



Town Clerk Meeting Minutes

Oct. 17, 2016

Semi-Annual Town Meeting

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

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Town Clerk Meeting Minutes

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 145 registered voters were in attendance and that the quorum requirement as set out in the General Bylaws has been met. At 7:05 p.m. the meeting was called to order.

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

Barbara Deschenes	Mary Ellen Cocks
Jack McCormick	Janet Bricault
Patricia Barrie	Chris Curran
Marc Frieden	Nancy Barakian

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 and to all those who serve in the military service, here and around the world, who have paid the ultimate sacrifice.

Upon a motion by Christopher Rucho and duly seconded, 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- Christopher Rucho

Second- Siobhan Bohnson

Recommendation- Board of Selectmen

It was voted to hear special reports of the officers and standing committees of the Town. The following reports were given;

FISP- Chairman John Hadley

The Facilities Implementation and Strategic Planning Committee has had a very busy year preparing for both the police station project and the proposed new senior center. This spring, FISP hired an Owners Project Manager for the police station project. Cardinal Construction out of Worcester MA, is assisting the Town with the oversight of the design process, project budget tracking, and the bidding of the construction – all as is mandated by state law. We also have hired the new architect, Reinhardt and Associates to design the police station. Reinhardt has strong experience in the design and construction oversight of police stations, and has helped FISP understand the deficiencies of the original concept plan and estimate prepared by the original architect.

On Oct. 5th, we had the bid opening for the police station construction. We were very pleased to have 7 bidders with very close pricing. The apparent low bidder for the project is RAC Builders of Agawam MA, at the lowest bid price of \$4,047,000. This was within 1% of the architects estimated construction cost. Once we had that firm number in hand, we were able to update the Total Project Costs to \$5,186,460. The information you will be hearing under Article 2 will reflect these firm construction cost numbers, as well as the necessary soft costs and contingency funds.

FISP has also been working on the senior center project. After the careful consideration of 16 potential sites for the new senior center, a decision has been made to look use the Mixter property on Prescott Street. And... we chosen the architect to design the senior center. John Catlin of Catlin & Petkovic is one of the leading national architects in the field of senior center design. His has tremendous experience in designing centers that fully function for the specific needs of seniors, while still creating a building that meets the full needs of a community. We are contracting with this architect for the conceptual plan and cost estimate for the proposed senior center, and we look forward to coming back to you with that conceptual plan to request the funds to do the full design.

We have learned some hard lessons with the police station project. We learned that you cannot rely on conceptual plan estimates for determining the dollar amount to ask the voters to fund for the entire project cost. To prevent making the same funding error, moving forward, FISP has made a commitment to the Town that all future building projects will be phased in such a way to eliminate bringing non-feasible projects cost estimates to town meeting. FISP will now have the three phases of any project, including the senior center:

- A. **Conceptual Design:** A small amount of funds will be sought from town meeting to hire an architect to work with the stakeholders to plan a building that will fully meet the needs of the users, and will prepare an initial cost estimate which can be used to gain a preliminary understanding of the scope of the proposed project.

- B. **Full Design and Bidding:** FISP will ask Town meeting to fund the remaining design work and related costs of the architect and OPM who will work with the town to develop the final plans and specification for the proposed project, and will assist the Town in putting the project out to bid to allow the Town to know exactly what the construction costs of the project will be – much like we are doing tonight under Article 2.
- C. **Construction:** Town meeting will be asked to fund the actual construction of the proposed building.

The members of FISP are committed to continue working on the improvements of our town buildings. We are getting ready to begin the review of the facility needs for the Fire Station once the Police Station project gets underway, and we appreciate the support of the town as we move these improvements forward.

Thank you.

COA- Jack Curran, Vice Chairperson

At Town Meeting a year ago, a request for funds to purchase and rehab a building for a new senior center were turned down. Undaunted, the COA went to work with a citizens' building committee that researched options, surveyed residents and brought forward a proposal at the following town meeting requesting the initial conceptual architectural studies for the design of a senior center to be built at the Mixer property. The funding was approved. Catlin Associates, an architectural firm whose specialty is senior centers, has just been chosen to do the work and has been engaged. The Phase 1 design work is underway.

In accordance with the new building protocols, the senior center project is progressing even though no warrant articles specific to the senior center appear at this Town Meeting. Further town meeting action will be necessary.

At that meeting that the conceptual building plans will be presented and we will ask for funding "bid document" plans that will be thorough in determining actual costs for a new senior center. This has been a long road traveled, but with each small step we take, combined with your continued support, a new, viable senior center will result.

Library Director- Anna Shaw

Thank you, Mr. Moderator.

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.

Our carpeting project, approved at the May town meeting is underway! Our library will be closed to the public for the next two weeks. We will reopen on Tuesday November 1st. We will offer extended checkout on West Boylston items so that items will not be due while we are closed. We thank you for your patience during this transition.

I would like to invite you all to our library at Noon on Saturday November 5th to check out what's

new. We will be hosting the Grand Opening of our Patio Project, the culmination of a successful fundraiser held by the Library's Endowment. We will also be showcasing the new technology purchased using the grant money secured for us by Senator Chandler and Representative James O'Day.

Thank you all for your support.

