

Semi-Annual Town Meeting
October 15, 2018
Town Clerk Meeting Minutes

Article 1 Section 3 of the Town of West Boylston's General Bylaws states that "One Hundred (100) legal voters, including the presiding officer and the clerk, shall constitute a quorum, provided that a number less than a quorum may vote an adjournment; and that not more than Seventy-five (75) shall be required to maintain a quorum once the meeting has been called to order by the Moderator and that a quorum of Seventy-five (75) be required to reconvene any adjourned session of any such meeting."

The Town Clerk was informed that 120 registered voters were in attendance and that the quorum requirement had been met. In the absence of the Moderator, Jonathan Meindersma, the meeting was called to order by Town Clerk Elaine Novia at 7:10 pm. Following the Pledge of Allegiance and a moment of silence honoring our servicemen and women, the Town Clerk announced that in the absence of the Moderator, the first order of business is the election of a Temporary Moderator who will preside over this Town Meeting and any other days that this Town Meeting is continued. It was announced that Marc Friedan had offered his services in that regard and a motion and a second was made to nominate Mr. Friedan. The Town Clerk asked for any other nominations from the floor. Hearing none, nominations were closed. It was explained that only one vote is needed to elect the temporary moderator. A single vote was cast by the Chairman of the Board of Selectmen, Christopher Rucho. The oath of office was administered to Marc Friedan by the Town Clerk who turned the proceedings over to Mr. Friedan. It was later noted that 131 registered voters were present at the meeting.

The following people were sworn in as tellers by the Town Clerk;

Barbara Deschenes	Jack McCormick, III
Mary Ellen Cocks	Gordon Cocks
Nancy Barakian	Carol Peterson
Elise Wellington	Beverly Goodale

M.G.L. Ch. 39 § 15 was accepted at the Oct. 20, 2008 Semi-Annual Town Meeting and placed in the General Bylaws Article I § 7. This bylaw section states: "If a two-thirds vote of Town Meeting is required by statute, the Moderator may, at his or her discretion, decline to verify a voice vote by polling the voters or by dividing the meeting, and may record the vote as a two thirds vote without taking such a count."

After the Pledge of Allegiance a moment of silence was conducted for all citizens whom have passed since our last meeting and to all those who serve in the military service, here and around the world, who have paid the ultimate sacrifice.

Upon a motion by Christopher Rucho and duly seconded, it was unanimously voted to waive the reading of the Warrant and refer it as subject matter only.

ARTICLE 1 - AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN

To see if the Town will vote to hear the reports of the officers and standing committees of the Town; or take any other action relative thereto.

Motion: Christopher Rucho, Seconded: John Hadley

It was **unanimously voted** to hear the reports of the officers and standing committees of the town.
The following report was heard: Anna Shaw, Library

Thank you, Mr. Moderator. My name is Anna Shaw; I am the Director of the Beaman Memorial Public Library. I am pleased to report that our attendance has increased 22% in the past 4 years. The Beaman Library is a busy place. Last year was our busiest year yet, we had over 70,000 visitors!

What are all these people doing at the library? Well, in addition to our books we also have subscriptions to a variety of local and national newspapers and many magazines. We have an extensive DVD collection with copies of recent movie releases and classic films. With your library card you can borrow ebooks and audiobooks, and stream commercial free music from the Sony Music Library. Our Friends of the Library group offers free and discounted passes to local area museums and attractions. And we have computers and printers for you to use. In addition to all this, the library has events for people of all ages. We have many book groups for readers of varied interests. Some of our upcoming programs for adults include a yoga series, an introduction to meditation, Italian conversation group, a storytelling event about clutter, a lecture about French wines, and a Korean cooking demo. For Teens we have Henna tattoos, a scary movie night and a pumpkin carving program. And for kids, we have story times, pumpkin decorating, a drama class, a teddy bear picnic, and many craft programs.

