



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

Select Board/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting

November 30, 2022; 6:00 p.m.
140 Worcester Street
West Boylston, MA 01583
Board Meeting Room 2nd Floor
Hybrid with Zoom

Members Present:

Barur R. Rajeshkumar, Chairman
Christopher A. Rucho, Vice Chairman
Marc Frieden, Clerk
Patrick J. Crowley, Selectman
Kristina Pedone, Selectwoman

Members NOT Present:

Invited Guests:

Jennifer Warren-Dyment Town Administrator
Faye Zukowski, Municipal Assistant

Others Present: Ken Cleveland, Amy Evanowski, Richard Wall, Madison, GR Pelligrini, Tom Z, Roger Wellington, Neil Peterson, Jim Bartletts, Kevin Duff, Sergeant Tony Papandrea, and Sergeant James Bartlett.

MEETING CALLED TO ORDER

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:

- **September 7, 2022**

Motion Mr. Crowley moved to approve; Ms. Pedone second.

All in favor

Approved

**REVIEW AND VOTE TO APPROVE WARRANTS FOR THE PERIOD COVERING
NOVEMBER 17, 2022 TO NOVEMBER 30, 2022: Town Payable Warrants FY2023-21 and
FY2023-22; Sewer Warrants FY2023-12 and FY2023-13; Payroll Warrant FY2023-11 and MLP
FY2023 #10**

***Motion** Mr. Crowley moved to approve; Mr. Rucho second.
All in favor
Approved*

6:05 PM PUBLIC HEARING: Classification Hearing in Conformity with M.G.L. CH 40, §56 to Establish Local Property Tax Rate or Rates for Fiscal Year 2023.

Mr. Crowley read the Public Hearing Notice to open the hearing.

Amy Evanowski of the RRG (Regional Resource Group) presented the Fiscal Year 2023 tax classification hearing. She stated the tax levy of the Town is \$20,792,373.40 to be raised and is determined by the budget, the levy ceiling is 2.5 % of the full valuation of the town amount of \$1,334,555,417 and cannot levy in excess of \$33,363,885. She stated the new growth approved was \$255,015.67. The Town's levy limit is calculated by adding 2.5% of last years levy limit plus the new growth for FY2023 is \$19,991,869. She stated the allowable levy is calculated by adding any debt exclusions or capital expenditure exclusions or overrides to levy limit, FY23 does includes any overrides but does include excluded debt is \$836,903 and maximum allowable levy limit is \$20,828,772. This leaves excess levy capacity of \$36,399.

Ms. Evanowski reviewed estimated tax impacts on typical residential properties, in FY22 average home valuation was \$363,437.96 with a tax rate of \$17.68 tax bill was \$6,425.59 in FY23 average home valuation is \$436,969.35 with a tax rate of \$15.58 (proposed tax rate) tax bill is estimated to be \$6,807.98.

Ms. Evanowski stated valuations by class in West Boylston are as follows: Residential 83.492%, Commercial 5.4374%, Industrial 4.5671% and Personal Property 6.5032%.

Ms. Evanowski stated the Board of Assessors recommends accepting a single tax rate for the FY2023.

Mr. Crowley stated agrees with a single tax rate as a split tax rate may drive businesses away from coming or staying in town.

***Motion** Mr. Crowley moved to close public hearing; Mr. Rucho second.
All in favor
Approved*

***Motion** Mr. Crowley moved in accordance with M.G.L., Ch. 40, Sec. 56 as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2023 tax rates and set the Residential Factor at 10, with a corresponding CIP shift of 1.0, pending approval of the town's annual tax recap by the Massachusetts Department of Revenue; Mr. Rucho second.*

*All in favor
Approved*

6:20 PM PUBLIC HEARING: Amendment of Policy A-3 Policy on Establishment and Adoption of Policies

Mr. Frieden read the Public Hearing Notice to open the hearing.

Ms. Warren-Dyment stated the Select Boards goals was to review and update policies. She included the Special Act and specifically spoke about Section 3 and explained the primary function of the Selectboard is policy making. She explained Policy A-3 section

4-5-6 and constrain the Board. She recommends changing language to allow adoption at same meeting policies are introduced. She also recommends the hearing notice be changed to 48 hours' notice to meeting except items covered under Bylaw Section XXIII. Mr. Crowley would like to remove Section 3 and would like the public hearing notice posting 48 hours in advance like a meeting notice. Discussion on one Board member objecting to approving policy at same meeting introduced, Ms. Warren-Dyment stated they can leave that language which will allow for a continuation of that hearing on the policy. Ms. Warren-Dyment will work on a draft with the discussed changes and bring to the next meeting.

