



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

Select Board/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting
May 3, 2023; 6:00 p.m.
140 Worcester Street
West Boylston, MA 01583
Board Meeting Room 2nd Floor
Hybrid with Zoom

Members Present:
Barur R. Rajeshkumar, Chair
Christopher A. Rucho, Vice Chair
Marc Frieden, Clerk
Patrick J. Crowley
Kristina Pedone

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=QUg2cHBMNmJid0ZlZk9BZTVGbnRlZz09>
- **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

Others Present:

Tom Zappa, David Femia, Judy, Ken Cleveland, Neil Peterson, Roger Wellington, and Chris Berglund.

MEETING CALLED TO ORDER

Pledge of Allegiance

CONVENE MEETING – 6:00 pm

- 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:

- March 1, 2023 Executive Session Meeting Minutes, not for release

Motion Mr. Crowley moved to approve; Mr. Rucho seconded.

All in favor

Approved

- March 6, 2023 Executive Session Meeting Minutes, not for release

Motion Mr. Rucho moved to approve, Mr. Crowley second.

All in favor

Approved

- March 13, 2023 Regular Meeting Minutes

Motion Mr. Rucho moved to approve; Mr. Crowley seconded.

All in favor

Approved

- March 15, 2023 Regular Meeting Minutes

Motion Mr. Crowley moved to approve; Mr. Rucho seconded.

All in favor

Approved

- March 15, 2023 Executive Session Meeting Minutes, not for release

Motion Mr. Crowley moved to approve; Mr. Crowley seconded.

All in favor

Approved

REVIEW AND VOTE TO APPROVE WARRANTS FOR THE PERIOD COVERING APRIL 19, 2023 THROUGH May 3, 2023: Town Payable Warrants FY2023-43 and FY2023-44; Payroll Warrant FY2023-22; Sewer Warrant FY2023-SE29 and FY2023-SE30, School Warrant FY2023-S20 and MLP FY2023 #23.

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

All in favor

Approved

NEW BUSINESS:

- Acknowledge and accept donations on behalf of the Town received from the Library Trustees between May 1, 2022 and February 28, 2023:
 - \$582.00 Revolving Account
 - \$1,114.60 Payment for lost or damaged books and materials, general donations and memorial gifts
 - \$990.00 grant from the Hyde Family Fund in support of the newspaper and magazine collection in the Robert M. Hyde Family Reading Room

Motion Mr. Rucho moved to accept the donations; Mr. Crowley seconded.

All in favor

Approved

- May 15, 2023 Semi-Annual Town Meeting
 - Vote to approve and post warrant *see attached for list.

Article 1-4

Motion Mr. Rucho moved to approve Articles 1-4; Mr. Crowley seconded.

All in favor

Approved

Article 5-8

Motion Mr. Crowley moved to approve Articles 5-8; Mr. Rucho seconded.

All in favor

Approved

Article 9-12

Motion Mr. Crowley moved to approve Articles 9-12; Mr. Rucho seconded.

All in favor

Approved

Mr. Femia asked about Article 11 Revolving Funds, Ms. Warren-Dyment stated in May of 2022 there was an addition and there are two revolving fund changes; one is an amendment to an existing revolving fund and the other is a new revolving fund.

Article 13-17

Mr. Frieden asked about Article 15 in respect to closing Town Offices on Saturdays and if this changes anything with voting, Ms. Warren-Dyment responded that the MGL allows for treating Saturdays as holidays for the purpose of calculating filing deadlines for voter registration or nomination papers. She stated this only applies to Municipal elections and not State or Federal elections.

Mr. Rucho asked for clarification on Article 17 in regards to Meeting Minutes, Ms. Warren-Dyment stated Board, Committees and Commissions did not have a requirement to turn them over to the Town Clerk but were required to keep minutes of meetings.

Mr. Frieden asked for clarification on Article 16, Ms. Warren-Dyment responds this is for veterans that live in their home but is in trust or another name it would allow for them to receive the veteran's exemption.

Motion Mr. Crowley moved to approve Articles 13-17; Ms. Pedone seconded.

All in favor

Approved

Article 18

Mr. Frieden expresses concern that they approve at Town Meeting to remove the language but the Policy will not be in place quickly. Ms. Warren-Dyment reviewed the proposed changes to the Bylaw and this will need to be approved by the Attorney General.

Motion Mr. Rucho moved to approve Article 18; Mr. Crowley seconded.

All in favor

Approved

Article 19

Ms. Warren-Dyment stated the Personnel Board accepted requested changes to the language in the Bylaw pertaining to Vacation Allowances. She explained the language is vague and needs to be corrected. She is working with Town Counsel on the language of this section. Mr. Frieden asked why the town would not want to include private sector hires, Ms. Warren-Dyment stated there is a considerable difference in knowledge of how municipal government works and feels this is a good offering benefit. Mr. Rucho would like clarification on why the Personnel Board would need to approve along with Select Board and Town Administrator, Ms. Warren-Dyment stated the Personnel Board acts as a neutral. Mr. Rucho would like to remove the Personal Board. Ms. Warren-Dyment stated the Board can remove the Personnel Board in the motion. Mr.

Crowley stated if the Personnel Board would ever go against her recommendation and if not that he does not feel the need to have them included.

Motion Mr. Rucho moved to approve Articles 19; Ms. Pedone seconded.

Motions withdrawn

Motion: Mr. Crowley moved to include Article 19 striking the words Personnel Board from the last sentence, Ms. Pedone seconded.

Motions withdrawn

Ms. Warren-Dyment suggested removing and have more discussion and bring back in the fall, Mr. Crowley agrees.

Motion Mr. Rucho moved to approve Articles 19; Mr. Crowley seconded.

