

TOWN OF BLACKSTONE

WARRANT FOR ANNUAL TOWN MEETING

MAY 31, 2016

“Amended – April 26, 2016”

Worcester, SS:

To either of the Constables of the Town of Blackstone in the County of Worcester.

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of Precinct #1, Precinct #2 and Precinct #3 in the Town of Blackstone, qualified to vote in Town Affairs to meet in the Blackstone-Millville Regional Molony-Sullivan School Auditorium in said Town of Blackstone on Tuesday, May 31, 2016 at 7:30 p.m. then and there to act upon the articles of the Warrant.

**ARTICLE 1.** To see if the Town will vote to authorize the Collector to use all means of collecting taxes that a Treasurer may use when appointed Collector, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 2.** To see if the Town will vote to authorize the Board of Selectmen to dispose of various obsolete and/or inoperative equipment, scrap materials, etc., or to auction or sell any excess equipment that may be on hand in any Town Department, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 3.** To see if the Town will vote to accept the Blackstone-Millville Regional School Committee’s proposed amendment to the Regional School District Agreement, as submitted to the member towns’ Boards of Selectmen in accordance with Section VI of the Regional Agreement, by amending Section XII - Assumption of Jurisdiction by Member Towns over Grades Kindergarten through Five, Inclusive, by deleting sub sections (A) (B) and (C) and replacing said sections with the following language: All students in Grades Pre-K through Five of all member towns, regardless of which member town they live in, will attend the assigned elementary school regardless of where it is located, based on grade level, beginning with the 2017-2018 school year; and, further, to delete Sub-section (A) and (C) from Article XIII - Miscellaneous Provisions.

(Submitted by the Superintendent of Schools)

**ARTICLE 4.** To see if the Town will vote to transfer and appropriate from the Capital Investment Trust the sum of \$431,239 for purposes of funding the following capital debt payments: BMRSD – Sewer Note - \$102,995; BMRSD – Roof Project Note - \$254,014; Recycling Fund – 3 Phase Electric Debt - \$26,155; Recycling Fund – Sorting Facility Equipment Debt - \$48,075, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 5.** To see if the Town will vote to raise and appropriate such sums of money as may be deemed necessary to fix the salaries of all elected and appointed Town officers and to defray Town expenses for all departments including the Reserve Fund for the fiscal year beginning July 1, 2016, and ending June 30, 2017 and to determine how such sums of money should be raised, whether from the current tax levy, by transfer from available funds, by borrowing or otherwise, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 6.** To see if the Town will vote to authorize the members of Boards and Committees of the Town of Blackstone to be compensated for their services and to set the amount of said compensation; said compensation set by town meeting to be paid in four (4) equal installments provided, however, that no such installment shall be paid a) to a member who has not attended at least 60% of the meetings of the respective Boards and Committees (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the twelve (12) month period prior to March, June, September and December, as the case may be, if such member has been a member for twelve (12) or more months prior to each of said dates; or b) to a member who has not attended at least 60% of the meetings of the various Boards and Committees (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the period prior to each of said dates if such member has not been a member for twelve (12) or more months prior to each of said dates, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 7.** To see if the Town will vote to authorize the members of the Blackstone-Millville Regional District School Committee to be compensated for their services as such members and to set the amount of said compensation at \$1500.00 per member and \$1,800.00 for the Chairman, such compensation to be paid in three (3) equal installments in the months of July, November and March provided, however, that no such installment shall be paid a) to a member who has not attended at least 60% of the meetings of the District School Committee (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the twelve (12) month period prior to July 1, November 1 or March 1, as the case may be, if such member has been a member for twelve (12) or more months prior to each of said dates; or b) to a member who has not attended at least 60% of the meetings of the District School Committee (excluding, however, any meetings not attended by such member due to the provisions of Massachusetts General Laws Chapter 268A) in the period prior to each of said dates; or take any other action in relation thereto.