Motion Mr. Rucho moved to continue to the next meeting on December 14th; Mr. Crowley second.

All in favor

Approved

Kevin Duffy, DPW Director

- **Sewer Abatement Request:**

- **18 Townsend Drive:**

Mr. Duffy stated this abatement is due to higher sewer bill than in years past but did not see sufficient reason and does not recommend an abatement at this time. Mr. Richard Wall owner of 18 Townsend Drive explained he had installed a timed sprinkler while he was on vacation and it was incorrectly programed and the water ran more than planned. He stated this water never went into the sewer and requested \$400 abatement. Mr. Duffy stated the policy does not allow for abatements for outdoor use without a second meter and this information was not disclosed on the abatement request. Mr. Crowley stated if this could be treated like a broken pipe would this change the recommendation from the DPW Director, Mr. Duffy stated typically the Water Department identifies the issue and can document repairs. Ms. Pedone stated her concern this may set a precedent as there is no way to decide what happened in this situation as the billing is a three-month period. Mr. Crowley believes this is an malfunction of an irrigation system. Ms. Pedone has concerns with the amount of water and feels the yard should have been flooded. Mr. Rucho asked if requested an abatement from the Water Department also, Mr. Wall did not as this was an oversight by him. Mr. Rajeshkumar feels this is a reasonable request, Mr. Crowley believes the policy allows for this request.

Motion Mr. Crowley moved to approve the abatement in the amount of \$400.00; Mr. Frieden second.

All in favor

Approved

- **99 Hartwell Street**

Mr. Duffy stated this is a commercial property and the owner explained the tenant reported a leaking toilet and it was fixed back in August and he recommends not recommend an abatement as the water still entered the sewer system. The Board took no action to this abatement request.

NEW BUSINESS:

- **Cannabis Odor Complaints (MF):**

Ms. Warren-Dyment updated after a request from the last meeting she provided the Board with a list of Building Departments log of odor complaints. She stated they have equipment that can detect levels of odor. She stated the facility in question did acknowledge having a faulty odor mitigation system and part was received and will be installed this week. She asked if there are still odors continue to report complaints. Mr. Rucho asked if the facility has their own testing or monitoring and would like them to provide internal monitoring results.

- ***Consider Approve Special Traffic Constables as recommended by Police Chief**

Sergeant Anthony Papandrea and Sergeant James Bartlett present a proposed policy for Special Traffic Constables. Sgt. Papandrea stated they have been in need of this position for some time. The Police Department has not been able to fill the open positions for the traffic details for the construction around town. Ms. Pedone stated this town is not alone and many other towns are faced with the same issue. Sgt. Papandrea explained the officers will have first opportunity to take the scheduled details and if unfilled they will move to the Special Traffic Constables. Sgt. Bartlett explained at one point this summer they had 24 requested traffic details that went uncovered. Ms. Pedone asked if the State Police were called for the uncovered details, Sgt. Papandrea stated they filled some but they are faced with the same issues. Sgt. Papandrea stated these positions will be hired through the Police Department but appointed by the Board. He stated this policy sites the Code of Massachusetts Regulations (CMR) that was created for civilian traffic control. He stated one of the issues the town has now if that companies are hiring traffic flaggers and many are not up to the standards the town would like to see but the town does not have any say. He stated if the town provides the Traffic Constables, they will be up to the standard of the Police Department. Mr. Rajeshkumar asked about the cost, Sgt. Papandrea stated they will be making same rate as if a police officer was working. Mr. Rucho did not understand the cost would be same, Sgt. Papandrea explained they will be covering the detail and held to the same standard as an officer would. He stated they will have same training as an officer for the job. Sgt. Papandrea stated the requestor of the detail is invoiced for the cost. Mr. Rucho asked if these traffic constables will replace police retirees, Sgt. Papandrea stated the new police reform bill requires the retirees to uphold all of the qualifications and certifications and he feels this is partially the reason for lack of detail officers. He explained those same retirees could become a traffic constable. Mr. Rucho expressed concern with the Union accepting this position, Sgt. Papandrea stated the union is in full support of creating this position.

Motion Mr. Crowley moved to approve subject to agreement between union and the Town; Ms. Pedone second.

