

EXPLANATION OF ARTICLES

SEMI-ANNUAL TOWN MEETING OCTOBER 16, 2023 MIDDLE/HIGH SCHOOL GYMNASIUM

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.

EXPLANATION OF ARTICLE:

This article allows various Boards, Committees, Commissions, and Town Officers to make brief reports to the Town Meeting body.

Likely Reports include:

- *Disability Commission*
- *Open Space Implementation Committee*
- *Solid Waste Advisory Team (SWAT)*

ARTICLE 2 - AUTHORIZATION TO PAY BILLS FROM PREVIOUS FISCAL YEARS

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

EXPLANATION OF ARTICLE:

For a variety of reasons, bills from a previous Fiscal Year are not paid during that Fiscal Year and are not encumbered. This is an article that is typically included on the warrant in the case there are outstanding invoices. Details of the specific bills for consideration this evening are as follows:

- \$147.50- FY22 invoice that is owed to MassCOR for flags. This bill was unpaid due to the vendor not having the correct contact information for current personnel.
- \$3,112.51- This is a payment for FY23 Chapter 115 benefits to an eligible Veteran in the Town of West Boylston. Due to a paperwork discrepancy, benefits were not able to be processed in FY23. The paperwork discrepancy has since been resolved.
- \$6,690.74- This is an FY23 invoice for services of K.P. Law through March 31, 2023 that was unpaid. The Town was recently notified that this invoice was outstanding.

REQUIREMENT OF A 9/10^{THS} VOTE

The Finance Committee will make its recommendation on this Article on the evening of Town Meeting.

ARTICLE 3 - AUTHORIZATION TO MODIFY FISCAL YEAR 2024 APPROPRIATIONS AND OTHER NECESSARY ADJUSTMENTS TO THE FISCAL YEAR 2024 BUDGET

To see if the Town will vote to raise and appropriate and/or transfer from available funds or from any unexpended balances of Fiscal Year 2024 appropriations hitherto made, to Fiscal Year 2024 appropriation accounts; or take any other action relative thereto.

Account #	Description	Amount Required
01-610-5100-5100	Library Salaries	\$10,000.00
01-135-5100-5100	Town Accountant Salary and Wages	\$16,700.00

EXPLANATION OF ARTICLE:

This is the annual authorization to raise and appropriate funds or transfer money within FY24 accounts to cover deficiencies in some accounts with the excess balance

in others. The planned motion under this Article is to raise and appropriate \$26,700.00.

The Library Salaries are being increased to account for payout of vacation time, coverage for an employee on temporary leave, and a stipend for the Interim Library Director. The Town Accountant Salary and Wages line is being increased as an employee was promoted from Administrative Assistant to the Accountant (Grade E, Step 2) to Assistant Town Accountant (Grade F, Step 5) and to provide coverage for an employee on temporary leave.

Endorsed by the Finance Committee.

ARTICLE 4 - 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 and equip capital items, including all costs incidental or related thereto, and, as needed, to authorize purchase agreements as needed, with each appropriation being treated as a separate item; or take any other action relative thereto.

	Project	Total Appropriation	Appropriation Source
A*	Reupholstering of the Middle/High School Auditorium Seating	\$58,000.00	Capital Investment Fund
B*	DPW Tractor with liquid tank/spreader attachment and mower deck	\$50,500.00	Capital Investment Fund
C**	Removal of dead pine trees on Crescent Street	\$26,500.00	Raise and Appropriate

EXPLANATION OF ARTICLE:

The current balance in the Capital Investment Fund (CIF) is \$858,649.00. The planned motion under this Article seeks to fund reupholstering of the auditorium seating and purchase of the DPW tractor from the CIF. The removal of the pine trees will be funded through taxation (raise and appropriate). The Town has excess levy capacity for a variety of reasons including higher than estimated new growth

projections and addition funding from the state (at the May Town Meeting, the state budget was not yet finalized).

The next Article, Article 5, seeks to replenish the CIF in the sum of \$110,000. Questions about the specific purchases can be directed to the Superintendent, Town Administrator, and Parks Commission.

