

WARRANT FOR THE ANNUAL TOWN MEETING

May 2, 2022

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, 2022

on the **First (1st) Monday, of May AD, 2022 at seven o'clock (7:00) P.M., at the Tahanto Regional High School Auditorium or another location on the grounds thereof, 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-one (31) 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, 2022

on **Monday, the ninth (9th) of May AD, 2022**, 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 31.** To vote by official ballot for the necessary Town Officers, namely:

One Selectman for three (3) years; One Moderator 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; One Cemetery Commission for three (3) years; One Parks and Recreation Commissioner for three (3) years.

Voters of the Town of Boylston, Massachusetts, met in the auditorium of Tahanto Regional High School according to legal notice on May 2nd, 2022. With 125 registered voters (3.05% turnout), the required quorum was met. Selectmen James Underwood and Seth Ridinger were present. Selectman Matt Mecum was unable to attend as he had contracted COVID-19. Also present were Town Administrator April Steward, Town Counsel Stephen Madaus, and Town Clerk Dawn Porter.

Kimberly Kohler, Moderator, called the meeting to order at 7:06 p.m. Ms. Kohler stated that the calling of the meeting and officer's return of service were in order as required. She set the bounds of the hall, the Pledge of Allegiance was said, and introductions were made.

A MOTION by the Moderator to waive the reading of Warrant was made and a second from the audience was made. Vote on the MOTION passed unanimously.

Ms. Kohler stated that the Town has traditionally entered into a consent calendar to group Articles 1-10 together. Seth Ridinger made a MOTION that Town Meeting consider and vote on Articles 1-10, inclusive, as a group. Second was made. Vote was taken on 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, 2022 and ending June 30, 2023, 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, 2022, 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 Board of Cemetery Commissioners to appoint such officers and employees as may be necessary for the fiscal year beginning July 1, 2022, 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: Board of Cemetery Commissioners

***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, 2022, 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 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 Light Plant, the whole to be expensed by the Manager of the Municipal Light 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 year beginning July 1, 2022, as provided by Section 4A of Chapter 41 of the General Laws, as follows: Chairman - \$1,000.00 and two (2) members - \$1,000.00 each, a total of \$3,000.00, 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 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, 2022, 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.

MOTION was made by Seth Ridinger that Town Meeting approve Articles 1-10, as printed in the Warrant. MOTION was seconded. Vote was taken and MOTION passed unanimously.

ARTICLE 11. 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;

Selectmen, Chair	\$1,729	2 members each at \$ 1,440
Town Clerk	\$44,551	
Town Moderator	\$20	
Assessors, Chair	\$1,790	2 members each at \$ 1,195
Board of Health, Chair	\$351	2 members each at \$ 235
Cemetery Commission, Chair	\$269	2 members each at \$ 204
Planning Board, Chair	\$444	4 members each at \$ 71
Planning Board, Vice-Chair	\$70	
Planning Board Clerk	\$72	

Or act in any way thereon.

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by James Underwood to approve the changes in the compensation of Town Officers as printed in the Warrant. MOTION was seconded by Seth Ridinger. Vote was taken and MOTION passed unanimously.

ARTICLE 12. 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 2022 - Effective July 1, 2022

