



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

## Select Board/Sewer Commission Meeting Minutes

<b>Date / Time / Location of Meeting</b> February 2, 2022; 6:00 p.m. 140 Worcester Street West Boylston, MA 01583 Board Meeting Room 1 <sup>st</sup> Floor
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<b>Members Present</b> Christopher A. Rucho, Chairman Patrick J. Crowley, Clerk Kristina Pedone, Selectwoman
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<b>Members NOT Present:</b> Barur R. Rajeshkumar, Vice Chair Michael J. Kittredge III, Selectman
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<b>Invited Guests:</b> Nancy Lucier, Town Administrator Faye Zukowski, Municipal Assistant
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**Others Present:** David Femia, Laura Goldberg from KP Law, George Tignor Building Commissioner, and Paul Anderson Chair of Planning Board

**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:

- **May 12, 2021 Regular Session:**

*Motion Mr. Crowley moved to approve, Ms. Pedone second.*

*All in favor*

*Approved*

- **October 16, 2021 Regular Session:**

*Motion Mr. Crowley moved to approve, Ms. Pedone second.*

*All in favor*

*Approved*

- **October 23, 2021 Regular Session:**

*Motion Mr. Crowley moved to approve, Ms. Pedone second.*

*All in favor*

*Approved*

- **November 17, 2021 Regular Session:**

*Motion Ms. Pedone moved to approve, Mr. Crowley second.*

*All in favor*

*Approved*

- **January 5, 2022 Regular Session:**

*Motion Ms. Pedone moved to approve, Mr. Crowley second.*

*All in favor*

*Approved*

**REVIEW AND VOTE TO APPROVE WARRANTS FOR THE PERIOD COVERING JANUARY 20, 2022 TO FEBRUARY 2, 2022: Town Payable Warrants FY2022-30 and FY2022-31; Town Payroll Warrant FY2022-15; Sewer FY2022 SE-18; MLP FY2022 #16 and School FY2022 S14 & FY2022-S15.**

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

*All in favor*

*Approved*

**LAUREN GODLBERG, MANAGING ATTORNEY KP LAW, Town Counsel:**

Ms. Lauren Goldberg, Managing Attorney with KP-Law thanked the Board for having her and the over 25 years of working with the Town. She explained Shirin Everett, Lawyer with KP-Law has advised her the Board had some concerns with opinions made by the firm. She discussed the opinion given regarding an agenda item for mask related issue which was a hot topic at the time and she felt Shirin gave an opinion to an after the fact question. She explained the question was about if the topic was properly posted, she stated the Attorney General Open Meeting Laws states a discussion can be held on items the Chair may not have anticipated 48 hours prior to the event. She explained they are hired by the town to protect the town from challenge and are unlikely to give an opinion that would implicate a wrong doing. She explained when they provide an opinion to the town, they cannot make the decision they only provide information needed to make decision. She explained when they receive a request for opinion after the fact, they then play catch up. She believes Shirin had given a good opinion when it was requested of her. She stated they are always available to provide and opinion and also any trainings the town would like.

Mr. Crowley stated the Board has been frustrated for years about the opinions they receive; they are generally a yes but no opinion. He discussed the Board had the firm review a Host Community Agreement that had changes requested by the applicant, it was originally drafted by the firm and came back with 70% changed. He stated they asked why there were so many changes and the response was that it is a fast-changing environment.

Ms. Goldberg responded she understands the frustration but explained they can only tell the Board what the law is and whether they should or should not is a policy decision. She stated risks the town wants to take is a decision they cannot make the town needs to. She explained it is difficult to give black and white responses as they are so many factors. She discussed the HCA response and that for a while it was changing daily from the CCC and could be the reason for the changes to a document that they originally created. Ms. Goldberg stated she would like to have a conversation anytime not just at a meeting if the town has concerns. She stated all their staff works in the firm believe they are providing a good service to cities and towns and to the Commonwealth. She wants the town to be

happy with their services and offers to have a meeting check-in in a few months. She will review the invoices to see time spent and on what so she is aware of what is being worked on and identify any places for improvement if needed. Ms. Pedone discussed the opinion received regarding the agenda with the Board of the Health and still is unsure if she received an answer. Ms. Goldberg responded the law states a board can act on anything on the agenda and anything that the Chair does not anticipate will be discussed and the best practice would be to put off the discussion until a future meeting. Mr. Rucho read an excerpt from the email received, Ms. Goldberg stated she believed the response that stated to ratify the vote was to protect the town. Mr. Rucho would like clearer responses from counsel. Ms. Goldberg apologized on behalf of the firm for the challenges or controversy that came before the Board.