*** REQUIRMENT OF A 2/3RDS VOTE**

**** REQUIREMENT OF A SIMPLE MAJORITY VOTE**

Endorsed by the Finance Committee and Capital Investment Board.

Auditorium Seating





Current DPW Tractor





Dead Pine Trees on Crescent Street



**ARTICLE 5 - AUTHORIZATION TO TRANSFER FUNDS TO THE
CAPITAL INVESTMENT FUND**

To see if the Town will vote to transfer from available funds a sum of money to the Capital Investment Fund; or take any other action relative thereto.

EXPLANATION OF ARTICLE:

This Article replenishes the Capital Investment Fund (CIF) for action taken under Article 4. The planned motion under this Article is to transfer \$110,000 in Free Cash to the CIF. Please refer to the green handout for more information on the Town's Certified Free Cash.

Endorsed by the Finance Committee and Capital Investment Board.

**ARTICLE 6 - 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.

EXPLANATION OF ARTICLE:

As of June 30, 2022, West Boylston's Other Post Employment Benefits (OPEB) liability (including MLP) is \$26,439,847.00 and is 6.1% funded. The current fund balance is \$538,775.89 (as of 8.31.23). In 2018, the Select Board adopted an OPEB Liability Policy. In accordance with this policy, this article will transfer \$100,000 from Free Cash to work towards fully funding the Town's obligation over time.

Free Cash to fund OPEB was made possible by appropriating \$400,000 in American Rescue Plan Act (ARPA) funds towards the Retiree Health Insurance budget for FY23. This allowed the \$400,000 that otherwise would have been expended on Retiree Health Insurance to flow to Free Cash to fund OPEB in FY23, FY24, FY25, and FY26.

Endorsed by the Select Board and Finance Committee.

ARTICLE 7 - VOTE TO APPROPRIATE FUNDS FOR COMMUNITY PRESERVATION FUND PROJECTS AS RECOMMENDED BY THE COMMUNITY PRESERVATION COMMITTEE

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
	Appropriations:		
A	To Fund for Affordable Housing Purposes: A grant to pay for affordable community 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.

EXPLANATION OF ARTICLE:

This Article funds the annual request from the Affordable Housing Trust to fund their affordable housing project efforts such as monitoring of affordable housing units under the Chapter 40B program.

Endorsed by the Finance Committee.

ARTICLE 8 – AUTHORIZATION TO APPROPRIATE FUNDS FROM COMMUNITY PRESERVATION FUND REVENUES

To see if the Town will vote to amend the vote taken under Article 27 of the May 15, 2023 Semi-Annual Town Meeting by increasing the Committee Administrative Expenses appropriation from \$7,500 to \$16,750; or take any other action relative thereto.

EXPLANATION OF ARTICLE:

At the May 15, 2023 Semi-Annual Town Meeting, a vote was taken to Appropriate

funds from the Community Preservation Fund Revenues as follows:

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**

This Article seeks to increase the \$7,500 in Committee Administrative Expenses to \$16,750 with the appropriation to come from the Community Preservation Fiscal Year 2024 estimated annual revenues.

Endorsed by the Finance Committee.

**ARTICLE 9 - AUTHORIZATION TO APPROPRIATE FUNDS TO
REDUCE THE FY24 TAX RATE**

To see if the Town will vote to transfer from the Tax Levy Stabilization Fund, a sum of money, to reduce or stabilize the Fiscal Year 2024 Tax Rate; or take any other action relative thereto.

EXPLANATION OF ARTICLE:

The Tax Levy Stabilization Fund is funded by deposits from recreational marijuana sales tax revenues. These funds are then used to reduce or offset the tax rate. The planned motion under this Article is to transfer \$170,377.00.

The Tax Levy Stabilization Fund was established at the 10/17/20 Semi-Annual Town Meeting. It was modified at the 5/17/21 Town Meeting and funds were first transferred 10/18/21. Per M.G.L., c. 40, s.5B the Town must continue to dedicate certain revenues into the stabilization fund unless and until legislative body votes to terminate the fund. The only authorized use of these funds is for tax rate reduction.

