



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

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

**Date / Time / Location of Meeting**  
**September 6, 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**  
**Patrick J. Crowley, Vice Chair**  
**James Morrissey, Clerk**  
**Marc Frieden**  
**Barur R. Rajeshkumar**

**Members NOT Present:**

**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 6:16 p.m.**

**Ms. Pedone announced there were technical difficulties with the recording equipment and caused a delay in the start of the meeting.**

- Roll call

### **Pledge of Allegiance**

**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.

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

- June 21 2023 Regular Meeting Minutes

***Motion** Mr. Rajeshkumar moved to approve; seconded by Mr. Morrissey.*

***4-0-1 Mr. Crowley abstained***

***Approved***

- July 12, 2023 Regular Meeting Minutes

***Motion** Mr. Rajeshkumar moved to approve; seconded by Mr. Crowley.*

***Approved***

**REVIEW AND VOTE TO APPROVE WARRANTS FOR THE PERIOD COVERING AUGUST 10, 2023 through SEPTEMBER 6, 2023: Town Payable Warrants FY2024-07, FY2024-08, FY2024-09 and FY2024-10; Payroll Warrant FY2024-04 and FY2024-05; Sewer Warrant FY2024-SE04 and FY2024-SE05; MLP FY2024-#4 and FY2024-05, and School Warrants FY2024-03.**

**6:05 P.M. Joint Meeting with Cemetery Trustees to appoint an applicant to the vacant Trustee position.**

**Ms. Mard, Chair of the Cemetery Trustees called their meeting to order at 6:19 p.m.**

Ms. Warren-Dyment announced a vacancy on the Cemetery Trustees Board due to resignation of Siobhan Bohanson. She explained the trustees are elected but under M.G.L. c.41, s.11, the Select Board can appoint replacement trustees to fill the position until the 2024 Election. The Board and Trustees interviewed Linda McGrail and Robert O'Connell and they both discussed their interest in the position.

***Motion** Ms. Mard moved to nominate Linda McGrail; seconded by Ms. Beshai.*

***Roll Call Vote:***

*Mr. Frieden, yes*

*Ms. Pedone, yes*

*Mr. Morrissey, yes*

*Ms. Mard, yes*

*Ms. Beshai, yes*

*Mr. Crowley, yes*

*Mr. Rajeshkumar, yes*

***Approved***

#### **NEW BUSINESS:**

- **Consider the location of the Semi-Annual Town Meeting**

Ms. Warren-Dyment stated she received a request from a resident to move the town meeting to the gymnasium. She explained there would be challenges; there would need to be hired sound, no stage, no seating and no screen for a power point. She stated Town Counsel was asked about moving the meeting to meet ADA standards and they advised the Select board needed to determine if the Middle/High School is the only feasible location for town meeting. Discussion on the potential cost to move town meeting out of auditorium and also issues with holding the meeting at the Senior Center.

**Motion** Mr. Crowley moved to host town meeting in the gymnasium at the Middle/High School; seconded by Mr. Frieden.

**Approved**

- **Semi-Annual Town Meeting Preliminaries**

- **Acknowledge the list of Warrant Articles submitted for the October 16, 2023 Semi-Annual Town Meeting (including Capital requests for consideration)**

Ms. Warren-Dyment stated there are currently eighteen articles of which nine are standard and a couple are place holders. She gave an overview of all the articles submitted. She asked all departments to hold off on capital articles unless a real need and she only received four capital articles. Ms. Warren-Dyment discussed the Special Purpose Stabilization Fund for the Marijuana Tax and cannot terminate for three years once established and would require the funds to continue to flow into this account until FY2025. Ms. Pedone would like more language on the tree removal process in regards to trees removal on private property and Municipal Light Department has a process already in place that should align with this. Ms. Pedone would like more information on the DPW Tractor request she would like to get the background on current tractor and its use, Ms. Warren-Dyment stated she will get the minutes where the Capital Investment Board vetted this item. She will let the Board know when the Capital Investment Board is meeting next to discuss the four requests.

**Refer Zoning Articles to the Planning Board**

**Motion** Mr. Crowley moved to refer back to the Planning Board the MBTA Zoning Article request, for Planning Board to hold a Public Hearing in advance of the Town Meeting according to Chapter 40A; seconded by Mr. Frieden.

**Approved**

- **Personnel Bylaw change relative to Section B- Vacations – Vanessa Kuzmanovski**

Ms. Vanessa Kuzmanovski, Chair of Personnel Board stated the Board recommends sending this article to Town Meeting and gives a summary of the changes. Ms. Warren-Dyment continued to explain the changes to the accrued time and work week definition. Mr. Crowley would like employees notified of the change as not to create upset staff. Mr. Frieden expressed again that he would like the flexibility for all new hires to be able to get more vacation upon start, Mr. Morrissey agreed. Mr. Morrissey suggested changing the language to hours not weeks for accrual, Ms. Warren-Dyment requested that he send his comments or changes to her for review and addition to the policy.