<u>Classification</u>	<u>Position Status</u>	<u>Grade</u>
Library Page	Hourly	1
Election Worker	Hourly	1
Town Meeting Checker	Hourly	1
Election Clerk	Hourly	1
Election Warden	Hourly	1
Clerical	Special Temp	1
Library Housekeeper	Special Part Time	1
Council on Aging Van Driver	Reg. Part Time	1
Council on Aging Van Scheduler	Reg. Part Time	2
Asst. Laborer	Special Hourly	2
Library Asst./Sr. Technician	Reg. Part Time	3
Laborer/Custodian	Reg. Full Time	3
On Call Emergency Medical Technician	Hourly	3
On Call Firefighter	Hourly	3
Deputy Chief	Hourly	3 + \$500
Senior Library Assistant	Reg. Part Time	4
Asst. Town Clerk	Special Part Time	5
Police Service Aide	Hourly	5
Asst. Inspector/Electrician	Hourly	5
Assessor's Clerk	Reg. Part Time	5
Children's Librarian	Reg. Part Time	5
P&R Program Coordinator	Reg. Full Time	5
Equipment Operator/Laborer I	Reg. Full Time	6
Assistant Treasurer/Collector	Reg. Part Time	6
Assistant Library Director	Reg. Part Time	7
Admin Asst. to Board of Assessors	Reg. Part Time	7
Admin Asst. to Highway Superintendent	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. Part Time	7
Equipment Operator/Mechanic I	Reg. Full Time	7
Equipment Operator/Laborer II	Reg. Full Time	8
Working Foreman	Reg. Full Time	8
COA Co-ord./Community Outreach	Reg. Part Time	8
Admin Asst. to Health & Conservation	Reg. Part Time	8
Human Resources Administrator	Reg. Part Time	8
Town Treasurer/Collector	Reg. Full Time	9
Foreman	Reg. Full Time	9
Building Inspector	Salaried	10
Library Director	Salaried	11
Highway/Cemetery Superintendent	Salaried	12 + \$845
Facilities Technician	Reg. Full Time	13
Town Planner	Reg. Part Time	14
Town Accountant	Reg. Part Time	14
Fire Chief	Salaried	Contract
Police Chief	Salaried	Contract
Town Administrator	Salaried	Contract

Schedule B: Salary Compensation Schedule

Grade	Min	Mid	Max
1	\$13.91	\$15.25	\$17.51
2	\$14.11	\$16.70	\$19.24
3	\$15.30	\$18.05	\$20.78
4	\$16.46	\$19.42	\$22.35
5	\$17.81	\$20.95	\$24.08
6	\$19.25	\$22.65	\$26.05
7	\$20.83	\$24.46	\$28.10
8	\$22.44	\$26.41	\$30.35
9	\$24.29	\$28.52	\$32.73
10	\$26.22	\$30.81	\$35.42
11	\$28.37	\$33.30	\$38.23
12	\$30.56	\$35.91	\$41.26
13	\$33.00	\$38.79	\$44.57
14	\$35.61	\$41.87	\$48.11
15	\$38.51	\$45.24	\$51.95
16	\$41.57	\$48.84	\$56.10
17	\$44.89	\$52.77	\$60.64
18	\$48.39	\$56.93	\$65.45

Schedule C: Salary Compensation Schedule-

Job Title	Annual Salary
Chairman, Registrar of Voters	\$879
Director of Veteran's Services	\$254
Electrical Inspector	\$19,460
Assistant Electrical Inspector	\$1,339
Plumbing Inspector	\$14,348
Assistant Plumbing Inspector	\$1,192
Gas Inspector	\$7,084
Assistant Gas Inspector	\$607
Registrar of Voters	\$341
Health Agent	\$48,924
Dog Officer	\$2,752
Animal Inspector	\$1,755
Nurse	\$10,000
Vital Stat Clerk	\$200
Tree Warden	\$1,485

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by Seth Ridinger that the Town amend the Town's Personnel Plan and By-Laws as printed in the Warrant. MOTION was seconded. Vote was taken and MOTION passed unanimously.

ARTICLE 13. To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$30,000 for the purpose of obtaining a salary compensation study; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by James Underwood that the Town transfer \$30,000 from Free Cash to fund a salary compensation study. MOTION was seconded by Seth Ridinger. Vote was taken. MOTION passed unanimously.

ARTICLE 14. 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 the purpose of procuring a feasibility study, including preliminary design services, for a combined Police/Fire/Senior Center complex; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by Seth Ridinger that the Town transfer and appropriate \$75,000 from Free Cash to procure a feasibility study, including preliminary design services, for a combined Police/Fire/Senior Center Complex. MOTION was seconded. Vote was taken. MOTION passed unanimously.

