MOTION was made to amend the article by adding the \$31,000.00, seconded by Mr. Butler. Mr. Ricker, lawyer for the citizen explained the article. Mr. Walsh questioned the 11,029,392 square feet of land in the second paragraph referred to. Mr. Riccardi made a MOTION to amend the article by replacing 11,029,392 square feet with 4.1 acres and deleting the rest of the paragraph. Seconded by Mr. Butler. Vote was taken MOTION TO amend the article. MOTION passes. Vote was taken on the MOTION for the article. A stand vote was taken and passed YES- 95, NO -16. 2/3 vote was needed.

**ARTICLE 35.** To see if the Town will vote to amend Article I, entitled "General Provisions", Section 4, "Officers and Boards Authorized by Town Meeting Vote", of the General By-laws by inserting therein a new subsection 4.07, to read as follows:

#### 4.07 AGRICULTURAL COMMISSION

There shall be an Agricultural Commission of the Town to represent the Boylston farming community. Said commission shall serve as facilitators for encouraging the pursuit of agriculture in the Town of Boylston and shall promote agricultural based economic opportunities in the Town. The commission shall be comprised of three members, serving staggered terms of 3 years each, appointed by the Board of Selectmen each fiscal year. Initial terms shall be as follows: One member for a term of one year, and three thereafter, one member for a term of two years, and three thereafter, and one member for a term of three years, and three thereafter. Up to 2 alternates may also be appointed by the Board of Selectmen, each for one year terms; or act in any other way thereon.  
; or act in any way thereon.

MOTION was made by Mr. Wood to accept this article as it was written in the warrant, seconded by Mr. Brose. Mrs. May explained this article. Vote was taken on the MOTION. MOTION passed unanimously.

**ARTICLE 36.** To see if the Town will vote to amend Article IV of the General By-laws, entitled "Protection of Persons and Property", by inserting therein a new Section 23, entitled, "Right to Farm", to read as follows:

#### SECTION 23: RIGHT TO FARM

##### 23.1: Legislative Purpose and Intent

The purpose and intent of this General By-Law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1: Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Boylston

restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

This General By-Law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Boylston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This General By-Law shall apply to all jurisdictional areas within the Town.

### **23.2: Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereof.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and alpacas), and other domesticated animals for food and other agricultural purposes, including bees.
- "Farming" shall encompass activities including, but not limited to, the following:
- operation and transportation of slow-moving farm equipment over roads within the Town; control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- application of manure, fertilizers, and pesticides which are registered with the Department of Agricultural Resources.
- composting, which the resulting compost is to be used on site;
- conducting agriculture-related educational and farm based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on farm relocation of earth and the clearing of ground for farming operations.

### **23.3: Right to Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Boylston. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is recognized that agricultural practices may impact others; however, the benefits of farming to the neighboring community and society more than offsets such impact. The benefits and protections of this By-Law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted good agricultural practices. Moreover, nothing in this Right to Farm By-Law shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

### **23.4: Disclosure Notification**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase of real property, or prior to the acquisition of a leaseholder interest or other possessory interest in real property, located in the Town of Boylston, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the buyers’ property within the Town may be impacted by commercial agricultural operations.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property.

### **23.5: Precedence**

In the event of conflict between this By-law and federal or state law, federal or state law shall take precedence respectively.

### **23.6: Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen may forward a copy of the grievance to the Agricultural Commission or its agent which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendation to the Board of Health within an agreed upon time frame.

### **23.7: Severability Clause**

If any part of this By-Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-Law. The Town of Boylston hereby declares the provisions of this By-Law to be severable.

MOTION was made by Mr. Wood to accept this article as written in the warrant, seconded by Mr. Brose. Mrs. May explained the article. Mrs. Haddon, Cross St. made a MOTION to amend 23.1 by deleting pursuit of agriculture and 23.3 deleting. The above-described agricultural activities may occur..... accepted agriculture practices. Seconded by Mr. Butler. Vote was taken on MOTION to amend this article. MOTION was defeated. MOTION was taken on article. MOTION was passed.

**ARTICLE 37.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to adopt a special act, as set forth below, to allow Anthony Sahagian to continue to serve in the position of Police Chief until June 30, 2020, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments thereto before enactment by the General Court, which amendments shall be within the public purposes of said petition:

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

Section 1. Notwithstanding any general or special law to the contrary, Anthony Sahagian, chief of police of the town of Boylston, may continue to serve in the position until June 30, 2020, until the date of his retirement, or until the date he is relieved of his duties by the board of selectmen of the town of Boylston, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The board of selectmen may, at its own expense, require that Anthony Sahagian be examined by an impartial physician designated by them to determine such capability. No further deductions shall be made from the regular compensation of Anthony Sahagian under chapter 32 of the General Laws for any service subsequent to November 1, 2018, and upon retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired on that date.