SWAT- Julianne de Rivera

SWAT has the trash program numbers for fiscal year 2016 from July 1st, 2015 to June 30th, 2016. Our trash tonnage increased 3%, our recycling tonnage decreased by 6%, and the cost of disposal increased by 3%. Because of a net bag revenue increase of 5%, the net cost of the town's trash program only increased 1%. These numbers reflect a slight trend in the wrong direction, namely less recycling and more trash. We can address this thru better practices, including diverting food waste from the trash into a compost bin (now currently sold at the Wachusett recycling center for \$38. This bin is animal proof too). You can bring your Styrofoam to the recycling center (it cannot go in your recycling bin, as it is difficult to find a market for it). Your plastic bags cannot go in your recycling bin either as they cause huge problems in the plant that separates our recyclables. But, plastic bags can be taken back to the supermarket for recycling. You can also lessen your trash by diverting any textiles (clothes or any cloth that is not moldy) into the many recycling clothes bins scattered thru out our town. Thanks for recycling MORE and lowering our trash costs!

Affordable Housing Trust- Patricia Halpin

The Affordable Housing Trust was established by the Board of Selectmen in 2010 to give direction and coherence to the complex area of community housing. We are five members; Bob Barrell of the Board of Health, Marc Frieden of the Planning Board, John Hadley of the Board of Selectmen, Anna Mary Kraemer, resident and real estate professional and myself Patricia Halpin. Often members of the ZBA and Housing Authority attend our meetings.

We meet monthly and work to protect and promote the town's interests in the area of community housing; i.e. planning for housing needed by our residents and also insuring that existing affordable housing units built under the state's 40B law are in compliance with their comprehensive permits. Monies raised by the Community Preservation Act allow us to contract with a community housing specialist whose professional experience and knowledge has been invaluable in both areas.

Our goal is to create universal access apartments on 19 acres at 87 Maple Street to meet the needs of our aging population. To this end preliminary studies are in process; land survey, environmental impact, wetlands, and market analysis. Once done we can work with the Housing Authority to process the land transfer and together go forward with crafting an RFP outlining our design desires and contracting with the developer we would want to construct the development.

We are working with abutters and have contacted them all by mail on two occasions; in late spring and just last week.

We look forward to the support of all as we go forward.

Article 2 - Police Station Project

Motion- John Hadley

Second- Christopher Rucho

Recommendation- Police Chief, Finance Committee

FISP PowerPoint Presentation- Officer Jay Dugan

Slide 1

Voter Information Update on New Lease Station Project

The Facilities Implementation & Strategic Planning Committee
(FISP)
For Town Meeting October 17, 2016

Slide 2

Agenda

- Where have we been
- Why are we meeting again
- Where we are
- Financial Impact
- The new building design
- Additional info in questions

Slide 3

Where we have been

On October 19, 2015, West Boylston voters enthusiastically approved building a new Police Station, based on;

- increase safety for residents and officers (current space not suited for public business and the processing/detainment of suspects)
- protection of Department equipment (people in custody have vandalized)
- reduction of prisoner retention expense (we pay other towns to retain prisoners because we don't have sufficient space)

- to limit town liability (lack of segregated prisoner booking and detention area, ADA compliance (elevator), personal injury because officers and public in close proximity to suspects)

Slide 4

Why we are meeting again

We now have to address the issues and costs associated with;

1. Relied on the architect who designed the new Town Office building was not experienced with this type of project
 - Provided building plan that was insufficient for current and future needs
 - Provided incomplete and inaccurate cost estimates which are now outdated
2. Town officials not properly advised of the costs were not included in that original estimate
3. Be original concept plans were not fully developed in the cost estimate did not include all related costs

Slide 5

Where we are

1. Town retained Cardinal Construction as OPM (as required by State Law)
2. The Architect is Reinhardt & Associates of Agawam was designed public safety buildings for 7 communities in Massachusetts (<http://www.reinhardtassoc.com/portfolio-grid/>)
3. Building size has increased 60%, from 9,840 to 11,455 ft.²
4. Project cost has increased from 2.9 million 25.1 million
 - Increased square footage
 - Increased square footage cost, from \$226-\$353 per square foot
5. Costs are now in line with similar projects of similar size in Massachusetts

Slide 6

Project Budget Breakdown

Construction Costs	\$3,920,000 (based on low bidder)
Site Utilities	\$60,000
OPM Costs	\$131,760
Architect Costs	\$320,000
Construction Contingency	\$160,000
Owner Contingency	\$40,000
Add Alternates	\$127,000 (all 4 Add Alternates)
Furniture/Sec/Tel/Data/CCTV	\$309,500

Other Costs;	\$118,200
• Legal fees, Materials testing by owner	
• Insurance, printing and binding exp.	
• Cost of borrowing fees, Signage, etc.	
Total	\$5,186,460

Slide 7

Financial Impact

- Original estimates of the cost for a new Please Station were \$2,900,000
- The current project budget is \$5,186,460
- A debt exclusion for 20 years at a rate of 3.5% would cost the average taxpayer (\$250,000 home) an average of about \$103 per year versus the original estimate of \$62 a year over the life of the bond

Slide 8

Financial Impact

Anticipated Bond FY 18

Police Station	\$5,186,460
Town Hall	<u>\$860,000</u>
Total	\$6,046,460
FY 18 Payments – Temporary Notes	\$554,000
FY 19 Payment on 20 year note	\$513,949