ARTICLE 15. 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 continuing building improvements at Town Hall; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by James Underwood that the Town transfer and appropriate \$20,000 from Free Cash to continue building improvements at Town Hall. MOTION was seconded by Seth Ridinger. Vote was taken. MOTION passed unanimously.

ARTICLE 16. To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$150 for the purpose of paying the following prior fiscal year bill; or act in any other way thereon.

- Massachusetts Municipal Association, Inv. MMA 34733 June 30, 2021, Police Dept. Ad, \$150.00

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

4/5th vote required to approve; MGL c. 44, sec. 64

MOTION was made by Seth Ridinger that the Town transfer and appropriate \$150 from Free Cash for the purpose of paying a prior year fiscal bill as printed in the Warrant. MOTION was seconded by James Underwood. Vote was taken. MOTION passed unanimously.

ARTICLE 17. To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$17,276 for the purpose of procuring new replacement heat pump units for Town Hall; and to meet this appropriation,

- the sum of \$102.39 be transferred from unexpended funds from the Fire Tools work, as previously appropriated by Article 31 of the May, 2016 Annual Town Meeting,

- the sum of \$174.69 be transferred from unexpended funds from the Fire Pickup Truck work, as previously appropriated by Article 3 of the November, 2018 Special Town Meeting,
- the sum of \$76.76 be transferred from unexpended funds from the Ambulance Laptops work, as previously appropriated by Article 17 of the June, 2020 Annual Town Meeting,
- the sum of \$9,053 be transferred from unexpended funds from the FEMA Grant Match work, as previously appropriated by Article 14 of the June, 2021 Annual Town Meeting,
- the sum of \$261.80 be transferred from unexpended funds from the Zero Turn Motor work, as previously appropriated by Article 16 of the May, 2018 Annual Town Meeting,
- the sum of \$3,200.99 be transferred from unexpended funds from the Sander Truck work, as previously appropriated by Article 6 of the November, 2018 Special Town Meeting,
- the sum of \$2,814.40 be transferred from unexpended funds from the Police/Fire Station Improvements work, as previously appropriated by Article 2 of the November, 2017 Special Town Meeting,
- the sum of \$1,592 be transferred from unexpended funds from the Police Dept. IT's work, as previously appropriated by Article 26 of the May, 2017 Annual Town Meeting,

or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee Recommendation: Finance Committee recommends approval.

MOTION was made by James Underwood that the Town transfer and appropriate \$17,246 from unexpended funds as printed in the Warrant for the procurement of new replacement heat pump units for Town Hall. A second was made. Vote was taken. MOTION passed 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 \$175,000 for the purpose of procuring a roadside mower for the Highway Department; or act in any other way thereon.

Sponsor: Highway Department

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by Highway Superintendent Steve Mero that the Town transfer and appropriate \$175,000 from Free Cash for the purpose of procuring a roadside mower for the Highway Department. A second was made. Vote was taken. MOTION passed unanimously.

ARTICLE 19. To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$70,000 for the purpose of roadway paving; or act in any other way thereon.

Sponsor: Highway Department

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by Highway Superintendent Steve Mero that the Town transfer and appropriate \$70,000 from Free Cash for the purpose of additional roadway paving. A second was made. Vote was taken. MOTION passed unanimously.

ARTICLE 20. To see if the Town will vote to appropriate, transfer from available funds in the Treasury, or borrow the sum of Two Million Dollars (\$2,000,000) for the purchase of a new Radio Communications System for the Police Department, Fire Department, Highway Department, and the Light Department; or act in any other way thereon.

Sponsor: Police Department, Fire Department, Highway Department

Finance Committee comments: Finance Committee recommends approval.