(Submitted by the Superintendent of Schools)

**ARTICLE 8.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to overlay town streets and roads to be determined by the Board of Selectmen, or for the construction, reconstruction and improvement of public ways and street drainage systems and to determine how such sums may be raised, whether by advancement from Town Treasury, or by borrowing in anticipation of reimbursement by the Commonwealth, or otherwise, by the Treasurer, with approval of the Board of Selectmen, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 9.** To see if the Town will vote to authorize the Board of Selectmen to enter into contracts for the construction, reconstruction and improvements of public ways, street drainage systems and sidewalks throughout the Town, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 10.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$500,000 to replace the roof, drainage, walkways and stairs, update exterior of building and other incidentals of the Municipal Center, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 11.** To see if the Town will vote to propose an amendment to the Blackstone Home Rule Charter for consideration by the voters of the Town to convert the office of Collector-Treasurer from an elected office to an appointed office by deleting the reference to the Collector-Treasurer in Article IV, Section 4-1A, and adding a reference for the Collector-Treasurer to Article V, Section C5-2A, (1), with a Term of Appointment of 3 years, or take any action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 12.** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement or easements for the purpose of construction, installation, maintenance and repair of municipal drainage, sewer water systems, and roadways, and to raise and appropriate or transfer from any available funds a sum of money to fund such acquisitions, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 13.** To see if the Town will vote to establish a revolving fund pursuant to the provisions of G.L. c. 44, §53E1/2 for the purpose of maintaining Library copiers, printers and facsimile machines and purchasing supplies related thereto; the receipts from use of the Library copiers, printers and facsimile machines shall be deposited into said fund and expended under the direction of the Library Trustees up to the maximum amount of \$2,500 during Fiscal Year 2017, or take any other action in relation thereto.

(Submitted by the Library Trustees)

**ARTICLE 14.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$15,000 for purposes of a lease and installation of a replacement colored copier and coin box, and the purchase of print management equipment and software, or take any other action in relation thereto.

(Submitted by the Library Trustees)

**ARTICLE 15.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$45,500 for purposes of funding the replacement of one server and thirty-one computers and computer related equipment, software, and technical training for the Blackstone Public Library, or take any action in relation thereto.

(Submitted by the Library Trustees)

**ARTICLE 16.** To see if the Town will vote to amend Chapter 5, Section 5-37, Review of contracts; required security to read as follows: Every contract involving the Town exceeding \$15,000 except in cases of emergency to be determined by the Board of Selectmen, shall be submitted to the Town Counsel for review prior to execution. The providing of bid bonds equal to 5% of the bid amount and performance bond is required for all construction or multiyear contracts or for the providing of services greater than \$10,000. The contractor must provide certificates of liability insurance in addition to certificates of workmen's compensation. (Proposed new language underlined.)

(Submitted by the Board of Selectmen)

**ARTICLE 17.** To see if the Town will vote to amend Chapter 5, Section 5-28A. Capital Outlay Committee, to read as follows: The Capital Outlay Committee, as defined in Section 6-2 of the Blackstone Town Charter, shall make recommendations on all articles that fall within the classification of capital items. All articles on any Town Meeting Warrant regarding any expenditure in excess of \$35,000 on an item having a useful life of five years or more shall not be acted upon by the Town Meeting unless and until those articles have received a recommendation by the Capital Outlay Committee. (Proposed new language underlined.)

(Submitted by the Board of Selectmen)

**ARTICLE 18.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$310,000 for the completion of the design and construction of Well #9, or take any action in relation thereto.

(Submitted by the Department of Public Works)

**ARTICLE 19.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$100,000 to fund implementation of the regulatory requirements of the Stormwater Permitting Program (MS4) which must be completed on a yearly basis, or take any action in relation thereto.

(Submitted by the Department of Public Works)

**ARTICLE 20.** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money not to exceed \$100,000 to fund the inspection and a study of numerous Town bridges in need of repair, or take any action in relation thereto.

(Submitted by the Department of Public Works)

**ARTICLE 21.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$50,000 to fund the Department of Public Works' disposal of debris such as road materials and concrete, or take any action in relation thereto.