- **Amend ARPA Appropriation from ‘DPW Toro Groundmaster Mower’ to ‘DPW Mower’**

Ms. Pedone stated the town has not been able to purchase this specific mower and would like to move onto a comparable mower, Ms. Warren-Dyment gives more clarification.

**Motion** Mr. Crowley moved amend what the Board authorized and remove “Toro Grandmaster” to “Mower” for the DPW for same amount; seconded by Mr. Morrissey.

**Approved**

- **Street Acceptance Application- Nuha Circle Road Acceptance Application submitted by Crescent Builders, Inc.**

Ms. Pedone stated the Planning Board reviewed and sent back their comments. Ms. Warren-Dymment stated the Planning Board also had VHB review and they provided comments back to Planning Board. She stated it has also been sent to Town Counsel and the property owner's lawyer. She stated the Planning Board has put forth a request for a place holder for town meeting. She explained before the Board tonight is a decision if they would like to waive the street acceptance procedure that requires submittal of the packet three months prior to Town Meeting, she explained Town Counsel advised they can waive the procedure and this is common. Ms. Warren-Dymment stated at the next meeting they will review the layout of the street and then refer back to the Planning Board.

***Motion*** Mr. Frieden moved to waive the time required in the procedures; seconded by Mr. Crowley.

***Approved***

Ms. Warren-Dymment stated the layout of the street will be placed on the September 20<sup>th</sup> agenda. Mr. Crowley spoke with one of the homeowners on Nuha Circle and he provided a list of items of concern, Mr. Ali stated they were scheduled to be completed this month at latest prior to town meeting. Mr. Rajeshkumar stated if any of the outstanding items are not completed, they can pass over the article at town meeting.

- **Amendment to the Intermunicipal Agreement with the City of Worcester for Certain Public Health Services**

Ms. Warren-Dymment explained the Board voted on June 21, 2023 to execute the IMA with City of Worcester, since then Shrewsbury requested a change and the goal is to have all three IMA's the same. She explained the changes are a benefit to the members towns, she gave an overview of the changes to include termination clause. She requested the Board rescind the vote from June and vote to enter in a new IMA.

***Motion*** Mr. Crowley moved to rescind the vote taken on June 21, 2023 to enter into an IMA with the City of Worcester and to vote to enter into the IMA in this evening's agenda; seconded by Mr. Rajeshkumar.

***Approved***

- **Hearing Authority for Dangerous/Nuisance Dog Complaints**

Ms. Pedone presented the procedures for handling Dangerous/Nuisance Dog and explained the Board will need to decide who will be to handle complaints. Ms. Warren-Dymment explained historically the Town Administrator was the Hearing Authority but she cannot find where a vote was taken to designate as such. She states the designation to Town Administrator or Select Board both has pros and cons and she outlines some of them including the process of a hearing. Ms. Pedone would like to process to be mixed where the Town Administrator begins the process and investigates then comes before the Board. Mr. Crowley stated he felt if a decision to euthanize a dog was needed the Board should vote to make that decision. Ms. Warren-Dymment suggests the dangerous dog complaints will be heard before the Board and nuisance dog complaints will be heard by the Town Administrator. Ms. Pedone stated the law requires action within a strict amount of time and she does not believe the Board would be able to convene as quickly as the law requires. Mr. Rajeshkumar asked if there is an appeal process, Ms. Warren-Dymment stated there is through the court. Mr. Friend asked if a dangerous dog complaint comes before the Board and is a nuisance not a dangerous dog what would be the process, Ms. Warren-Dymment stated the Board could just finish the hearing process and make a determination. Mr. Crowley would like the Town Administrator to review the complaints when they come in to determine if it falls within the dangerous dog definition. Ms. Warren-Dymment reviewed the language to be, "upon a complaint

of a dangerous or nuisance dog the Town Administrator will cause an investigation and make a determination of whether the definition of dangerous has been met on the investigation and the face of the complaint. And if the dog is complained of being dangerous the hearing authority shall be the Select Board. And if the dog is complained of as being a nuisance or on the investigation and the face of the complaint dangerous has not been met than the hearing authority shall be the Town Administrator.

***Motion** Mr. Crowley moved to accept the language as stated by the Town Administrator with additional language from Mr. Frieden; seconded by Mr. Morrissey.*

***Approved***

## **OLD BUSINESS:**

- **Approval of Final ADA Self-Evaluation and Transition Plan**

Ms. Pedone stated the Draft Americans with Disabilities Act Self Evaluation and Transition plan was online and on social media on July 20, 2023 allowing for public comment and public comment period ended August 19, 2023 and no comments were received. Ms. Warren-Dyment is hopeful that no comments were made due to the thorough plan and evaluation.