2/3rds vote required

MOTION was made by James Underwood that the Town appropriate Two Million Dollars (\$2,000,000) for the purchase of a new Radio Communications System for the Police Department, Fire Department, Highway Department, and the Light Department, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to G.L.c.44 §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor. A second was made.

Detective Sergeant Cody Thomasian spoke to the Article, explaining that he was tasked with this project in 2019 prior to the COVID-19 pandemic. He noted that Boylston's 25-40 year old equipment is beginning to fail and it is not operating effectively. He went on to say that the new radio communications system will benefit the Police, Fire, Highway, and Light Departments. Boylston's current system operates using a low band frequency, which would be replaced with a UHF system. UHF frequency is better for Boylston's terrain and infrastructure. It will enable direct and improved communication among town departments and neighboring communities. A significant portion of the cost of this new system is derived from infrastructure construction. Detective Sergeant Thomasian also noted locations of towers and antennae.

Detective Sergeant Thomasian answered many questions from voters including whether there was state or federal funding available for the project, cost information on a maintenance plan for the system, communication with schools, communication with state agencies, dead zone issues, lifespan of the system, long-term safety issues (radiation), departmental responsibility for upgrades and care, and timing of the purchase when considered along with the possible construction of a new Public Safety Building.

Eric Brose, Finance Committee, explained financing of the system and provided an estimate of cost to taxpayers.

The Town Moderator called for a vote. Vote was taken. MOTION passed unanimously.

ARTICLE 21. To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$55,000 for the purpose of replacing computer servers, PCs and information technology infrastructure for the Police Department; or act in any other way thereon.

Sponsor: Police Department

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by Seth Ridinger that the Town transfer and appropriate \$55,000 from Free Cash for the purpose of replacing computer servers, PCs and information technology infrastructure for the Police Department. A second was made. Vote was taken. MOTION passed unanimously.

ARTICLE 22. To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$10,000 for the purpose of replacing Police Officers' duty firearms.; or act in any other way thereon.

Sponsor: Police Department

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by James Underwood that the Town transfer and appropriate \$10,000 from Free Cash for the purpose of replacing Police Officers' duty firearms. A second was made. Vote was taken. MOTION passed unanimously.

ARTICLE 23. To see if the Town will vote to transfer from available funds in the Treasury and appropriate a sum not to exceed \$28,000 for the purpose of bringing the Police Station up to accreditation standards and for the procurement of office furniture for the Police Department.; or act in any other way thereon.

Sponsor: Police Department

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by Seth Ridinger that the Town transfer and appropriate \$28,000 from Free Cash for the purpose of bringing the Police Station up to accreditation standards and for the procurement of office furniture for the Police Department. A second was made.

Police Chief John Annunziata answered questions from voters including timing of this spending when considered alongside possible construction of a new Public Safety Building, information on accreditation standards, and cost of furniture in relation to the total cost of the Article.

Vote was taken. MOTION passed unanimously.

ARTICLE 24. To see if the Town will vote to transfer from Ambulance Receipts Reserved and appropriate a sum not to exceed \$6,000 for the purpose of purchasing replacement tires for both ambulances, or act in any other way thereon.

Sponsor: Fire Department

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by Deputy Fire Chief Matthew Ronn that the Town transfer and appropriate \$6,000 from Ambulance Receipts Reserved for the purchase of replacement tires for both ambulances. A second was made. Vote was taken. MOTION passed unanimously.

ARTICLE 25. To see if the Town will vote to accept as a public way Longely Hill Road, as laid out heretofore by the Board of Selectmen and according to the boundaries and measurements shown on a plan entitled “Street Acceptance Plan Longley Hill Road Boylston, MA”, dated April 12, 2022, prepared by HST Group., and on file at the office of the Town Clerk, and to authorize the Board of Selectmen to acquire on behalf of the Town by purchase, gift, or taking by eminent domain an easement for public street purposes in said way and to acquire any other necessary easements, including drainage easements as shown on the plan, sufficient to use said way for all purposes for which public ways are used in the Town of Boylston; or act in any other way thereon.