(Submitted by Department of Public Works)

**ARTICLE 22.** To see if the Town will vote to authorize the Collector/Treasurer to increase Motor Vehicle Excise, Real Estate and Personal Property Demand fee to \$25, or take any other action in relation thereto.

(Submitted by the Collector/Treasurer)

**ARTICLE 23.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,866 for the replacement of (5) currently inoperable roof exhaust fans at the Municipal Building, or take any action in relation thereto.

(Submitted by the Town Administrator)

**ARTICLE 24.** To see if the Town will vote to adopt a General Bylaw to be designated Chapter 190 of the Town Code to adopt the Scenic Road Act as follows:

#### CHAPTER 190 Scenic Roads

##### 190-1 Statutory Authority

The Scenic Roads Act, MGL Chapter 40, Section 15C, allows town meeting, upon recommendation or request of the Planning Board, Conservation Commission, or Historical Commission to designate any road within the town, other than a numbered route or state highway, as a scenic road.

After a road has been designated as a scenic road, any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with prior written consent of the Planning Board after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing; provided, however, that when a public hearing must be held under the provisions of this section and under section three of Chapter Eighty-Seven prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board, and notice of such consolidated public hearing shall be given by the Tree Warden or his deputy as provided in said section three of Chapter Eighty-Seven.

##### 190-2 Purpose

The purposes of these regulations are the following:

- A. To maintain the natural beauty that currently exists along scenic roads in Blackstone.
- B. To maintain and enhance the rural character of the Town and encourage compatibility with existing roadside features.
- C. To implement more fully the provisions of the Scenic Road Act, with acknowledgement that roads serve a transportation function for pedestrians, equestrians and non-motorized as well as motorized vehicles.

##### 190-3 Procedure To Designate Roads As A Scenic Road

**A. Designation Process.**

The Planning Board, the Board of Selectmen, the Conservation Commission, the Historical Commission, or by petition of citizens of the Town (consistent with petition requirements to place an article on the warrant) may propose "scenic road" status for any road in Blackstone other than a numbered route or state highway as a scenic road. The Planning Board shall hold a Public Hearing on the petition, notifying the Selectmen, the Tree Warden, the DPW Director, the Conservation Commission, and the Historical Commission, and advertising twice in a newspaper of general circulation, the first advertisement at least fourteen days prior to the date of the public hearing.

The Planning Board shall make a recommendation to the Town Meeting on the merits of designation of the proposed road as a scenic road.

A majority vote of Town Meeting is required for designation. Such designation shall be effective as of the date of Town Meeting action. Any work on any portion of the right-of-way of a scenic road which was not physically commenced at the time the road was designated as a scenic road shall conform to these regulations.

**B. Criteria for Designation as a Scenic Road.**

The Planning Board, Conservation Commission, or Historical Commission shall, in determining which roads or portions of roads should be recommended for designation as scenic roads, consider the following criteria:

1. Overall scenic beauty;
2. Contribution of trees to scenic beauty;
3. Contribution of stone walls to scenic beauty;
4. Age and historic significance of road, trees and stone walls.

**C. Notification of Designation as Scenic Road.**

Upon designation by Town Meeting of any road or portion thereof as a scenic road, the Planning Board shall take the following steps within 30 days of such designation:

1. Notify all municipal departments that may take action with respect to such road;
2. Notify the State Department of Public Works;
3. Notify the Commissioners of Worcester County;
4. Indicate such designation on maps currently in use by municipal departments, as appropriate; and
5. Notify all utility companies or other parties that may be working in or around such road.

**190- 4 Definitions**

In the absence of contrary meaning established through legislation or judicial action pursuant to MGL Chapter 40, Sec. 15C, these terms contained in that statute shall be construed as follows:

**"Road"** shall mean a vehicular traveled way plus its necessary appurtenances within the entire right-of-way, not just the paved surface, including bridge structures, drainage systems, retaining walls, traffic control devices, pedestrian facilities, and the air space above them, but not intersecting streets or driveways.

