

5/16/2016

May 16, 2016
Semi-Annual Town Meeting
Town Clerk Meeting Minutes



Kim D Hopewell, Town Clerk Elaine S. Novia, Asst. Town Clerk

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Recap May 16, 2016

Article 1-

Authorization to Hear the Reports of Officers and Committees of the Town

- SWAT- Julianne DeRivera
- Council on Aging- Robert Chisholm
- Library Director- Anna Shaw
- Parks Facilities- PowerPoint

Article 2 –

Borrow in Anticipation of Revenue and to Enter into a Compensating Balance Agreement with a Bank

Article 3-

Re-establish Revolving Funds

Article 4 –

Expend Funds in Anticipation of Reimbursement of State Highway Assistance Aide

Article 5 –

Amend the Personnel Bylaw to provide Non-union Employees a Cost –Of- Living Pay Increase (1.5%)

Article 6-

Set the Salary of Elected Officials

Article 7 –

Transfer Unexpended Funds from Fiscal Year 2016 Appropriations

- \$393,896.17

Article 8 –

Pay Bills from a Previous Fiscal Year

- \$748 from Free Cash to Building Insp. Office for mileage

Article 9 –

Appropriate to the Sewer Enterprise Account for Fiscal Year 2017

- \$1,667,800.00

Article 10 - Fiscal Year 2016 Omnibus Budget Appropriation Article

- Raise and Appropriate \$22,242,802
- From Ambulance Receipts Reserved \$ 400,000
- From Wachusett EMS Fund \$ 17,000
- From Free Cash \$ 252,312

\$22,912,114

Article 11 –

Appropriate Funds from the Community Preservation Revenues

Article 12 –

Capital Improvement Purchases;

- Carpet for the Library- \$93,000
- Fire Alarm System- School \$21,000
- Garage Doors- Public Safety Building \$17,000
- Generator for the Middle/High- \$42,000

Article 13 –

Transfer from Free Cash to fund the Elderly Community Services Program

- \$12,000

Article 14 –

Transfer from Free Cash to Parks for fertilizer and pesticides

- \$5,000

Article 15 –

Transfer from Cemetery Sales of Lots to repair Cemetery Roads, Main St. and East Ave.

- \$27,350

Article 16–

Community Preservation

- \$52,817 Expansion of a practice field at Goodale Park
- \$29,654 Installing an artesian well Goodale Park

Article 17 –

Extend Sunset Clause on Previously Authorized Appropriation

- | | | | |
|----------------|------------|-----------|--------------------------|
| • May 16, 2011 | Article 31 | \$130,000 | Communications Equipment |
| • May 21, 2012 | Article 16 | \$ 70,000 | Ventilation System (DPW) |

Article 18-

Transfer from Unemployment Line item to the Unemployment Trust

- \$20,000

Article 19-

Transfer and Change Use of Mixer Property for general municipal purposes

Article 20 –

Development of Conceptual Plans for a Senior Center

- \$10,000

Article 21 –

Accept Gifts from the Fire Assoc.

- \$98,148

Article 22-

Petition Legislature to amend the Special Act to Establish an Appointed Town Clerk- DEFEATED

Article 23-

Amend Personnel Bylaws to create the position of Recreation Worker for the Recreation Department

Article 24-

Amend Personnel Bylaws to accept current year school physicals for Recreation Workers

Article 25-

Amend General Bylaws- DEFEATED

- Wetlands Protection Bylaw XXXIX

Article 26-

Amend the Zoning Bylaws Section 5.6

- 5.6 C.2)- Sign Schedule
- 5.6 D 3.1.e.i.- Duration
- 5.6 D 3.1.e.vi- Residential Districts
- 5.6 E 2) Business Centers

Article 27-

20 year Lease with the Municipal Light Plant for a Solar Project on the former Landfill on Temple St

Article 28 –

Appropriate Funds to Stabilization Fund- PASSED OVER

Article 29 –

Appropriate Funds to the Capital Investment Fund- PASSED OVER

Article 30-

Ten Taxpayer Petition- DEFEATED

- Amend General Bylaws XXIX Department of Public Works



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May10, 2016

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BY FACSIMILE (774-261-4010)
AND BY FIRST CLASS MAIL

Ms. Anita Scheipers
Town Administrator
West Boylston Town Hall
140 Worcester Street
West Boylston, MA 01583

Re: Warrant for Spring 2016 Semi-Annual Town Meeting

Dear Ms. Scheipers:

At your request, I have reviewed the quantum of vote required under the several articles in the Spring Semi-Annual Town Meeting Warrant called for May 16, 2016. The articles are approved as to legal form and I make the following comments:

The following articles require more than a majority vote:

Article 8: An appropriation for unpaid bills of a previous fiscal year at an Annual Town Meeting requires a 4/5ths vote G.L. c 44, §64;

Article 12: If funds for capital improvements are appropriated from the Capital Investment Fund, a 2/3rds vote is required. Chapter 117 of the Acts of 1995;

Article 19: A transfer of the care, custody and control of the property at 120 Prescott Street requires a 2/3rds vote. G.L. c.40, §15A;

Article 26: An amendment to the Zoning Bylaws requires a 2/3rds vote. G.L. c.40A, §5;

Article 27: A transfer of the care, custody and control of the landfill property requires a 2/3rds vote. G.L. c.40, §15A;

Article 28: A transfer of money to the Stabilization Fund requires a 2/3rds vote. G.L. c. 40, §5B.

There are a few articles that seek to transfer available funds. If funds are transferred from the Stabilization Fund, a 2/3rds vote is required. G.L. c. 40, §5B.

If you have other questions or concerns regarding these articles, do not hesitate to contact me.

Very truly yours,

Shirin Everett

Semi-Annual Town Meeting
Town Clerk Meeting Minutes

May 16, 2016

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

Kim D. Hopewell, Town Clerk, informed Moderator Jonathan Meindersma that 143 registered voters were in attendance and that the quorum requirement as set out in the General Bylaws has been met. At 7:10 p.m. the meeting was called to order.

The following people were appointed as tellers by the Town Clerk;

Elaine Novia	Margaret Farwell
Mary Ellen Cocks	Irene Woods
Janet Bricault	Beverly Goodale
Barbara Deschenes	Mark Brodeur

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

After the Pledge of Allegiance a moment of silence was conducted for all citizens whom have passed since our last meeting.

Town Administrator Anita Scheipers gave the following announcements acknowledging the 2016 Milestones for Years of Service & Retirees of the Town;

5 years	10 years	15 years
Sandy Barakian, Library	Janice Ash, Treasurer/Collector's Office	Bonnie Yasick, Treas/Coll
Anna Shaw, Library	Toby Goldstein, Conservation Cmsn.	Todd Smith, School
Karen Suffin, Library	Sarah Avery, School	Debra Valcourt, School
Taylor Blair, Fire	Valentina Avery, School	James Mulcahy, School
Doug Billus, Fire	Cindy Foley, School	Helen Dexter, School
Koury McDowell, Fire	Todd Salmonsens, School	Tina Marino, School
Dan Plante, Fire	Judith Bennett, School	Jean Pray, School
Ryan Snee, Fire	Michelle Nelson, School	Allen Phillips, Fire
Elizabeth Schaper, School	Rebecca Leovich, School	
20 years	Retirees	

Kim D. Hopewell, Town Clerk
Marianna Montuori, School
Debora Goodwill, School

Louise Howland, Library- 32 yrs.
Paula Menendez, School
Fred Folley, Fire- 48 yrs.
Christian Koppetch, Fire- 28 yrs.

Upon a motion by Kevin McCormick and second by Christopher Rucho it was unanimously voted to waive the reading of the Warrant and refer it as subject matter only.

ARTICLE 1- *Authorization to Hear the Reports of Officers and Committees of the Town*

Motion- Kevin McCormick
Second- Christopher Rucho

It was unanimously voted to hear special reports of the officers and standing committees of the town. The following reports were given:

Solid Waste Advisory Team- Pat Fahey

This was our 6th year of PAYT and our 5th year of single stream recycling.

Our trash tonnage increased very slightly, and recycling stayed about the same, with a very slight increase.

Trash costs increased about 2% over last year.

We recently met with both Republic, our trash collector and Casella, who handles trash disposal, looking for suggestions to help us increase recycling rate.

They discouraged the use of recycling carts because they tend to increase recycling contamination rates.

Republic will be putting orange stickers on any trash or recycling that couldn't be picked up with educational information about why it couldn't be picked up. Samples of the orange stickers are on the table outside the auditorium.

Remember that plastic bags and Styrofoam cannot be placed in recycle bins. Plastic bags can be return to the supermarket; Styrofoam can be put in with trash or brought to the recycling center.

Republic informed us that when our contract renews in about 4 years, we will start being charged for our recycling tonnage at nearly the same cost as our trash tonnage if we stay with single stream recycling. However, if we switch back to dual stream recycling, there will be no charge. Obviously, this is something we will have to consider carefully over the next few years.

More information will be coming on the updated Town website

Council on Aging- Robert Chisholm

Mr. Moderator:

Robert Chisholm, 91 Hillside Village Drive, a Board Member of the Council on Aging.

I am speaking on behalf of the COA.

At the 1974 Town Meeting the COA was created. When the town offices moved to the old Mixer School, the Senior Center occupied a portion of the building. When the Town's administrative offices moved from Mixer to Hartwell Street, so did the senior center.

In 2014 the Town offices moved into the new Town Hall, leaving the senior center in the Hartwell Street building.

The existing facility is unsuitable and lacks sufficient space. In spite of those shortcomings, our current Director, along with one part-time clerk and one part-time janitor has achieved remarkable results. Since last year, more than 8,575 seniors have participated in senior center programs of one type or another.

The COA has been working with FISP Committee to address needs for new Center for the last 3 years. A proposal was made at last year's town meeting, but was not accepted.

The COA with the help of an ad hoc Committee made up of town residents went back to the drawing board and has made a new proposal to construct the Senior Center on the Mixer property. Articles 19 and 20 address preliminary steps necessary to advance that proposal to a stage where it can be formally presented to the town at a later date.

With an ever increasing senior population in West Boylston, and across the country as well, it seems that providing a suitable senior center environment is long overdue.

Passage of Warrant Article 19, TRANSFER AND CHANGE USE OF MIXTER PROPERTY, and Article 20, APPROPRIATE FUNDS TO DEVELOP CONCEPTUAL PLANS FOR A SENIOR CENTER, will enable us to take another step forward toward achieving that long sought after goal.

Thank you, Mr. Moderator.

Library Director- Anna Shaw

My name is Anna Shaw; I am the Director of the Beaman Memorial Public Library. The Trustees of the Library asked me to address Town Meeting this evening.

The FY 2017 budget for the library, as proposed in this warrant, fully meets the funding requirements for the Town of West Boylston according to State laws governing public libraries. This level of funding is essential to providing library services, such as the ability to borrow materials from other libraries, and allowing access to grants, including the annual State Aid to public libraries grant. This year, we received \$12,000 in additional funding through that grant. We also received a STEAM grant for Science, Technology, Engineering, Arts and Math for preschool aged children, and a \$40,000 Technology Grant, proposed by Representative James O'Day and supported by Senator Harriette Chandler. We plan to use this money to provide much needed updates in technology.

This year we have requested funds from the Capital Improvement Board to replace the carpeting in the Library. The carpets were installed in the building in 1999 and we have cared for them as best as we can. Our insurance company has strongly recommended replacing the carpet especially since we have expanded our hours, services and programming over the years.

I would also like to take this opportunity to thank the many volunteers who ran recent successful events. We had the Used Book Sale this past March, and two weeks ago, we had the Wine Tasting and Silent Auction fundraiser for the Friends of Beaman Endowment. A special thank you for the volunteers that planned, that worked at and the many of you who attended these events. All money raised goes to support the programs of the library for the benefit of all.

Thank you all for your support.

**Goodale Park Master Plan- Patrick Inderwish
Parks Facilities**

The Parks Facilities Committee was established by vote of the Board of Selectmen in July 2006. The Committee is made up of 2 Select Board Members, 2 Park's Commissioners and 5 Town Residents. The mission of the Parks Facilities Committee is to assess and develop a plan to address the infrastructure needs for the Town in accordance with the Open Space and Recreation Section of the Town Master Plan in the areas of the pool, recreation facilities, land acquisition for the development of additional fields (soccer, baseball, softball and football), the town's track and stadium area, the town's courts (basketball and tennis), and any other parks facilities needs as they may arise.

Due to the deteriorating track and field conditions within Goodale Park from over use and lack of drainage, lack of adequate space, lack of adequate parking, lack of sanitary facilities, the loss of the pool and exercise trail, and the need for extensive upgrades throughout the Park, the Committee undertook a Master Planning process to provide a vision for Goodale Park for the next 25-30 years.

In 2014, the Committee received a grant through the CPC, and the Committee and its Consultant, Beta, Inc., have spent more than a year and a half working on the Goodale Park Master Plan.

I would like to thank the Parks Facilities Committee, Town Departments and Committees, Citizens, Taxpayers, Community Groups and Users, and all who attended our many meetings and provided input to the Goodale Park Master Plan.

I would like to introduce our Architect, Randy Collins, from Beta Inc., who will walk us through the Goodale Park Master Plan.

See Attached PowerPoint Presentation at the end of this document.

ARTICLE 2 – *Authorization to Borrow in Anticipation of Revenue and to Enter into a Compensating Balance Agreement with a Bank*

Motion- Siobhan Bohannon

Second- Patrick Crowley

Recommendation- Finance Committee

It was unanimously voted to authorize the Town Treasurer/Tax Collector, with the approval of the Board of Selectmen, to borrow money from time to time in anticipation of the revenue of the Fiscal Year 2017, the period from July 1, 2016 through June 30, 2017, 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 2017 pursuant to Massachusetts General Laws, Chapter 44, Section 53F.

ARTICLE 3- *Departmental Revolving Funds Authorization*

Motion- John Hadley

Second- Christopher Rucha

Recommendation- Finance Committee

It was unanimously voted to authorize revolving funds for certain town departments under Massachusetts General Law Chapter 44, § 53E1/2 for the fiscal year beginning July 1, 2016.