Sponsor: Board of Selectmen

Planning Board Recommendation: To be made at Town Meeting

MOTION was made by James Underwood that the Town vote to pass over Article 25. Richard Baker, Planning Board, made a second. Vote was taken to pass over Article 25. MOTION passed unanimously.

ARTICLE 26. To see if the Town will vote to amend Section 10.05 of the Zoning Bylaw, entitled “Accessory Apartment”, to allow for accessory apartments within an existing single-family home by special permit and to make other amendments thereto, or to act in any other way thereon.

REVISIONS TO SECTION 10.05 OF THE ZONING BY-LAWS

(Proposed additions underlined; deletions shown with ~~strike-through~~)

Section 10.05 Accessory Apartment

10.05.01 Purposes

The purposes of the Accessory Apartment bylaw are to:

1. Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households;
3. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle; and
4. Protect stability, property values, and the residential character of a neighborhood.

10.05.02 Definition

Accessory Apartment - An Accessory Apartment is a self-contained housing unit which is either incorporated within an existing single-family dwelling with limited or no visual alterations to the exterior of the existing single-family home, or, in a detached, accessory structure to a single-family dwelling that is clearly subordinate to the single-family dwelling and has received a special permit pursuant to the criteria below.

10.05.03 Procedures

Application for a Special Permit may be made in accordance with Section 11.04.06 of this Bylaw and M.G.L. c.40A, Section 9. In any district in which an accessory apartment is allowed by Special Permit, the Planning Board, serving as the Special Permit Granting Authority as set forth in the regulations of the applicable zoning district, may grant a Special Permit for an accessory apartment provided that all of the following conditions are met.

At its discretion, the Planning Board may waive or modify any of the following upon petition of the applicant and upon finding such a waiver or modification is no more detrimental to the neighborhood than the existing requirement and is in the best interest of the Town.

1. A plot plan and scaled architectural drawings of the existing dwelling unit and proposed addition (if any) shall be submitted, showing location of the building on the lot, location of septic system, and parking.
2. ~~The A detached~~ accessory apartment shall be located in an accessory structure on the same lot, such as a detached garage or barn, not further than 75' from the principal structure, and shall clearly be subordinate to the principal building.
3. The lot shall conform to the ~~area and yard~~ dimensional requirements in Section 9.
4. The accessory apartment shall not exceed 1,000 square feet, nor shall it contain more than two bedrooms.
5. The applicant shall be an owner occupant of the premises. As part of the special permit application, the owner shall certify in writing that he or she is, and shall remain, an occupant of either the principal single-family dwelling or the accessory apartment.
6. Not more than one accessory apartment shall be permitted on a lot.
7. The exterior appearance of the buildings shall remain, to the extent practicable, that of a single-family dwelling.
8. There shall be at least one off-street parking space to serve the accessory apartment, with access to the existing driveway serving the single-family dwelling.

9. The septic system serving the accessory dwelling shall meet current Title V regulations and the regulations of the Boylston Board of Health.

10. For properties located within the Boylston Historic District: Upon filing the application for a special permit for an accessory apartment, the Applicant shall forward a copy of the application to the Boylston Historical Commission.

11. The Special Permit shall provide that in the event that the title to the lot is transferred to a new owner, or the owner-occupant ceases to reside on the premises, the Special Permit expires automatically and the new owner(s), if they desire to rent an accessory apartment on the premises, shall be required to file a new application for a Special Permit in accordance with this bylaw.

12. No construction shall commence without issuance of a building permit by the Building Inspector, and there shall be no use or occupancy of the accessory apartment until the Building Inspector has issued a certificate of occupancy.

Sponsor: Planning Board

2/3rds vote required

MOTION was made by Richard Baker, Planning Board, to pass over Article 26. A second was made. Vote was taken. MOTION passed unanimously to pass over Article 26.