All opposed

Motion Failed

Article 20

Ms. Warren-Dyment stated in June 2020 the Town approved an updated Compensation Classification Plan and the previous plan had five steps and new plan has twelve steps. She stated the language that was not corrected was the starting step which was Step 3 and now having twelve steps this needs to be corrected to Step 6.

Motion Mr. Frieden moved to approve Article 20; Mr. Rucho seconded.

All in favor

Approved

Article 21

Motion Mr. Crowley moved to approve Articles 21; Mr. Rucho seconded.

Mr. Rajeshkumar stated the Bylaw Committee met last night and had changes, Ms. Warren-Dyment explained they requested to change the number of committee members and the necessary quorum and also Section 5 in regards to calling a special meeting what does “three members” mean. Mr. David Femia explained what clarification the Disability Commission was seeking. Mr. Rucho stated three members cannot call a meeting as that would be an open meeting law violation. Mr. Rucho would suggest removing line 4.

Motions withdrawn

Motion: Mr. Crowley moved to approve Article 21 with the changes as discussed; Mr. Rucho seconded.

All in favor

Approved

Article 22

Mr. Rajeshkumar explained the bylaw is in regards to non-conforming use and is to align with the State Law on abandoned property and the town bylaw is currently one year and will now be two years. . Ms. Pedone has concerned that all properties along Route 12 are non-conforming. Fire Chief Mark Sadowski asked the definition of abandonment, Ms. Warren-Dyment stated abandonment is not in the bylaw but this speaks to the discontinuation of the use. Mr. Rucho stated this actually if helpful to property owners as it will give them an extra year. Mr. Rajeshkumar stated the applicant can apply to the ZBA to extend the Special Permit so that the use is not terminated.

Motion Mr. Rucho moved to approve Articles 22; Mr. Frieden seconded.

All in favor

Approved

Article 23

Motion *Mr. Crowley moved to approve Articles 23; Mr. Frieden seconded.*

All in favor

Approved

Article 24

Motion *Mr. Rucho moved to approve Articles 24; Mr. Frieden seconded.*

All in favor

Approved

Article 25

Motion *Mr. Rucho moved to approve Articles 25; Mr. Frieden seconded.*

All in favor

Approved

Article 26-27

Motion *Mr. Crowley moved to approve Articles 26-27; Ms. Pedone seconded.*

All in favor

Approved

Article 28

Motion *Mr. Rucho moved to approve Articles 28; Ms. Pedone seconded.*

All in favor

Approved

Article 29

Motion *Mr. Rucho moved to approve Articles 29; Mr. Crowley seconded.*

All in favor

Approved

- Consider endorsement of articles

Motion *Mr. Crowley moved to endorse Article 9 and Article 29, Ms. Pedone second.*

All in favor

Approved

- Assign motions

Article 1 – Mr. Rajeshkumar

Article 2 – Mr. Rucho

Article 3 – Mr. Frieden

Article 4 – Mr. Crowley

Article 5 – Ms. Pedone

Article 6 – Mr. Rajeshkumar

Article 7 – Mr. Rucho

Article 8 – Mr. Frieden

Article 9 – Mr. Crowley

Article 10 – CIB

Article 11 - Mr. Rajeshkumar

Article 12 – Mr. Rucho

Article 13 – Mr. Frieden

Article 14 – Mr. Crowley

Article 15 – Ms. Pedone

Article 16 – Mr. Rajeshkumar

Article 17 – Mr. Rucho

Article 18 – Mr. Frieden

Article 19 – Mr. Crowley
Article 20 – Ms. Pedone
Article 21 – Planning Board
Article 22 – Planning Board
Article 23 – Planning Board
Article 24 – Planning Board
Article 25 – Planning Board
Article 26 – Planning Board
Article 27- Mr. Crowley
Article 28 – CPC

Ms. Warren-Dyment discussed a possible additional Article which will be to fund an Elderly Community Service Program and was previously stated to be a standard article but a 2021 IGR from Division of Local Services release recent due to funds needing to paid out of overlay instead of appropriation at Town Meeting. She stated the Town never adopted M.G.L. 59, Section 5k which is a local accept statue that allows towns to have Senior Tax Write-off Program. She explained that if they are unable to add to the warrant than the Town will not be able to have Senior Tax Work-off program until the fall town meeting and subsequence approve from the Attorney General.

***Motion** Mr. Rucho moved to add this article as Article 29 to the warrant, Mr. Frieden second.
All in favor
Approved*

***Motion** Mr. Rucho moved to approve and post the warrant, Ms. Pedone second.
All in favor
Approved*

- Consider granting the Police Chief with the authority to assign police officers at polling locations (requested by the Town Clerk).

Ms. Warren-Dyment stated the State made a change to the State Law that stated for election it is under the charge of the Select Board and this vote will delegate it back to where they have always been.

***Motion** Mr. Rucho moved to approve; Frieden second.*

Motions Withdrawn

***Motion** Mr. Crowley moved to grant the Chief of Police the authority to assign officers to polling locations for all future elections; Ms. Pedone seconded.*

***All in favor**
Approved*

- Consider approving letter of appreciation to West Boylston LLC for renovations at 201 West Boylston Street

***Motion** Mr. Rucho moved to approve; Ms. Pedone seconded.*

***All in favor**
Approved*

- Consider signing a Citation for Cordials Catering and Beverages on the occasion of their Grand Opening

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

All in favor

Approved

OLD BUSINESS:

- Consider approving the Memorandum of Agreement (MOA) with Crescent Builders, LLC for a proposed Local Initiative Program (LIP) Development located at 73 West Boylston Street
Ms. Warren-Dymont stated at a prior meeting the Select Board had generally agreed to enter into memorandum of agreement with Mr. Ali of Crescent Builders and there was discussion of having completion of items at two other Crescent Builders projects; Nuha Circle and Westland Circle. She stated the Planning Board has met and has developed a punch list for those two projects and will be attached to this MOU as exhibits A & B. She stated Mr. Ali has seen the agreement and is acceptable to the MOU. She explained Mr. Ali has agreed to donate \$50,000 for upgrades at Pride Park Phase II and will be due within 30 days of the issuance of the Comprehensive Permit by the ZBA. Ms. Warren-Dymont thanked Mr. Ali for the donation. She stated the developer also agreed that prior to applying to the ZBA for the Comprehensive Permit the items in exhibit A and B will be completed.