REVOLVING FUND	AUTHORIZED TO SPEND FUND	REVENUE SOURCE	USE OF FUND	FY17 SPENDING LIMIT	SPENDING RESTRICTIONS OR COMMENTS
ESCO	Town Administrator	Any revenues derived from rebates for the energy conservation program	Pay for costs associated with the administration, measurement and verification of the performance contracting project, including, without limitation, fees for services provided by engineers, legal counsel and others, and any improvements relating to the performance contracting project	\$60,000	
WBPA-TV	Board of Directors of WBPA-TV	Receipts submitted to WBPA-TV for the operation of WBPA-TV that have been authorized by the Board of Directors of WBPA-TV as well as the franchise license fee paid by Charter Communications to the town	Purchase equipment to enhance cable-casting abilities of the town and to purchase expendable material as needed such as videotape, batteries, gaffer's tape, lights, etc.	\$5,000	Not to be used for wages or salaries since WBPA-TV is a volunteer organization
Board of Health	Board of Health	Fees derived from permits issued to licensed sewage haulers in the Town of West Boylston, said fees shall cover the cost of dumping at the Upper Blackstone Water Pollution Abatement District, plus an administrative charge and fees derived from plan reviews, inspections, administrative charges and other fees for services rendered by the Board of Health	To pay Upper Blackstone Water Pollution Abatement District for sewage dumped at its facility in Milbury by sewage haulers licensed in the Town and to pay Board of Health inspectors and/or agents for services provided for food service, sanitary code compliance, public nuisance, noisome trade inspections, and for percolation and soil testing, septic system design review, final septic installation review, final septic inspection and engineering services, and to fund administrative expenses of the Board of Health, including wage and salary expenses of part-time employees of the Board of Health	\$50,000	
Cemetery Trustees	Cemetery Trustees	All fees collected by the Cemetery Department exclusive of perpetual case and sale of lots receipts	Ordinary operating costs of the Cemetery Dept including, but not limited to, part-time wages and grave opening costs	\$60,000	Not to be used for any full-time salaries and wages or elected official stipends
Council on Aging	Council on Aging	Fees and donations derived from various fund raising activities collected by the COA and for revenue and reimbursements from the Worcester Regional Transit Authority and user fees	Activities related to COA programs not provided for in the FY17 budget, and to fund administrative expenses of the COA including, but not limited to, wages of part-time employees of the COA	\$60,000	

		and donations for transportation services provided by the COA		
Planning Board	Planning Board	Fees derived from plan review filing fees and all other fees charged by the Planning Board	Pay agents, attorneys, planners, and engineers of the Planning Board for services provided for permit application, plan review and consultant services and to fund administrative and wage expenses of the Planning Board, including wage and salary expenses of part-time employees of the Planning Board.	\$50,000
Zoning Board of Appeals	Zoning Board of Appeals	Fees derived from variance, special permit, comprehensive permit filing fees and all other fees charged by the ZBA	Pay agents, attorneys, planners, and engineers of the ZBA for services provided for permit application, plan review and consultant services and to fund administrative and wage expenses of the ZBA, including wage and salary expenses of part-time employees of the ZBA.	\$25,000
Conservation Commission	Conservation Commission	Fees derived from all Wetland Protection Act filing fees and all other fees charged by the Conservation Commission	Pay agents, attorneys, planners and engineers of the Comm for services provided for permit application and plan review and consultant services and to fund administrative and wage expenses of the Comm , including, but not limited to, wage and salary expenses of part-time employees of the Comm .	\$25,000
Parks, Playground & Fields	Parks Commission	Field user fees and donations collected by the Parks Commission	To fund costs of maintaining and operating the playgrounds, fields and facilities under the jurisdiction of the Parks Commission, including the purchase of supplies and services, to fund the repair and maintenance of playgrounds, fields, parks and park facilities including, but not limited to, the tennis and basketball courts and playing fields; said activities to be undertaken in coordination with the DPW and in conformity with all applicable laws and permit requirements and to fund	\$50,000

			administrative and wage expenses associated with the administration of programs of the Parks Comm. , including wage and salary expenses of the part-time employees of the Comm.		
Fire Alarm	Fire Chief	Fees charged to private property owners for use of the municipal fire alarm system by the Fire Dept.	To fund the cost of purchasing and installing equipment as well as the operation and maintenance associated with the municipal fire alarm system service and to fund administrative and wage expenses associated with the operation and maintenance, and dismantling of an outdated municipal fire alarm system, including wage and salary expenses of part-time employees of the Fire Dept.	\$15,000	
Hazard	Fire Chief	Fees and payments for services related to the mitigation of hazardous materials and other incidents as paid from traffic companies, insurance companies and the like for billable services	Fund costs of purchasing equipment, supplies and services related to hazardous material and other emergencies, and administrative and wage expenses associated with the operation and response to hazardous material and other incidents	\$10,000	
Recycling	DPW Director	Any revenues derived from the collection of funds for the receipt of electronic components or the sale of compost bins, kitchen scrap pails, recycling bins and scrap metal.	Pay expenses associated with the responsible recycling of electronic components that are banned from the waste stream, environmentally responsible recycling of yard waste by the distribution of compost bins, the environmentally responsible recycling of kitchen waste by the distribution of kitchen scrap pails, environmentally responsible recycling of newspaper and commingled plastics by the distribution of recycling bins and the environmentally responsible recycling of scrap metal	\$10,000	

Celebrations	Municipal or Assistant Celebrations Comte.	All gifts, donations and fees collected by the town for the sole purpose of financing the costs of the Memorial Day observance and the depository for all gifts, donations and fees collected by the town for the purpose of financing the costs of other Celebrations & Observances as deemed by the Board of Selectmen	Pay for expenses and costs necessary for the annual Memorial Day Observance and other Celebrations and Observances as deemed by the Board of Selectmen, including, but not limited to, purchase of supplies and services.	\$10,000	Excludes full and part-time employee salary or wage costs
Bennan Memorial Library	Library Trustees	Donations received in support of the library	Any Board of Trustees approved operational expenses of the library	\$15,000	
Economic Development Task Force	Municipal Assistant	Donations received in support of economic development and The Gateway Improvement Project	Any Town Administrator approved operational expenses of the Economic Development Task Force as well as The Gateway Improvement Project	\$15,000	
Recreation Program	Parks Commission	Recreation program user fees and donations collected by the Park Commission	Costs of operating the recreation program including wage and salary expenses of the part-time employees	\$50,000	

ARTICLE 4 – *Authorization to expend funds in anticipation of Reimbursement of State Highway Assistance Aid*

Motion- Patrick Crowley

Second- Siobhan Bohannon

Recommendation- Finance Committee

It was unanimously voted 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 Board of Selectmen 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 Board of Selectmen, to borrow money from time to time during Fiscal Year 2016, for the period from July 1, 2016 through June 30, 2017, in anticipation of reimbursement of said highway assistance in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 6A.

ARTICLE 5– *Authorization to amend the Personnel Bylaw and to review the Classification and Compensation Plan so as to provide employees a Cost-of-Living pay increase (1.5%)*

Motion- Christopher Rucho

Second- John Hadley

It was unanimously voted to amend Section 5, Part AA. Classification and Compensation Plan of the Personnel Bylaw by deleting the current language and inserting the following:

Non-Exempt Employees – Wage Earning Employees

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1	\$11.97	\$13.17	\$14.33	\$15.59	\$16.75
2	\$13.13	\$14.46	\$15.75	\$17.05	\$17.54
3	\$14.29	\$15.70	\$17.16	\$18.60	\$20.05
4	\$15.45	\$17.03	\$18.55	\$20.12	\$21.68
5	\$16.66	\$18.34	\$20.00	\$22.37	\$23.32
Grade	Step 1	Step 2	Step 3	Step 4	Step 5

6

Cemetery Superintendent	\$34,773.77	\$38,260.88	\$41,722.52	\$46,653.13	\$48,706.01
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COA Director	\$34,769.07	\$38,261.99	\$41,722.67	\$46,654.33	\$48,706.12
7					
Children's Librarian	\$32,232.16	\$35,402.41	\$38,670.68	\$41,885.17	\$45,105.65
Town Clerk	\$32,232.16	\$35,402.41	\$38,670.68	\$41,885.17	\$45,105.65
Assistant Library Director	\$34,757.98	\$38,124.58	\$41,641.40	\$45,109.23	\$48,574.67
8					
Building Inspector	\$26,314.63	\$28,955.52	\$31,576.09	\$34,221.79	\$36,838.78
9					
Principal Assessor	\$42,314.17	\$46,551.58	\$50,786.58	\$54,691.76	\$59,233.86
Town Accountant	\$42,314.17	\$46,551.58	\$50,786.58	\$54,691.76	\$59,233.86
10					
Library Director	\$44,177.15	\$49,963.24	\$53,438.23	\$58,957.82	\$63,590.76
Treasurer/Tax Collector	\$49,308.39	\$54,244.83	\$59,175.31	\$64,110.58	\$69,045.83

Non- Exempt Emergency Fire and Medical Services Employees *

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
1F	\$9.58	\$10.52	\$11.51	\$12.46	\$13.45
2F	\$13.83	\$15.20	\$16.61	\$17.98	\$19.38
3F	\$15.24	\$16.65	\$18.03	\$19.43	\$20.97
4F	\$19.05	\$20.82	\$22.55	\$24.31	\$26.19

ARTICLE 6- *Authorization to set the Salary of Elected Officials*

Motion- Kevin McCormick

Second- Christopher Rucho

It was unanimously voted to determine and fix what salaries elective officers of the town shall receive for Fiscal Year 2017 in conformity with the provisions of Massachusetts General Laws, Chapter 41 Section 108:

<i>Moderator</i>	\$1.00
<i>Selectmen</i>	\$1.00 each (5 members);
<i>Town Clerk</i>	\$45,105.65 in conformity with Section 5, AA of the Classification & Compensation Plan of the Personnel Bylaw;
<i>Planning Board</i>	\$1.00 each (5 members);
<i>Cemetery Trustees</i>	\$1.00 each (3 members); and
<i>Municipal Light Board</i>	\$300 each (3 members)

ARTICLE 7 – *Authorization to transfer unexpended funds from Fiscal Year 2016 Appropriations**Motion- Siobhan Bohson**Second- Christopher Rucha**Recommendation- Finance Committee***Privileged Motion-**

Kim D. Hopewell, Town Clerk – stop debate to ensure that the method of motioning this article is correct.

Moderator Meindersma stated that the article has to be read in groups from left to right, that they are transferring money from and to accounts.

It was unanimously voted to transfer from available funds, or Fiscal Year 2016 appropriations, hitherto made, to Fiscal Year 2016 appropriation accounts.

Transfer From		Transfer To	
Description	Amt. Required	Description	Amt. Required
Town Administrator Other Charges	4,000	Town Counsel Purchased Service	14,000
Town Hall Salaries and Wages	3,000		
Finance Committee Reserve Fund	7,000		
Snow Removal Salaries and Wages	8,460	Snow Removal Purchased Service	8,460
Snow Removal Salaries and Wages	17,640	Snow Removal Supplies	17,640
Group Health Insurance Premiums	266,251	Snow Removal Supplies	266,251
Treasurer/Collector Purchased Service	15,000	Town Hall Capital Outlay	15,000
Fund Balance Reserved- Debt Service	12,145.17	Interest on Temporary Loans	12,145.17
Interest on Temporary Loans	12,145	Elections Capital Outlay	13,000
Town Audit Purchased Service	855		
Finance Director- Purchased Service	5,000	DPW- Parks Maintenance	5,000
Finance Director- Purchased Service	3,000	Veterans Benefits	3,000
Town Administrator Salary and Wages	15,000	Police Salary and Wages	15,000
Town Administrator Salary and Wages	20,000	Communication Salary and Wages	20,000
Building Inspector Purchased Service	600	Building Inspector Salary and Wages	1,400
Building Inspector Other Charges	800		
Library Salaries and Wages	3,000	Library Purchased Service	3,000
Total Reduction		Total Appropriation	393,896.17
393,896.17			

ARTICLE 8 – *Authorization to Pay Bills from a Previous Fiscal Year 4/5ths vote required**Motion- John Hadley*

Second- Christopher Rucha
Recommendation- Finance Committee

It was voted by unanimously to transfer the following sum to pay for a bill which was incurred from a previous fiscal year:

\$748 from Free Cash to pay mileage for Inspectors in the Building Department.

ARTICLE 9 – *Authorization to appropriate money to the Sewer Enterprise Account for Fiscal Year 2017*

Motion- Patrick Crowley
Second- Christopher Rucha
Recommendation- Finance Committee does not endorse or recommend, or approve

Discussion-

Raymond Bricault noted that this is the 2nd year a row that the Finance Committee has not received enough information from the Sewer Commissioners in order to make a recommendation.

Jean Costello wanted to know what the money is used for. Selectmen Kevin McCormick stated that this article pays for sewer management and is funded by sewer user fees. If you do not have sewers, you are not paying for this enterprise account. It is costly because the septic waste goes through Holden, to Worcester and to Millbury. Jean Costello asked who ran the Sewer Dept. Gerald Condon wanted guidance from the Finance Committee as to why they don't have a summary with financial statements and break down. Town Administrator Anita Scheipers stated that the Board of Selectmen/Sewer Commission and the Town Administrator are currently working with the Town Accountant on this matter. Administrator Scheipers stated the goal was to have a procedure set in place to so that they will be okay for the Finance Committee for next year's budget.

It was voted by a simple majority to raise and appropriate or transfer from available funds the sum of One Million Six Hundred Sixty-Seven Thousand Eight Hundred Dollars and No Cents (\$1,667,800.00) to the West Boylston Sewer Enterprise Account to be expended by the Board of Selectmen, acting as the Board of Sewer Commissioners, for sewer development, administration, assessment, operation, and maintenance expenses in Fiscal Year 2017 as follows:

Fiscal Year 2017 West Boylston Sewer Department Budget

Administration	-	\$ 126,500.00
Operations and Maintenance	-	\$1,154,500.00
Reserve Fund	-	\$ 20,000.00
Debt and Interest Payments	-	\$ 362,550.00
Capital Reserve	-	<u>\$ 4,250.00</u>
Total Budget Appropriation		\$1,667,800.00

and to meet said appropriation through:

the appropriation of One Million, Two Hundred and Fifty Thousand Dollars and No Cents (\$1,250,000) from Fiscal Year 2017 Sewer Enterprise Fund User Revenue, and
the appropriation of Three Hundred Sixty-Two Thousand, Five Hundred and Fifty Dollars and No Cents (\$362,550.00) from the Fund Balance Reserved For Sewer Betterment Debt Service, and
the appropriation of Fifty-Five Thousand Two Hundred and Fifty Dollars and No Cents (\$55,250.00) from Sewer Enterprise Retained Earnings.