ARTICLE 27. To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

Sponsor: Parks and Recreation Commission

MOTION was made by Alison LeBlanc, Parks and Recreation Commission, that the Town vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be one percent (1%) of the annual real estate tax levy against real property commencing in fiscal year 2024 and that the Town hereby accepts the following exemption[s] from such surcharge permitted under Section 3(e) of said Act: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act, (2) \$100,000 of the value of each taxable parcel of residential real property as defined in section 2A of said Chapter 59. A second was made.

Elaine Jones, 250 Sewall Street, presented information on the Community Preservation Act and how it could benefit the Town. She reiterated that Town Meeting is only being asked to accept the provisions of the

Community Preservation Act. If the provisions of the Community Preservation Act are accepted, it will become a ballot question at the November State Election.

Elaine addressed voter questions including what percentage Boylston would be adopting, that the percentage cannot be increased without again being voted on at Town Meeting and then being voted in by ballot, the Assessors Office would collect the surcharge and the money would be kept in its own separate fund, and spending decisions would be made by Town Meeting based on Community Preservation Committee recommendations. A timeline leading up to the first round of project approvals in 2025 was discussed. The history of State contributions to communities that have adopted the CPA was discussed. Most voter comments were positive, expressing a desire to maintain Boylston's small-town character.

The Town Moderator called for a vote. Vote taken. MOTION passed unanimously.

ARTICLE 28. To see if the Town will vote to transfer the care, custody and control of a parcel of land located southeasterly of Main Street, adjacent to land of Worcester County Horticultural Society and shown as Parcel 3 on Assessors Plan 48, acquired by the Town by Foreclosure in a Tax Lien Case dated October 26, 1939 and recorded at the Worcester District Registry of Deeds in Book 2760 Page 272 and further described as the "Joslin Lot" in a Collector's Deed dated August 1, 1934, recorded at said Registry of Deeds in Book 2620 Page 85, from the Tax Title Custodian for tax-title purposes to the Board of Selectmen for purposes of disposal by sale, for no less than a minimum sales price as determined by Town Meeting and upon such other terms and conditions as the Board of Selectmen deem to be in the best interest of the Town; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

2/3rds vote required

MOTION was made by Seth Ridinger that the Town vote to transfer the care, custody, and control of a parcel of land located southeasterly of Main Street, shown as Parcel 3 on Assessors Plan 48, and as further described in the printed Warrant, from the Tax Title Custodian to the Board of Selectmen for purposes of disposal by sale, for no less than a minimum sales price of \$10,000 and provided that said property shall be subject to a conservation restriction, such that it shall not be built upon. A second was made. After minimal discussion, vote was taken. MOTION passed unanimously.

ARTICLE 29. Citizen Petitioned Article:

Section 20 – Times/Hours of Construction to be amended as follows:

20.02 — The time for any construction activities within the Town shall be limited to the hours of 7:00 A.M to 6:00 P.M. Monday through Friday. There shall be no construction activities on Saturdays, Sundays or Massachusetts State and Federal Holidays, except in the circumstances of a bona fide emergency for which the Police Department, Fire Department, Building Inspector, or Highway Department may issue an emergency exemption to this bylaw. For purposes of this bylaw, the term "construction activities" shall be defined as "any work relating to, preparatory to or incidental to the mobilization of or implementation of construction activities and shall include all work activity including, but not limited to, erection, excavation, site preparation, demolition, or exterior alterations or repairs on any building or other structure.

EXCEPTIONS to authorized hours of construction:

1. Any work performed by the legal homeowner on or at their current place of residence without contracted labor or contracted assistance,
2. Any work by a contractor, hired by and for the benefit of a legal homeowner on or at the homeowner's current place of residence.