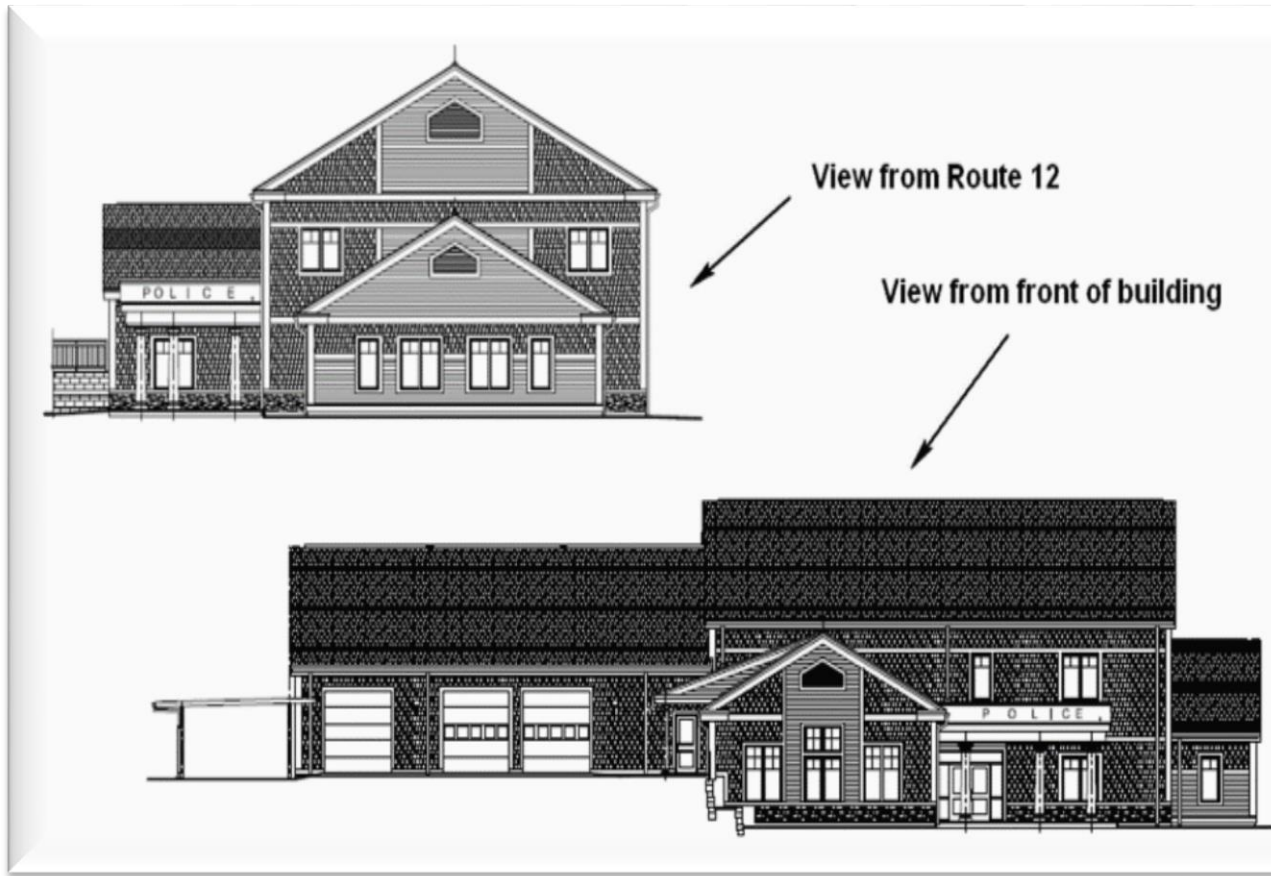
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Financial Impact

Even with the increased cost of the Police Station, there will be no increase to the Proposition 2 ½ portion of your tax bill

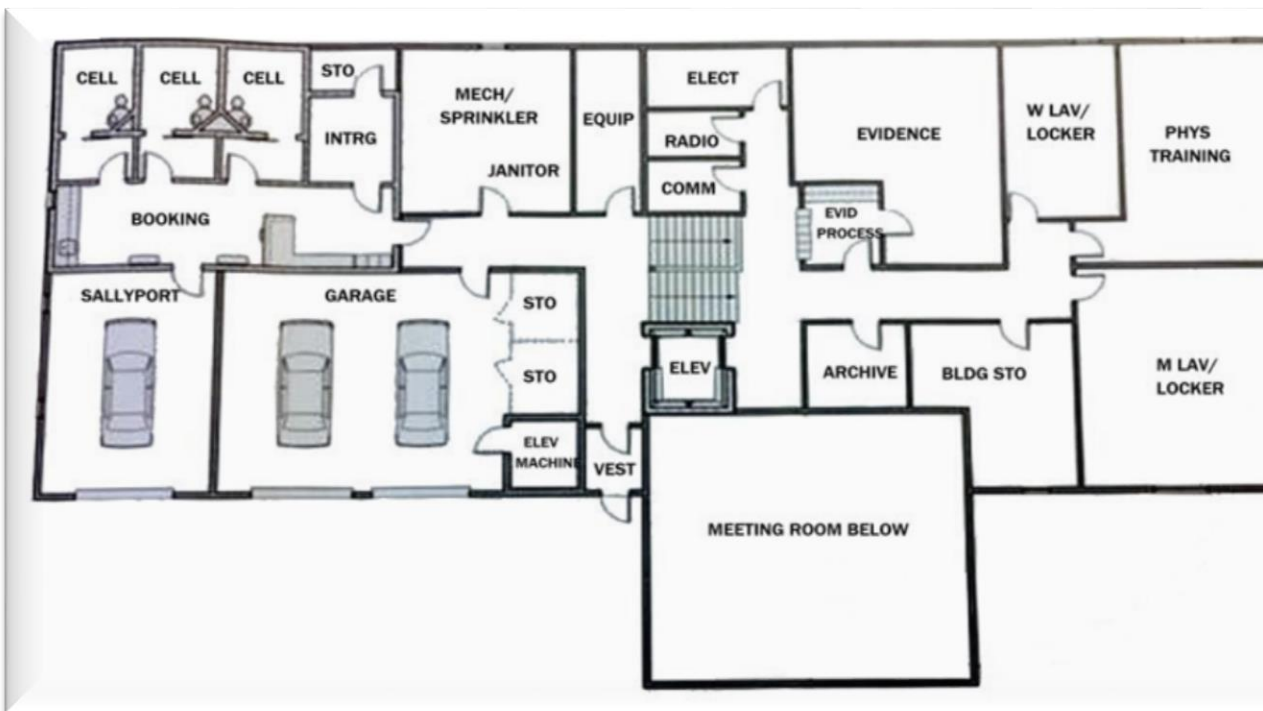
Slide 10

Where we are – cost-containment



Slide 13

Floor Plans Upper Level



Slide 14

Floor Plans Lower Level




Slide 15

The proposed building is.....