As you may know, the majority of our programs are paid for by our nonprofit Friends of the Library group. In the spring our Friends group will be holding their annual book sale from March 21-30. Please save the date and look for our flyers around town as we get closer to that time. As many of you know, we welcome your gently used book and DVD donations and accept those at the library year round. We are also looking for volunteers to help make this event a success, so if this sounds like something you would like to be a part of, I would be happy to give you more information. The Friends Membership year matches the calendar year, and they are accepting renewals for 2019 starting next week! I hope you will consider joining or renewing your membership. Your support directly translates into programming and services at our library.

We were excited to learn this past summer that our Library was the runner up for best Children's library in Bay State Parents magazine's annual contest, coming in second only to Worcester Public Library. This is due in part to the fantastic programs we are able to offer with the help of our Friends group.

Finally, we could not do what we do without our excellent staff. Would you please join me in congratulating our Head of Children's Services, Sue Smith? Last month we learned that she will be recognized by the Wachusett Area Chamber of Commerce for her work at our library and for her outreach efforts in our community. We are so lucky to have her at our library.

Thank you once again for your support, and I hope to see you at the library.

Anna Shaw, Library Director

ARTICLE 2 - AUTHORIZATION TO BAN ADULT USE MARIJUANA

To see if the Town will vote to amend the West Boylston General Bylaws by adding a new Article XL, "Marijuana Not Medically Prescribed", that would provide as follows, and further to amend the Table of Contents to add Articles XL, "Adult Use Marijuana":

Article XL – Adult Use Marijuana

Consistent with MGL Ch. 94G, Section 3 (a)(2), all types of adult use “Marijuana Establishments” as defined in MGL Ch. 94G, Section 1 and 935 CMR 500.02, including all Marijuana Cultivators, Craft Marijuana Cooperatives Independent Testing Laboratories, Marijuana Product Manufacturers, Marijuana Retailers, Marijuana Research Facilities, Marijuana Transporters or any other type of licensed adult use marijuana businesses, shall be prohibited within the Town of West Boylston.

Or take any other action relative thereto.

Motion: John Hadley, Seconded: Christopher Rucho

Due to the nature of Articles 2 and 3, the discussion encompassed both articles as it was deemed necessary to understand the contents of Article 3 before a vote on Article 2 could be taken.

ARTICLE 3 – REGULATION OF SALE AND DISTRIBUTION OF ADULT USE MARIJUANA

To see if the Town will vote to amend the Town's Zoning Bylaw by deleting, Section 3.13 Temporary Moratorium on Adult Use Marijuana Establishments, and replacing it with a new Section 3.13 – “Adult Use Marijuana Establishments” for purposes of imposing reasonable time, place and manner restrictions on Adult Use Marijuana Establishments within the Town, and further, to amend the Table of Use Regulations to designate the zoning districts in which Adult Use Marijuana Establishment may locate, by special permit; or take any other action relative thereto.

Motion: Barur Rajeshkumar, Seconded: Patrick Crowley

Discussion:

Pat Crowley, 64 Bowen St. – this is a legal product, we cannot vote against this

Resident, Lee Street – what are we saying to kids? Liquor is ok? Controlled regulation needed, not ban, will it affect property values? Ban is the ultimate control. Ban stores only, not use or medical use, stores are incompatible with the character of our town, drugs bring no value to town

Monica April – 14 Colonial Hill Dr. – Liquor stores are the same; liquor has not ruined our town, the majority wants the marijuana shops, significant income – 3%

Andrew Feland – 101 Central St. – Zoning Bylaws will say where, how and when. We would be banning tax revenue. Property values may go up – town funded programs could come back if we have this revenue

Sandy Meindersma – 20 Maple Street – questioned how many and where? Paul Anderson referred to the map

Chris Berglund -340 Goodale St. – states the regulations exclude social clubs

Elise Wellington – 66 Malden St. – commends the planning board for the good zoning bylaw; asks what is the benefit to town? 3% revenue. Should we be cautious about whether the 3% will be spent on added need for police, etc. to control the marijuana shops

Pat Crowley – 64 Bowe St. – we charge up to 3% of revenue to cover any additional costs to the town – this is no net gain, but, we can add a 3% sales tax – this is the money maker, this is revenue

Andrew Feland – 101 Central St. – expect to make One Million per year – each shop – 3% is: \$300,000.