Mr. Rucho asked about the Board contacting KP Law directly with questions without billing the town, Ms. Goldberg responded at one time they may have listened and provided insight. She explained the issue is that one person does not tell another that they asked questions to counsel and there is not record in the bills. She the appointment is made by the Town Administrator and the firm needs to be respectful for the towns budget and of policies. She explained they handle each town differently based on what they want. She stated they are here for the town and is available at anytime for the town.

#### **6:30 p.m. PUBLIC HEARING: Consider Amending Policy A-#4 Policy on Meeting and Agenda Procedures:**

Mr. Crowley read public hearing notice.

*Motion Mr. Crowley moved to continue the public hearing until the next meeting; Ms. Pedone second.*

Mr. Rucho stated a Board member that could not be here tonight asked for this to be continued so that they could be in attendance.

*All in favor*

*Approved*

#### **Planning Board/Building Commissioner:**

- **Permit Issuing Process**

Ms. Lucier stated back in August Mr. Crowley addressed concerns with discrepancies on permits being issued and requested a meeting with George Tignor, Building Commissioner and Paul Anderson of Planning Board. Mr. Crowley addressed the Building Commissioner and Planning Board Chairman about two projects that had discrepancies with the permits being approved and wants to be sure that there is a plan so there are not issues again in the future. Mr. Tignor stated a special permit is not the same as a building permit and past practice was followed. He stated once buildings have been inspected the builder will give the Planning Board an as-built and that allows him to give the certificate of completion. Mr. Anderson asked if there are conditions set how would the Building Commissioner know, he explained the Planning Board would need to notify him. Mr. Tignor stated if he does not receive conditions set by Planning Board timely it would be hard for him to hold up building permits when people are building to make a profit. He would like to see some checkpoints along the way for the Planning Board and VHB. Mr. Rucho asked if the Building Commissioner knows there are outstanding issues is the Planning Board contacted, Mr. Tignor stated he does contact them. Mr. Anderson stated once the builders receive approval from Building Department and houses are occupied the remainder of the project drags on. Mr. Anderson discussed the issue with Nuha Circle and the HOA. Mr. Rucho asked if it is the responsibility of the town to tell the residents of the HOA, Mr. Anderson state it would be the developer/builder. Mr.

Tignor stated he would not be able to hold a permit based on that either. Mr. Rucho stated if they do not have a checklist, it may be beneficial to get it in place in the event of different building commissioner or planning board chair. Mr. Anderson stated Karen started a file share many years ago where it would flag items that needed to be addressed. Mr. Rucho suggested creating a list of ongoing projects, Mr. Tignor stated they have a list. Ms. Pedone believes this builder uses the breakdown of communication to their advantage and she believes creating a better process will be helpful. Mr. Crowley stated it seems they have a good plan but would like to have the process written out. Mr. Anderson asked George for a list of items he needs in a checklist and they can begin to work on this. Mr. Crowley would like to send to subcommittee and let them discuss and come back with a recommendation. Mr. Anderson asked if the committee members would remain the same or a new group of people, Mr. Rucho would think it would be up to the committees to assign a representative. Mr. Rucho believed it was two Selectboard, Planning Board, ZBA and Board of Health. He would like to get a list of who wants to be appointed to subcommittee from all the Boards and then post a meeting. Mr. Anderson stated the subcommittee never dissolved; Ms. Lucier stated it was a working group. Mr. Tignor stated he has had a couple inquiries from people interested in opening this type of business.

#### **NEW BUSINESS:**

- **In accordance with Massachusetts General Laws, Chapter 44, Section 31D, consider voting to authorize the over expenditure of FY22 Snow and Ice Budget:**

*Motion* Mr. Crowley moved to authorize over expenditure of the FY22 Snow and Ice Budget; Ms. Pedone second.

Mr. Crowley asked where the budget stood, Ms. Lucier stated it has a balance of less than \$100 and all the invoices have not been submitted and with any snow event this weekend it will be over. Mr. Crowley gave an overview of how the Snow and Ice Budget is not allowed to be reduced but can be overspent with approval. He explained a reserve of Free Cash is used to balance the Snow and Ice Budget and is the way the State has it set up. Ms. Lucier clarified that if it snows during regular hours of 7 a.m. to 3 p.m. Monday to Friday it comes out of the regular budget and anything outside of those working hours it comes out of Snow and Ice Budget.

*All in favor*

*Approved*

- **Update on Town Administrator Search:**

Ms. Pedone asked to pass over until next meeting.