For illustrative purposes only, as the new tax rate has not been set, the current tax rate is \$15.58 per \$1,000. If this offset was applied to the current tax rate, that \$15.58 would be reduced to \$15.45 (a reduction of \$0.13/\$1,000). The average single family home in West Boylston is \$436,969 with an average tax bill of \$6,808

(based on the current rate). Again, for illustrative purposes, if applied to the current tax rate, the average single family tax bill would be reduced by \$56.81. Please refer to the orange handout to see how action under this article would affect the current tax rate and bill.

REQUIREMENT OF A 2/3^{RDS} VOTE

Endorsed by the Select Board and Finance Committee.

ARTICLE 10 - VOTE TO ACCEPT NUHA CIRCLE AS A TOWN PUBLIC WAY

To see if the Town will vote to accept Nuha Circle as a Town Public Way, as heretofore laid out by the Select Board and shown on a plan entitled “Definitive Subdivision Nuha Circle”, dated October 2, 2014, scale 1” = 40’, prepared by Bertin Engineering, Jacob Dubois, Professional Engineer, and recorded with the Worcester District Registry of Deeds in Plan Book 912, Plan 113, a copy of which is on file with the Town Clerk, and to authorize the Select Board to acquire, by gift, purchase or eminent domain, the fee to or permanent easements in Nuha Circle for all purposes for which public way are used in the Town of West Boylston and any drainage, sewer, water, and/or other easements related thereto; or take any other action relative thereto.

EXPLANATION OF ARTICLE:

This Article seeks to accept Nuha Circle as a Town Public Way. Acceptance of the road by Town Meeting is one of the final steps required to accept the road as a Public Way.

Endorsed by the Select Board, Planning Board, and Finance Committee.

ARTICLE 11 - ACCEPTANCE OF MGL CHAPTER 39, SECTION 23D

To see if the Town will vote to accept M.G.L. Chapter 39, Section 23D, as set forth below, for all types of adjudicatory hearings by any municipal board, committee or commission; or take any other action relative thereto:

“(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall

certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.”

EXPLANATION OF ARTICLE:

This Article seeks to adopt a provision of the Massachusetts General Laws which is commonly referred to as the “Mullin Rule”. The Mullin Rule allows a member of any municipal board, committee or commission holding an adjudicatory hearing to vote even if the individual missed one hearing, if that individual signs an affirmation that he or she watched a video recording or read a transcription of the meeting.

For example, the Planning Board is having an adjudicatory proceeding to consider a subdivision plan. The matter is considered over the course of three meetings. Planning Board Member John Doe misses the second of the three meetings. Member Doe could watch a video recording of the second meeting, sign an affirmation that they watched the meeting, and participate in the final decision.

Endorsed by the Select Board and Planning Board.

**ARTICLE 12 - AUTHORIZATION TO AMEND THE PERSONNEL
BYLAW OF THE GENERAL BYLAWS**

To see if the Town will vote to amend the General Bylaws, Article XXI Personnel Bylaws, AA- CLASSIFICATION AND COMPENSATION PLAN 1- Classification Plan by adding the position of Department Assistant- DPW within Grade D; or take any other action relative thereto.

EXPLANATION OF ARTICLE:

The position of Department Assistant- DPW was funded at the May 15, 2023 Semi-Annual Town Meeting. Since that time, the Personnel Board has approved the job description and recommended the position be placed on the Classification and Compensation Plan at a Grade D. Department Assistants in other Town Departments are also placed on a Grade D.

Endorsed by the Bylaws Committee and the Finance Committee.

**ARTICLE 13 - AUTHORIZATION TO AMEND THE PERSONNEL
BYLAW OF THE GENERAL BYLAWS**

To see if the Town will vote to amend the General Bylaws, Article XXI Personnel Bylaws by striking Section N, Vacations in its entirety and replacing with the following (entirety of article printed in the warrant).