**"Cutting or removal of trees"** shall not be construed to include clearing of nuisance growth, routine or emergency tree maintenance which removes only permanently diseased or damaged limbs, trunks or roots and dead whole trees, or thinning out of overcrowded trees as determined by the Tree Warden, but shall mean removal of one or more trees, cutting of major branches or cutting of roots, including such cutting or removal done in contemplation of, or following, repair, maintenance, reconstruction or paving work for a road.

**"Repair, Maintenance, Reconstruction, or Paving-work"** shall mean any such work done within the right-of-way by any person or agency, public or private. Construction of new driveways, bicycle paths, roadside paths/sidewalks or alterations of existing ones, is also included to the extent such work takes place within the right-of-way. Except as allowed in the preceding paragraph, roadside cutting for clearance for vehicles or for improvement of line-of-sight shall also be included within this definition.

**"Trees"** shall mean any trees (not bushes) having a trunk diameter of 4 inches or larger at one foot above the ground. All trees within the right-of-way of a scenic road or on the boundaries thereof shall be subject to these regulations; if for whatever reason, it is uncertain whether the tree is within the right-of-way of the scenic road, it shall be taken to be within the coverage of these rules and regulations until the contrary is shown.

**"Stone walls"** shall not be construed to include assemblages of stone involving less than one cubic foot of wall material per linear foot nor totaling less than five feet in length. All stone walls within the entire right-of-way of a scenic road or on the boundaries thereof shall be subject to these regulations; if for whatever reason, it is uncertain whether the stone wall is within such right-of-way of the scenic road, it shall be taken to be within the coverage of these rules and regulations until the contrary is shown.

**"Tearing down or destruction of stone walls"** shall not be construed to include temporary removal and replacement within a reasonable period of time, not to exceed 60 days, at the same location with the same materials and consistent with the original character of the wall.

#### 190-4 Filing Instructions

- A. Any person or organization seeking consent of the Planning Board under MGL Ch. 40, Sec. 15C (the Scenic Road Act) regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof, in connection with the Repair, Maintenance, Reconstruction or Paving-work (as defined in Section 5) on Scenic Roads, shall submit a request to the Planning Board together with the following:
  1. A plan showing the location and the nature of the proposed action and a description of the proposed changes to trees and stone walls;
  2. A statement of the purpose(s) for the change;
  3. A statement of the feasible alternatives to the proposed action, together with an indication of the advantages and disadvantages of each alternative; □
  4. A list of owners of property fronting in whole or in part on both sides of the scenic road within 500 feet of the proposed action;
  5. Except in the case of town agencies, a filing fee in an amount established by the Planning Board shall be paid; and
  6. Any further explanatory material useful to adequately inform the Planning Board of the nature and extent of the proposed action prior to the public hearing.
- B. Notice of submittal shall be filed with the Town Clerk and a copy of the submittal transmitted to the Tree Warden after it is accepted and signed for by the Planning Board or its staff.

#### 190-5 Tree Warden

Planning Board hearings shall be held in conjunction with those held by the Tree Warden acting under MGL Ch. 87. Consent to an action by the Planning Board shall not be construed as inferring consent by the Tree Warden or the reverse, nor shall execution of these rules and regulations in any way limit or restrict the Tree Warden's powers and duties under MGL Ch. 87.

#### 190-6 Notice.

- A. The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent the Selectmen, the Conservation Commission, the Historical Commission, the DPW Director, the Tree Warden, and the assessed owners of property within 500 feet of the proposed action.
- B. The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least 14 days before the hearing. The last publication shall occur, as required by statute, at least seven days prior to the hearing.

#### 190-7 Hearing and Decision

- A. The Planning Board shall hold a public hearing within 30 days after the Planning Board meeting at which receipt of a properly filed request is acknowledged.
- B. The Planning Board shall make a decision on the request within 21 days after the public hearing. If the Planning Board fails to mail or deliver to the applicant a copy of its decision within this time period the requested approval shall be deemed granted.