Mr. Frieden added comments with Exhibit A and also request the Planning Board to revise the Certificate of Approval on Westland Circle Extension of the Definitive Subdivision Plan and Stormwater Management Permit, issued May 15, 2018 to replace condition 2 with the following statement “The Town intends plans to accept the installed sewer system infrastructure from the existing manhole connection intersection of Westland Circle to the limits of the Town right of way, all sewer infrastructure pumps, pipes, etc. on the private property will be the responsibility of the property owner and this change is based on Select Board Sewer Commission meetings and their minutes of 7/21/21, 8/18/21, 4/6/22 and email from DPW to the Planning Board on saying same things”. He explained Mr. Ali cannot complete creating a homeowners document without this change. Mr. Rajeshkumar stated the Select Board agreed with the DPW Director to take over the road once the town accepts. Mr. Rucho stated this is not on the agenda tonight, Mr. Frieden disagreed and believe if this request is not completed the Board cannot accept the memorandum of agreement. Ms. Warren-Dymont asked for clarification on the item in Exhibit B checklist that Mr. Ali would not be able to accomplish, Mr. Frieden stated condition 2. Ms. Pedone confirmed that Mr. Ali’s Legal Counsel and Engineering and the town’s Planning Board has reviewed. Ms. Warren-Dymont stated the Planning Board was tasked with drafting the exhibits. Mr. Rajeshkumar stated the Planning Board has reviewed and created a list of conditions that Mr. Ali must complete. Ms. Pedone is not seeing the comments that Mr. Frieden is requesting in the notes of the Planning Board. Mr. Frieden stated if the notes are not there than he will have to go back to the Planning Board. Mr. Crowley stated he has issues with the Exhibits and it does not state what Mr. Ali is to complete and is instead a list of deficiencies and will not will not vote to approve the MOA with these exhibits. Ms. Warren-Dymont stated this is where a Town Planner would be beneficial. Ms. Warren-Dymont stated the Planning Board has spent some time creating this list and Mr. Ali may not be patient. Mr. Rajeshkumar stated Mr. Ali has agreed to the punch list that the Planning Board has created. Mr. Crowley expressed his discontent for the list provided and feels Mr. Ali has proven that he does not finish project and believes he will do the same with the list and leave unfinished which is not fair to the residents of the two developments. He would like to see each project spelled out with complete details. Mr. Rajeshkumar stated Mr. Friedens comments will need to go back to the Planning Board. Mr. Ali stated the Select Board required him to satisfy all the requirements of the Planning Board before going forward to ZBA and he has accepted the

Planning Board requirements. He explained he has already began working on the list as required by the Planning Board. Mr. Rajeshkumar stated the DPW Director will need to accept all the conditions and repairs as listed by the Planning Board. Ms. Pedone suggested adding language to #4 of the MOU that all other requirements of the Planning Board and other Boards be met and includes a sign off. Ms. Warren-Dyment explained there are the things that need to be completed before Mr. Ali can apply for a comprehensive permit. She explained they had not discussed that it needed to be accepted by the town prior. She has concern that a new Planning Board is elected and additional items are added that have not been discussed in the past and a new set of requirements are set if the Select Board approved language that states "and all other requirements". Ms. Pedone suggested adding in a date and nothing can be added to this list after that date. Mr. Frieden discussed the walking path under #15, Mr. Rucho stated that this is not on the agenda and the only item is the approval of the MOA. Ms. Pedone is concerned that the Planning Board held four meeting and Mr. Frieden as a Select Board and also a Planning Board member would like to make changes at this meeting with items that are not in the notes from the Planning Board.

Motion Ms. Pedone moved to approve MOA with the additional language added "with all punch listed items outlined are required to be completed as written in the MOA dated May 3, 2023"

Motion Mr. Rucho moved to approve the MOA with Crescent Builders LLC, seconded Ms. Pedone.

Mr. Crowley stated this is a legal document and feels exhibit A & B are atrocious and cannot support a yes vote for this.

4-1-0 Mr. Crowley voted no.

Approved

Recess: 8:10 p.m.

Return: 8:15 p.m.

FY2024 Final Budget Presentation

Ms. Warren-Dyment presented a PowerPoint presentation on the Fiscal Year 2024 Budget.