EXPLANATION OF ARTICLE:

Please refer to the “redline” of the proposed language as against the current Personnel Bylaw.

This Article seeks to accomplish several goals:

- *Presently, employees receive all of their vacation time for the year on July 1st. This Article would move to an accrual system. Vacation time must be paid to an employee upon separation from employment. This change would help to reduce the burden on the Town for vacation payouts.*
- *In moving to an accrual system, the goal was to still provide employees flexibility with scheduling their vacation time. This language would allow employees to take vacation time before it is accrued (payback would be required if an employee separates from service without accruing vacation time that was utilized).*
- *This Article allows, but does not require, employees to be credited for their length of service in another municipality in a similar capacity. For example, the Town Clerk worked as the Assistant Town Clerk in another community for over 5 years. She began her service time in West Boylston with zero weeks of vacation. This would have allowed her to be hired with up to three weeks of vacation. This change will help the Town’s recruitment efforts.*
- *Presently, employees can carryover one week of vacation and can buyback one week of vacation. This Article requires carryover and buyback requests to be submitted by June 1st of each year.*
- *It is intended to remove the apostrophe in the word “Employee’s” in the second paragraph and to remove Section 6(c) from the printed Warrant Article under the motion. This language was not changed from the current*

bylaw. However, in moving to an accrual system, if this language remains, employees would not be allowed to accrue vacation time while on paid sick leave.

Endorsed by the Bylaws Committee and the Finance Committee.

ARTICLE 14 - AUTHORIZATION TO AMEND THE GENERAL BYLAWS

To see if the Town will vote to amend Article IV- Office of Financial Management, Section 2, of the General Bylaws, by adding the words “or wire” after the word “check” and by striking Section 3 in its entirety; or take any other action relative thereto.

EXPLANATION OF ARTICLE:

*This Article allows the Treasurer to pay money from the treasury by bank check **and wire**. Currently, the Town makes payments by wire, in contrast to the language of the Bylaw.*

Secondly, this Article removes the following provision of the General Bylaw:

“The depreciation and trust funds of the Town, unless otherwise specified in the General Laws, shall be deposited at interest by the Treasurer, with the approval of the Town Administrator, in one or more banking institutions under the supervision of the State Bank Commissioner or whose deposits are insured by a federal agency. These funds or portion thereof may be transferred from Treasurer with the approval of the Town Administrator.”

Removal of this Section of the Bylaw allows the Treasurer to perform their statutory duties without the approval of the Town Administrator, no different than any other Department Head who has statutory duties.

By law, the Treasurer must be bonded “for the faithful performance of his duties” including, the “duties of the treasurer with respect to trust funds and funds of retirement systems which are in his custody by virtue of his office”. The Town Administrator is not required to be bonded.

Massachusetts General Laws Chapter 44, Section 54 deals with the Investment of Trust Funds. That section states as follows:

“Trust funds, including cemetery perpetual care funds, unless otherwise provided or directed by the donor of the funds, shall be deposited in: a trust company, co-operative bank or savings bank, if the trust company or bank is organized or exists under the laws of the commonwealth or any other state or may transact business in the commonwealth and has its main office or a branch office in the commonwealth; a national bank, federal savings bank or federal savings and loan association, if the bank or association may transact business and has its main office or a branch office in the commonwealth; provided, however, that a state-chartered or federally-chartered bank shall be insured by the Federal Deposit Insurance Corporation or its successor or invested by cities and towns in participation units in a combined investment fund under section 38A of chapter 29 or in bonds or notes which are legal investments for savings banks...”

Each July 1st, the State provides the “List of Legal Investments” which have been approved by the Commissioner of Banks. The Treasurer is limited by statute in the types of investments that can be made and cannot invest freely as an individual may be able to invest.

Further, the Town of West Boylston has Select Board Policy F-9 “Investment Policy” which, in addition to the statute, ensures prudent investment of Town funds. A copy of this policy has been included in the handout.

Endorsed by the Finance Committee.

Bylaws Committee is recommending this Article as long as the Select Board has an Investment Policy in place.