ARTICLE 10 – *Fiscal Year 2016 Omnibus Budget Appropriation Article*

Motion- Christopher Rucho

Second- John Hadley

Recommendation- Finance Committee

It was unanimously voted to raise and appropriate the sum of \$22,242,802 as printed in the town meeting warrant, necessary to defray the expenses and charges of the Town of West Boylston in Fiscal Year 2017, the period of July 1, 2016 through June 30, 2017, including the costs of public education, debt and interest payments, and providing municipal services, and reduce the tax rate by transferring the following sums:

Raise & Appropriate:	\$22,242,802
From Ambulance Receipts Reserved	\$ 400,000
From Wachusett EMS Fund	\$ 17,000
From Free Cash	\$ 252,312
	\$22,912,114

2017 Omnibus Budget	Approved Budget FY 2016	Town Admin. Recommended Budget FY 2017
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GENERAL GOVERNMENT

01-114-5100-5115	Moderator Salary	1.00	1.00
01-114-5200-5700	Moderator Other Charges	50.00	50.00
	Total Moderator	51.00	51.00
01-122-5100-5100	Selectmen Salaries	5.00	5.00
01-122-5200-xxxx	Selectmen Other Expenses	6,150.00	6,150.00
	Total Selectmen	6,155.00	6,155.00
01-123-5100-5100	Town Administrator Salaries	182,700.00	173,975.00

01-123-5200-xxxx	Town Administrator Other Expenses	10,800.00	7,300.00
	Total Town Administrator	193,500.00	181,275.00
01-131-5200-5200	Finance Committee Purchased Services	0.00	0.00
01-132-5200-5780	Reserve Fund	43,200.00	35,000.00
	Total Finance Committee	43,200.00	35,000.00
01-135-5100-5100	Finance Director Salary and Wages	79,880.00	125,185.00
01-135-5200-xxxx	Finance Director Other Expenses	100,850.00	35,650.00
	Total Finance Director	180,730.00	160,835.00
01-136-5200-5315	Town Audit Purchased Services	35,000.00	25,500.00
	Total Town Audit	35,000.00	25,500.00
01-141-5100-5100	Assessor's Salaries	27,026.00	29,843.00
01-141-5200-xxxx	Assessor's Other Expenses	69,350.00	69,175.00
	Total Assessors	96,376.00	99,018.00
01-145-5100-5100	Treasurer/Collector Salaries	148,331.00	150,557.00
01-145-5200-xxxx	Treasurer/Collector Other Expenses	59,800.00	57,800.00
	Total Treasurer/Collector	208,131.00	208,357.00
01-151-5200-5200	Town Counsel Purchased Services	80,000.00	80,000.00
	Total Town Counsel	80,000.00	80,000.00
01-155-5200-xxxx	Computer Other Expenses	101,095.00	96,515.00
01-155-5300-5800	Computer Capital Outlay	3,000.00	15,150.00
	Total Data Processing	104,095.00	111,665.00
01-161-5100-5100	Town Clerk Salaries	79,268.00	79,678.00
01-161-5200-xxxx	Town Clerk Other Expenses	1,200.00	1,950.00
	Total Town Clerk	80,468.00	81,628.00
01-162-5100-5100	Elections Salaries	10,000.00	10,150.00
01-162-5200-xxxx	Elections Other Expenses	13,470.00	13,270.00
	Total Elections & Registrations	23,470.00	23,420.00
01-175-5100-5100	Planning Board Salaries	3,232.00	3,282.00
	Total Planning Board	3,232.00	3,282.00
01-192-5200-xxxx	Public Safety H.Q. Other Expenses	37,220.00	37,630.00
01-192-5250-5240	Public Safety H.Q. Bldg. Repair & Maintenance	9,900.00	9,900.00
	Total Public Safety Headquarters	47,120.00	47,530.00
01-194-5100-5100	Town Hall Salaries	15,735.00	13,195.00
01-194-5200-xxxx	Town Hall Other Expenses	51,750.00	49,400.00
01-194-5250-5240	Town Hall Bldg Repair & Maintenance	9,900.00	9,900.00
	Total Town Hall Building	77,385.00	72,495.00

01-195-5200-5200	Town Report Purchased Services	1,000.00	800.00
	Total Print Town Report	1,000.00	800.00

TOTAL GENERAL GOVERNMENT	1,179,913.00	1,137,011.00
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Duly motioned and seconded. It was Unanimously voted to accept the Total General Government Budget of \$1,137,011 for FY17

PUBLIC SAFETY

01-210-5100-5100	Police Salaries	1,303,504.00	1,365,249.00
01-210-5200-xxxx	Police Other Expenses	49,711.00	59,157.00
01-210-5300-5800	Police Capital Outlay	73,000.00	36,000.00
	Total Police	1,426,215.00	1,460,406.00
01-220-5100-5100	Fire Salaries	555,660.00	572,435.00
01-220-52xx-xxxx	Fire Purchased Other Expenses	113,600.00	95,100.00
	Total Fire	669,260.00	667,535.00
01-235-5100-5100	Communications Salaries	231,026.00	242,050.00
01-235-5200-xxxx	Communications Other Expenses	37,755.00	41,400.00
	Total Public Safety Communications	268,781.00	283,450.00
01-241-5100-5100	Building Inspector Salaries	77,021.00	78,957.00
01-241-5200-xxxx	Building Inspector Other Expenses	5,750.00	4,750.00
	Total Building Inspector	82,771.00	83,707.00
01-244-5200-5200	Sealer of Weights Purchased Services	1,775.00	1,775.00
	Total Sealer Of Weights	1,775.00	1,775.00
01-291-5200-xxxx	Emergency Management Other Expenses	7,500.00	5,000.00
	Total Emergency Management	7,500.00	5,000.00
01-292-5100-5100	Animal Control Salary	9,111.00	9,111.00
01-292-5200-xxxx	Animal Control Other Expenses	1,300.00	1,300.00
	Total Animal Control	10,411.00	10,411.00

TOTAL PUBLIC SAFETY	2,466,713.00	2,512,284.00
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Duly motioned and seconded it was Unanimously voted to accept the Total Public Safety Budget of \$2,512,284 for FY17

EDUCATION

Education-Expenses	11,028,000.00	11,317,756.00
TOTAL EDUCATION	11,028,000.00	11,317,756.00

Duly motioned and seconded it was Unanimously voted to accept the Total Education Budget of \$11,317,756 for FY17

PUBLIC WORKS

01-420-5100-5100	Highway Salaries	440,220.00	440,573.00
01-420-5200-xxxx	Highway Other Expenses	280,000.00	270,000.00
01-420-5250-5240	Municipal Building Maintenance	9,900.00	9,900.00
	Total Streets And Parks	730,120.00	720,473.00
01-423-5100-5100	Snow Removal Salaries	59,000.00	59,000.00
01-423-5200-xxxx	Snow Removal Other Expenses	53,000.00	53,000.00
	Total Snow Removal	112,000.00	112,000.00
01-424-5200-5200	Street Lighting	80,561.00	64,169.00
	Total Street Lighting	80,561.00	64,169.00
01-430-5200-5200	Trash Removal and Tipping Fees	379,440.00	387,167.00
01-434-5250-5300	Landfill Monitoring Expenses	8,000.00	9,250.00
	Total Trash Removal & Tipping	387,440.00	396,417.00
01-491-5100-5100	Cemetery Salaries	60,088.00	60,890.00
	Total Cemetery	60,088.00	60,890.00
TOTAL PUBLIC WORKS		1,370,209.00	1,353,949.00

Duly motioned and seconded it was Unanimously voted to accept the Total Public Works Budget of \$1,353,949 for FY17

HUMAN SERVICES

01-510-5100-5100	Board of Health	2,000.00	0.00
	Total Board Of Health	2,000.00	0.00
01-541-5100-5100	Council on Aging Salaries	52,900.00	56,251.00
01-541-5200-xxxx	Council on Aging Other Expenses	40,249.00	40,330.00
	Total Council On Aging	93,149.00	96,581.00
01-543-5100-5100	Veteran's Services Salary	5,000.00	1.00
01-543-5200-xxxx	Veteran's Services Other Expenses	1,550.00	0.00
01-543-5250-5770	Veteran's Benefits	132,000.00	100,000.00
	Total Veterans Services	138,550.00	100,001.00

TOTAL HUMAN SERVICES	233,699.00	196,582.00
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Duly motioned and seconded it was Unanimously voted to accept the Total Human Services Budget of \$196,582 for FY17

CULTURE AND RECREATION

01-610-5100-5100	Library Salaries	248,290.00	249,505.00
01-610-5200-xxxx	Library Other Expenses	119,439.00	125,018.00
01-610-5250-5240	Library Building Maintenance	9,900.00	9,900.00
	Total Library	377,629.00	384,423.00
01-695-5200-5200	Arts Council Purchased Services	350.00	0.00
	Total Other Culture And Recreation	350.00	0.00

TOTAL CULTURE AND RECREATION	377,979.00	384,423.00
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Duly motioned and seconded it was Unanimously voted to accept the Culture and Recreation Budget of \$384,423 for FY17

DEBT SERVICE

01-710-5900-5910	Maturing Debt-Principal	1,130,051.00	1,120,051.00
01-751-5900-5915	Maturing Debt-Interest	62,552.00	62,552.00
01-752-5900-5925	Interest on Temporary Loans	19,948.00	26,533.00
TOTAL DEBT SERVICE		1,212,551.00	1,209,136.00

Duly motioned and seconded it was Unanimously voted to accept the Debt Service Budget of \$1,209,136 for FY17

INTERGOVERNMENTAL

01-840-5200-5780	Regional Planning Assessment	1,695.00	1,740.00
01-843-5200-5780	Wachusett Earthday Collaborative	2,511.00	4,007.00
TOTAL INTERGOVERNMENTAL		4,206.00	5,747.00

Duly motioned and seconded it was Unanimously voted to accept the Total Intergovernmental Budget of \$5,747 for FY17

EMPLOYEE BENEFITS / RISK MANAGEMENT

01-911-5200-5170	County Retirement Assessment	925,246.00	996,414.00
01-912-5200-5178	Workers Compensation Insurance	54,000.00	56,000.00
01-913-5200-5179	Unemployment Compensation	90,000.00	30,000.00
01-913-5200-5200	Unemployment Purchased Services	2,500.00	2,500.00
01-914-5200-5172	Group Health Insurance Premiums	3,084,850.00	3,115,000.00
01-914-5250-5172	Health Insurance Premiums (OPEB Town Share)	5,000.00	6,000.00
01-915-5200-5173	Group Life Insurance Premium	13,000.00	13,000.00
01-916-5200-5174	Medicare-Town's Share	175,000.00	178,000.00
01-945-5200-5740	General Insurance	155,000.00	170,000.00
01-945-5250-5741	Self-Insurance Deductible Expenses	2,000.00	3,000.00
TOTAL EMPLOYEE BENEFITS/RISK MANAGEMENT		4,506,596.00	4,569,914.00

Duly motioned and seconded it was Unanimously voted to accept the Employee Benefits/Risk Management Budget of \$4,569,914 for FY17

ESCO

01-930-xxxx-xxxx	TOTAL ESCO LEASE / EXPENSES	203,749.00	225,312.00
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Duly motioned and seconded it was Unanimously voted to accept the ESCO Budget of \$225,312 for FY17

GRAND TOTALS

22,583,615.00

22,912,114.00

2017 Omnibus Budget of \$22,912,114 passed unanimously

ARTICLE 11 – *Authorization to Appropriate funds from the Community Preservation Revenues*

Motion- George Bernardin

Second- Patrick Crowley

Recommendation- Community Preservation Committee, Finance Committee

It was unanimously voted to appropriate or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in fiscal year 2017 with each item to be considered a separate appropriation:

Appropriations:

<i>From FY 2017 estimated revenues for Committee Administrative Expenses</i>	\$ 10,750
Reserves:	
<i>From FY 2017 estimated revenues for Historic Resources Reserve</i>	\$ 21,500
<i>From FY 2017 estimated revenues for Community Housing Reserve</i>	\$ 21,500
<i>From FY 2017 estimated revenues for Open Space Reserve</i>	\$ 21,500
<i>From FY 2017 estimated revenues for Budgeted Reserve</i>	\$ 139,750

ARTICLE 12 – *Vote to appropriate funds for Capital Improvement Purchases* 2/3rds vote required

Motion- Raymond Bricault

Second- James Bedard

Recommendation- Finance Committee, Capital Investment Bd.

It was unanimously voted that the Town purchase or enter into contract for the following capital items by June 30, 2017, and if not purchased or leased by that date, the funds shall be returned to the source from which they were appropriated, with each appropriation being treated as a separate item;

It was voted to raise and appropriate or transfer from available funds a sum of money to purchase capital items, with each appropriation being treated as a separate item,

12- A Carpet for the Beaman Memorial Library

Discussion

Director Shaw stated that the present carpet was installed in 1999 and is folded in many places. This presents a tripping hazard and the Insurance Company rep. recommended replacement of the carpet.

Vote

It was unanimously voted to appropriate the sum of \$93,000 from the Capital Fund for replacement of the carpet in the Library.

12-B Fire Alarm System for the School

Discussion

Superintendent Elizabeth Schaper stated that the current fire alarm system is antiquated and they need a new box and address to bring it up to code.

Vote

It was unanimously voted to appropriate the sum of \$21,000 from the Capital Fund for replacement of the Fire Alarm System for the School

12-C Garage Doors- Public Safety Building

Discussion

Fire Chief Thomas Welsh commented that the three front garage doors need numerous repairs. The openers need to be replaced but no parts are available.

Vote

It was unanimously voted to appropriate the sum of \$17,000 from the Capital Fund for replacement of Garage Doors in the Public Safety Building.

12-D Purchasing, Installation and Site Work for a Generator for the Middle/High School

Discussion

Superintendent Elizabeth Schaper said that the Middle/High School is used as an emergency shelter in emergencies. She stated that the new generator would be placed in the Middle/High because of this and that the current generator would be moved to the Major Edwards Elementary School. Finance Committee Chair Raymond Bricault stated that since it is used as a shelter, then the Town should look into funding this from a grant. If the Town Administrator files for a grant,

and if money is received, the money appropriated under this Capital Item will revert back to the Capital Investment Board.