- She stated there are three drivers of the budget: Inflation, Fire Personnel and One Time Sources to Balance the Budget.
- She reviewed the revenue sources included in the budget: Taxation 69%, State Aid 12%, Local Receipts 9% and Sewer Enterprise 7% and other 3%.
- She discussed the Unrestricted General Government Aid FY2018-2024 trends
- She discussed the Chapter 70 (Education) FY2018-2023 trend being flat
- She discussed the Overall Trends FY2018-2024 showing West Boylston increasing and the other staying flat increase and shows the overall reliance on taxation to balance the budget needs of the town.
- She discussed the Use of Free Cash in the Operational Budget as referenced in Select Board Policy F-6 and this year the budget will use \$290,000 in Free Cash. She would like to see the Town move off the reliance of free cash for the operating budget in the future.
- She stated the FY2024 Operating Budget is \$29,037,228 and showed how it is portioned out to departments. Mr. Rucho discussed the % that the school receives, Mr. Crowley stated that amount does not include the health insurance, general insurance, and debt service.
- She gave an overview of budgets:
 - General Government Budget is \$1,349,747 and is 5% of budget.
 - Moderator \$51 zero increase
 - Select Board \$7,505 increase 28.18%
 - Town Administrator \$217,200 increase of 10.9%

- Finance Committee zero increase
- Town Accountant \$171,809 increase .99%
- Town Audit \$39,900 increase 43.01%
- Assessors \$99,725 increase 3.32%
- Treasurer/Collector \$218,820 increase .32%
- Town Counsel \$85,000 zero increase
- Data Processing \$114,132 decrease 2.42%
- Town Clerk \$94,942 increase 6.18%
- Elections & Registration \$22,722 increase 8.09%
- Conservation \$1,800 zero change
- Planning Board \$4,500 increase 10.29%
- Zoning Board of Appeals (ZBA) \$3,000 zero change
- Town Hall Building \$76,291 increase 2.56%
- Public Safety HQ \$48,400 increase 1.26%
- Town Report \$1,000 increase 25%
- WBPA-PEG TV \$60,950 increase 9.72%
- Facilitates Management \$50,000 increase 56.25%
- Public Safety Budget is \$3,594,755 and is 12% of the budget
 - Police \$1,847,987 increase 4.01%
 - Fire \$1,439,480 increase 32.94% Ms. Warren-Dymont gave an overview of the request for Fire Staff citing an overdue need for staff. She presented the current Fire Staffing and where one or two new employees will fit into the schedule to create coverage at all times. Chief Sadowski explained how mutual works and helps the town when there is not coverage. He explained the NFPA has a definition of how call risks are rated and need of personal for each type of call and response time requirements. He explained what response of mutual aid the town will receive using examples of incidents. He explained the challenges the department faces with a very busy emergency ambulance service. He stated they have missed on average they miss 400 calls annually due to staffing and call volume. The Chief explained he does not have hard data at this time to but would guess 200 would be transport calls and increase of staff would allow for less calls missed. He stated the department has been underfunded for a long time compared to comparable communities. Ms. Warren-Dymont gave an overview of all the budget fixes that have been completed for Public Safety over the years since 2018 due to under staffing.
 - Public Safety Communications \$168,847 decrease 11.7%
 - Building Inspector \$107,141 increase 7.95%
 - Sealer of Weights \$3,800 increase 117.14%
 - Emergency Management \$13,000 increase 62.5%
 - Animal Control \$14,500 zero change
- Education Budget is \$13,837,414 and is 48% of the budget
- Public Works is \$1,812,126 and is 6% of the budget
 - Streets and Parks \$1,034,414 increase 4.13%
 - Snow Removal \$166,000 zero change
 - Street Lighting \$27,550 increase 2.33%
 - Trash Removal and Tipping Fees \$584,162 increase 7.22%
- Human Service is \$224,128 and is 1% of budget

- Board of Health \$0.00 decrease 100% staff is no longer supported in this budget and is now in the Building Department budget
- Council on Aging \$146,028 increase 6.1%
- Veterans Service \$78,100 decrease 27.28%
- Culture and Recreation is \$531,924 and is 2% of the budget
 - Library \$530,224 increase 3.69%
 - Celebrations \$1,700 zero increase
- Other is \$7,687,134 and is 26% of the budget
 - Debt Service \$918,902 decrease 3.05%
 - Intergovernmental \$7,735 increase 46.77%
 - Employee Benefits/Risk Management \$6,498,492 increase 2.01%
 - ESCO \$262,105 increase 3.18%

APPOINTMENTS AND RESIGNATIONS:

- Consider the appointment of Jason Brockway to the Finance Committee and Capital Investment Board effective May 4, 2023 for a term to expire on June 30, 2024.

Mr. Jason Brockway introduced himself and gave the board his professional experience.

Motion Mr. Rucho moved to approve, Ms. Pedone second.

All in favor

Approved

- Accept the resignation of Elise Boradage as Food Service Kitchen Manager for the Council on Aging

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

1. Activities Since Last Regular Select Board Meeting: Much of the time between the last regular Select Board meeting and tonight has been spent working on Town Meeting matters.
2. Facilities Manager Interview: Interviews for the position of Facilities Manager will be held this Thursday, May 4, 2023 in Sterling. The candidate pool looks strong.
3. Bylaws Codification: The Select Board appropriated \$13,800 for the codification of the Town's bylaws. The vendor is nearing completion on the largest step of the process and the draft document will be submitted to the Town for review in the coming weeks. As the Board may recall, it was recently realized that some of the bylaw changes adopted at previous Town Meetings were not incorporated into the Town's bylaw documents. The vendor will also be conducting an in-depth review of the text of our bylaws looking for duplications, conflicts and inconsistencies within the various sections and looking for inconsistencies and conflicts with state statutes, among other things
4. Cemetery Bids: The Town received two proposals for Cemetery Master Plan Design. The proposals are now being evaluated for responsiveness prior to opening price proposals.
5. Castus System: At the last regular Select Board meeting I reported the Castus system was down and new videos could not be uploaded. I am happy to report the system has been restored

MEETINGS INVITATIONS & ANNOUNCEMENTS:

- Grand Opening of Cordials Catering and Beverages, May 17, 2023 (2-5 p.m.), 360 West Boylston Street, Suite 106, West Boylston, MA
- Town Administrator's Town Meeting Warrant Review, May 10, 2023 (6-7 p.m.) Beaman Memorial Library

FUTURE AGENDA ITEMS/SELECT BOARD REPORTS:

Motion Mr. Rucho moved to adjourn at 9:44 p.m.; Ms. Pedone second.