1. Designed for current and future needs of the Town
2. Ready in spring 2018
3. Averaging 6%- 8% increase per year in construction costs
4. Part of long-range facilities plan for municipal buildings

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SPECIAL ELECTION

Tomorrow
Tuesday, Oct. 18th 12 p.m.- 8 p.m.

A Special Election is required to vote on additional funding for the Police Station Project.

Why?

Because the funds to construct the station will be borrowed outside of the Prop 2 ½ limits, we must have the question be approved both at town meeting and at the ballot.

Our Lady of Good Counsel Church
111 Worcester Street

Slide 17



Slide 18

Questions?

Monica April

Inquired about the number of cells and if male, female and juvenile's cells were all kept separate. Officer Dugan stated there would be 3 cells and that all cells are separate.

Anthony Meola

Is there a penalty clause if the construction costs go over per day? Town Administrator Anita Scheipers stated that there is a contingency built at the cost of \$400 per day until they are caught up.

Christopher Berglund

Questioned on public funds, and if there is anything on the Federal or State levels to help. Officer Jay Dugan stated that Sen. Harriette Chandler and Rep. James O'Day researched this and found there were no funds available. The FISP Committee is currently looking at grants.

Gordon Fromm

I live in Briarwood and am worried about noise pollution and if there will be training use of armaments. I hear the gunshots from the jail. Officer Dugan stated that there will be no weaponry training at this building. The Police Department already has a shooting range elsewhere.

Gordon Fitzpatrick

Proposition 2 ½ questions. Board of Selectmen Patrick Crowley discussed how Proposition 2 1/2 works. Places constraints on the amount of the levy raised by a city or town and on how much the levy can be increased from year to year. A levy limit is a restriction on the amount of property taxes a community can levy. Proposition 2 1/2 established two types of levy limits:

- First, a community cannot levy more than 2.5 percent of the total full and fair cash value of all taxable real and personal property in the community. In this primer we will refer to the full and fair cash value limit as the levy ceiling.
- Second, a community's levy is also constrained in that it can only increase by a certain amount from year to year.

We will refer to the maximum amount a community can levy in a given year as the levy limit. The levy limit will

always be below, or at most, equal to the levy ceiling. The levy limit may not exceed the levy ceiling.

Proposition 2 1/2 does provide communities with some flexibility. It is possible for a community to levy above its levy limit or its levy ceiling on a temporary basis, as well as to increase its levy limit on a permanent basis.

This is outside debt overrides, other debts have expired. This money used from expired debt reduces the current debt and this affects a decrease in debt overall. Debt comes off and goes back on in the same amount.

Debt Exclusion borrowing is passed onto the homeowner's maximum amount of 2 1/2 %. This is a temporary increase to the tax rate operating budget. This budget pays for Town Government and the Schools.

Greg Shipply

Who was the initial firm and construction company that got us into this position? Administrator Anita Scheipers stated that Paul Lyman did a good job in rehabilitating and redesigning the Town Hall. The

Selectmen and FISP had faith in his ability in drawing up preliminary plans for the Police Station. Unfortunately he did not have the proper qualifications necessary for this type of project. Lyman did a conceptual design and cost analysis for \$5,000. Shipply- FISP knowingly took these figures knowing there was a lack of expertise in this type of project? Selectmen Crowley stated that they did take the proposed figure of 2.9 million. When the error was discovered FISP changed gears to correct this project. Shipply - The evolution of minutes and general info presented is not clear when the shift took place and when this happened. Learning about this gives me a lack of confidence in FISP and I am disappointed and wonder why we are here. Officer Dugan explained that the square footage is one of the reasons for the increase in the cost of the project, as well as the installation of an elevator. The original conceptual drawing was not two stories.

Sue Kierstead

If the vote does not pass at town meeting or at the election, what happens next? Has FISP made any decision on what's next? Select Chair Christopher Rucho stated that we would not build the Police Station because 2.9 million is not enough. The 2.9 million that was previously voted goes away. Dugan stated that we would fall further and further out of compliance.

Finance Committee, FISP member- Ray Bricault

FISP recognizes that it is very disappointing to come back to town meeting for more money. If we don't move forward there would be a 6-8% increase per year in construction costs. We would lose monies that were allotted to architects and conceptual plans. About 5-600,000 dollars would be lost if not used.

Mark Hopewell

FISP made a mistake. They admitted they made a mistake. They corrected it when they found out and brought back a plan. Let it go to vote, vote in favor of this tonight and at the polls tomorrow.

FISP Member- William Mallot

My fellow citizens, voters and taxpayers, I used to be fairly good at this but age has overtaken us and I felt it necessary to write this down. Mr. Moderator this is only one minute long.

I have a somewhat unique perspective on this matter. I came on the FISP Committee in January after the original study and cost estimates and just in time to observe the dismay that engulfed the committee's members as they discovered that the feasibility architect's estimate and research were totally wrong.