Elise Wellington – 66 Malden St. – a report by Dr. Ruth says 17% of teens who use marijuana grow into addictions of some kind. THC can cause harm to brain, nothing is without a cost.

Andrew Feland – 101 Central St. – this report by Dr. Ruth applies to alcohol also.

Sandy Green – 508 Prospect St. – Town Planning Board has come up with a bylaw that is very limiting, very strict, we get revenue from liquor stores, good plan to get revenue here also

Ray Bricault – 175 Prescott St. – against the BAN, very well considered regulations

Paul Anderson – 55 Bowen St. – so many rules, must be over 21 years old, security in place

Chris Olson – 74 Newton St. – he has 5 children under 21, 2 teenagers, teaching my kids about influences, Money is important but it is not all there is to think about, we need to look out for our neighbors, take care of each other.

Tony Marciello – 305 Maple St. – I turned out alright, we have a place for booze and cigarettes, there is a place for marijuana, we have an incredibly well thought out plan, great, great rules

David Sweetman – 71 Newton St. – this article will not stop or change anyone's use of marijuana anywhere. Money is a valid consideration. Let's make some bucks.

Julianne deRivera – 148 Goodale St. – as a psychiatrist, she supports the ban

Mike Boston – 152 Goodale St. – 2 establishments only, 500 or 1000 feet from homes and schools

Paul Robichaud – 80 Temple St. – what happens if this does not pass?

Paul Anderson – 55 Bowen St. – State leaves it to town zoning board

Town Counsel - state has 500 foot rule also

Sandy Meindersma – 20 Maple St. – so much hard work has been done – what if we don't pass? No regulations

Monica April – 14 Colonial Hill Drive – let's call a vote!

Recommendations: Bylaws Committee – no recommendation, Planning Board – no recommendation,

VOTE on Article 2 – In favor of Ban – 44, Opposed to Ban – 86

Article 2 is defeated.

VOTE on Article 3 – requires 2/3 vote –

It was unanimously voted to approve Article 3.

ARTICLE 4 – ESTABLISH SALES TAX ON ADULT USE MARIJUANA RETAIL SALES

To see if the Town will vote to accept MGL Ch. 64N, Section 3 to impose an excise on the retail sales of marijuana for adult use at the rate of 3 percent (3%); or take any other action relative thereto.

Motion: Patrick Crowley, Seconded: Christopher Rucho

Recommendations: Finance Committee recommends approval; Board of Selectmen recommends approval

It was unanimously voted to accept MGL Ch 64N Sec. 3 to impose an excise on the retail sales of marijuana for adult use at the rate of 3 percent (3%).

ARTICLE 5 - AUTHORIZATION TO AMEND THE PERSONNEL BYLAW AND TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN FOR FY2019

To see if the Town will vote to amend Section 5, Part AA, Classification and Compensation Plan, of the Personnel Bylaw to reflect necessary adjustments in grade assignments and related wages associated with the grade assignments for various positions per the recently completed updating of employee job descriptions and related grading of the positions; or take any other action relative thereto.

Motion: I move that the Town vote to pass over Article 5

Motion: Christopher Rucho, Seconded: John Hadley

It was unanimously voted to pass over Article 5.

ARTICLE 6 –AUTHORIZATION TO MODIFY FISCAL YEAR 2019 APPROPRIATIONS AND OTHER NECESSARY ADJUSTMENTS TO THE FISCAL YEAR 2019 BUDGET

To see if the Town will vote to raise and appropriate or transfer from available funds or from any unexpended balances of Fiscal Year 2019 appropriations hitherto made, to Fiscal Year 2019 appropriation accounts; or take any other action relative thereto.