*Roll Call Vote
All in favor
Approved*

Respectfully submitted,

Approved: _____

Faye D. Zukowski, Municipal Assistant

Kristina Pedone, Chair

Patrick J. Crowley, Vice Chair

James Morrissey, Clerk

Marc Frieden

Barur R. Rajeshkumar

DRAFT
COMMONWEALTH OF MASSACHUSETTS TOWN OF
WEST BOYLSTON
SEMI-ANNUAL TOWN MEETING WARRANT MAY
15, 2023

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, May 15, 2023 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 BORROW IN ANTICIPATION OF REVENUE AND
TO ENTER INTO A COMPENSATING BALANCE AGREEMENT WITH A BANK

To see if the Town will vote to authorize the Town Treasurer/Tax Collector, with the approval of the Selectboard, to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2024, the period from July 1, 2023 through June 30, 2024, in conformity with the provisions of the Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17, and to authorize the Treasurer/Tax Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2024 pursuant to Massachusetts General Laws, Chapter 44, Section 53F; or take any other action relative thereto.

ARTICLE 3 – AUTHORIZATION TO EXPEND FUNDS IN ANTICIPATION OF
REIMBURSEMENT OF STATE HIGHWAY ASSISTANCE AID

To see if the Town will vote to accept any and all state highway assistance funds authorized by the state legislature and approved by the Massachusetts Highway Department under the so-called Chapter 90 Highway Assistance Program to be expended for the maintenance, repair and construction of Town roads in anticipation of reimbursement under the direction of the Selectboard and the Town Administrator for work on roads located on the State Aid Primary System as approved by the Massachusetts Highway Department, and further to authorize the Town Treasurer/Tax Collector, with the approval of the Selectboard, to borrow money from time to time during Fiscal Year 2024, for the period from July 1, 2023 through June 30, 2024, in anticipation of reimbursement of said highway assistance in conformity

with the provisions of Massachusetts General Laws, Chapter 44, Section 6A; or take any other action relative thereto.

ARTICLE 4 - AUTHORIZATION TO AMEND THE PERSONNEL BYLAW AND TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN SO AS TO PROVIDE EMPLOYEES A COST-OF-LIVING PAY INCREASE IN FY2024 (2%)

To see if the Town will vote to amend Section 5, Part AA, Classification and Compensation Plan of the Personnel Bylaw to reflect a cost-of-living adjustment to all wage rates by 2%; or take any other action relative thereto.

ARTICLE 5 - AUTHORIZATION TO SET THE SALARY OF ELECTED OFFICIALS

To see if the Town will vote to determine and fix what salaries elective officers of the Town shall receive for Fiscal Year 2024 in conformity with the provisions of Massachusetts General Laws, Chapter 41, Section 108:

| | |
|-----------------------|------------------------------|
| Moderator | \$1.00 |
| Selectboard | \$1.00 each (5 members); |
| Planning Board | \$1.00 each (5 members); |
| Cemetery Trustees | \$1.00 each (3 members); and |
| Municipal Light Board | \$300.00 each (3 members); |

or take any other action relative thereto.

ARTICLE 6 - AUTHORIZATION TO TRANSFER UNEXPENDED FUNDS FROM FISCAL YEAR 2023 APPROPRIATIONS

To see if the Town will vote to transfer from available funds, or Fiscal Year 2023 appropriations hitherto made, to Fiscal Year 2023 appropriation accounts; or take any other action relative thereto.

ARTICLE 7 - AUTHORIZATION TO PAY BILLS FROM A PREVIOUS FISCAL YEAR

To see if the Town will vote to appropriate a sum of money and/or transfer from available funds 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.

ARTICLE 8 - AUTHORIZATION TO APPROPRIATE MONEY TO THE SEWER ENTERPRISE ACCOUNT FOR FISCAL YEAR 2024

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Two Million, Two Hundred Eighty-Five Thousand, Seven Hundred and Forty-Two Dollars and No Cents (\$2,285,742.00) to the West Boylston Sewer Enterprise Account to be expended by the Selectboard, acting as the Board of Sewer Commissioners, for sewer development, administration, assessment, operation, and maintenance expenses in Fiscal Year 2024 as follows:

Fiscal Year 2024 West Boylston Sewer Department Budget

| | | |
|----------------------------|---|--------------------|
| Administration | - | \$ 140,136.00 |
| Operations and Maintenance | - | \$1,795,500.00 |
| Reserve Fund | - | \$ 20,000.00 |
| Debt and Interest Payments | - | \$ 326,106.00 |
| Capital Reserve | - | <u>\$ 4,000.00</u> |
| Total Budget Appropriation | - | \$2,285,742.00 |

and to meet said appropriation through:

- (1) the appropriation of One Million, Five Hundred and Eleven Thousand, Three Hundred Dollars and No Cents (\$1,511,300.00) from Fiscal Year 2024 Sewer Enterprise Fund User Revenue, and
- (2) the appropriation of Three Hundred and Twenty-Six Thousand, One Hundred and Six Dollars and No Cents (\$326,106.00) from the Fund Balance Reserved for Sewer Betterment Debt Service, and
- (3) the appropriation of Four Hundred and Forty-Eight Thousand, Three Hundred and Thirty-Six Dollars and No Cents (\$448,336.00) from Sewer Enterprise Retained Earnings.

or take any other action relative thereto.

ARTICLE 9 - FISCAL YEAR 2024 OMNIBUS BUDGET APPROPRIATION ARTICLE

To see if the Town will vote to raise and appropriate, and/or transfer from available funds, such sums of money as may be necessary to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2024, the period of July 1, 2023 through June 30, 2024, including the costs of public education, debt and interest payments, and providing municipal services; or take any other action relative thereto.