#### 190-8 Considerations

In acting in regard to a Scenic Road request, the Planning Board shall consider the following:

- A. Scenic and aesthetic characteristics;
- B. Public safety;
- C. Accident history within 500 feet of tree(s) and stone walls at issue;
- D. Location and setback of utility poles in relation to the pavement, trees and stone walls;
- E. Traffic volume, congestion and posted speed limit;
- F. Preservation of natural resources;
- G. Environmental and historical values;
- H. Recreational uses of road, taking into account the nature and extent;
- I. Relationship of the road design to the standards of the Planning Board's Subdivision Rules and Regulations, but recognizing that a variance from standard should be allowed when a road has been designated scenic by the Townspeople;
- J. Compensatory actions proposed, such as replacement of trees or walls;
- K. Existence or absence of reasonable alternatives (including a no-build alternative);
- L. Consistency with articulated town policies;
- M. Financial and other consequences of design revision to avoid or reduce damage to trees or stone walls:

- N. Evidence contributed by abutters, town agencies, and other interested parties; and
- O. Other sound planning principles.

190-9. Public Shade Tree Act.

Whenever both the Scenic Road Act and the Public Shade Tree Act (MGL Ch. 87) apply, notice shall be given and the Planning Board hearing shall be held in conjunction with the hearing held by the Tree Warden acting under the Public Shade Tree Act. The consent of the Planning Board to a proposed action shall not be regarded as implying consent by the Tree Warden, or vice versa. The Planning Board decision shall contain a condition that no work may be done until all applicable provisions of MGL Ch. 87 have been complied with.

190-10 General

- A. Approval of Curb Cuts by Selectmen. The consent of the Planning Board to work involving a proposed curb cut shall not be deemed to indicate or imply consent or approval by the Selectmen to such curb cut, or vice versa.
- B. Emergency Work. In the event that the Selectman determine that emergency conditions require that work otherwise requiring Planning Board approval must proceed before such approval can be obtained, the Selectmen may authorize the work to proceed before Planning Board approval is obtained to the extent to which the Selectmen deem it necessary to protect public health and safety.

190-11 Designated Scenic Roads

The following roads within the Town of Blackstone have been designated as Scenic Roads under the Scenic Road Act, MGL Chapter 40, Section 15C, as of the date of the adoption of this Bylaw:

Milk Street  
Union Street  
Hill Street  
Mendon Street (from Crestwood Drive to Mendon town line)

Or take any other action relative thereto.

(Submitted by the Planning Board)

**ARTICLE 25.** To see of the Town will vote to raise and appropriate or transfer from available funds a sum of money in the amount of \$250,000 as the Town's investment into the SRBT Fund; all in consideration of the fact that the Town has established an Other Post-Employment Benefits Liability Trust Fund ("OPEB Trust Fund") in accordance with the provisions of M.G.L. Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 68, section 57 of the Acts of 2011 (the "Act") and that in accordance with the Act the Town has designated the Town Treasurer/Collector to serve as custodian of the Town's OPEB Trust Fund relative to establishment of an Other Post-Employment Benefits Liability Trust Fund, or take other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 26.** To see if the Town will vote to accept Chapter 44, Section 53F ½ of the Massachusetts General Laws establishing the “Blackstone Valley Recycling Center Enterprise Fund”, or take any other action in relation thereto.

(Submitted by the Board of Selectmen)

**ARTICLE 27.** To see if the Town will vote to transfer a sum of money to the stabilization fund, or take any other action in relation thereto.

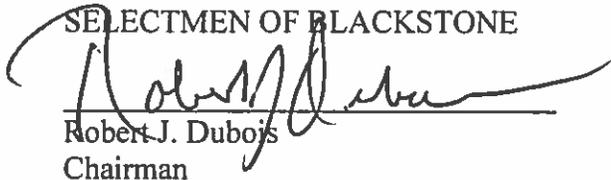
(Submitted by the Board of Selectmen)

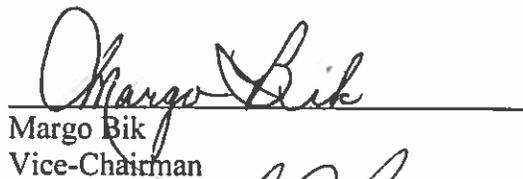
Hereof, fail not and make due return of this Warrant with doings thereon, to the Town Clerk at or before the time of said meeting.