***Motion** Mr. Morrissey moved to approve the Final ADA Self Evaluation and Transition Plan; seconded by Mr. Crowley.*

***Approved***

- **Progress Report on ADA Transition Plan Action Items**

Ms. Pedone would like to receive a list of the items that have been complete against the list needed. Ms. Warren-Dyment stated the Facilities Director has been working on the items and will continue making a list and some items have a larger cost associated and will take time. Ms. Warren-Dyment thanked Nancy Lucier the former Town Administrator for getting this project started. She explained she will be applying for an ADA grant and has two larger projects in mind and because this plan has been completed the Town is now eligible.

- **Report on Marijuana Establishment Host Community Agreements**

Ms. Warren-Dyment stated the town has potential for seven entities and two are still in provisional license stage. She has requested more information on where they are in the process and is waiting a response. She also asked about Harmony on Shrewsbury Street and CCC has them still as active and have not received any notification that they have closed and will get more information on what to do with businesses that have closed.

- **Pride Park Bid Opening Results from August 22, 2023, Bid Opening, Approval of Bidder, and Execution of Agreement with Approved Bidder**

Ms. Warren-Dyment explained the bids were opened on August 22, 2023 and there were three bidders with low bidder was Page Contracting of Grafton, MA \$509,000. She stated the estimate from Weston & Sampson was \$518,414 so this bid is within ballpark.

***Motion** Mr. Morrissey moved to enter in contract with Page Contracting contingent upon review of Town Counsel; seconded by Mr. Rajeshkumar.*

Mr. Rajeshkumar asked about the Page Contracting bid not having references upon submittal of bid, Ms. Warren-Dyment explained she reached out to the Chapter 30B hotline and was advised it was a minor omission and to allow 24 hours to submit, which they did. She stated references were checked and were all good. Mr. Morrissey stated the other two bids were close to each other but higher than low bid, Ms. Warren-Dyment guessed it was due to timeline. The Board had discussion on what will happen if the project is not completed on time and should there be language added. Ms. Warren-Dyment stated the Board has two options one accept low bid or go back out to bid in the spring. Ms. Warren-Dyment it is the towns advantage to hire Weston & Sampson to oversee the project.

***Approved***

#### **APPOINTMENTS AND RESIGNATIONS:**

- **Resignation Paul Bohannon Finance Committee and Capital Investment Board**  
The Board thanked him for his service to the Town.
- **Concurrence on the Town Administrator's appointment of Nicole Farraj to the Celebrations Committee effective September 6, 2023 for a term to expire on June 30, 2025**

*Motion Mr. Crowley moved to approve; seconded by Mr. Morrissey.*

*Approved*

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

1. MVP Action Grant: The Town of West Boylston has been selected to receive a \$105,000 grant for the project titled "Resilient Streams of the Wachusett Reservoir". Through this grant, the Town is addressing climate change vulnerabilities, more specifically the anticipated increase in the frequency of intense rainfall events. The purpose of this application is to assess the current conditions of the Town's streams and culverts, develop a flood model to understand future conditions, and identify opportunities for nature-based solutions implementation. These efforts will better position the Town to reduce the impact of increasingly extreme riverine and stormwater flooding events on roads, floodplains, and adjacent properties with nature-based solutions. Thanks, and congratulations to DPW Director Kevin Duffy for spearheading this grant application.
2. Recreations Director Discussion: Last evening the members of the Parks Commission and Town Administrator attended the meeting of the Boylston Parks and Recreation Commission to discuss the potential of merging with Boylston. While these discussions are in their infancy, Boylston has encouraged West Boylston to inform the community that Recreation Department events in Boylston are open to West Boylston residents. She will be more formally sharing information about West Boylston recreation events.
3. Town Wide Yard Sale: The community-hosted Town Wide Yard Sale will be held on September 10, 2023 from 8 a.m. to 2 p.m.

#### **MEETINGS INVITATIONS & ANNOUNCEMENTS:**

- **Semi-Annual Town Meeting, Monday, October 16, 2023 at 7 PM Middle/High School**
- **Fall Fest, Saturday, October 21, 2023, 11-5, Volunteers Needed**

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

- Mr. Crowley stated Celebrations is looking for help with set-up of Fall Fest
- Mr. Crowley stated Celebrations last movie night will be September 15<sup>th</sup>

*Motion Mr. Rajeshkumar moved to adjourn 8:35 p.m.; seconded by Mr. Crowley.*

*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