All in favor

Approved

OLD BUSINESS:

- **Considering Accept Bid Received for Surplus Item**

- **2006 Chevrolet Silverado 2500**

Motion Mr. Crowley moved to accept bid for \$4,250.00; Ms. Pedone second.

All in favor

Approved

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

1. **Collective Bargaining Agreement Update- Town of West Boylston Department of Public Works and Teamsters Union Local 170:** The Town executed a Memorandum of Agreement (MOA) between the Teamsters Union Local 170 and the Town on May 10, 2021. The purpose of this MOA was to combine the separate bargaining agreements of the Department of Public Works and the Cemetery Department into a single bargaining unit with separate divisions. Since entering the MOA, there have been ongoing efforts to incorporate the language of the MOA into a Collective Bargaining Agreement for the period covering July 1, 2020 to June 30, 2023. I have had several meetings with the Teamsters to finalize this language. These are not negotiations, but rather incorporating the language that has already been agreed upon into the CBA. I expect the CBA will be before the Board in the near future- just in time to being bargaining on the 2024-2026 Agreement.

2. **Affordable Housing Trust Meeting December 8, 2022:** The Affordable Housing Trust (AHT) will be meeting on Thursday, December 8, 2022 at 6PM at the Senior Center. An Agenda has been posted, but is not finalized. There are several Developers that are interested in proposing Local Initiative Program (LIP) projects in the Town of West Boylston (a/k/a “friendly 40Bs”). I have requested the Developers meet with the AHT in advance of any meeting before the Select Board. I have asked the AHT to evaluate any conceptual proposals against the Housing Production Plan in order to make recommendation to the Select Board. All members of the public that are interested in following potential 40Bs in West Boylston are encouraged to attend the AHT meeting on the 8th.
3. **MIIA Fall Review:** A meeting was held last week with MIIA (the Town’s insurer) for our annual fall review. Also present at this meeting was Ken Lombardi of NFP (the Town’s insurance advisor). The Town’s loss ratio is very good at 82.83% for FY 23 and 79.22% for the last 24 months (figures are favorable when under 88%). The new rates for the trust will be announced at the Annual meeting in Boston on January 21st and the Town should have our specific rates sometime mid-February.
4. **Cemetery Master Plan Update:** Retired Town Administrator Nancy Lucier was successful in obtaining a \$130,000 earmark for the construction and planning of a new cemetery site in West Boylston. The Cemetery Trustees, in conjunction with the DPW Director and the Town Administrator, will be preparing a Request for Proposals/Qualifications to obtain a contractor to prepare a Master Plan for the proposed new cemetery on Paul X Tivnan Drive. The Trustees are looking to have a plan that phases the development of this parcel. I will keep the Board informed as this project progresses.
5. **Town Administrator Commitment to Excellence Award:** I will be posting the nomination forms for the 16th Annual Town Administrator’s Commitment to Excellence Award. This Award recognizes a Town employee who has excelled at their position over the course of the past year, going above and beyond in their service to the Town of West Boylston. Nominations will be due on or before December 31, 2022.
6. **West Boylston Lions Football Announcement:** For those that are not aware, the West Boylston Lions football team has advanced to the final round of championship play for MIAA Division 7 football. They will be matched up against St. Bernard’s this Friday at 3PM at Gillette Stadium. This is a tremendous accomplishment for the players, the coaches, and all of the families that have supported the team. All residents of West Boylston should be proud of their success. For those that cannot attend, the game will be streamed at Patriots.com, CBSBoston.com, and HFHSNetwork.com.

FUTURE AGENDA ITEMS/SELECT BOARD REPORTS:

- Mr. Rajeshkumar stated the next regular meeting will be December 13th 6:30 pm for the review of the proposed 40B projects at the Senior Center and then a regular meeting on December 14th.
- Mr. Crowley stated the Celebrations Committee is hosting the Tree Lighting on December 4th at 4:30 pm.

***Motion** Ms. Pedone moved to adjourn at 7:21 p.m.; Mr. Crowley second.*

Roll Call Vote

Mr. Frieden, yes

Mr. Rucho yes,

Mr. Crowley yes,

Ms. Pedone, yes

Mr. Rajeshkumar, yes

All in favor

Approved

Respectfully submitted,

Faye D. Zukowski, Municipal Assistant

Approved:

Barur R. Rajeshkumar, Chairman

Christopher A. Rucho, Vice Chairman

Marc Friedman, Clerk

Patrick J. Crowley, Selectman

Kristina Pedone, Selectwoman