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

MOTION was made by Mr. Underwood to accept this article as written in the warrant, seconded by Mr. Brose. Finance Committee recommends approval. Mr. McNamara explained the article. Vote was taken on the MOTION. MOTION was passed.

**ARTICLE 38.** To see if the Town will vote to increase the hourly wage for workers in the Senior Tax Rebate Program to the State Minimum Wage, and increase the maximum amount seniors may earn annually to a sum of \$1000.00; or act in any way thereon.

MOTION was made by Mr. O'Connor to accept this article was read, seconded by Mr. Brose. Finance Committee recommends approval. Vote was taken on the MOTION. MOTION passes.

**ARTICLE 39.** To see if the Town will vote to transfer from available funds in the Treasury a sum not to exceed \$31,500 to complete Phase Two, so called, of the security system improvements at Boylston Elementary School; or act in any other way thereon.

MOTION was made by Mr. Lozoraitis, School Committee to accept this article as read, being a transfer from "free cash", seconded by Mr. Broze. Finance Committee recommends approval. Vote was taken on the MOTION. MOTION passes.

**ARTICLE 40.** To see if the Town will vote to transfer from available funds in the Treasury a sum not to exceed \$40,990 to replace sound board panels in the gymnasium at Boylston Elementary School; or act in any other way thereon.

MOTION was made by Mr. Lozoraitis, School Committee to accept this article as read, being a transfer from "free cash", seconded by Mr. Broze. Finance Committee recommends approval. Vote was taken on the MOTION. MOTION passes.

**ARTICLE 41.** To see if the Town will vote to transfer from available funds in the Treasury a sum not to exceed \$15,000 to replace/repair door mechanisms at Boylston Elementary School; or act in any other way thereon.

MOTION was made by Mr. Lozoraitis, School Committee to accept this article as read, being a transfer from "free cash", seconded by Mr. Broze. Finance Committee recommends approval. Vote was taken on the MOTION. MOTION passes.

**ARTICLE 42.** To see if the Town will vote to:

Amend Section 4, entitled "Officers and Boards Authorized by Town Meeting Vote" of Article I of the Town's General By-Laws by revising sub-section 4.03, entitled "Parks and Recreation Commission" which currently reads:

*4.03 Parks and Recreation Commission*

*At a Special Town Meeting on December 16, 1976, it was voted by unanimous vote to elect a Board of Parks and Recreation Commissioners consisting of five (5) members, said Board to have the powers and duties described in Chapter 45 of the General Laws including the power to acquire land for park and recreation purposes, conduct and promote recreation, physical education and similar activities.*

to read as follows:

#### *4.03 Board of Parks and Recreation Commissioners*

*There shall be a Board of Parks and Recreation Commissioners consisting of five (5) members, each to serve a term of three years; said Board shall have the powers and duties described in Chapter 45 of the General Laws, including the power to acquire land for park and recreation purposes, conduct and promote recreation, physical education and similar activities.*

Provided, however, that on the date this revision to the General By-laws becomes effective, any incumbents serving on the Board of Parks and Recreation Commissioners shall be entitled to continue to serve and perform the duties thereof until the expiration of their elected, five-year term or until the incumbent vacates the office; or act in any other way thereon.

MOTION was made by Mrs. Blaney- Anderson to accept this article as read, seconded by Mr. Brose. Mrs. Blaney-Anderson explained the article. Vote was taken on the MOTION. MOTION passes.

**ARTICLE 43.** To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds or notes issued for the DPW Garage and Library projects, which are the subject of Proposition 2½ debt exclusion, to pay costs of the projects being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount; or act in any other way thereon.

MOTION was made by Mr. May to accept this article as read, with the amounts of the bonds being: \$97,817.64 for the highway project and \$70,000.00 for the library project, totaling \$167,817.64. Seconded by Mr. Brose. Finance Committee recommends approval. Vote taken on MOTION. MOTION passes

**ARTICLE 44.** To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$ 200,000 and direct the Board of Assessors to utilize the same to reduce the tax rate for the fiscal year beginning on July 1, 2016; or act in any way thereon.

MOTION was made by Mr. Wood to accept this article as read. Seconded by Mr. Brose. Vote was taken on MOTION. MOTION passes.

**ARTICLE 45.** To see if the Town will vote to raise 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 beginning on July 1, 2016, 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 2017 Report of the Finance Committee; or act in any other way thereon.

MOTION made by Mr. Butler to accept this article as written with the amendment on Assessors line 5801-Triennial Property Revaluation to be \$43,500 transfer out of the overly account. For a total budget of \$14,054,303. Seconded by Mr. Brose. Vote taken on MOTION. MOTION passes.

With all business completed a MOTION was made to adjourn the meeting and continue to the election on May 9, 2016, seconded. MOTION passed to adjourn.

Meeting adjourned at 10:12 PM

Respectfully Submitted,  
Sandra L. Bourassa, Town Clerk

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