(The proposed draft of the Fiscal Year 2024 Operating Budget can be found after the text of the Annual Town Meeting Warrant. The budget format contains the budget figures for Fiscal Year 2023, and the Town Administrator's recommendations for Fiscal Year 2024.)

ARTICLE 10 - VOTE TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENT PURCHASES

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to purchase or lease/purchase and equip capital items, including all costs incidental or related thereto, and, as needed, to authorize lease/purchase agreements for periods of up to or in excess of three years for such purposes, with each appropriation being treated as a separate item; or take any other action relative thereto.

ARTICLE 11 - VOTE TO ESTABLISH AND AMEND DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½, as most recently amended, to amend Article XL of the General Bylaws, Revolving Funds, to expand the program or activity expenses payable from the Recycling/DPW Director Revolving Fund by inserting the bolded, italicized text set forth below, and to insert a new row, shown below in bolded, italicized text, to establish a new revolving fund, Senior Meals Program/Council on Aging:

| Revolving Fund/Authorized Entity | Fees, Charges, Or Other Receipts Credited to Fund* | Program or Activity Expenses Payable from Fund |
|---|---|---|
| | NOTE: any donations to the Town as listed below shall be treated in accordance with MGL Ch44 §53A | |
| Recycling/DPW Director | Fees or other receipts from the collection of electronic components or the sale of compost bins, kitchen scrap pails, recycling bins and scrap metal. | Pay expenses associated with recycling: electronic components banned from the waste stream; <i>recycling expenses for waste oil and all items banned from disposal or transfer for disposal in Massachusetts as regulated by MassDEP</i> ; tires, and scrap metal; and for the purchase and distribution of compost bins, kitchen scrap pails, and recycling bins |
| <i>Senior Meals Program/ Council on Aging</i> | <i>Fees charged to program participants of the Senior Meals Program and any donations to support the Senior Meals Program.</i> | <i>Pay expenses associated with the operation of the Senior Meals Program.</i> |

or take any other action relative thereto.

ARTICLE 12 - DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 53E ½, as most recently amended, and Article XL of the General Bylaws, Revolving Funds, to establish the Fiscal Year 2024 spending limits for the authorized revolving funds listed below, with such limits to be applicable from fiscal year to fiscal year unless changed by Town Meeting prior to July 1 for the ensuing fiscal year:

| Authorized Revolving Funds | Spending Limit |
|-----------------------------------|-----------------------|
| ESCO | \$60,000 |
| BOARD OF HEALTH | \$90,000 |
| CEMETERY TRUSTEES | \$60,000 |
| COUNCIL ON AGING | \$60,000 |
| PLANNING BOARD | \$25,000 |
| ZONING BOARD OF APPEALS | \$25,000 |
| CONSERVATION COMMISSION | \$25,000 |
| PARKS, PLAYGROUNDS, & FIELDS | \$50,000 |
| HAZMAT | \$25,000 |
| RECYCLING | \$25,000 |
| CELEBRATIONS | \$20,000 |
| BEAMAN MEMORIAL LIBRARY | \$25,000 |
| ECONOMIC DEVELOPMENT TASK FORCE | \$15,000 |
| RECREATION PROGRAM | \$50,000 |
| LANDFILL LEASE | \$60,000 |
| SENIOR MEALS PROGRAM | \$50,000 |

or take any other action relative thereto.

ARTICLE 13 - AUTHORIZATION TO APPROPRIATE FUNDS TO THE OPEB TRUST FUND

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Other Post Employment Benefits Trust Fund; or take any other action relative thereto.

ARTICLE 14 - AUTHORIZATION TO APPROPRIATE FUNDS TO THE MUNICIPAL BUILDING FUND

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to the Municipal Building Fund; or take any other action relative thereto.

ARTICLE 15 - ACCEPTANCE OF MGL CHAPTER 41, SECTION 110A

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 110A, allowing Town offices to remain closed on any or all Saturdays, as if it were a legal holiday, which will, among other things, provide the Town flexibility concerning the last day to register to vote or other filing deadline for local town meetings and elections; or take any other action relative thereto.

ARTICLE 16 - ACCEPTANCE OF MGL CHAPTER 59, SECTION 5, CLAUSE TWENTY-SECOND G

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section, 5, Clause Twenty-Second G, which provides that real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-second F if the person were the owner of the real estate; or take any other action relative thereto.

ARTICLE 17 - AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the Town will vote to amend Article II of the General Bylaws, Town Officers and Duties, by inserting the following section:

SECTION 6

All Boards, Committees, and Commissions are required to keep accurate minutes in accordance with the Open Meeting Law of Massachusetts and to file a signed copy of the same with the Office of the Town Clerk to be stored as a permanent record.

or take any other action relative thereto.

ARTICLE 18 - AUTHORIZATION TO AMEND THE PERSONNEL BYLAW OF THE GENERAL BYLAWS

To see if the Town will vote to amend Article XXI, Section J of the General Bylaws, Hiring Procedures, by amending the section to read as follows:

“The Town Administrator shall be the hiring authority, subject to the review and disapproval authority of the Select Board members in conformity with the provisions of Chapter 23 of the Acts of 1995, provided that no employee shall be hired without the Town Administrator securing the recommendation and advice of the appropriate department head and appointed board, commission and committee under the jurisdiction of the Town Administrator.

This shall not include employees under the jurisdiction of the Fire Chief, the Board of Library Trustees, the Planning Board, the Municipal Light Board, and the School Committee.”

or take any other action relative thereto.