Vote

It was unanimously voted to appropriate the sum of \$42,000 from the Capital Fund for Purchasing, Installation and Site Work for a Generator for the Middle/High School

ARTICLE 13 – *Appropriation to fund an Elderly Community Services Program*

Motion- Kevin McCormick

Second- Christopher Rucho

It was unanimously voted to transfer from Free Cash, the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) to fund an Elderly Community Services Program for the purpose of providing a payment voucher for services rendered for the departments, boards, and committees of the municipality to resident property owners who have attained the age of sixty (60) years, to be used to reduce the real estate property taxes for the property in which the elderly owner resides. Said program shall be subject to the following conditions in addition to any and all eligibility requirements promulgated by the Board of Selectmen:

- 1) participation in the program shall be limited to elderly residents of the Town who own property and are willing and able to provide services to the Town;
- 2) program participants shall receive compensation at the rate of **\$9.00** per hour for each hour of service rendered for a total not to exceed One Thousand Three Hundred Dollars and No Cents (\$1,300) in any calendar year;
- 3) the Treasurer/Tax Collector shall comply with the wage, tax, and payroll deduction requirements of the state Department of Revenue and the Federal Internal Revenue Service, prior to compensating program participants; and
- 4) program participants who meet the eligibility guidelines established by the Board of Selectmen shall be selected for participation on a first come, first served basis.

ARTICLE 14 – *Appropriate Funds for Parks*

Motion- Siobhan Bohannon

Second- Patrick Crowley

Recommendation- Parks Commission

It was unanimously voted to transfer from Free Cash the sum of \$5,000 to purchase fertilizer and pesticides for use at the parks.

ARTICLE 15 – *Authorization to Transfer Funds for the Cemetery Sale of Lots Account*

Motion- John Hadley

Second- Christopher Rucho

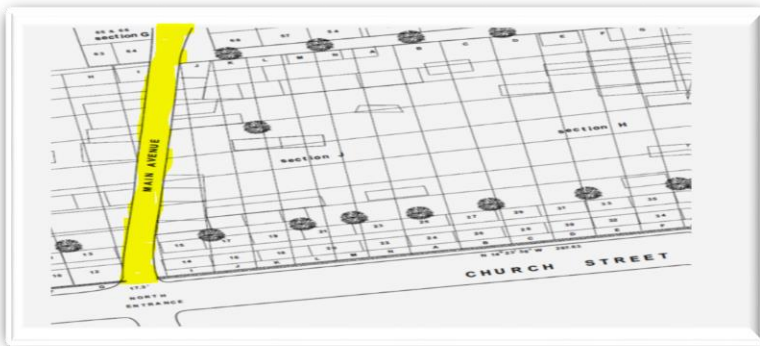
Recommendation- Cemetery Trustees, Finance Committee

PowerPoint- John McCormick, Cemetery Trustee

Cemetery Road Repair

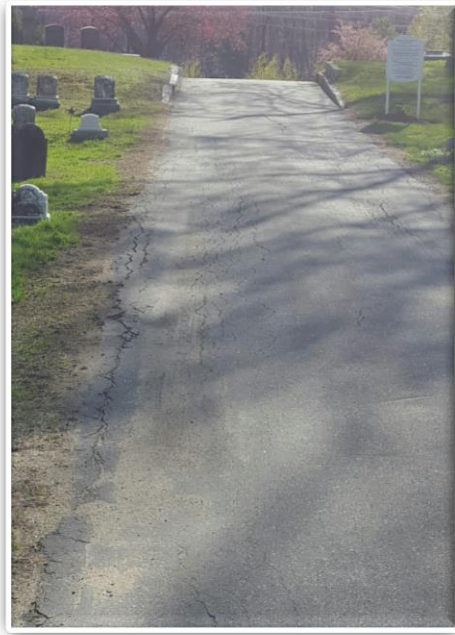
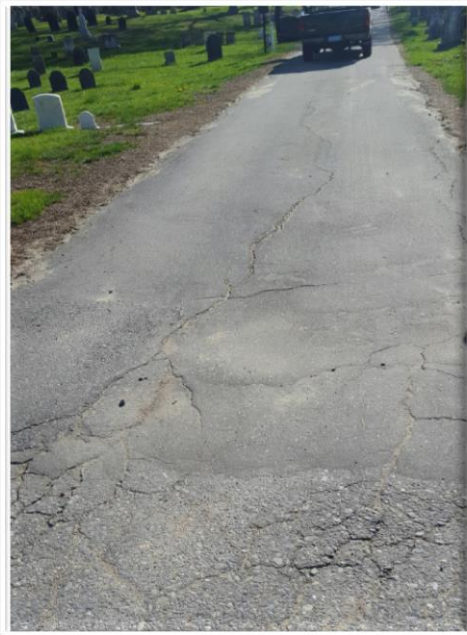
\$27,350 to fix Main St. & East Ave. in the Mount Vernon Cemetery

The area of roadwork to be completed will be noted by white and orange spray paint.

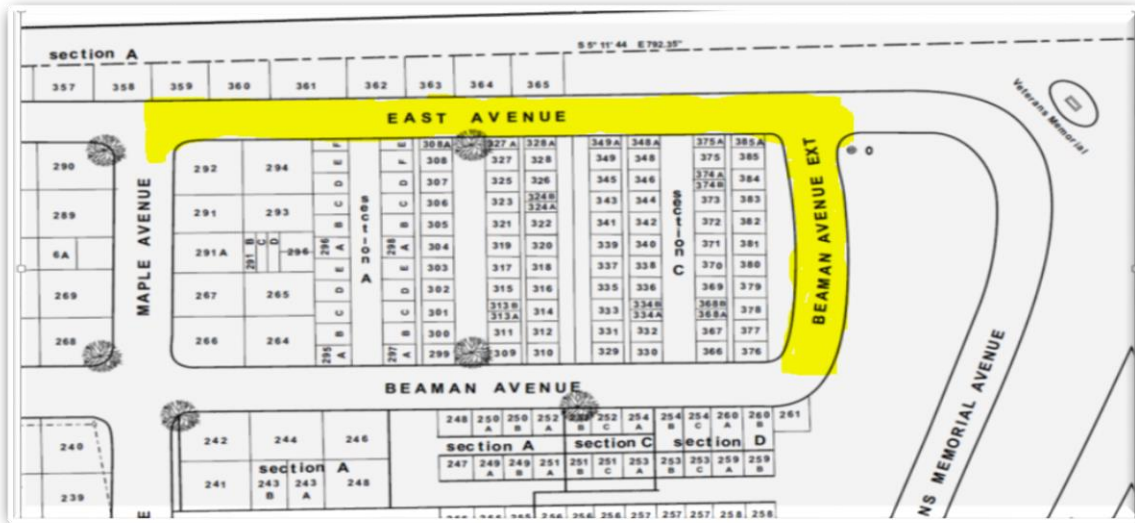


A section of Main Street (175' by 12') located at the northern entrance to Mount Vernon Cemetery

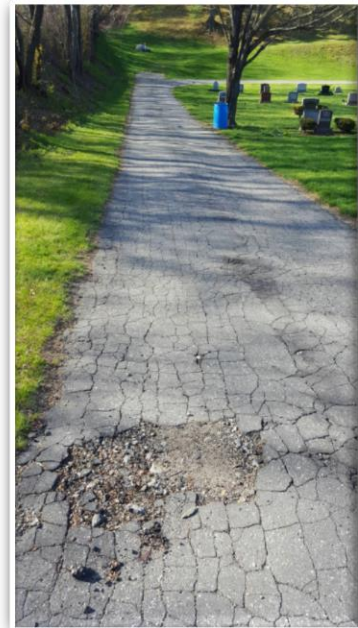
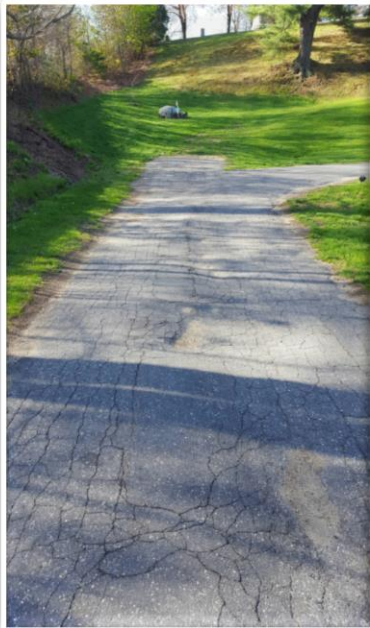
Main Street



A section of East Avenue (325' by 11') located by the Veteran's Memorial.



Eastern Avenue



It was unanimously voted to transfer the sum of \$27,350 from the Sale of Lots Account to repair East Ave and Main Street in Mt. Vernon Cemetery.

ARTICLE 16- *Vote to Appropriate Funds for Community Preservation Fund Projects as recommended by the Community Preservation Committee*

Motion- George Bernardin

Second- Patrick Crowley

Recommendation- Community Preservation Committee

Discussion-

Finance Committee Chair, Raymond Bricault requested that the committee would like to discuss Project B before Project A. With each appropriation being treated as a separate item.

Moderator Jonathan Meindersma allowed to reverse the order of the article.

Project 16- B;

Recommendation- Finance Committee, Parks Commission

Discussion-

Elizabeth Arnow asked if this was part of the Master Plan for the Parks as shown in the PowerPoint presentation under Article 1. Parks Facilities member Patrick Inderwish stated that it is not.

Inderwish questioned whether this field expansion included drainage. Parks Commissioner, Steven Blake stated that it did not. The Parks Commission wants to drill the well even if there is no new field. They currently do not properly water the existing fields due to the cost of municipal water. They have not made a determination on where the well will go if the article is approved.

Vote-

By a majority vote, it was voted to appropriate the sum of \$17,500 from the Undesignated Fund Balance **to Fund for Recreation Purposes:** A grant for installing an artesian well in Goodale Park to supply water to the irrigation system for various athletic fields. Submitted by and to be expended under the direction of the West Boylston Parks Commission.

Recommendation- Finance Committee, Parks Commission

Project 16-A;

Discussion-

Parks Commissioner Steven Blake commented that they would like to expand the size of the field by the old town pool. This will keep the football players from destroying the baseball field

every year. If the Goodale Master Plan Project goes through 30 years from now, the sod on the field can be removed and used elsewhere.

Jennifer LaPan inquired about the use of the field when the football season is over. Blake stated that the field could be used any sports in town.

Vote-

By a majority vote, it was voted to appropriate the sum of \$52,817 from the Undesignated Fund Balance, **To Fund for Recreation Purposes:** A grant for the expansion of a practice field at Goodale Park on the site of the old town pool/pine grove. Submitted by and to be expended under the direction of the West Boylston Parks Commission.

ARTICLE 17- *Vote to Extend the Sunset Clause on Previously Reauthorized Appropriations*

Motion- Patrick Crowley

Second- Christopher Rucho

Recommendation- Finance Committee

It was unanimously voted to extend the sunset clause on the following previously approved authorizations:

<i>Town Meeting</i>	<i>Article Number</i>	<i>Amount</i>	<i>Project</i>
<i>May 16, 2011</i>	Article 31	\$130,000	Communications Equipment
<i>May 21, 2012</i>	Article 16	\$ 70,000	Ventilation System (DPW)

from June 30, 2016 to June 30, 2017

ARTICLE 18- *Appropriate Funds to the Unemployment Trust*

Motion- Christopher Rucho

Second- Kevin McCormick

Recommendation- Finance Committee

It was unanimously voted to transfer the sum of \$20,000 from the Unemployment Line item 019-5200-5179 to the Unemployment Trust.

ARTICLE 19 – *Transfer and Change Use of Mixer Property*

Motion- Kevin McCormick

"I move the town vote to approve Article 19 as written in the warrant, deleting the words or take any other action relative there to"

Second- John Hadley

Recommendation- Board of Selectmen, Council on Aging

Subsidiary Motion to Amend-

Raymond Bricault, Finance Committee Chair, second Whitney Barnard

I move to amend Article 19 by Changing "for general municipal purposes" to "for playground, school, highway, senior center and/or community center purposes".

Discussion-

Mr. Bricault stated that the proposed amendment would expand the use of the land rather than stating just for "general municipal purposes". He felt that if it was worded this way it would support Senior Center use.

Jim Pedone questioned whether the playing field would be still there and under the control of the Parks Commission if the senior center was built. Mr. McCormick stated that it would. The Town purchased containing 13.7 acres in 1959 from Elsie M. Goodale, of Clinton. The deed stated that the land would be used for playground, and or school, and or Highway purposes.

Questions were raised regarding the intended use, or if the Selectmen can turn around and sell it to a developer. Mr. McCormick stated that it cannot be sold without approval of town meeting.

Subsidiary Motion to Amend

Voted by a majority vote as declared by the Moderator.

Vote on the article as Amended

Voted by a 2/3rds majority, as declared by the Moderator to transfer from the Board of Selectmen for playground, school, and/or highway purposes to the Board of Selectmen for playground, school, highway, senior center and/or community center purposes, the care, custody, management and control of the Town property located at 120 Prescott Street, the former Town Hall site, identified by the Assessors as Parcel 125-30 and described in a deed recorded with the Worcester South District Registry of Deeds in Book 4102, Page 184.

ARTICLE 20- *Appropriate Funds to Develop Conceptual Plans for a Senior Center*

Motion- John Hadley

Second- Siobhan Bohannon

Recommendation- Council on Aging

Discussion-

Mr. Moderator:

Robert Chisholm, as Board Member of the Council on Aging;
We are asking that this article be approved. Approval will enable us to take the next step toward building a senior center. According to our best recollection, it was more than sixteen years ago that this objective was first entertained.

David Eckhardt asked about the size and cost of a new Senior Center because of the debt the town will incur. We have the Parks Master Plan, Road Work, the Police Dept. Project is over budget and we want 2 Fire Engines. David Sweetman made a point of order that Mr. Eckhardt was out of the scope of the article. Moderator Meindersma agreed. No further discussion ensued.

It was voted by simple majority to transfer the sum of \$10,000 from Free Cash to develop conceptual plans with cost estimates to build a Senior Center.

ARTICLE 21- *Accept Gifts from the Fire Association*

Motion- John Hadley

Second- Christopher Rucha

Recommendation- Fire Association, Fire Department

Discussion-

PowerPoint Presentation- Thomas Welsh, Fire Chief

The items purchased were from funds donated to the Firefighters Association, as a donation or in the name of a friend or loved one. These donations are used to purchase equipment that make the job of Firefighting, EMS and Rescue faster and easier. These purchases were made from 2012 to the present. With the Town accepting these pieces of equipment, the Town will take the responsibility for maintaining and liability, that comes with owning these items.