The remarkable thing that occurred was not the dismay. It was the resolve to not only get the police station facility and pricing right but to take steps to assure that this could never happen again. We hired Tony DiLuzio of Cardinal Construction, an outstanding Owner's Project Manager with deep and extensive experience in public safety construction to quarterback our efforts. He helped us conduct an exhaustive search that culminated in the hiring of Reinhardt Associates as architect. The result is what you see here tonight: the right police station facility for our needs over the next decades at a price that is not only in step with the prices of other police facility construction in towns our size but, and let me stress this, a price that is accurate and complete with contingencies to protect the town. We have left no stone unturned to achieve this.

Finally, please don't underestimate the diligence, careful deliberation and untold hours that have gone into building this accurately. I have been at every meeting to witness it. You have been well-served by your Select board and volunteer citizens on the FISP Committee. The time is now. To wait will escalate costs and put our wonderful town and dedicated police officers at ever-increasing risk of a law suit that could dwarf

the price of a new facility and endangerment of officers and the public. For the sake of West Boylston, please vote yes.

VOTE-

By a hand count vote of 155 in favor and 7 opposed, it was voted that the town appropriate the sum of two million two hundred eighty-six thousand four hundred sixty dollars (\$2,286,460) to pay costs of designing and constructing a new police department facility and purchase any related equipment, and for the payment of all other costs incidental or related thereto, and, to meet this appropriation, the Treasurer, with approval of the selectmen, is authorized to borrow said amount under G.L. Chapter 44, section 7(3) and/or any other enabling authority and to issue bonds or notes of the town therefor; provided, however, that the appropriation authorized hereunder shall be contingent upon approval by the voters of a ballot question to exclude the amounts required to pay for the bond or notes issued for such project from the provisions of proposition 2 ½, so called.

Article 3– 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, Finance Committee, Affordable Housing Trust

Motioned and seconded that the following amounts (items A, B and C) shall be appropriated from Community Preservation Fund Revenues, or transferred from prior year reserves for Community Preservation purposes with each appropriation being treated as a separate item.

Project A- Affordable Housing Purposes

Discussion

Affordable Housing Trust Member- Patricia Halpin

Ms. Halpin stated that there were over one hundred communities that use Community Preservation Funds on an ongoing basis to hire a consultant to assist with affordable, senior and veteran housing needs.

VOTE-

3-A- Affordable Housing Purposes

It was unanimously voted to Fund for Affordable Housing Purposes the sum of \$25,000 from the Fund Balance designated for Affordable Housing, a grant to pay for community housing services to assist with affordable, senior and veteran housing needs. Submitted by the West Boylston Affordable Housing Trust be expended under the direction of the Town Administrator.

Project B- Recreation Purposes

VOTE-

3-B- Recreation Purposes

It was voted by a simple majority to Fund for Recreation Purposes the sum of \$10,799 from the Undesignated Fund Balance, a grant to pay for the installation of fencing at the high school baseball field. Submitted by and to be expended under the direction of the West Boylston Parks Commission.

3-C- To Fund for Open Space Purposes

Discussion

Open Space Implementation Committee- Michael Peckar

In January of this year, Mr. Dennis Minnich sent a letter to the West Boylston Open Space Implementation Committee offering this land to be purchased as open space. He noted he had an existing purchase and sale agreement with Iqbal Ali for the property for \$300,000, but indicated that he would settle for less if it meant preserving the land versus developing it. The property offered was a 26.2 acre lot with 12.5 acres in West Boylston and 13.7 acres in Holden. These lots had a combined tax assessment value of \$332,700.

Following this letter, the Open Space Implementation committee submitted an initial proposal to obtain just the West Boylston portion of the lot to the Community Preservation Committee, but not in time for the proposal to get on the warrant for the Spring Town Meeting. This initial proposal was for a Conservation Restriction only, but it ultimately turned out to be a less expensive to purchase the property outright.

Mr. Minnich offer was time sensitive and had a hard expiration date, so the Open Space Implementation committee worked closely with the Greater Worcester Land Trust to broker a deal with Mr. Minnich. As a reminder, in 2010, the West Boylston Land Trust merged with the Greater Worcester Land Trust and I (Mike Peckar) am the town's current representative on their board and I also sit on the Open Space Implementation Committee.

A plan was proposed by Greater Worcester Land Trust to secure a loan to purchase the entire lot and hold the West Boylston portion on behalf of the town pending the approval of the CPA Funds at the fall town meeting. This plan was approved by the Open Space Implementation Committee and the Community Preservation Committee and the Conservation Commission, and the loan was granted to the Greater Worcester Land Trust by the Conservation Fund, a national non-profit set up to assist organizations in exactly this type of situation. The town manager and the Parks Commission were briefed on the plan and also indicated their support.