- **Marijuana Delivery:**

Mr. Anderson stated the Marijuana Sub-Committee had discussed the category to allow in town and the delivery was not category at that time. Mr. Tignor stated the definition needs to be defined. Ms. Pedone discussed the opinion from Town Counsel and the Zoning Bylaws allow for delivery of Marijuana, Mr. Tignor stated there is nothing in the bylaws that sets the times, locations to follow for permitting. Mr. Anderson asked who grants the license, Mr. Tignor stated his office but there are not guidelines on the licensing. Ms. Pedone stated there is a two-step process for the delivery of marijuana under MGL. Mr. Crowley stated they had a Marijuana Sub-Committee should look at this again and they should make a recommendation and have it presented at town meeting to change the bylaw. Mr. Anderson asked if the CCC issues licenses for this, Ms. Pedone stated it appears they do. Mr. Rucho asked if

they received a license from the CCC will they be required to also get a license from the town, Mr. Tignor stated the town will want to have some control on how many are around town. Mr. Rucho would like the CCC contacted for more information. Ms. Lucier stated the Board can limit the number of delivery licenses or regulate the establishments they can amend the Zoning Bylaws. She stated the Board needs to decide what they want. Mr. Rucho would like clarification if it is for people in town starting a delivery service or delivery services coming to town.

- **Consider signing HCA with Harmony:**

*Motion Mr. Crowley moved to approve signing the amended agreement with Harmony; Ms. Pedone second.*

Ms. Pedone asked for clarification of the transfer, Ms. Lucier stated they changed Puregenics principle address and the name will remain the same.

*All in favor  
Approved*

- **Acknowledge and accept donations from October 1, 2021 through December 31, 2021 in the amount of \$300 from the Family of Warren Jacobson to be used for an arts event and donations in the amount of \$785 from local residents to be used for a drive thru-event at the Senior Center:**

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

*All in favor  
Approved*

- **Consider voting to forward the request for a Street Taking from Crescent Builders Inc for Nuha Circle to Planning Board for their action:**

Mr. Anderson stated the Selectboard has received from Town Counsel the steps needed to send off to Planning Board. He wants to be sure this is completed correctly and nothing slips by.

*Motion Mr. Crowley moved the Selectboard vote its intention to layout Nuha Circle as a public way as shown particularly on a plan entitled "Definitive Subdivision Nuha Circle Prescott Street West Boylston, MA" dated October 2, 2014 Prepared by Bertin Engineering and recorded in the Worcester South District Registry of Deeds in Plan/Book 912 Page 113 on file with the Town Clerk and to forward this vote and the plan to the Planning Board for its comments and recommendations pursuant to General Law Chapter 41, Section 81G and 81I ; Ms. Pedone second.*

*All in favor  
Approved*

- **Discuss Board Annual Retreat:**

Mr. Rucho stated they usually hold this in January and would like to know if they Board would like to schedule something. Ms. Lucier suggested waiting until the Town Administrator begins. Mr. Rucho stated it is usually the Boards goals, Mr. Crowley stated and Town Administrator goals. Mr. Rucho asked everyone to send dates available to the Town Administrator.

## TOWN ADMINISTRATOR'S REPORT

## **1. Lafayette Trail Commemoration**

I have been contacted by Julien Icher who is the president of the Lafayette Trail, Inc., a non-profit organization whose mission is to document, map and mark General Lafayette's footsteps during his Farewell Tour of the United States. Apparently LaFayette, a French aristocrat and military officer who fought in the American Revolutionary War, commanding American troops in several battles, came though the Town of West Boylston on September 3, 1825 on his way to Lexington to Worcester. The Lafayette Trail group plans to commemorate that event. If the town agrees, they would like to donate a marker in honor of that event. They are recreating his journey, and the town would need to select a location for the marker. I have reached out to the Chairperson of the Historical Commission and she is pleased with this potential project. They have confirmed 60 historic markers across the country. The markers are 2'x3' cast aluminum installed atop a 7-foot aluminum pole, 3' of which would be underground after the installation is complete. The 2024-2025 tour bicentennial celebrations will see increased traffic in heritage tourism of people following the Lafayette trail and passing through West Boylston. They would need a letter of approval from the land owner and the GPS coordinates for the marker in order to move forward. It would be up to the town to install the marker.

## **2. Town Counsel Services**

The Board previously requested information on who other towns use for their town counsel services. I reached out to the STAM membership, and asked those communities who did not use KP-Law to share who they use for Town Counsel. Of the 13 responses I received, they use Donna MacNicole in Greenfield, Meade, Talerman, Costa of Newburyport, John Barrett of Townsend, Mirick O'Connell of Worcester, and Jeremiah Polland of Lee, Thomas Mullen, Lynnfield. KP-Law represents over 125 municipal clients across Massachusetts. We participated in a survey on town counsel hourly rates. Those results showed hourly rates ranged from \$125/hour to \$340/hour. We pay \$205/hour for KP-Law services.