The items purchased are as follows:



Physio Control Video Laryngoscope- **\$1,011**



Physio-Control Monitors- **\$13,952**



Battery Operated Hurst Jaws & Cutter- **\$35,023**



Bullex Smoke Machine- **\$2,917**



Boundtree Medical Training Manikin- **\$13,270**



MSA Thermal Imaging Camera
\$3,000 Along with Donations & Grant



EMS Jackets, Extraction Gloves & Flash
Lights- **\$7,366**



Lucas II CPR Machine- **\$12,875**



Eastern Gear & Hose Dryer- **\$7,860**

Thank You on Behalf of the West Boylston Fire Department

It was voted to accept a gift of items in the amount of \$98,148 that have been purchased by the West Boylston Fire Association, as a donation or in the name of a friend or loved one.

ARTICLE 22- *Authorization to Petition the Legislature to Amend the Special Act to Establish an Appointed Town Clerk*

Motion- Patrick Crowley

Second- Christopher Rucho

Recommendation- Board of Selectmen

Discussion-

James Ryan asked what the motivation was, why change it? The Town has had an elected clerk for 20 years under the Act. So the individual who runs the elections answers to the people, not to a board.

Former Interim Town Administrator Nancy Lucier explained that this was one of the goals of the Board of Selectmen to examine multiple elected positions for possibility of appointment. The Town Clerk position is one of the elected official that the Board of Selectmen reviewed. She stated that at one time the Treasurer/Tax Collector was once elected. The Board of Selectmen voted to amend the Special Act (*Chapter 23 of the Acts of 1995*) by establishing an Appointed Town Clerk. This would ensure that the Town Administrator would have the right to appoint the position of Town Clerk to a qualified professional. Not leaving it as a popularity contest in an election.

Donald Lagusese cited information he researched on line. Don stated that this position should stay elected and autonomous. Besides maintaining the small town heritage, the elected town clerk has some pragmatic advantages over an appointed town clerk. Electing a town clerk avoids the cronyism, or "politics", of having an appointment made by the town administrator or selectmen. Furthermore, they have a sensitive role in the administration of elections and town meetings that would be ill-served by being beholden to those who are seeking re-election. The Town Clerk needs to be neutral. An elected clerk is directly accountable to the people of the community and thus serves at the will of the people, and not at the discretion of a five-person board of selectmen. The decision of electing a town clerk involves an electorate of several hundred people as opposed to an appointment made by only one individual. Elected town clerks are more service oriented. They often have flexible office hours and are more accommodating to the people that have elected them. It would be untenable for the Selectman to manage a department with insufficient knowledge of what the job entails. An additional layer of management has never resulted in increase efficiency. There is no valid reason to take this responsibility and right away from the people. The people's power should never, ever have been taken out of the "hands of many" and placed in the hands of "a few."

Selectmen Kevin McCormick stated that this looking the future, not an article to replace the existing Town Clerk. This will protect the Town.

David Sweetman stated that being a former Moderator and Selectmen he chaired the committee to reorganize town government. I have worked closely with the Town Clerk for the preparation and running Town Meetings. The Town Clerk is responsible, and has a formidable amount of technical knowledge of what is required by law, continuous training to stay up on modifications in state and federal law changes. The skill level of this office is high. There are clear lines of responsibility that must be met. We need someone who is qualified for this position. I thereby am in support this article.

Vote-

By a hand count of YES- 56 and NO- 88 this article is defeated. This article would have authorized the Board of Selectmen to petition the General Court for special legislation in the form set forth below, changing the office of Town Clerk from elected to appointed; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of the petition.

An Act Establishing the Appointed Office of Town Clerk in the Town of West Boylston

SECTION 1. Notwithstanding the provisions of section 1B of chapter 41 of the general laws, or of any other general or special law to the contrary, there shall be an appointed town clerk in the Town of West Boylston with all the powers and duties vested by law in said office. The town clerk shall be appointed and may be removed by the West Boylston town administrator pursuant to this act and chapter 23 of the Acts of 1995, and any vacancy in such office shall be filled in like manner.

SECTION 2. Chapter 23 of the Acts of 1995, entitled “an act establishing a board of selectmen-town administrator form of government in the town of West Boylston,” is hereby amended by striking from section 2 of said act the words “(d) town clerk,” and by revising the subsequent subsection lettering accordingly.

SECTION 3. Said chapter 23 of the Acts of 1995 is further amended by inserting in section 6 of the act, after the words “board of health,” the words “town clerk.”

SECTION 4. As of the effective date of this act, the elected office of town clerk shall be abolished; provided, however, that the incumbent town clerk as of the effective date shall hold said office and perform the duties thereof until the appointment to said office under this act is made by the town administrator.

SECTION 5. This act shall take effect upon its passage.

See “Addendum A” for current text of Chapter 23 of the Acts of 1995

ARTICLE 23- *Authorization to Amend the Personnel Bylaw so as to Create the Position of Recreation Worker for the Recreation Department*

Motion- Christopher Rucha

Second- Patrick Crowley

By a majority vote, it was voted to create the position of Recreation Worker for the Recreation Department to be classified at Grade 1 as a non-exempt and to amend Section 5, Part AA of Article 21, the Personnel Bylaw to read:

Grade 1. Casual Labor
 Clerk/Typist
 Custodian/Maintenance Worker
 Dining Room Manager
 Minutes Clerk
 Recreation Worker

ARTICLE 24- *Authorization to Amend the Personnel Bylaw to Accept Current Year School Physical for Recreation Workers*

Motion- Kevin McCormick

Second- Christopher Rucho

Recommendation- Parks and Recreation

Discussion-

It was unanimously voted to amend Section 5, Part J (6) of Article XXI of the Personnel Bylaw by adding the following sentence: 'The hiring authority may accept a current school year physical for prospective Recreation Department employees.'

Clerk Kim D. Hopewell announced that the elected Moderator having stepped down to speak on this article, that under the provisions of Mass. General Law Chapter 39 § 14 Town Meeting must elect a temporary Moderator in his place for deliberation.

The Town Clerk asked for a motion to open nominations process. Board of Selectmen Chair John Hadley motioned, duly seconded. Unanimously voted.

Town Clerk Hopewell announced that the nomination process was now open.

Board of Selectmen Chair John Hadley nominated Marc Frieden, seconded by Christopher Rucho. Hopewell asked Marc Frieden if he would accept the nomination. Frieden replied that he would.

The Clerk inquired if there were any other nominations on the floor. Seeing no other nominations before the floor, the Town Clerk asked for a motion to close nominations. John Hadley motioned, duly seconded. Unanimously voted.

Hopewell stated that the nomination process was now closed.

Hopewell then asked for a motion from the Board of Selectmen Chair to instruct the Clerk to cast one vote for the nominee. John Hadley motioned, duly seconded. Unanimously voted.

Town Clerk Kim D. Hopewell cast one vote for Marc Frieden. Mr. Frieden came to the podium and was sworn in as Interim Moderator for Article 25.

ARTICLE 25- *Authorization to Amend the General Bylaws by Adding a Wetlands Protection Bylaw*

Motion- John Hadley

Second- Christopher Rucho

*Recommendation- Conservation Commission
Personnel Bylaw Committee does not recommend approval*

**PowerPoint Presentation-
Presented by Charlene Hopkins, Vice Chair, Conservation Commission**

Proposed Wetlands Protection Bylaw

WPA vs. Bylaws

- Bylaws require definition of regulatory zones for enforcement
- WPA provides authority, but requires Court order for enforcement
- Bylaws define resource areas and regulatory zones within buffer zones
- WPA has no definition of resource areas other than buffer zones

Development of Wetland Bylaws

- Initiated 2013; hired NRWA to draft
- 3 years of review and development
 - Division of Conservation and Recreation, Division of Water Supply (Wachusett Section)
 - Department of Environmental Protection, Circuit Rider
 - Numerous Town Boards, including Selectmen, Planning Board and Bylaws Committee
- Incorporated and made numerous revisions as a result of feedback

Violators and WPA Enforcement

- Commercial restaurant ignoring requirements
- Resident filling of Gates Brook
- Uncompleted development projects

WPA provides authority with Court order, but requires unbudgeted town funds for litigation

Solution

- Bylaws allows West Boylston Conservation Commission to enforce without using town funds for litigation
- Allows fining violators to prompt immediate response and remediation of violation
- Allows immediate protections of wetlands and water sources
- Over 200 cities and towns throughout Massachusetts have bylaws

Discussion-

Chair of the Bylaws Committee - Jonathan Meindersma

The Bylaws Committee unanimously recommends that the town NOT adopt the proposed wetlands bylaw. We believe that the federal statutory and regulatory scheme, coupled with the Commonwealth's statutory provisions, including the Wetlands Protection Act, and related regulations found at 310 CMR Section 10, are sufficient protections for wetlands and we do not need another layer of regulations to restrict further what landowners within the town may or may not do with their property. We think these additional restrictions are unnecessary and unduly burdensome.

In addition to the restrictions imposed bylaw itself, the Conservation Commission would have the power to promulgate regulations upon notice and a hearing without any further vote by the townspeople. This creates a risk of further regulation without approval by the town. Even if the regulations are well intended and put forth in good faith by a diligent and responsible Commission, we think the town deserves the right to approve or disapprove any such regulations, just as it is doing tonight, and not merely a right to advise by means of comment at a public hearing. This risk is all the greater because future Commissions might not be as well-intentioned or as reasonable as the current Commission. Once the power is given, it is unlikely to be relinquished, and therefore, in our opinion, ought not to be granted as this bylaw would provide.

The Commission has noted that about 200 other municipalities within the Commonwealth have enacted bylaws such as this one. The Bylaws Committee did not find this a compelling reason to adopt such a bylaw; if 200 cities and towns have one, that means there are still about 150 other municipalities that do NOT have such a bylaw.

The Commission has also noted that it has spent a considerable amount of time and money to draft this bylaw, over two years at an expense of several thousand dollars paid to professionals in the industry of drafting such bylaws and advising Conservation Commissions in matters related thereto. We are grateful for the time and effort that has been put into this bylaw, and our advice to the town tonight is not intended as a lack of respect or appreciation for the Commission, it is just our collective best assessment of the bylaw that has been presented for your consideration. The Commission did articulate good reasons for having enforcement powers, and with that in mind, the Bylaws Committee in March suggested a shorter, more limited bylaw intended to give the Commission power to enforce existing laws and regulations without adding to the regulatory burden. The Commission declined to craft such a limited bylaw. While the Commission's advisors may have advised it thusly, the Bylaws Committee wonders if there may be a way to craft a bylaw narrowly tailored to this objective of enforcement rather than creating an additional regulatory scheme and conveying additional rulemaking powers that evade accountability to and obtaining the approval of the voters of West Boylston.

To sum up, if the bylaw were all about enforcement of existing law and regulations, the case for approval would be far more compelling. But the bylaw presented for your consideration tonight goes

beyond mere enforcement powers to the imposition of a new and additional regulatory scheme, to the grant of rulemaking authority, to the exclusion of further expression of the will of the voters. This bylaw reaches beyond what is truly necessary, and this makes the case for disapproval the far stronger case. The Bylaws Committee therefore recommends that the town NOT adopt this Wetlands Protection bylaw.

Vice Chairman, Charlene Hopkins

Adoption of this bylaw would allow the commission to speak with the people and to prevent violations. We currently run under the State Wetlands Bylaw which makes it difficult to stop to take action. It is not the intention from stopping people from doing projects, but we want them to do it with respect to the environment. Hopkins mentioned commercial restaurants who did not follow the regulations went ahead and filled in Gates Brook.

Meindersma stated that there was a more limited bylaw that would enforce existing laws without adding another layer.

David Eckhardt stated that the first draft of the Wetlands bylaw was in October of 2014. The Bylaws Committee had the proposed bylaw for 15 months and at the Town Meeting all of a sudden they decided not recommend this bylaw. The proposed bylaw was passed over in May of 2015, so the bylaw could be revised and brought back at a future meeting.

John Curran asked if there was any communication between the two boards to work out the issues that both would agree upon. Charlene Hopkins stated that all of the Conservation Commission Meetings are posted on the website and town hall. She went on to say that the committee is transparent and anyone can come to the meeting. The Bylaws Committee was in favor of the shorter version of this bylaw. Hopkins stated that the shorter version was submitted to their attorney and it was his opinion that it would not be legal.

Selectwoman Siobhan Bohnson asked what the vote of the Conservation Commission was. Hopkins stated it was voted 3-2. The Bylaws Committee voted unanimously on the condensed version.

Hearing no other discussion on this article Interim Moderator Frieden called for a vote.

Vote

The Moderator asked for a voice vote, unable to discern oral vote the Moderator asked for a show of hands.

Defeated by a show of hands

By a show of hands, Interim Moderator Freiden the article defeated by simple majority.

Frieden then relinquished control of Town Meeting to Moderator Jonathan Meindersma.

This Article would have amended the General Bylaws of the town by adding Article XXXIX Wetlands Protection Bylaw.

ARTICLE XXXIX – WETLANDS PROTECTION BYLAW

1. Purpose and Intent

The purpose of this bylaw is to protect the wetlands and related water resources in the Town of West Boylston by managing activities determined by the Conservation Commission to be likely to have a significant or cumulatively detrimental effect upon any wetland resource area of value protected by this bylaw, including but not limited to the following interests and values:

- A. Protection of public or private water supplies, especially the Wachusett Reservoir and its feeder streams;
- B. Groundwater;
- C. Flood control;
- D. Erosion and sedimentation control;
- E. Storm damage prevention;
- F. Water quality;
- G. Water pollution control;
- H. Fisheries and wildlife habitat;
- I. Habitat of rare plant and animal species;
- J. Agricultural and aquaculture;
- K. Recreation and aesthetic values

To this end, it is the intent of this local wetlands bylaw to protect wetland resource areas and interests, and to impose additional standards and procedures stricter than those of MGL c 131, §40, the Massachusetts Wetlands Protection Act.

2. Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter any of the following areas without approval of the West Boylston Conservation Commission:

- A. Any freshwater wetlands, marsh, wet meadow, bog, swamp, flat, bank, or beach bordering any reservoir, lake, or pond; intermittent stream, river, or brook; and adjoining lands out to a distance of 100 feet known as the Buffer Zone;
- B. Any bank or land under the aforementioned waterways and water bodies;
- C. Any certified vernal pool and adjoining lands out to a distance of 100 feet known as Vernal Pool Habitat;
- D. Any perennial stream, river, or brook; the land thereunder; and adjoining lands out to distance of 200 feet known as the Riverfront Area, and;
- E. Any land subject to flooding.