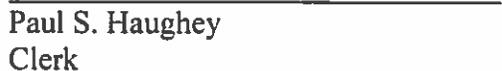
And you are directed to serve this warrant by posting up true and attested copies thereof in each of the following names and places in Blackstone seven (7) days at least before the day fixed for such meeting at the Municipal Center on St. Paul Street and at the Fire Station on Rathbun Street and the A.F. Maloney School on Lincoln Street and also by publication no less than seven (7) days before the days fixed for such meeting in that newspaper having the largest circulation in the Town.

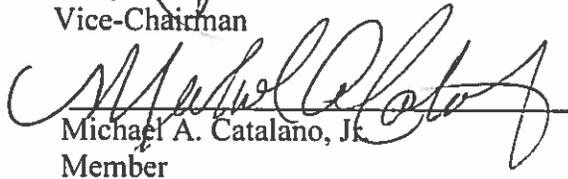
Given under our hands this 26th day of April 2016.

SELECTMEN OF BLACKSTONE

  
Robert J. Dubois  
Chairman

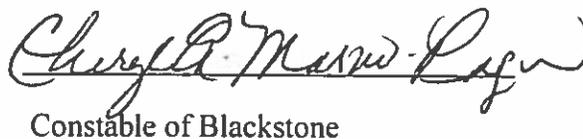
  
Margo Bik  
Vice-Chairman

  
Paul S. Haughey  
Clerk

  
Michael A. Catalano, Jr.  
Member

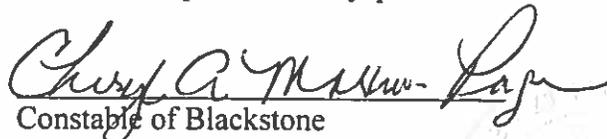
  
Daniel P. Keefe  
Member

A true copy attest:

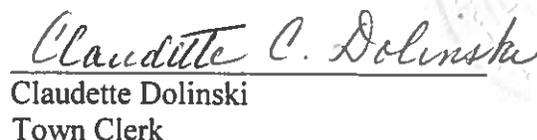
  
Cheryl A. Maxwell-Paper  
Constable of Blackstone

Worcester, SS:

Pursuant to the foregoing Warrant, I have this 27 day of April, 2016 notified the inhabitants of Precinct #1, Precinct #2 and Precinct #3 in the Town of Blackstone by posting up true and attested copies of the within warrant at the within named places and by publication as within directed.

  
Cheryl A. Maxwell-Paper  
Constable of Blackstone

A TRUE COPY OF THE WARRANT AND RETURN:

  
Claudette Dolinski  
Town Clerk

4/7/16

**TOWN OF BLACKSTONE**  
**WARRANT FOR ANNUAL TOWN MEETING**

**MAY 31, 2016**

**AMENDMENT #1 (Added Article#25)**

**ARTICLE 25.** To see if the Town will vote to rescind Chapter 44, Section 53F ½ of the Massachusetts General Laws establishing the “Blackstone Valley Recycling Center Enterprise Fund”, or take any other action in relation thereto.

4/7/16

**TOWN OF BLACKSTONE**  
**WARRANT FOR ANNUAL TOWN MEETING**

**MAY 31, 2016**

**AMENDMENT #2 (Deleted Article#17 & 18)**

**ARTICLE 17.** To see if the Town will vote to accept by gift, the real property and building located at 132 Elm Street, known as Fire Station number #3, presently owned by the members of the East Blackstone Fire Fighters Association, and to authorize the Board of Selectmen to execute any agreement, acceptance authorization or other document necessary to effect the transfer of title to said property to the Town, or take any action in relation thereto.

(Submitted by the Fire Department)

**ARTICLE 18.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$200,000 for the purpose of expanding and enlarging Fire Station #3, located at 132 Elm Street, or take any action in relation thereto.

(Submitted by the Fire Department)