



**Town of West Boylston**  
140 Worcester Street, West Boylston, Massachusetts 01583

## **Select Board/Sewer Commission Meeting Minutes**

**Date / Time / Location of Meeting**  
**June 21, 2023, 6:00 p.m.**  
**140 Worcester Street**  
**West Boylston, MA 01583**  
**Board Meeting Room 2<sup>nd</sup> Floor**

**Members Present:**  
**Kristina Pedone, Chair via Zoom**  
**James Morrissey, Clerk**  
**Marc Frieden**  
**Barur R. Rajeshkumar**

**Members NOT Present:**  
**Patrick J. Crowley, Vice Chair**

**Invited Guests:**  
**Jennifer Warren-Dyment, Town Administrator**  
**Faye Zukowski, Municipal Assistant**

### **THIS MEETING WILL ALSO BE HELD VIRTUALLY IN A HYBRID SETTING VIRTUAL MEETING INFORMATION:**

#### **To Join Zoom Meeting**

- <https://us06web.zoom.us/j/87289496812?pwd=QUg2cHBMNmJid0ZIZk9BZTVGbXFzZz09>
- **Meeting ID: 872 8949 6812, Passcode: 01583, Dial by your location: (646) 558-8656 US (New York)**

This meeting will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.

#### **CONVENE MEETING**

- Roll call

**Mr. Rajeshkumar welcomed James Morrissey to the Board and congratulates him on his election.**

#### **Pledge of Allegiance**

#### **\*MOMENT OF SILENCE FOR MICHAEL CAPONE**

**PUBLIC COMMENT:** This fifteen-minute period is an opportunity for the public to address their concerns and questions regarding town operations and programs to the Board. Except in urgent circumstances, any matter presented for consideration by the Board shall not be discussed in detail nor acted upon by the Board at this

meeting. A scheduled time on a future agenda may be set at the Board's discretion. Complaints or criticism directed at staff, volunteers, or other town officials shall not be permitted. If we do not have Open Session items to discuss, other agenda items may be brought forward earlier.

- Robert Barrel of Bowen Street asked the Board to consider reviewing the intersection of Franklin Street and Route 12 and believes this has been before the Board in the past. He is concerned with pedestrian crossing. Mr. Rajeshkumar stated it has been discussed with the Transportation Committee and the Town Administrator can forward along again. He stated CMRPC also completed many studies of that intersection as well as intersection of Route 12 and Route 140.

#### **APPROVAL OF MEETING MINUTES:**

- ~~March 22, 2023, Regular Meeting Minutes~~
- \*April 6, 2023 Regular Meeting Minutes

*Motion: Mr. Frieden moved to approve; Mr. Morrissey seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

#### **REVIEW AND VOTE TO APPROVE WARRANTS FOR THE PERIOD COVERING June 7, 2023 THROUGH JUNE 21, 2023: Town Payable Warrants FY2023-50 and FY2023-51; Payroll Warrant FY2023-2; School Warrant FY2023-S23 and MLP FY2023 #27.**

*Motion: Mr. Frieden moved to approve; Mr. Morrissey seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

#### **6:05 PM PUBLIC HEARING: To consider creating policies relative to Compliant Customer Service, Service Animals, and Posting of Meeting Minutes, Agendas, and Materials in an Accessible Format.**

Mr. Morrissey read public hearing notice.

Mr. Rajeshkumar explained this public hearing will discuss only the creation of Posting of Meeting Minutes, Agendas, and Materials in an Accessible Format.

Ms. Warren-Dyment explained all three policies are listed and recommended in the ADA Self Evaluation Transition Plan and asked the Board to continue the public hearing on the other two policies to July 19 at 6:15 p.m. Ms. Warren-Dyment explained the policies on Posting of Meeting Minutes, Agendas, and Materials in an Accessible Format includes the Website and social media with a start date of July 1, 2023. She explained all postings will be in a accessible format and image-based documents will no longer be used and all images will include alternative text. She stated all acronyms will be spelled out. Mr. Frieden suggests adding the proposed language "Documents that are unintentionally posted in violation of these requirements will be deemed as a legally valid posting according to the open meeting law and consequently there is no need to reschedule a meeting if information remains unchanged the Town Clerk can rectify the document online without requiring approval from the posting authority". He stated adding this will avoid having to cancel meetings, Ms. Warren-Dyment believes this is a good suggestion.

*Motion Mr. Frieden moved to close the public hearing; Mr. Morrissey seconded.*

**Roll Call Vote**

**All in favor**

**Approved**

*Motion Mr. Frieden moved to approve policy M-2 Posting of Meeting Minutes, Agendas, and Materials in an Accessible Format as amended; Mr. Morrissey seconded.*

**Roll Call Vote**

**All in favor**

**Approved**

*Motion Mr. Frieden moved to continue the public hearing to July 19, 2023, at 6:15 p.m.; Mr. Morrissey seconded.*

**Roll Call Vote**

**All in favor**

**Approved**

**6:10 PM PUBLIC HEARING: To consider creating a Policy relative to Vehicle Use.**

**Mr. Rajeshkumar tabled until future meeting.**

**NEW BUSINESS:**

- **Consider terminating the following Committee**

- **Pride Park ADA Update Advisory Committee**

- Ms. Warren-Dyment stated this Committee was formed during the beginning of Pride Park Project and has not met and project is being handled by staff at this time.