3. Exemptions

- A. The applications and permits required by this bylaw shall not be required for the following:
- i. Any emergency project or agricultural emergency as defined in MGL C. 131, § 40, or regulations thereunder.
 - ii. Any maintenance, repair or replacement, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, sewer, water, telephone, or other telecommunications service, provided that written notice has been given to the Commission prior to commencement of work, and provided that all work conforms to performance standards and design specifications in the regulations adopted pursuant to this bylaw.
 - iii. Routine mowing and maintenance of lawns, gardens, and landscaped areas (including tree pruning and fencing) in existence on the effective date of this bylaw or which are created after such date in accordance with the terms of this bylaw.
 - iv. Work performed for normal maintenance or improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations in 310 CMR 10.00; and
 - v. Removal of dangerous dead and dying trees, without the use of machinery, excepting chainsaws.

4. Definitions

Except as otherwise provided in this bylaw or regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, which terms, as used herein, shall include the provisions of MGL C. 131, § 40, and regulations thereunder at 310 CMR 10.00 et seq.

25' No Alteration Zone – The area located within 25' from the limit of Bordering Vegetated Wetlands, Banks, and Land Under Waterbodies and Waterways.

5. Presumptions

Buffer Zones are presumed significant to the protection of wetland resources and interests because activities undertaken in close proximity to resource areas have a high likelihood of adverse impacts upon wetlands and other water resources, either immediately, as a consequence of land disturbance and construction, or over time, as a consequence of daily operations or maintenance of such activities. Such adverse impacts include, without limitation: erosion, sedimentation, loss of groundwater recharge, degradation of water quality and loss of wildlife habitat.

6. Limits on Activities within Buffer Zones

- A. For the aforementioned reasons, the resource area within 200 feet of perennial rivers and streams (the 'riverfront area') Buffer Zones within 100 feet of a bordering vegetated wetland, bank, stream, pond, or land under waterbody or waterway are deemed valuable resources under this bylaw. This bylaw therefore limits disturbance within the Buffer Zones by establishing a 25' No Alteration Zone adjacent to the wetland resource area.

- B. For the application of this bylaw, Alteration is as defined in 310 CMR 10.04 and shall include, but not be limited to vegetation clearing, excavation, filling, placement of any materials (including sediment control barriers), and grading.
- C. The West Boylston Conservation Commission may reduce the following setbacks within the buffer zone in circumstances in which their strict application is infeasible due to special site and/or design considerations. Applicants shall specify the reasons for reducing this setback in the Notice of Intent issued for the pertinent project (such as unreasonable space limitations for the existing use or consideration of documentation that compliance will increase construction costs by more than 20%).
- D. The following are exceptions to the prohibitions within the 25' No Alteration Zone:
 - i. Routine trash removal, maintenance, and/or repairs to legally pre-existing structures, driveways and parking lots, so long as there is no expansion of the structure or use;
 - ii. Repair or replacement of an existing onsite sewage treatment system that is in compliance with 310 CMR 15.00 Title 5;
 - iii. Continuation of a legally pre-existing use;
 - iv. Construction and maintenance of publicly maintained unpaved trails that restrict the use of motorized vehicles.

7. Applications, Fees and Consultants

- A. Written application shall be filed with the Commission on the approved form to perform activities affecting resource areas protected by this bylaw. The permit application (whether for a Notice of Intent, Request for Determination of Applicability or other permit) shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving, and complying, with a permit issued pursuant to this bylaw.
- B. The Commission may accept along with the permit application, plans and documents filed under the Wetlands Protection Act (G.L. Ch. 131 s.40) and Regulations (310 CMR 10.00).
- C. Any person owning an interest in a property who desires to know whether or not a proposed activity or an area is subject to this bylaw may, in writing, request a determination from the Commission. Such a Request for Determination (RDA) shall include information and plans as are deemed necessary by the Commission. When the person filing the request is other than the owner, a signed authorization of the owner is required on the request. The determination shall be sent by the Commission to the owner as well as to the person making the request.
- D. At the time of an application, the applicant shall pay a filing fee specified by the Conservation Commission, which may be amended from time to time after public hearing in any Regulations

adopted by the Commission. This fee is in addition to that required by the Wetlands Protection Act (G.L. Ch. 131 s.40) and Regulations (310 CMR 10.00).

- E. Pursuant to G.L. Ch. 44, s.53G, and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants in order to aid in the review of proposed projects.

8. Notice and Hearings

- A. Any person filing a Notice of Intent, Abbreviated Notice of Intent, or Abbreviated Notice of Resource Area Delineation, or an amendment to any of the above permits with the Commission shall at the same time give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land within 100' directly opposite on any public or private street or way, and abutters to the abutters within one-hundred (100') feet of the property line of the applicant, including any in another municipality or across a body of water. For work on lots larger than 25 acres, the notice shall be sent to abutters within 100' of the proposed activities. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall state where copies may be examined and obtained by abutters.
- B. The Commission shall conduct a public hearing on any permit application and a public meeting on the Request for Determination of Applicability, with written notice given at the expense of the applicant, at least ten (10) business days prior to the hearing, in a newspaper of general circulation in West Boylston. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information or plans required of the applicant or others as deemed necessary by the Commission. In the event that the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.
 - i. In order to provide sufficient review time the Commission may continue a public hearing, with the consent of the applicant if new information is submitted by the applicant, or applicant's agent, less than seven (7) business days before the scheduled public hearing or public meeting.
 - ii. The Commission may combine its hearing under this Bylaw with the hearing conducted under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

9. Permits and Conditions

- A. Decisions - If the Commission, after a public hearing and consideration of the general and specific factors set forth below, determines that the activities which are subject to the

application, or the land and water uses which will result there from, are likely to have a significant individual or cumulative effect on the resource area values protected by this Bylaw, the Commission, within 21 days of the close of the hearing, unless the applicant authorizes an extension in writing, shall issue or deny a permit for the activities requested. The decision shall be in writing.

- B. Basis of Decisions - In making such a determination, the Commission shall take into account the following factors:
 - i. the extent to which the applicant has avoided, minimized and mitigated any such effect;
 - ii. any loss, degradation, isolation, and replacement or replication by the applicant of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt; and
 - iii. foreseeable future activities that may impact the wetland resources.
- C. Resource Area Loss - To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.
- D. Conditions - Upon the issuance of a permit, the Commission shall impose conditions it deems necessary or desirable to protect said wetland resource area values, and all activities shall be conducted in accordance with those conditions.
- E. Permit Denial - Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this bylaw. The Commission may also deny a permit:
 - i. for failure to submit necessary information and plans requested by the Commission;
 - ii. for failure to comply with the procedures, design specifications, performance standards, and other requirements in this bylaw and/or any regulations of the Commission; or
 - iii. for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this bylaw.
- F. Waivers - The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its bylaw and regulations, provided that:

- i. the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said bylaw or regulations;
- ii. that avoidance, minimization and mitigation have been employed to the maximum extent feasible; AND either:
- iii. the project, considered in its entirety, would result in a net benefit of resource area values; or
- iv. that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

10. Regulations

- A. After public notice and public hearing, the Commission may promulgate regulations to effectuate the purposes of this bylaw, such as to define additional terms not inconsistent with the bylaw, to provide additional details on filing fees and procedures, to provide for consultant fees, and to specify enforcement procedures, as the Commission deems necessary or appropriate.
- B. Failure to promulgate such regulations, or the invalidation by a court of law of one or more of such regulations, shall not act to suspend or invalidate any provision of this bylaw.

11. Enforcement

- A. The Commission, its agents, officers, and employees shall have authority to enter upon privately-owned land, only within the jurisdiction of resource areas protected by this bylaw and only after obtaining permission from_(giving 24-hour written notice to) the property owner or tenant thereof; for the purpose of performing, their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling, as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- B. The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, non-criminal citations under G.L. Ch. 40 s. 21D, and civil and criminal court actions.
- C. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

12. Relationship to the Wetlands Protection Act

This bylaw is adopted pursuant to the Town of West Boylston's Home Rule powers and is independent of MGL Ch. 131, § 40 and/or regulations thereunder. It is the intent of this bylaw to protect wetland resource

areas, interests, definitions and performance standards that impose more stringent regulation than that imposed by MGL C. 131, § 40.

13. Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

14. Appeals

A decision of the Commission shall be reviewable on the record of proceedings in Superior Court in accordance with MGL C. 249, § 4.

15. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination issued hereunder.

ARTICLE 26- *Authorization to Amend the Zoning Bylaws*

Motion- John Hadley

Second- Patrick Crowley

Recommendation- Planning Board, Bylaws Committee

Discussion-

Marc Frieden, Planning Board Chair

Voted by 2/3rd's majority as declared by the Moderator, to amend the following portions of the West Boylston Zoning Bylaws, Section 5.6 as follows (deletions are shown in strikethrough, and additions in bold):

5.6. C. 2) Sign Schedule

Standing Sign
Business Center (3 or more businesses)
1 per lot

~~For identification of business center, shopping center, industrial park and/or business therein: not to exceed 64 square feet in area.~~

~~—OR~~

The portion identifying business center, shopping center or industrial park ~~not to exceed 20 square feet~~ **must be at least 20% of total sign area** and portion identifying individual business or industrial units not to ~~exceed 8 square feet per unit and not to exceed 80 square feet in total~~ **80% of total sign area, and the total sign area is not to exceed 100 square feet.**

AND

5.6 D 3.1.e.i- Duration

The full digital image or portion thereof may change ~~no more than once per minute, but no~~ **No** portion of the image may scroll, twirl, change color, imitate movement in any manner, or meet the characteristics of a flashing sign.

AND

Add a new Section

5.6. D .3.1.e.vi. Residential Districts

Digital display signs are not permitted within any Residential District, except at the West Boylston Middle High School.

AND

5.6. E .2) Business Centers

Standing signs identifying retail, business centers, or office/industrial/technical parks or centers shall contain the name, **and** address ~~and logo or trademarks~~ of the office park or center. ~~Such signs may include the name of not more than 12 of the tenants therein, with said names to be integrated into the overall design of the sign.~~ The name and address of the center must utilize at least 20% of the **total** sign area. ~~Minimum letter heights for tenant names shall be eight inches for signs up to 32 square feet and 10 inches for signs up to 64 square feet.~~ No part of the sign shall exceed the height of the building or 20 feet, whichever is less; and be located at least 10 feet from the property line.

ARTICLE 27- *Authorization to Enter into a Lease with the Municipal Light Plant for a Solar Project on the former Landfill*

Motion- Siobhan Bohannon

Second- John Hadley

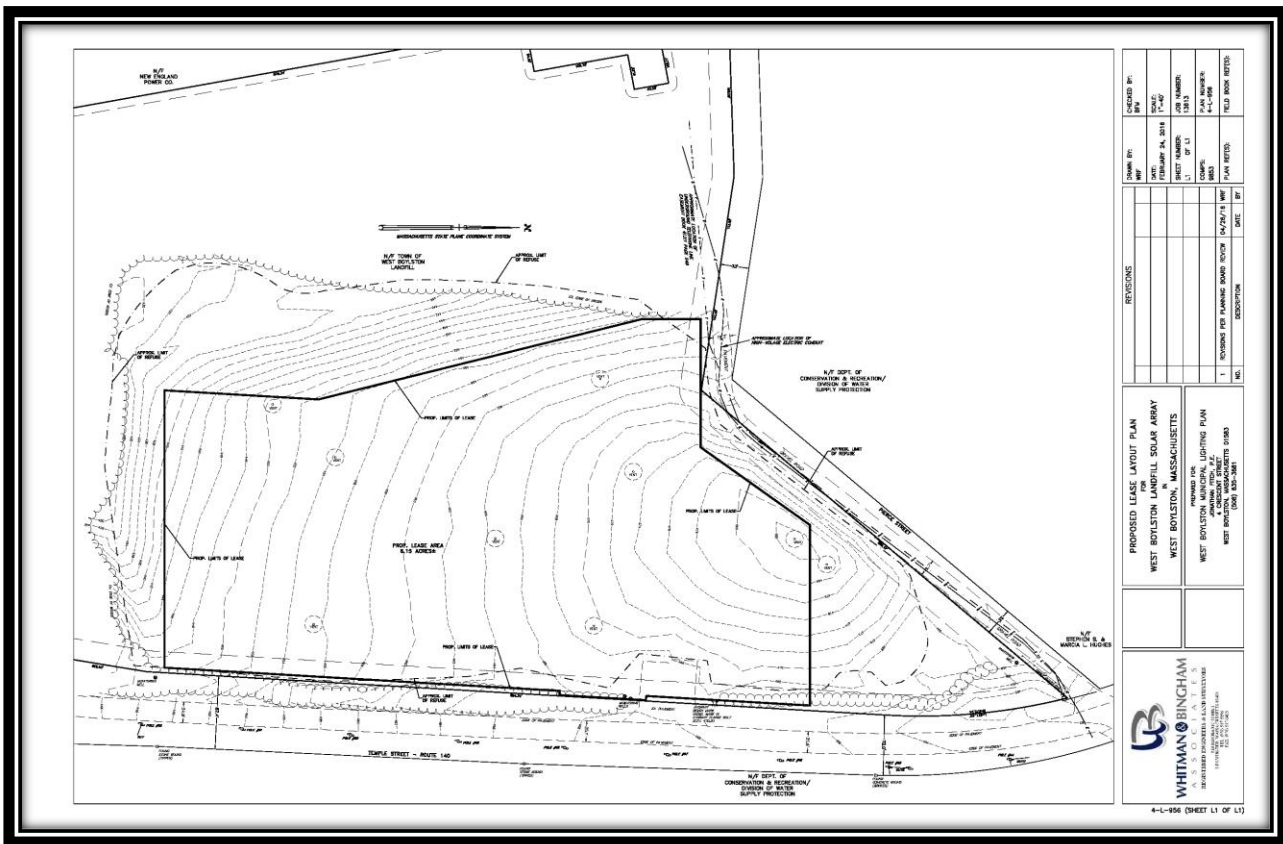
Recommendation- Board of Selectmen, Municipal Light Plant

Discussion-

Jonathan Fitch, Manager of the Municipal Light Plant gave the following presentation;

WBMLP Landfill Lease/Solar Project

- WBMLP requests to lease 6 acres on top of the capped landfill
- Capped Landfill is location on Route 140 (Temple and Pierce St)
- WBMLP pays Town
 - \$10k annually for 20 years
 - Approximately \$9.5k annually for cap monitoring, maintenance, repairs.
- WBMLP to install 2MW, 6,000 panel, ballasted solar system on 5 acres
- Solar is an Allowed/Permitted use by MassDEP on top of MA landfills
- Generates 4-5% of our Town's energy requirements
- Annual value of energy, capacity, transmission, and SREC sales exceeds annual cost to build and operate
- Project will not cause electricity rate increase
- Project capital cost is approximately \$4.24M
- NPV of project over 20 years is approximately \$1.85M
- Very similar economics compared to first 370kW solar system installed in 2010 on Shrewsbury Street
- Provides cost effective renewable energy for all the ratepayers built into our low electricity rates



It was unanimously voted to transfer the care, custody, and control of the parcel of Town-owned land located at the intersection of Pierce Street and Temple Street and identified by the Assessors as Parcel 160-1, from the board or officer currently having custody thereof for the purposes for which it is held, which may be for landfill purposes, to the Board of Selectmen for such purposes and also for the purpose of leasing a portion of said property to the West Boylston Municipal Light Plant for the installation and operation of a solar facility and granting any access, utility and/or other easements on the property as may be necessary or convenient to serve said solar facility, which portion to be leased is approximately shown as "Lease Area" on a sketch plan entitled "Landfill Site," on file with the Town Clerk, and to authorize the Board of Selectmen to enter into said lease and granting easements on such terms and conditions as the Board of Selectmen deems appropriate, including, without limitation, leasing said portion for a period of twenty (20) years.