Motion: Patrick Crowley, Seconded: Christopher Rucho

Recommendation: Finance Committee recommends approval

It was unanimously voted to approve Article 6.

ARTICLE 7 - APPROPRIATE COMMONWEALTH TRANSPORTATION INFRASTRUCTURE FUNDS

To see if the Town will vote to appropriate the sum of \$613.50, said amount being the funds received from the Commonwealth Transportation Infrastructure Fund, to be used for transportation-related projects by the Department of Public Works; or take any other action relative thereto.

Motion: Patrick Crowley, Seconded: Barur Rajeshkumar

Recommendation: Finance Committee recommends approval

It was unanimously voted to approve Article 7

ARTICLE 8 - APPROPRIATE FUNDS FOR A GATEWAY SIGN

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to construct and install a second gateway sign; or take any other action relative thereto.

Motion: John Hadley, Seconded: Barur Rajeshkumar

Discussion: Vinny Vignaly – 50 Newton Street – inquires as to location of sign – Answer: 140 North

Recommendation: Finance Committee recommends approval

It was unanimously voted to approve Article 8

ARTICLE 9 - VOTE TO APPROPRIATE FUNDS FOR COMMUNITY PRESERVATION FUND PROJECTS

To see if the Town will vote that the following amount shall be appropriated from Community Preservation Fund Revenues, or transferred from prior year reserves for Community Preservation purposes:

	Project	Total Appropriation	Source of Appropriation
A	To Fund for Affordable Housing Purposes: A grant to pay for community housing services to assist with affordable senior and veteran housing needs. Submitted by the West Boylston Affordable Housing Trust; to be expended under the direction of the Town Administrator.	\$25,000	\$25,000 from the fund balance designated for affordable housing.

Or take any other action relative thereto.

Motion: Steven Blake, Seconded: Christopher Rucho

Recommendation: Finance Committee recommends approval

Discussion:

Patrick Crowley – this is a recurring requirement

Ray Bricault – this required every year, needs to be in the budget in the future.

It was unanimously voted to approve Article 9.

ARTICLE 10 - APPROPRIATE FUNDS FOR POLICE PHYSICAL FITNESS PROGRAM EQUIPMENT

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase exercise equipment for the police station to support the physical fitness requirements established under the new union contract; or take any other action relative thereto.

Motion: Patrick Crowley, Seconded: John Hadley

Discussion:

Paul Robichaud – 80 Temple Street – What is the equipment?

Anita Scheipers – weights, dumb bells, kettle balls, trex trainers

Recommendations: Select Board recommends approval, Finance Committee, no opinion

Article 10 Approved by Simple Majority

ARTICLE 11 – TRANSFER OF CEMETERY FUNDS

To see if the Town will vote to transfer the sum of Seven Thousand, Three Hundred Dollars and No Cents (\$7,300.00) from the Sale of Lots Account for necessary cemetery maintenance and improvements; or take any other action relative thereto.

Motion: Barur Rajeshkumar, Seconded: Christopher Rucho

Recommendation: Finance Committee recommends approval

It was unanimously voted to approve Article 11.

ARTICLE 12 – APPROPRIATE FUNDS FOR PARKS AND GROUNDS MAINTENANCE

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase additional fertilizer and pesticides for use at parks and other Town owned properties as appropriate; or take any other action relative thereto.

Motion: Patrick Crowley, Seconded: Christopher Rucho

Discussion:

Sandy Meindersma – 20 Maple Street – After all is said and done, how much will remain in free cash?

Anita Scheipers – If we approve all, we will have \$697,036 remaining.

Julianne de Rivera – 148 Goodale St. – what types of pesticides?

Jim Pedone – 1 Pheasant Hill Run – all approved for public grounds, appropriate for public grounds

Recommendations: Finance Committee – this comes up too many times; needs to be in the budget

Article 12 approved by Simple Majority

ARTICLE 13 – VOTE TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENT PURCHASES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase or repair capital items, with each appropriation being treated as a separate item; or take any other action relative thereto.