*Motion Mr. Morrissey moved to terminate the Committee; Mr. Frieden seconded.*

**Roll Call Vote**

**All in favor**

**Approved**

- **Consider approving and signing the Intermunicipal Agreement with the City of Worcester and the Town of West Boylston for Public Health Services for a term of July 1, 2023 to June 30, 2028.**

Soloe Dennis, Director for Worcester Public Health and Amelia DiDomenico-Houghton, Chief Public Health Nurse present a five year Inter Municipal Agreement with the City of Worcester for Public Health Services. He explained they added in the Nursing Services this year, Ms. DiDomenico-Houghton gave an overview of the nursing services that will be provided such as communicable disease and State supplied vaccinations. She stated they have developed a notification system, monthly help topic, conduct and coordinator annual and bi-annual health fairs. She stated she serves as the arbovirus reporter and will send weekly reports out. Mr. Barrell, Board of Health member stated the Board of Health supports the alliance and believes it brings a level expertise to the Board of Health that the Town needs. Mr. Rajeshkumar asked what the cost to the Town will be. Ms. Warren-Dyment stated there are multiple options for payment but a flat rate would be \$42,000 annually but the City of Worcester has reduced it to \$36,000. Mr. Dennis explained that for the next five years the Town will have a set amount for the services. Ms. Warren-Dyment explained the nursing services with the Town of Sutton were separate in the past but is now included in the IMA. She explained to add the nursing services

of the Alliance there is a flat rate of \$5,000.00 annually. She stated the services with Sutton it was a variable rate and this will give the Town budgetary certainties.

*Motion Mr. Frieden moved to approve; Mr. Morrissey seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

## **OLD BUSINESS:**

- **Consider amending the appropriation of certain American Rescue Plan Act (ARPA) funds.**

MS. Warren-Dymont explained on August 17<sup>th</sup> last year the Select Board appropriated \$210,000 for FY23 Sewer Operation and Maintenance Expenses, she stated the goal was to allow Sewer Retained earnings to build up to fund the MS4 permitting work which is not funded in the operational budget. She explained that MS4 permit funding is not an appropriate use of the ARPA funds and asked the Board to rescind the vote taken at the August 17, 2022 for the FY23 Sewer Operation and Maintenance expenses and to reappropriate \$200,000 for DPW MS4 Permitting costs. She explained they confirmed with the Town Auditors Powers and Sullivan and it is an allowable use and that a multiyear contract the funds will be considered obligated. Ms. Leslie Guertin, Town Accountant explained this is just an accounting cleanup and is not a change in the use of funds.

*Motion Mr. Frieden moved to rescind the vote taken on August 17, 2022 for Sewer O&M Expenses and to vote to appropriate \$200,000 for DPW MS4 permitting costs; Mr. Morrissey seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

Ms. Warren-Dymont explained she is looking for clarification, on August 17<sup>th</sup> last year the Select Board appropriated funds for Retirees Health Insurance Benefits for FY23 at \$400,000 and the goal was to use that to generate free cash to fund the OPEB Liability and there is nothing binding us to this. She is asking the Board to clarify that it is the intent to and to appropriate all \$400,000 for OPEB at the fall town meeting and then not have any contribution in FY24, FY25, FY26 and FY27 or the Town can appropriate \$100,000 and the Town Accountant will have to monitor that the Free Cash is used for the OPEB for all those years. She wants to be sure these funds will go to this use and wants the Boards intent very clear.

**Table until next meeting.**

## **APPOINTMENTS AND RESIGNATIONS:**

- **Consider appointment of Cristy Morrison to the Insurance Advisory Committee as the School Administrative Representative effective June 22, 2023 for a term to expire on April 30, 2024.**

*Motion Mr. Morrissey moved to approve; Mr. Frieden seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

- **\*Consider Town Administrator appointment of William Potenti as the Wiring Inspector effective June 21, 2023 for a term to expire April 30, 2024.**

*Motion Mr. Morrissey moved to approve; Mr. Frieden seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

- **Consider appointment of Elisha Lynch to the Celebrations Committee effective June 22, 2023 for a term to expire on June 30, 2026.**

*Motion Mr. Morrissey moved to approve; Mr. Frieden seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

- **Consider appointment of GinnyRose Pellegrini to the Open Space Implementation Committee effective June 22, 2023, for a term to expire on June 30, 2024.**

*Motion Mr. Morrissey moved to approve; Mr. Frieden seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

- **Acknowledge the resignation from William Fay from Finance Committee and Capital Investment Board.**
- **\*Acknowledge the resignation from Kim Hopewell from Disabilities Commission, Scholarship Committee and Cultural Council.**

Mr. Rajeshkumar thanked them on behalf of the Board for volunteer service.