ARTICLE 28 – *Authorization to Appropriate Funds to the Stabilization Fund*

2/3rds vote required

Motion- Patrick Crowley

Second- Christopher Rucha

It was unanimously voted to pass over this article which would have allowed the town to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund.

ARTICLE 29 – *Authorization to Appropriate Funds to the Capital Investment Fund*

Motion- Christopher Rucho

Second- Kevin McCormick

It was unanimously voted to pass over this article which would have allowed the town to raise and appropriate or transfer from available funds a sum of money to the Capital Investment Fund.

ARTICLE 30 – *Authorization to Amend Article XXIX of the General Bylaws – Department of Public Works*

Ten Taxpayer Petition

Motion- Barur R. Rajeshkumar

Second- John Benson

Bylaws Committee has no recommendation

Discussion-

Attorney Shirin Everett stated since this article was created by a Special Act, it needs to be amended by a Special Act. This article could come back at another meeting in the correct format for authorization to Petition the Legislature to Amend Section 3 of the Special Act Chapter 77 of the Acts of 2001. This Act authorized the Town of West Boylston to Establish a Department of Public Works.

Incidental Motion-

David Sweetman motioned to the mover to withdraw his motion until it can be brought out in the proper format.

Moderator Meindersma asked for Barur R. Rajeshkumar to withdraw his motion, Dr. Rajeshkumar declined and wanted Town Meeting to vote on the article.

Vote-

Defeated

This article was defeated by a majority vote. Acceptance of this Ten Taxpayer Petition would have voted to amend General Bylaws Article XXIX- Department of Public Works as follows;

Third paragraph which currently reads:

"The Director of Public Works shall be selected on the basis of merit and qualifications, and have a bachelor's degree in civil engineering or other appropriate discipline, and preferably be registered as a professional civil engineer, and possess a minimum of eight years of relevant professional experience in public works construction and management; and further, such appointment shall be subject to confirmation by vote of a majority of the Board of Selectmen."

To change to read:

"The Director of Public Works shall be selected on the basis of merit and qualifications. The preferred candidate will have a bachelor's degree in civil engineering or other appropriate discipline, and be registered as a professional civil engineer, and possess a minimum of eight years of relevant professional experience in public works construction and management; and further, such appointment shall be subject to confirmation by vote of a majority of the Board of Selectmen."

See "Addendum B" for full text of Chapter 77 of the Acts of 2001

Moderator Meindersma asked for a motion to dismiss the town meeting.

Motion to dismiss by Marc Frieden, second Christopher Rucho, unanimously voted.

Meeting dismissed at 9:51 p.m.

Attest

Kim D Hopewell,
Town Clerk

ADDENDUM A-

Article 22- Authorization to Petition the Legislature to amend the Special Act to Establish an Appointed Town Clerk

Town Counsel Shirin Everett Written Opinion

...A Town's ability to enact general bylaws under its home rule authority is not without limits. Under the State Constitution and G.L. c. 43B (the Home Rule Act), a town may, by the adoption, amendment, or repeal of local by-laws, exercise any power or function which the general court has power to confer upon it, which is not inconsistent with the constitution or laws enacted by the general court in conformity with powers reserved to the general court by [Const. amend. art. II, § 8], and which is not denied, either expressly or by clear implication, to the town by its charter (if any). See Mass. Const. amend. art. II, § 6; G.L. c. 43B, §1.

Here, the Town sought special legislation from the General Court that specifically outlines the minimum qualifications of the DPW Director. This special legislation, Chapter 77 of the Acts of 2001, has the force of state law, to the same degree as a statute adopted by the state Legislature that is applicable to all cities and towns, in our opinion. As a reminder, that special act states that "[t]he director shall hold at a minimum a Bachelor's degree in civil engineering or other appropriate discipline, and shall have a minimum of 8 years of relevant professional experience in public works construction and management."

Any amendment to the Town's general bylaws is subject to review and approval by the Attorney General's office, pursuant to G.L. c 40, §32. In our opinion, the proposed bylaw amendment conflicts with the provisions of the special act, and therefore, the Attorney General may very well disapprove the bylaw amendment on that basis. Even if the Attorney General does not disapprove the bylaw amendment, the result would be that you have a special act with more stringent requirements than a general bylaw. In our opinion, the special act "trumps" in such a circumstance, making the proposed general bylaw amendment, if enacted, essentially meaningless.

Chapter 23 of the Acts of 1995

AN ACT ESTABLISHING A BOARD OF SELECTMEN-TOWN ADMINISTRATOR FORM OF GOVERNMENT IN THE TOWN OF WEST BOYLSTON

Be it enacted, etc., as follows:

SECTION 1. Upon the effective date of this act, the town shall be governed by the provisions of this act. To the extent that the provisions of this act modify, or repeal existing general or special laws or the body of law which constitutes the town charter under Section 9 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth the provisions of this act shall govern.

SECTION 2. After the effective date of this act, the registered voters of the town of West Boylston shall, in accordance with any applicable general or special law, by-law, vote of the town or inter local agreement, continue to elect the following:

- a) Moderator
- b) Selectmen
- c) Library Trustees
- d) Town Clerk
- e) Municipal Light Board
- f) School Committee
- g) Housing Authority
- h) Planning Board
- i) Cemetery Trustees

Unless otherwise provided herein, nothing in this act shall affect the authority, duties and terms of office of an elected official or elected member of any such board, committee, commission or authority. Every other elective office, board, committee or commission of the town shall become appointive as hereinafter provided, any other provision of the law to the contrary notwithstanding. Unless otherwise provided herein, the term of office of any person elected to any office, board, committee or commission existing as an elected office on the effective date of this act and having become appointive hereunder shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of a successor. The term of office of any elective position which becomes appointive under this act shall be unchanged.

SECTION 3. The executive powers of the town shall be vested in the board of selectmen who shall serve as the chief policymaking board of the town. Said board of selectmen shall continue to have and to exercise all the powers and duties vested in boards of selectmen under the General Laws or by vote of the town, except as otherwise provided herein.

SECTION 4. The board of selectmen shall appoint the finance committee, board of appeals, personnel board, by-laws committee, registrars of voters, election warden and deputy, election clerk and deputy, election inspectors and tellers.

A commission, board or officer appointed by the board of selectmen may appoint such employees as it deems necessary, but such appointments shall be subject to the approval of the board of selectmen in the manner provided in this section. The commission, board or officer shall inform the board of selectmen, in writing, of its intent to post an opening for an available position. If the board of selectmen approves the notice of intent to post an opening, the commission, board or officer may then proceed to fill the position in accordance with general and special laws, town by-laws and personnel policies. Once the commission, board or officer has selected a candidate to fill the position, it shall inform the board of selectmen, in writing. The board of selectmen may, within 15 days after receipt of the notice, disapprove the appointment by a 2/3 vote of its membership, otherwise the appointment shall take effect. The board of selectmen may consolidate or abolish any employee position described in this section, subject to the limitations of the General Laws.

As Amended by Article 42 May 21, 2007 Semi-Annual Town Meeting

Approved by the Senate and House of Representatives Chapter 249 of the Acts of 2008

SECTION 5. The board of selectmen shall appoint, for a term of three years, a town administrator who shall be eligible for reappointment for successive terms of not more than three years each.

SECTION 6. The town administrator shall appoint the board of health, treasurer/tax collector, town accountant, superintendent of streets and parks, police chief, constables, assessors, fire engineers, parks commissioners, building inspector, veterans agent, tree warden, town counsel, and special counsels, conservation commission, council on aging, historical commission, town-wide planning committee and any other commissions, committees, boards or offices under his direction and supervision, in whole or in part.

Before entering upon the duties of his office, the town administrator shall be sworn to the faithful and impartial performance thereof by the Town Clerk.

A commission, board or officer appointed by the town administrator may appoint such employees as it deems necessary, but such appointments shall be subject to the approval of the town administrator in the manner provided in this section. The commission, board or officer shall inform the town administrator, in writing, of its intent to post an opening for a position. If the town administrator approves the notice of intent to post an opening, the commission, board or officer may then proceed to fill the position in accordance with general and special laws, town by-laws and personnel policies. Once the commission, board or officer has selected a candidate to fill the position, it shall inform the town administrator, in writing. The town administrator may, within 15 days after receipt of the notice, disapprove the appointment, otherwise the appointment shall take effect. The town administrator may, subject to the approval of the board of selectmen, consolidate or abolish any employee position described in this section, subject only to the limitations of the General Laws.

*As Amended by Article 42 May 21, 2007 Semi-Annual Town Meeting
Approved by the Senate and House of Representatives Chapter 249 of the Acts of 2008*

SECTION 7. The town administrator shall designate a qualified person other than a selectman, the moderator, a member of the school committee or of the finance committee to perform the town administrator's duties during his temporary absence or disability. Approval of such appointment shall be as defined in clause (h) of section eight. Pending the appointment of a town administrator or the filling of any vacancy, or during the suspension of the town administrator, the board of selectmen shall appoint a suitable person other than a selectman, the moderator, a member of the finance committee or the school committee, to perform the duties of the office.

SECTION 8. The town administrator shall be the chief administrative officer of the town and shall be responsible for the administration of all town affairs placed in his charge under such appointment and shall have the powers and duties described herein. He shall:

- a) supervise and direct the activities of the town's departments, boards, commissions and officers now under the jurisdiction of the board of selectmen, as well as any other departments as may be assigned by general by-laws of the town, state statutes or this act;

- b) fix the compensation of all town officers and employees under his jurisdiction within the limits established by the accepted appropriations and personnel policies and town bylaws;
- c) manage the town's financial affairs to assure that sound accounting, financial, audit, record keeping and reporting practices are followed in accordance with town by-laws, state statutes and prudent municipal accounting, and shall supervise the financial management of the town which shall encompass and include the responsibilities and activities of the treasurer/tax collector, assessors and town accountant;
- d) supervise and coordinate the work of reporting department heads and other individuals as may be assigned by town by-laws and this act;
- e) initiate appropriate contacts with local, state and federal officials, local businesses and community leaders, town employees and department heads, and with the general public in the conduct of town business;
- f) have access to all town and department confidential information including personnel records, negotiating positions, collective bargaining agreements and confidential investigations as required in the execution of official responsibilities;
- g) produce clear and accurate reports of the town's finances, budgets, administration and operations as required by town by-laws and state statutes and, whenever appropriate, to inform the town of significant activities, plans and accomplishments;
- h) appoint and remove department heads, officers of the town, members of boards and commissions, and employees which report directly to the town administrator. Such appointments and removals shall be subject to town by-laws, personnel policy, state statutes and the provisions of this act,

The town administrator shall inform the board of selectmen, in writing, of all such appointments and such appointments shall be effective fifteen calendar days after receipt of such written notification unless said board of selectmen vote by at least a two-thirds majority vote of its membership to disapprove specifically designated appointment or appointments;

- i) attend all regular and special meetings of the board of selectmen, including executive sessions of said board of selectmen, unless excused at his own request, and shall have a voice but not a vote in all of said board's discussions. The town administrator shall attend all sessions of town meetings and answer all questions directed to him by voters of the town which relate to the town administrator's office;
- j) see that all of the provisions of the general by-laws, votes of the town meetings, and the votes of the board of selectmen which require enforcement by him, or by officers of the town subject to his direction and supervision, are faithfully carried out;

k) prepare a balanced budget and submit it to the annual town meeting for approval. He shall submit the balanced budget to the board of selectmen and the finance committee prior to the annual town meeting so as to enable them to make recommendations about the budget at the town meeting;

l) serve as chairman of the town-wide planning committee;

m) be responsible for keeping full and complete records of the finance and administrative activities of the town, and render an annual report to the board of selectmen at the end of each fiscal year, and as otherwise required;

n) report quarterly to said board of selectmen as to the financial condition and needs of the town, and shall make such recommendations to said board of selectmen and town as he deems necessary or expedient;

o) be responsible for maintenance and repair of all town facilities except schools, the library, the municipal lighting plant and the cemetery, unless specifically requested;

p) *keep and maintain a full and complete inventory of all property of the town that has a value of three hundred dollars or more; Deleted and replaced with the following;*

p) keep and maintain an inventory of all property of the town that has a purchase value of \$1,000 or more.

*As Amended by Article 5- October 22, 2002 Semi-Annual Town Meeting
Approved by the Senate and House of Representatives Chapter 162 in the Acts of 2004*

q) negotiate contracts, including union contracts, covering any subject within his jurisdiction; provided, however, that such contracts shall be subject to the final approval and execution by said board of selectmen, and by vote of the town meeting;

r) serve as the chief procurement officer of the town;

s) be responsible for implementing the personnel policy, working with the personnel board to develop systematic personnel policies and practices for implementation;

t) assure that all town departments and agencies have legal services as required;

u) make available the audit management letter from any and all town audit reports, including recommendations, by posting the same on the Mixer building bulletin board, by making copies available at the town clerk's office, the municipal office and the library, and by publishing in the annual town report;

v) He shall report to the town all actions taken by the responsible departments in response to the audit management letter recommendations; and seek any and all sources of alternative financing including grants, public and private.