Motion: I move that the Town vote to pass over Article 13

Motion: Ray Bricault, Seconded: Christopher Rucho

It was unanimously voted to pass over Article 13.

ARTICLE 14 – AUTHORIZATION TO PAY BILLS FROM A PREVIOUS FISCAL YEAR

To see if the Town will vote to appropriate a sum of money to pay bills from a previous fiscal year being held by the Town Accountant for which no encumbered funds are available; or take any other action relative thereto.

Motion: I move that the Town vote to pass over Article 14

Motion: Christopher Rucho, Seconded: Barur Rajeshkumar

It was unanimously voted to pass over Article 14.

ARTICLE 15 – REACCEPT MGL TO ESTABLISH OPEB FUND

To see if the Town will vote to reaccept the provisions of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 218, Section 15 of the Acts of 2016 (the “Act”), under which the Town has established an Other Post-Employment Benefits Liability Trust Fund (the “OPEB Fund”), for which the Treasurer serves as Custodian (“Custodian”); designate the Treasurer/Custodian as the Trustee of the OPEB Fund, with all the powers and responsibilities identified under the Act and this vote; authorize the Treasurer/Custodian, as Trustee, to employ investment consultant(s), as well as outside custodial service(s) to hold the monies in the Fund, and to pay for those services from the OPEB Fund; authorize the investment of the OPEB Fund under the prudent investor rule established under G.L. c.203C; and authorize the Treasurer/Custodian, as Trustee, to execute any and all documents necessary to utilize outside custodial service(s) and/or investment consultant(s), including but not limited to trust agreements, participation agreements, investment agreements, and administrative services agreements; and designate the Treasurer/Custodian as the “Plan Administrator”, as may be necessary to utilize outside custodial service(s) and authorize the Treasurer/Custodian acting as Plan Administrator to take any other actions permitted or required by law; or take any action relative thereto.

Motion: John Hadley, Seconded: Barur Rajeshkumar

Recommendations: Finance Committee recommends approval, Board of Selectmen recommends approval

Article 15 Approved by Simple Majority

ARTICLE 16 – CITIZEN PETITION: APPROVE RAINBOW CROSSWALKS AT SCHOOLS AND PRIDE PARK

To see if the Town will vote to paint rainbow crosswalks, as a sign of inclusion, near the schools and Pride Park through the use of raised funds which will be donated to the Town for this purpose.

Motion: Diane Hogue – 29 Scarlett Street, Seconded: Christopher Rucho

Discussion:

Patrick Crowley – 64 Bowen St. – It’s great that you are getting involved. So many do not but chose to debate on facebook. However, he is not for messages of any kind on crosswalks

Nicole Nelson – 44 Maple Street – president of GSA (Gay-Straight Alliance) at high school; talks of pain of exclusion, feeling torn apart, not like other girls, she struggles and only wants to be accepted, needs acceptance, to be loved and not be alone.

Sandra Green – 508 Prospect St. – she supports LGBT, she is concerned only about safety

Diane Hogue – 29 Scarlett St. – there is no impact on safety

Tom Roemele – 16 Heritage Lane – what will this lead to? When will it end? Legal issue – if we say yes to one and no to another.

Margaret April – 14 Colonial Hill Dr. – GSA Member, this generation is more open and tolerant, for those who are treated badly, don’t keep passing on the negativity to the next generation, she feels alone because of a learning disability – everyone needs to feel included.

Helen Riley – 142 Hillside Village Dr. – bullying is the issue, so many kids have issues, are bullied, we cannot focus on just one.

Mr. Hogue – 29 Scarlett St. – no inclusion in his hometown, don’t want that here where his kids live, we should be open to all.