In July, the West Boylston portion was independently appraised at \$155,000, and the Greater Worcester Land Trust purchased that portion at that appraised value along with the Holden portion in trust. If this article passes, the town will purchase the West Boylston portion from the Greater Worcester Land Trust for the same price so their loan can be paid off. If it does not pass, the property will have to be sold for development. The Holden portion is being held in trust pending a

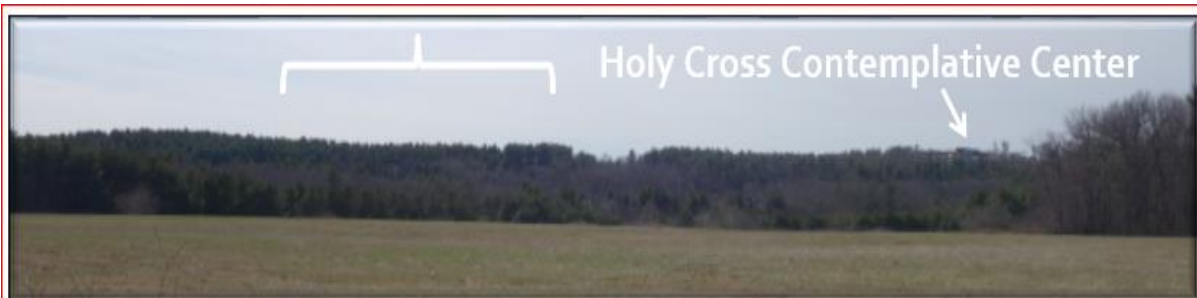
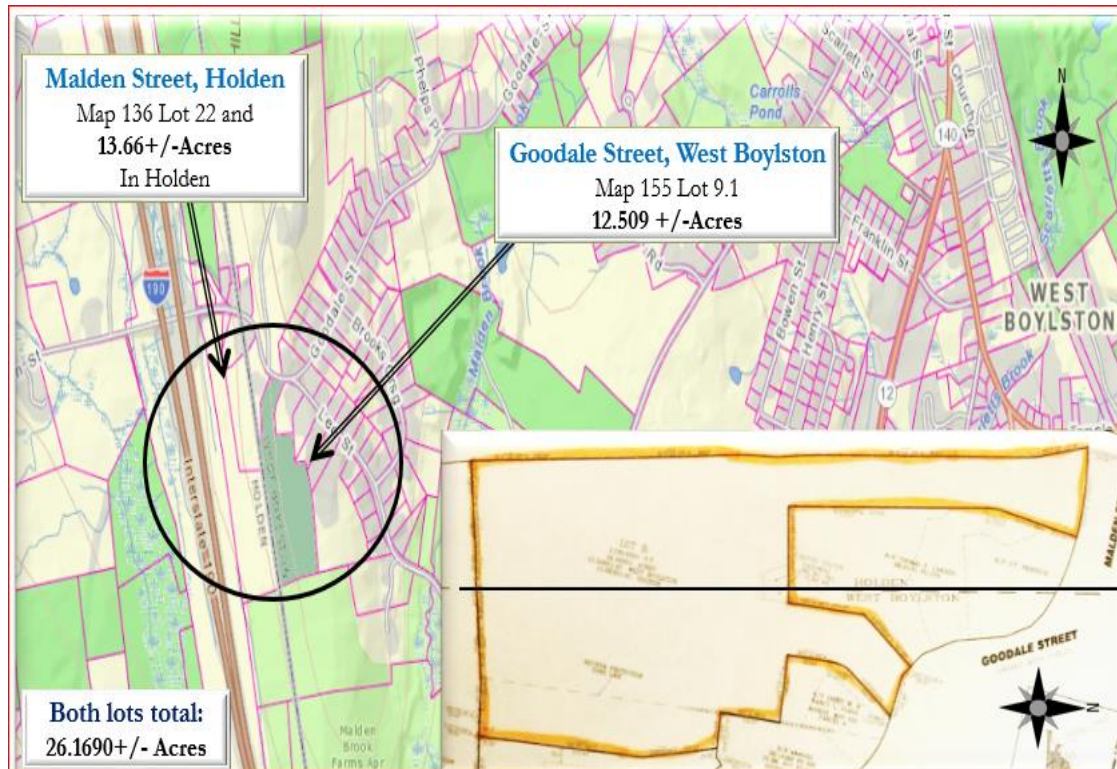
state grant application to purchase that portion, with no obligations, commitments or financial impacts to the town of West Boylston for anything having to do with that of the property.

OK, so here are some important bullet points to consider in weighing whether to vote to approve this transfer:

1. If the state grant for the Holden side is awarded, that portion will be placed under a conservation restriction owned by the town of Holden and the White Oak Land Conservation Society. In reality, this will be a resource mostly used by West Boylston citizens because the property is isolated from them, being on this side of Interstate 190.
2. The Community Preservation Act requires that parcels purchased for open space be protected by a conservation restriction. That will be held by the Greater Worcester Land Trust. The Greater Worcester Land Trust will be an excellent partner with the town in providing stewardship, volunteers to build and maintain trails, and monitoring violations such as trash dumping, squatting, etc.
3. The full 26 acres lot has frontage on Goodale Street and also frontage on Malden Street in Holden, so, had the whole 26 acre lot been sold to a developer, there was potential that a loop road could have been put in and many houses or even 40B housing units could have been built there. That possibility, along with its very close proximity to Worcester is probably the reason why a developers like Iqbal Ali were so interested in purchasing it.
4. This property is on a hilltop, and if it were developed, most of the tress would be cut to improve the views of any new houses so conversely, those would become visible from many vantage points in this part of town. This would contribute to altering the rural character of this part of town, reducing the property values of homes in the area and making West Boylston look more like Worcester.
5. The entire lot is on the town aquifer so its preservation will help keep the town's water supply clean well into the future.
6. All of the last three bullet points, that is: the development pressure, the location on a hilltop abutting Malden Hill Farm, and it being on an aquifer, are why this parcel was already in the Open Space Implementation Committee's list of priority properties for preservation and part of the town's Open Space and Recreation Plan.
7. Finally, I know some of you may be asking: Why do we need more open space when the OCR already owns such a substantial percentage of all the land in town. The reality is, however, that the town itself owns very little open space. While the OCR's land is undeveloped, they currently prohibit dog walking, biking and camping for scouts on all of their land in town. It will be a town resource dedicated to passive recreation for the benefit of the citizens of West Boylston, not a state resource controlled by MWRA ratepayer interests in and around Boston.