SECTION 9. The town administrator shall receive such compensation for his services as the board of selectmen shall determine; provided, however, that such compensation shall not exceed the amount appropriated by the town.

SECTION 10. The board of selectmen may, by a two-thirds majority vote of its membership, discipline or discharge the town administrator only for just cause, upon proper notice, and only after a hearing at which the town administrator shall have the right to be represented by counsel. The principle of progressive discipline will apply, and said board of selectmen recognizes its obligation to provide said town administrator with periodic performance evaluations.

SECTION 11. Subject only to the express prohibition in a General Law or this act, the town meeting may, by by-law, reorganize, consolidate or abolish, create, merge or divide or alter the term of office, the manner of selection, or if a multiple member body, the number of members of any town body, in whole or in part, or establish new agencies and may prescribe the functions, powers, duties and responsibilities of any such agency.

SECTION 12. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or other authority, which are in force in the town of West Boylston on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue to be in full force and effect until otherwise provided by law, by-laws, votes or rules and regulations, respectively. All other laws, by-laws, votes and rules and regulations, so far as they refer to the town of West Boylston, are hereby suspended but such suspension shall not revive any pre-existing enactment. Nothing contained herein shall impair contractual rights established prior to the effective date of this act or any amendment hereto.

SECTION 13. No civil action or other proceeding pending on the effective date of this act shall be affected hereby.

SECTION 14. The town administrator shall perform such other duties as deemed necessary or as may be assigned by this act, by by-law, town meeting vote or vote of the board of selectmen.

SECTION 15. The position of executive assistant is hereby abolished.

True Copy Attest
Kim D. Hopewell, Town Clerk

ADDENDUM B-

ARTICLE 30 – *Authorization to Amend Article XXIX of the General Bylaws – Department of Public Works*

Chapter 77 of the Acts of 2001

**AN ACT AUTHORIZING THE TOWN OF WEST BOYLSTON TO ESTABLISH A
DEPARTMENT OF PUBLIC WORKS.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law or by-law to the contrary, there shall be established in the town of West Boylston a department of public works under the direction of a board of public works. The board of public works shall consist of 5 members to be appointed by the board of selectmen for a term of 1 year. Members shall serve until their successors are appointed and qualified. The board of public works shall, annually, elect a chairman and a clerk. The town administrator shall be a member of the board of public works. Other than the administrator, all appointees to the board of public works shall be registered voters of the town. One member of the board of selectmen shall be appointed to serve on the board of public works. Members of the board of public works may be removed for just cause by a majority vote of the board of selectmen.

SECTION 2. Unless noted otherwise in this act, the board of public works shall have all the power and duties now and from time to time vested by general or special law or town by-law in the following boards, departments and offices to wit: the West Boylston water district commissioners, the highway superintendent and the sewer commissioners, and such boards, departments and offices shall be abolished in conformity with section 7. No contracts or liabilities in force on the effective date of this act shall be affected, but the board of public works shall be the lawful successor of the boards, departments and offices so abolished. The department of public works shall assume the responsibility for the operations of the streets and parks department. All equipment, property, facilities, funds, assets and liabilities under the care, custody and control of the abolished boards, departments, and offices shall, as of the effective date of this act, be under the care, custody and control of the board of public works.

The board of public works shall have such additional powers with respect to collection and disposal of garbage and refuse, the maintenance and repair of town buildings and property, with the exception of buildings and property under control of the school committee, the board of cemetery trustees, the board of fire engineers, or the board of library trustees, and the performance of such duties of any other boards, departments, and offices of the town as may be reasonably related to the duties of a board of public works, as the town may from time to time, by by-law provide, any other provisions of law notwithstanding.

On or before December 15 each year, the board of public works shall submit to the town administrator a proposed annual budget for the ensuing fiscal year. This budget shall contain a detailed estimate of anticipated expenditures of the department of public works for the ensuing fiscal year, an estimate of the expenditures for the current year, and a statement of actual expenditures for the preceding 2 years. This budget shall show anticipated and historical expenditures for each department, office, and activity within the department of public works. The board of public works, with the assistance of the finance director or town accountant, shall also submit to the town administrator a statement of revenues received by the town from public works activities. This statement shall contain a detailed estimate of anticipated revenue of the department of public works for the ensuing fiscal year, an estimate of the revenues for the current year, and a statement of actual revenues for the preceding 2 years.

On or before December 15 each year, the board of public works shall submit to the board of selectmen a proposed schedule of rates and fees for public works services. Each year the board of selectmen shall hold a public hearing for the purpose of establishing a schedule of public works rates and fees. Such rates and fees shall be adopted by a majority vote of the board of selectmen.

The board of public works may establish and dissolve subcommittees, citizen advisory committees, and ad hoc committees as the board deems appropriate in the discharge of its duties.

SECTION 3. The board of public works shall appoint, with board of selectmen concurrence, a director of public works. A majority vote of each board shall be required to approve the appointment. The director may be appointed for a term of 1, 2 or 3 years. The director shall exercise and perform, in conformity with the policies of the board of public works, such powers, rights, and duties conferred upon the board under the provisions of section 2 as said board may from time to time delegate. The director of public works shall assume the authority and responsibilities of the tree warden. The director of public works shall have full charge and authority over the employees, equipment, and facilities within the department of public works, subject to the requirements of law, by-laws, regulations, and such direction and such policies.

The director shall hold at a minimum a Bachelor's degree in civil engineering or other appropriate discipline, and shall have a minimum of 8 years of relevant professional experience in public works construction and management. The board of public works may establish other requirements such as registration as a professional civil engineer within the commonwealth. During his tenure, the director shall hold no other elective or appointive office, nor shall the director engage in any other business or occupation. The director shall give the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of his duties in such sum and upon such conditions as the board of public works may require. The town will pay the premium for said bond.

The director shall be responsible for the efficient exercise and performance of such powers, rights and duties and may be removed from office for just cause only by a majority vote of the board of public works. The director shall be given a written notice at least 14 days prior to the date of removal, which shall specify the reasons for such removal, and at the request of the director, a public hearing shall be held within 7 days on the charges brought against him.

The director may designate, by letter approved by a vote of the board of public works and filed with the town clerk, a qualified officer of the town to perform the director's duties in the case of absence or disability. Pending the appointment of a director, the filling of any vacancy, the failure of the director to designate a temporary director, or during the suspension of the director, the board of public works shall appoint, with concurrence of the board of selectmen, a suitable person to perform the duties of the director's office.

SECTION 4. The director of public works shall appoint, remove and supervise employees of the department of public works in accordance with the town's personnel by-law and any applicable collective bargaining agreements. The director shall appoint and remove such employees as the director deems necessary, subject to town meeting appropriation and approval of the board of public works. The director shall supervise, direct and be responsible for the efficient administration of all departments, offices, boards and committees appointed by the director.

The director shall keep full and complete records of the department of public works. Such director shall render to the board of public works, as often as may be required by said board but at least quarterly, a full report of all the operations under his control during the period reported upon, and annually shall render to the board and file with the town clerk a report of all the operations under his control, including, but not limited to: a full financial report of all accounts, funds and grants, a work plan with related finance plan for the subsequent fiscal year, and a report on the accomplishments and progress made under the work plan from the preceding fiscal year. Such director from time to time, as required by said board, shall make a synopsis of such reports for publication. The director shall have access to all town books, records and documents necessary for the proper performance of the assigned duties and responsibilities.

The director shall keep the board of public works fully advised as to the needs of the town within the scope of his duties, and shall annually, in conformity with the requirements established by said board, furnish to the board a carefully prepared and detailed budget and work plan in writing, including estimates of the appropriations and revenue for department of public works enterprise funds established under [section 53F½ of chapter 44](#) of the General Laws required during the next fiscal year for the proper exercise and performance of all said rights and duties.

The director shall be responsible for the maintenance and repair of all town property not under care, custody, or control of the school committee, the board of cemetery trustees, the board of fire engineers, or the board of library trustees unless said committee or board confers such responsibility. The director shall be responsible for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements, and other such projects authorized by the town. Upon written consent and authorization from the school committee, the board of cemetery trustees, the board of fire engineers, or the board of library trustees, the director may assume, with approval noted by a majority vote of the board of public works, responsibility for construction or improvements of school, cemetery, public safety or library facilities. The director shall be available to offer professional engineering services to other town boards, committees and offices as may be requested. The board of public works must authorize, by a majority vote of said board, any such professional services provided by the director.

The director shall, when any payroll, bill, or other claim against the town is presented, if the same is deemed by the director to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, refer it to the board of public works who shall immediately investigate and determine what, if any, payment should be made. Pending such investigation and determination by the board of public works, any payment will be withheld.

Warrants for the payment of town funds prepared by the town accountant, in accordance with the provisions of [section 56 of chapter 41](#) of the General Laws, shall be submitted to the board of selectmen for approval. The board of public works shall approve public works warrants prior to submittal to the board of selectmen. The approval of any such warrant by the board of selectmen shall be necessary and sufficient authority to authorize payment by the town treasurer.

The aggregate compensation of each town officer or employee appointed by the director shall be limited to the amounts established in accordance with the budgeting provisions of this act noted in section 2. All fees or other

funds received in accordance with the provisions of this act or any applicable General Laws, by-laws, or special laws shall be paid into the treasury of the town.

The director shall perform such other duties consistent with the office as may be required by the by-laws of the town, by vote of town meeting, or by majority vote of the board of public works.

SECTION 5. Revenue generated by the operations of the department of public works shall be maintained as enterprise funds in accordance with [section 53F½ of chapter 44](#) of the General Laws. Separate enterprise funds shall be maintained for sewer operations and water operations.

SECTION 6. The board of selectmen shall retain certain public works powers, duties and responsibilities traditionally vested in said board. The board of selectmen shall set user fees and rates on behalf of the department of public works. The board of selectmen shall retain all powers, duties and responsibilities associated with negotiating and executing contracts. The board of selectmen may delegate the duties associated with negotiating a particular contract to another board, committee or official. The board of selectmen shall retain all powers, duties and responsibilities associated with incurring debt.

SECTION 7. No contracts or liabilities then in force by any department, board, committee, or official abolished in conformance with this act shall be affected by such abolition. The board of public works shall, in all respects, be the lawful successor of said abolished departments, boards, committees, or officials.

Within 30 days from the effective date of this act, the board of selectmen shall appoint a board of public works. Upon the appointment and qualification of a board of public works, all property, powers, duties and responsibilities of the road commissioners and sewer commissioners shall be transferred to the board of public works. Upon appointment of a director of public works, the positions of superintendent of streets and parks and superintendent of sewers are hereby abolished and all powers, duties and responsibilities of these positions shall be transferred to the director of public works. The existing department of streets and parks and the office of the superintendent of sewers shall be transferred to the department of public works.

Upon approval by independent majority votes of the board of public works and the board of parks commissioners, the property, powers, duties and responsibilities of the parks commission may be transferred to the department of public works. Until such votes are taken, the responsibilities, duties and powers of the parks commission shall not be changed by this act. Current members of the parks commission shall continue to serve until successors are appointed.

Upon approval by the tree warden and a majority vote of the board of public works, the property, powers, duties and responsibilities of the tree warden may be transferred to the department of public works. Until such votes are taken, the responsibilities, duties and powers of the tree warden shall not be changed by this act. The current tree warden shall continue to serve until a successor is appointed.

Upon approval by independent majority votes of the board of public works and the board of cemetery trustees, the property, powers, duties and responsibilities of the cemetery department may be transferred to the department of public works. Until such votes are taken, the responsibilities, duties and powers of the cemetery trustees shall not be changed by this act. If and when such a vote is taken: (1) the cemetery trustees shall continue to control the care and expenditure of perpetual care funds, (2) the labor force of the cemetery department shall be integrated into the department of public works, and (3) the cemetery trustees shall continue to be elected in the manner in which the cemetery trustees, currently in effect prior to the acceptance of this act, is elected. Current members of the board of cemetery trustees shall continue to serve until successors are elected.

The town shall recognize the years of service of all employees integrated into the department of public works and provide to such employees rights, compensation and benefits as allowed under the town personnel by-law or appropriate collective bargaining agreement at levels equivalent to those provided to such employees on the date of this transfer.

SECTION 8. Upon approval of the board of public works and the board of selectmen the property, powers, duties and responsibilities of the West Boylston Water District shall be transferred to the department of public works. The water district is thereby dissolved, and without further conveyance or other act, all the assets, liabilities, obligations and indebtedness as well as the powers and duties of the water district shall be transferred to the department of public works on the effective date of this act; and further, that the board of water commissioners of the water district is hereby abolished, and the tenure of the incumbent members of said board shall terminate on the date of said transfer. The position of superintendent of the water district is hereby abolished and all powers, duties and responsibilities of that position shall be transferred to the director of public works.

The town shall recognize the years of service of all employees of the water district integrated into the department of public works and provide to such employees rights, compensation and benefits as allowed under the town personnel by-law or appropriate collective bargaining agreement at levels equivalent to those provided to such employees by the water district on the date of this transfer.

The treasurer of the town of West Boylston shall place any reserve funds for water distribution system reconstruction, construction and improvement and any reserve funds for capital expenditure of the water district, and as soon as possible, any other surplus funds of said water district in a separate reserve fund for the water enterprise of the town to be used in conformity with [section 53F½ of chapter 44](#) of the General Laws.

The town through the department of public works shall be able to take up to 2,000,000 gallons of water daily from the Wachusett Reservoir in conformity with the provisions of section 22 of chapter 488 of the acts of 1895, as amended by chapter 456 of the acts of 1897, and chapter 352 of the acts of 1933.

SECTION 9. Once established, the town of West Boylston may modify the duties, powers and responsibilities of the department of public works. Integration of agencies, departments, or districts not described in this act requires approval by a majority vote at a town election. Public works functions, once integrated, may be constituted as independent organizations or departments by a majority vote at a town election. The structure and other attributes of the department of public works as defined in this act may be modified by a 2/3 vote of a town meeting.

SECTION 10. This act shall be submitted to the voters of the town of West Boylston for acceptance at a special town election in the form of the following question, which shall be placed on the official ballot at said election:

"Shall an act passed by the general court entitled, 'An Act Authorizing the Town of West Boylston to Establish a Department of Public Works', be accepted?"

If the majority of the votes cast in answer to this question is in the affirmative, this act shall take effect, but not otherwise.

Approved August 24, 2001.

True Copy Attest
Kim D. Hopewell, Town Clerk