- **Consider Annual Select Board Appointments to the following:**

**Affordable Housing Trust – 2 Year Appointment – June 30, 2025**

**Robert Barrell, Jr. MPA**

**Marcia Cairns**

**Anna Marie Kraemer**

**By-Laws Committee – 1 Year Appointment – June 30, 2024**

**Andrew Feland**

**Finance Committee – 3 Year Appointment – June 30, 2026**

**Paul Bohnson**

**M.E. Pete Murphy**

**Personnel Board – 3 Year Appointment - June 30, 2026**

**Vanessa Kuzmanovski**

**Samantha Coons**

*Motion Mr. Morrissey moved to approve appointments as printed in the agenda; Mr. Frieden seconded.*

*Roll Call Vote*

*All in favor*

*Approved*

- **Concurrence on the Annual Town Administrator Appointments to the following:**

**Agricultural Commission – 3 Year Appointment – June 30, 2026**  
**Donald Varney, Some Income from Farming**

**Cable Advisory Committee – 1 Year Appointment – June 30, 2024**  
**Andrew Feland**  
**Bil McArthur**  
**James Pedone**  
**Christopher Rucho**  
**Richard Simmarano**

**Community Preservation Committee – 1 Year Appointment – June 30, 2024**  
**Vincent Vignaly**  
**Patrick Crowley**  
**Christopher Rucho**  
**Patricia Halpin**

**Facilities Implementation & Strategic Planning Committee – 1 Year Appointment – June 30, 2024**  
**Robert O’Connell**

**Open Space Implementation – 1 Year Appointment – June 30, 2024**  
**Brenda Bowman**  
**Raymond DeSanti**  
**Michael Peckar**

**WBPA-TV PEG Board – 1 Year Appointment – June 30, 2024**  
**Christopher Rucho**

**Town Wide Planning Committee – 3 Year Appointment – June 30, 2026**  
**Susan Meola**

***Motion** Mr. Morrissey moved to approve appointments as printed in the agenda; Mr. Frieden seconded.*

***Roll Call Vote***

***All in favor***

***Approved***

**TOWN ADMINSTRATORS REPORT (May contain Departmental updates, community reminders and announcements, project updates, etc. No votes will be taken).**

- 1. Employee Appreciation Event:** Thank you to each and every Select Board member who helped to make the employee appreciation cookout financially feasible. Town staff is very grateful for the Board’s continued support.
- 2. Prescott Street Trees:** The pine trees along Mixter Field on Prescott Street have been removed. The trees were noted to be at the end of life, with some in poor condition, by the contractors who removed them. Comments have been made by some that utilize the Senior Center on the improved sight lines exiting the building. The stumps will remain until final design is completed.

**3. Pride Park Update:** We are now in pre-bid phase for Pride Park. The Parks Commission met last evening and have a few questions and minor alteration requests for Weston & Sampson. We expect to be out to bid in one to two weeks.

Mr. Rajeshkumar asked what the status of the equipment is, Ms. Warren-Dymont stated it is expected mid-September and is hopeful that the project is completed by November.

**4. Implications of Tyler v. Hennepin on Tax Foreclosure Sales:** Included in the packet is an update from KP Law regarding the recent Supreme Court case of Tyler v. Hennepin County, MN. Although this case is from outside of Massachusetts, the state law in Massachusetts is similar to Minnesota. KP advises that until the Legislature or courts provide further guidance on the topic, cities and town must proceed with caution when conducting tax foreclosure sales.

Mr. Morrissey asked what the current practice of tax foreclosure, Ms. Warren-Dymont responded the Town currently keeps the proceeds of the auctions.

**5. Small Town Administrator's (STAM) Conference:** On Thursday, June 15<sup>th</sup> I attended the STAM Conference in Boylston. Highlights include the following:

- The Inspector General is launching a pilot program to allow one person per municipality to obtain their MCPPO designation at no cost in FY24. I plan to utilize the program and hope that it continues into future fiscal years to allow more staff to obtain their designation.
- The State Auditor outlined a variety of priorities she is supporting in the legislative session that would provide equity to small towns such as Chapter 90 and school funding formulas.
- There are several bills regarding the creation of a municipal/public safety building authority, similar to MSBA.

## **FUTURE AGENDA ITEMS/SELECT BOARD REPORTS:**

**EXECUTIVE SESSION:** Consider entering into executive session under the provisions of Massachusetts General Laws Chapter 30A, Section 21(a), purpose 3 to discuss strategy with respect to contract negotiations with non-union personnel (Cheryl St. Louis, Treasurer/Collector) and the Chair declares that an open meeting discussion may have a detrimental effect on the bargaining position of the public body.

**Tabled until next meeting.**

*Motion Mr. Morrissey moved to adjourn 6:48 p.m., Mr. Frieden seconded.*

*Approved*

*All in favor*

Respectfully submitted,

Approved: \_\_\_\_\_

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Faye D. Zukowski, Municipal Assistant

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Kristina Pedone, Chair

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Patrick J. Crowley, Vice Chair

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James Morrissey, Clerk

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Marc Frieden

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Barur R. Rajeshkumar