In closing, I urge you to join the Open Space Implementation Committee, the Community Preservation Committee and the Conservation Commission in their approval this acquisition of 12.5 acres using CPA funds. Doing so will preserve this land in perpetuity for passive recreation and aquifer protection and do so free from the restrictions we are familiar with on OCR properties. This

will then enhance the rural character of West Boylston, enrich our lives and ultimately make West Boylston a more attractive place to live.



Property viewed from Prospect Street just past Golf Course



VOTE-

3-C- To Fund for Open Space Purposes

It was unanimously voted to appropriate and transfer the sum of \$172,500 for the purpose of acquiring, for open space purposes, approximately 12.51 acres of a parcel of land located on Goodale and Malden Streets identified as map 155, lot 9.1, said land to be held under the care, custody and control of the conservation commission under the provisions of Section 8C of Chapter 40 of the General Laws, and for all costs incidental or related thereto, of which \$145,251.23 shall be transferred from the Open Space Fund Balance and \$27,248.77 shall be transferred from the Undesignated Fund Balance, and authorize the Board of Selectmen to acquire said land by purchase, gift, and/or eminent domain on such terms and conditions as the Board of Selectmen may deem appropriate, and, further, authorize the Board of Selectmen to grant a conservation restriction thereon, as required under Section 12(a) of Chapter 44B of the General Laws and meeting the requirements of Sections 31-33 of Chapter 184 of the General Laws, and enter into any and all agreements and to execute any and all documents necessary or convenient to accomplish the foregoing purposes.

Article 4 –Vote to Appropriate Funds for Capital Improvement Purchases

Motion- Barur Rajeshkumar

Second- John Hadley

Recommendation- Finance Committee, Capital Investment Board

Discussion

Proposed Capital Purchases –

- Purchase new CAT 938M Loader using state contract – \$169,900
- Trade in existing 1996 CAT 938G Loader (\$25,000)

Final cost to the Town- \$144,900

VOTE-

It was unanimously voted to purchase or enter into contract for the following Capital Item by June 30, 2017, and if not purchased or contract for by that date the funding will flow back to the source it came from: transfer the sum of \$144,900 from the Capital Investment Fund to fund a new loader, and any related equipment, for the DPW, including all costs incidental and related thereto, and to authorize disposal of, by sale or otherwise, any related excess vehicle or equipment.

Article 5– Appropriate Funds for the Fire Department

Motion- Barur Rajeshkumar

Second- John Hadley

Recommendation- Chief Thomas Welsh, Finance Committee, Capital Investment Bd.

It was unanimously voted to raise and appropriate or transfer the sum of \$25,000 from available funds to purchase;

- Fire Department hose and storage racks
- Fire Department two sets of turnout gear
- Fire Department intravenous pump

Article 6 – Appropriate Funds for Fire Chief Salary

Motion- Siobhan Bohnson

Second- Christopher Rucho

Recommendation- Finance Committee

It was unanimously voted to vote raise and appropriate the sum of \$7,000 to fund year one of the new three year contract with the Fire Chief (Account # 01-220-5100-5100).

Article 7 – Appropriate Funds for Public Safety Employees Dispatch Software Training

Motion- Patrick Crowley

Second- Christopher Rucho

Recommendation- Chief Dennis Minnich, Finance Committee

Discussion

This Appropriation allows training for Public Safety Employees to become proficient with the new software to be used connect with the Holden Regional Dispatch Center.

VOTE-

It was unanimously voted to raise and appropriate the sum of \$52,000 to fund the wages and other related costs associated with training our public safety employees on the new software to be used in the Holden Regional Dispatch Center.

Article 8 - Authorization to Modify Fiscal Year 2017 Appropriations and other Necessary Adjustments to the Fiscal Year 2017 Budget

Motion- Christopher Rucho

Second- Patrick Crowley

Recommendation- Finance Committee

It was unanimously voted to raise and appropriate funds in the amounts set forth in Schedule A to the Fiscal Year 2017 Appropriation Account stated in said schedule as follows;

Transfer Unexpended Balances

Amount	Transfer from	Transfer To	Amount
\$2730	Raise & Appropriate	Elections Salaries and Wages	\$2730
\$500	Raise & Appropriate	Election Other Charges	\$500
\$3155	Raise & Appropriate	Election Purchase Services	\$3155
\$7400	Raise & Appropriate	Town Audit Purchase Services	\$7400
\$25,000	Raise & Appropriate	Group Health Insurance Premiums	\$25,000
<u>\$45,000</u>	Raise & Appropriate	Communications Purchase Services	<u>\$45,000</u>
Total Reduction \$83,785		Total Appropriation \$83,785	

Article 9– Authorization to Pay Bills from a Previous Fiscal Year

Motion- John Hadley

Second- Patrick Crowley

Recommendation- Finance Committee

Discussion

Selectmen Hadley stated that there were no Prior Year Bills to pay.

VOTE-

Passed Over-

It was unanimously voted to pass over this article.

This article would have allowed the Town to raise and appropriate or transfer from available funds a sum of money to Pay Bills now being held by the Finance Director in his capacity as Town Accountant from a prior Fiscal Year for which no encumbered funds are available.

Article 10 – Authorization to Transfer Funds from the Cemetery Sale of Lots Account

Motion- Jack McCormick, Cemetery Trustee

Second- Patrick Crowley

Recommendation- Cemetery Trustees, Finance Committee

Discussion

This would allow the Cemetery to replace a 13 year old mower. The motor has already been replaced and is cheaper to buy this year than next.