ARTICLE 19 - AUTHORIZATION TO AMEND THE PERSONNEL BYLAW OF THE GENERAL BYLAWS

To see if the Town will vote to amend Article XXI, Section N, of the General Bylaws, Vacations, by amending Section 3 to read as follows:

“3- Vacation Allowances

As indicated below, vacations will be credited on the first day of the town's fiscal year.

| LENGTH OF SERVICE | DAYS ALLOWED |
|-------------------------------|--------------|
| 6 Months but less than 1 year | 5 |
| 1 through 4 years | 10 |
| 5 through 9 years | 15 |
| 10 through 19 years | 20 |
| 20 years or more | 25 |

Only employees who have completed fifteen (15) years of continuous service with the Town as of June 30, 1997 shall be entitled to twenty-five (25) days of vacation annually.

Employees serving in their first year of employment will accrue one week of vacation leave, pro-rated to service time and time remaining before July 1, during their first year. The employee will be authorized use of that accrual after six continuous months of service or the end of their probationary period.

For those employee's entering service to the Town of West Boylston who have been employed in a similar capacity with another municipality, county, or state governmental system ("similar employment systems"), an employee may be credited for their length of service in similar employment systems as if they had an equivalent length of service to the Town of West Boylston subject to the approval of the Personnel Board, Select Board, and Town Administrator."

or take any other action relative thereto.

ARTICLE 20 - AUTHORIZATION TO AMEND THE PERSONNEL BYLAW OF THE GENERAL BYLAWS

To see if the Town will vote to amend Article XXI, Section BB, of the General Bylaws, Starting Wage or Salary, , by deleting the words "Step Three,"; or take any other action relative thereto.

ARTICLE 21 - AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the Town will vote to amend the General Bylaws by adding a new Article XLI, "Commission on Disability", as follows:

ARTICLE XLI- Commission on Disability

SECTION 1- TITLE AND PURPOSE

1. The name of this commission is the "Commission on Disability" (hereafter referred to as the "Commission").
2. The purpose of the Commission is to cause the full integration and participation of people with disabilities in all aspects of life in the Town of West Boylston.
3. The purpose of this bylaw is to establish principles and procedures for the governance of this Commission.

SECTION 2- POWERS AND DUTIES

1. Research local problems of people with disabilities.
2. Advise and assist Town officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities.
3. Work in cooperation with the departments and agencies of the Town to coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability.
4. Review and make recommendations about policies, procedures, services, activities, and facilities of departments, boards, and agencies of the Town as they affect people with disabilities.
5. Provide information, referral, guidance and advice to individuals, businesses, organizations, and public agencies of the Town in all matters pertaining to disability.
6. Coordinate the activities of other local groups organized for similar purposes.
7. Encourage public awareness of disability issues.
8. Recruit and recommend prospective Commission members to the Town Administrator. At least one month prior to making recommendations, the Commission shall solicit nominations and endeavor to ensure that said nominations reflect different disabilities.
9. File an annual report, which shall be printed in the Town Report.
10. Receive gifts of property, both real and personal in the name of the Town subject to the approval of the Select Board; such gifts to be managed and controlled by the Commission.

SECTION 3- MEMBERSHIP

1. The Commission shall consist of no less than five (5) and no more than seven (7) members appointed by the Selectboard. The majority of members shall consist of people with disabilities. One (1) of the members shall be a member of the immediate family of a person with a disability. One (1) member shall be either an elected or appointed official of the Town.
2. The members shall serve staggered three (3)-year terms.
3. Resignation shall be made by notifying the chairperson in writing. The person so resigning shall send a copy of such resignation to the Town Clerk. The chairperson shall timely confirm such resignation with the Town Clerk.
4. If any member is absent from three (3) regularly scheduled meetings in any one calendar year, the chairperson shall make a recommendation to the Selectboard that he/she be removed from the Commission, unless any or all absences have been excused for good cause by the chairperson. Good cause shall include, without limitation: illness, a death in the family, weather, and professional responsibilities.
5. Any member of the Commission may, after a public hearing, if so requested, be removed for cause by the Selectboard.
6. The Selectboard shall fill, by appointment, any vacancy for the remainder of the unexpired term in the same manner as an original appointment.
7. .

SECTION 4- OFFICERS

1. The officers shall include a chairperson, vice chairperson, secretary, and treasurer.

2. Officers shall be elected annually by a majority vote of the Commission.
3. Members may hold more than one office.
4. Duties:
 - a. The chairperson shall:
 - i. Develop the agenda in coordination with the other officers;
 - ii. Preside over all meetings;
 - iii. Appoint subcommittees as needed;
 - iv. Authorize expenditures as needed.
 - b. The vice chairperson shall perform all the functions of the chairperson in his/her absence.
 - c. The secretary or their designee shall:
 - i. Keep records of all meetings attendance, minutes, and correspondence.
 - ii. Post notice of all meetings forty-eight (48) hours before each meeting at the Town Clerk's office, and give notice thereof to all members of the Commission.
 - d. The treasurer shall:
 - i. Keep records of all financial matters;
 - ii. Develop a budget in coordination with the Commission;
 - iii. Prepare a financial report for inclusion in the annual report.

SECTION 5- MEETINGS

1. Regular meetings shall be held at least ten (10) times a year.
2. A quorum shall consist of three (3) members, if the Commission consists of five (5) members; if the Commission consists of seven (7) members, a quorum shall consist of four (4) members.
3. The Commission shall review and approve meeting minutes at its next meeting.
4. The chairperson, or any other three (3) members, shall have the power to call special meetings.
5. The secretary or his or her designee shall send notice of meetings to all members and to the Town Clerk's office no less than forty-eight (48) hours before each meeting.

or take any other action relative thereto.