Mike Boston – 152 Goodale St. – he supports gay communities, only one issue, perception of our town

Kristin Hemenway – 183 Worcester St. – struggling teen, gay daughter, learned to embrace all differences, saying, “Not in my town” is not right, not welcoming

Barbara Kallin – 508 Prospect St. – LGBT & education advocate, message to youth is you are accepted here, you are not alone.

Vernon (Butch) Jackson – DPW Director – went to state for regulations, transportation committee also, federal guidelines: liability to the town to paint this way, restricts multi-colors, subdued colors permissible, acceptable: red, rust, brown, burgundy, tan.

Mr. Hogue – 29 Scarlett St. – so the blue ones are in violation too – yes

Vote on Article 16 - In favor of painting crosswalks – 48, Opposed – 72

Article 16 is defeated.

Motioned and Seconded to dismiss the meeting at 10:10 pm.

Attest:

Elaine S. Novia, Town Clerk

COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST BOYLSTON

SEMI-ANNUAL TOWN MEETING WARRANT

OCTOBER 15, 2018

Worcester ss.

To the Constables of the Town of West Boylston.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of West Boylston qualified to vote in elections and Town affairs, to meet in the Auditorium of the Middle/High School in said Town (at 125 Crescent Street) on Monday, October 15, 2018 at 7:00 p.m. in the evening, then and there to act on the following articles.

ARTICLE 1 - AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN

To see if the Town will vote to hear the reports of the officers and standing committees of the Town; or take any other action relative thereto.

ARTICLE 2-AUTHORIZATION TO BAN ADULT USE MARIJUANA

To see if the Town will vote to amend the West Boylston General Bylaws by adding a new Article XL, "Marijuana Not Medically Prescribed", that would provide as follows, and further to amend the Table of Contents to add Articles XL, "Adult Use Marijuana":

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Or take any other action relative thereto.

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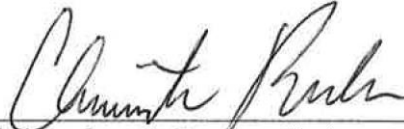
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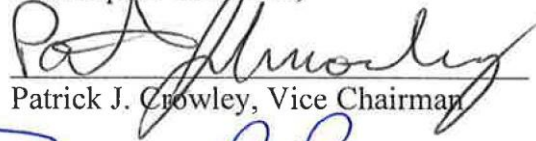
And you are directed to serve this Warrant by posting an attested copy thereof at the place of said meeting as aforesaid and at the Post Office in said Town seven (7) days at least before the time of said meeting.

Hereof, fail not, make do return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

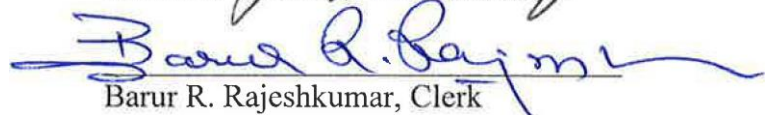
Given under our hands this 26th day of September in the year of our Lord, Two Thousand and Eighteen.



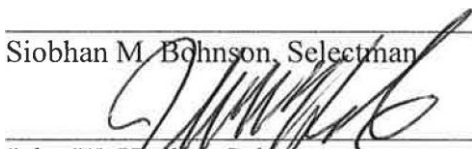
Christopher A. Rucho, Chairman



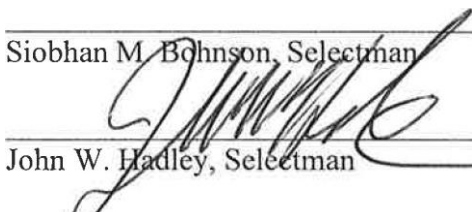
Patrick J. Crowley, Vice Chairman



Barur R. Rajeshkumar, Clerk



Siobhan M. Bohannon, Selectman



John W. Hadley, Selectman


Constable

9/20/18
Date

Any resident seeking assistance in participating at town meeting due to any disability is encouraged to contact the Town Clerk's Office at 774.261.4020 in advance of town meeting.