## **3. Results of RFP for Triangle Vendor Truck**

On December 20<sup>th</sup> we issued our 2<sup>nd</sup> RFP for Mobile Food Vendor Concessions at the Reservoir Triangle. The deadline for submittals was 1:00 p.m. on Tuesday, February 1<sup>st</sup>. The town received one proposal from our current vendor Captain Ron's. The initial RFP had a one-year contract and when I developed the 2022 RFP, I included language to allow the town to enter into a License Agreement with the Vendor which may be automatically renewed for a period of up to three (3) years. So going forward, at the end of the season, which is November 1, the Selectboard will vote on whether they would like to automatically renew the contract with Captain Ron's for up to a 3-year period. We still have one other slot available for a Mobile Food Vendor Concession should someone else have an interest. I will include an agenda item on the next item for the Board to vote to sign the contract.

## **4. Update on FY23 Budget Process**

Departmental budgets are in the early stages of being reviewed with the various department heads. I attended a meeting at the Holden Regional Dispatch Center with the Fire Chief and representatives from the other member towns including Holden, Princeton, and Paxton. Our

assessment is increasing from \$118,864 in FY22 to \$150,665.91 for FY23. They attribute that increase to the Center deciding to unionize, resulting in increased wages and the increases in health insurance. I also attended a zoom meeting with the Worcester Public Health Alliance membership towns including Worcester, Shrewsbury, Grafton and Millbury. They have hired a consultant group who is familiar with regional models to complete a cost analysis of the real cost of delivering public health services. The hope was that this project would have been completed in time for the FY23 budget, however, since it has not, it was decided that we would follow the same model we did last year and add on a 2% increase. Board of Health Chair Bob Barrell will be joining me on February 18<sup>th</sup> for a discussion with the consultant group to discuss the services the Board receives from the Alliance.

Mr. Crowley asked for a line-item breakdown on the Dispatch Budget. Ms. Pedone would like the Agreement with Holden for Dispatch Services sent to her. Mr. Rucho stated there is no way the town could fund dispatch again for less than what they are paying to Holden.

## **APPOINTMENTS AND RESIGNATIONS**

- **Concurrence on the appointment of Lisa Thompson to the Disability Commission filling the slot for a member who is an immediate family member of a person with a disability effective February 7, 2022 for a term to expire on August 15, 2024:**

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

*All in favor*

*Approved*

- **Concurrence on the appointment of Ann Ramminger to the Solid Waste Advisory Team effective February 7, 2022 for a term to expire on April 30, 2024:**

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

*All in favor*

*Approved*

- **Consider the following appointments for the Board of Registrars as recommended by the Town Clerk:**
  - **Jason Kunst – February 7, 2022 for a term to expire on April 1, 2025**
  - **Damian Bartek – February 7, 2022 for a term to expire on April 1, 2025**The Board passes over for more information and have the Town Clerk explain what position entails and who is on it currently.

*Motion Mr. Crowley moved to pass over; Ms. Pedone second.*

*All in favor*

*Approved*

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

- **Visit the Beaman Memorial Public Library’s website for a lengthy list of fun activities they have planned for the February School Vacation Week.**
- **Nominations are available for the following positions:**
  - **Selectboard - Two Seats/ 3-year term**

- **School Committee – One Seat/ 3-year term**
- **Cemetery Trustees – One Seat/ 3-year term**
- **Library Trustees – Two Seats/3-year term**
- **Planning Board – One Seat/5-year term**
- **Board of Light Commissioners – Two Seats – One 3-year term & One 1-year term**
- **Board of Water Commissioners – Two Seats/3-year term**
- **Moderator – One Seat/3-year term**
- **FISP Meeting - February 9, 6:00 p.m.**
- **COVID Vaccine Clinic is being held on February 12<sup>th</sup> and information is on the website.**

**FUTURE AGENDA ITEMS/SELECTMANS REPORTS:**

- Mr. Crowley updated the Board on the CPC Meeting and they received State match amount of \$116,001. He explained these funds come from 43% surcharge at the Registry of Deeds.
- Mr. Crowley updated the Celebrations Committee met and will be working on an Easter Egg Hunt and the Memorial Day Parade will be longer and bigger this year also they are looking for groups to march especially children.

*Motion Mr. Crowley moved to adjourn at 7:48 p.m.; Ms. Pedone second.*

*All in favor*

*Approved*

Respectfully submitted,

Approved:

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Faye D. Zukowski, Municipal Assistant

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Christopher A. Rucho, Chairman

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Barur R. Rajeshkumar, Vice Chairman

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Patrick J. Crowley, Clerk

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Michael J. Kittredge III, Selectman

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Kristina Pedone, Selectman