ARTICLE 22 – AUTHORIZATION TO AMEND THE ZONING BYLAW

To see if the Town will vote to amend Section 1.4.A of the Zoning Bylaws, Continuation of Non-Conforming Uses, by replacing the existing Section 1.4.A with the following:

“A. Continuation of Non-Conforming Uses

Any lawful building or use of a building or premises or part thereof at the time of this by-law or any amendment thereto is adopted may be continued, although such building or use does not conform to the provisions thereof, provided such use has not been discontinued for a period of two years or more.”

or take any other action relative thereto.

ARTICLE 23 – AUTHORIZATION TO AMEND THE ZONING BYLAW

To see if the Town will vote to amend Section 2.4 of the Zoning Bylaws, Lots in Two Districts, by replacing the existing Section 2.4 with the following:

“Where a district boundary line divided a lot in a single or joint ownership at the time such line is adopted, the regulations for the less restricted portion of such lot shall not extend into the more restricted portion.”

or take any other action relative thereto.

ARTICLE 24 – AUTHORIZATION TO AMEND THE ZONING BYLAW

To see if the Town will vote to amend the Zoning Bylaw, by amending Section 3.6 Site Plan Review, paragraph C. Procedure, Section 2. Submittal of Site Plan, sub-Section a by replacing the existing Section 3.6.C.2.a with the following :

“a. An applicant for a Site Plan Review under this section shall file with the Planning Board a digital copy of all the following, and eight (8) hard copies of the site plan (drawn at a scale of 1” = 40’, or other approved scale) accompanied by a completed Site Plan Review Application, all fees, and a list of abutting property owners. The date of filing the application with the Town Clerk shall be the official filing date.”

or take any other action relative thereto.

ARTICLE 25 – AUTHORIZATION TO AMEND THE ZONING BYLAW

To see if the Town will vote to amend the Zoning Bylaw, by amending Section 3.6 Site Plan Review, paragraph E. Site Design Standards, Section 8 by replacing the existing Section 3.6.E.8 with the following:

“**Stormwater Management (Grading and Drainage):** All site plan applicants must submit drainage calculations to show compliance with DEP (Department of Environmental Protection) Stormwater Management Handbook (except site plan applicants for a single-family house only). Rainfall intensity values shall be based on the most recent NOAA Atlas-14 data.”

or take any other action relative thereto.

ARTICLE 26 - AUTHORIZATION TO AMEND THE ZONING BYLAW

To see if the Town will vote to amend the Zoning Bylaw, by amending Section 4.3- Modifications to Dimensional Requirements, paragraph G, by replacing the existing Section 4.3.G with the following:

“G. Habitable Buildings Per Lot

Only one habitable building shall be placed on any one lot. A trellis, buried foundation, or similar connection of two buildings shall not constitute a single habitable building.”

or take any other action relative thereto.

ARTICLE 27 - AUTHORIZATION TO AMEND THE ZONING BYLAW

To see if the Town will vote to amend the Zoning Bylaw, by amending the first paragraph Section 5.1- Accessory Use by replacing the existing Section 5.1 with the following :

“In Single Residence, General Residence and Business Districts, an accessory use is permitted on the same lot with, and customarily incident to, any of the uses permitted in Section 3.2, so long as the accessory use is not detrimental to a residential neighborhood. All accessory uses shall have a footprint less than the primary use structure on the lot and shall comply with the dimensional requirements for the primary use to which they are an accessory, as stated in Section 4.2. Accessory uses that have a footprint larger than the primary use structure on the lot may be allowed by Special Permit from the Zoning Board of Appeals where there are no negative impacts to the surrounding neighborhood, and the Larger Accessory Use complies with the dimensional requirements for the primary use to which they are an accessory, as stated in Section 4.2. Swimming pools and racquet courts are permitted as accessory uses in all districts, are subject to building code and require a building permit. They shall be fenced or otherwise protected against intrusion as required by the State Building Code. A truck box, Conex box, or steel storage unit shall not be deemed a permissible accessory structure or use in any residential district, and will require a building permit from the Building Inspector in all other Districts.”

or take any other action relative thereto.

ARTICLE 28 - AUTHORIZATION TO APPROPRIATE FUNDS FROM COMMUNITY PRESERVATION FUND REVENUES

To see if the Town will vote to appropriate or reserve from the Community Preservation Fiscal Year 2024 estimated annual revenues the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2024, with each item to be considered a separate appropriation:

Appropriations:

| | |
|-----------------------------------|----------|
| Committee Administrative Expenses | \$ 7,500 |
|-----------------------------------|----------|

Reserves:

| | |
|----------------------------|-----------|
| Historic Resources Reserve | \$ 33,500 |
| Community Housing Reserve | \$ 33,500 |
| Open Space Reserve | \$ 33,500 |
| FY 2024 Budgeted Reserve | \$227,000 |

or take any other action relative thereto.

ARTICLE 29 - COMMUNITY PRESERVATION FUND PROJECT

To see if the Town will vote to appropriate a sum of money from the Community Preservation Fund Undesignated Fund Balance for the purpose of rehabilitating Pride Park Playground and bringing it into compliance with the Americans with Disability Act; or take any other action relative thereto.

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 3rd. day of May in the year of our Lord, Two Thousand and Twenty-Three.

Barur R. Rajeshkumar, Chairman

Christopher A. Rucho, Vice Chairman

Marc Frieden, Clerk

Patrick J. Crowley, Selectman

Kristina Pedone, Selectwoman

Selectboard
Town of West Boylston

A true copy attest:

Daymian Bartek, Town Clerk

Honorable Selectboard:

I have served this Warrant by posting duly attested copies thereof at the following places:

Municipal Office Building_____ West Boylston Middle/High School_____
West Boylston Post Office_____ Pruneau's Barber Shop____
Municipal Lighting Plant_____ Beaman Memorial Library

Constable

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.