Any person, company or property owner may seek a limited waiver from the time limitations for construction activity set forth herein by filing a written request for such a waiver with the Building Inspector. Any request for a waiver must be filed with the office of the Building Inspector at least five (5) business days prior to the proposed construction activity. Upon receipt of such a request the Building Inspector may, in his sole discretion, grant or deny a limited waiver from the time limitations for construction activity. The Building Inspector may grant a limited waiver, however, only upon a determination that either (i) there is no practical means or method for the requester to comply with the time limitations, and compliance with the same will result in an unreasonable and significant financial hardship to the requester, or (ii) a limited waiver from time limitations will have no detrimental impact upon the surrounding properties or neighborhood, due to the nature of the proposed construction activity, or the character of the neighborhood. Any limited waiver from the time limitations issued by the Building Inspector pursuant to this paragraph shall list the name of the requester, identify the property affected, define the proposed construction activity, include a specific date(s) or time period for the permitted construction activity to take place and include a date of expiration of the limited waiver. Under no circumstances will a limited waiver be issued for longer than 15 days. A copy of any limited waiver issued under this paragraph shall be filed with the office of the Town Clerk, with a copy to the Town Board of Selectmen, Town Planning Board and the Town Police Department.

The Building Inspector and the Police Department are empowered to enforce the provisions of this By-law and may seek enforcement actions in accordance with Section 18 herein. Any person who directly or indirectly engages in or allows construction activities in violation of this By-law will face a mandatory fine of Three Hundred Dollars (\$300) for every hour or portion thereof in which there is a violation, and will result in all work being immediately terminated.

Sponsor: Citizen's Petition

MOTION was made by Gerry Quam, 3 Smallwood Circle, that the Town vote on Citizen's Petition Article 29 as written in the Warrant. A second was made.

Voters expressed concerns that the Article would present challenges to contractors and possibly discourage business development in town. Concerns were also expressed over other implications of the Article. Voters did indicate an awareness of, and empathy for, ongoing construction noise, especially in the area of Sewall Street South.

MOTION was made to close debate.. A second was made. MOTION to close debate passed unanimously. Vote was taken. Town Moderator called for a standing count. Once standing, it was obvious that a count would not be necessary. MOTION failed.

ARTICLE 30. To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, or otherwise provide the sum of \$19,093,416 (Nineteen Million, Ninety-Three Thousand, Four Hundred Sixteen Dollars and zero cents), or any other amount 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, 2022, and to fix the compensation and salaries of all Town Officers, as shown in whole or in part by the Town Budget, so-called, shown in the Fiscal Year 2023 Report of the Finance Committee, for the purpose of operating and maintaining the various departments of the Town; or act in any other way thereon.

Sponsor: Board of Selectmen

Finance Committee comments: Finance Committee recommends approval.

MOTION was made by Eric Brose, Finance Committee, that the Town:

1. RAISE AND APPROPRIATE the sum of EIGHTEEN MILLION, SEVEN HUNDRED FIFTY-EIGHT, FOUR HUNDRED SIXTEEN DOLLARS AND ZERO CENTS (\$18,758,416.00);

2. TRANSFER the sum of: EIGHTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$85,000.00) from the Ambulance Receipts Reserved for Appropriation to be applied to the Fire Department budget; AND
3. TRANSFER the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS AND ZERO CENTS (\$250,000.00) from available Free Cash;

to pay all Town debts and charges and to fix the compensation and salaries of all Town offices, all as shown in the Town Budget, so called, under the column "Proposed FY 2023 Budget" in the Report of the Finance Committee.

Thereby approving the Town Budget for Fiscal Year 2023 in the amount of:

NINETEEN MILLION, NINETY-THREE THOUSAND, FOUR HUNDRED SIXTEEN DOLLARS AND ZERO CENTS (\$19,093,416.00).

A second was made. After one voter question, answered by Eric Brose, vote was taken. MOTION passed unanimously.

MOTION was made to adjourn the meeting. A second was made. Vote on the MOTION. MOTION passed unanimously.

Meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Dawn A. Porter
Boylston Town Clerk