VOTE-

It was unanimously voted to transfer the sum of \$18,000 from the Cemetery Sale of Lots Account for the purchase a new lawn mower.

Article 11 – Authorization to Transfer Funds to the Stabilization Fund

Motion- Siobhan Bohanson

Second- John Hadley

Recommendation- Board of Selectmen, Finance Committee

Discussion

Town Administrator stated that this transfer would be considered at the spring Town Meeting

VOTE-**Passed Over-**

It was unanimously voted to pass over this article. This article would've transferred a sum of money from Free Cash to the Stabilization Fund.

Article 12 – Authorization to Transfer Funds to the Capital Investment Fund

Motion- Patrick Crowley

Second- Christopher Rucho

Recommendation- Board of Selectmen, Finance Committee, Capital Investment Board

Discussion

Town Administrator stated that this transfer would be considered at the spring Town Meeting

VOTE-**Passed Over**

It was unanimously voted to pass over this article. This article would've transferring the sum of money from Free Cash to the Capital Investment Fund.

Article 13 – Authorization to Amend the Personnel Bylaw so as to Create the Positions of Access Coordinator and Production Assistant for the WBPA TV

Motion- Christopher Rucho

Second- John Hadley

Recommendation- Personnel Board, WBPA-TV, Bylaws Committee

Discussion

Current Status –

- the WBPA-TV Access Coordinator and Reduction Assistant currently employed as 1099 contractors
- the type of work done by these individuals does not meet the federal criteria for 1099s contractors

Proposal-

- Create two part-time positions;
- WBPA-TV Access Coordinator and Production Assistant
- less than 20 hours per week
- not eligible for benefits
- salary commensurate with the contractor rate
- employee the incumbents

VOTE-

It was voted to create the new positions of Access Coordinator and Production Assistant for the West Boylston Public Access TV Program, Access Coordinator to be classified at Grade 3, and Production Assistant to be classified as Grade 2, and to amend Section 5, Part AA of Article XXI, of the Personnel Bylaw to reflect these new positions.

Grade 2 Animal Control Officer
Dog Officer
Treas./Tax Collector Clerk
Van Driver
WBPA-TV Production Assistant
A13 Oct. A7, 2016

Grade 3 Assistant Children's Librarian
Assistant to the Program Director COA
Assistant Town Clerk
Library Assistant
Secretary
Sec./Bookkeeper
WBPA-TV Access Coordinator
A13 Oct. 17, 2016

Article 14- Authorization to Amend the FY17 Wage and Salary Schedule

Motion- John Hadley

Second- Patrick Crowley

Recommendation- Personnel Board, WBPA-TV, Bylaws Committee

Discussion

Proposal –

- Correct minor transcription errors for Cemetery Superintendent and COA Director
- Adjust in utilize totals for to library positions to account for increased hours approved by the Library Trustees
- Library Director – 35 240 hours per week
- Children's Librarian – 32.5 to 35 hours per week

VOTE-

It was unanimously voted to amend the section of the FY17 Grade Schedule dealing with exempt employees, specifically Grades 6 – 10, by replacing this existing section:

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
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

with the following amended section, with those dollar amounts which are amended being shown in bold italicized numbers:

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
6					
Cemetery Superintendent	\$34,773.77	<i>\$38,261.99</i>	<i>\$41,722.67</i>	<i>\$46,654.33</i>	<i>\$48,706.12</i>
COA Director	<i>\$34,773.77</i>	\$38,261.99	\$41,722.67	\$46,654.33	\$48,706.12
7					
Town Clerk	\$32,232.16	\$35,402.41	\$38,670.68	\$41,885.17	\$45,105.65
Children's Librarian	<i>\$34,757.98</i>	<i>\$38,124.58</i>	<i>\$41,641.40</i>	<i>\$45,109.23</i>	<i>\$48,574.67</i>
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	\$49,308.39	\$54,244.83	\$59,175.31	\$64,110.58	\$69,045.83
Treasurer/Tax Collector	\$49,308.39	\$54,244.83	\$59,175.31	\$64,110.58	\$69,045.83

Article 15 – Authorization to Petition the Legislature to Amend the Special Act to Establish an Appointed Town Clerk

Motion- Barur Rajeshkumar

Second- Christopher Rucho

Recommendation- Board of Selectmen, Personnel Board

Discussion

Current Status –

- Town Clerk is an elected position with a three-year term
- the Town Clerk is the only elected position intended to staff the major town function full-time
- accountable to the Town Citizens and in accordance with Massachusetts General Laws, Federal Laws, and municipal policies and objectives

Proposal –

- Make the Town Clerk or salary position appointed by the Town Administrator
- Job, educational requirements and qualifications as defined by the Personnel Board, and in accordance with Massachusetts General Laws, Federal Laws, and municipal policies and objectives
- Benefits will be consistent with the Personnel Plan

This change is endorsed by the incumbent Town Clerk

Administrator Anita Scheipers stated that this is the second time this article has been brought forth to the voters. There is a letter on the Town Web-site from the Town Clerk stating the pros and cons. (see addendum) The incumbent Town Clerk is in favor of this article.

Christopher Berglund

When would this change take effect? Who creates the job description? Scheipers stated that it would take effect upon Legislative approval, and that the Personnel Bd. will be drafting a job description.

Elisa Wellington

With the responsibilities of the job keeps increasing, we have a capable Town Clerk in office now, what qualifications would you be looking for? Scheipers restated that the Personnel Bd. will define the job description.

Don LaGasse

I am opposed to this article, it's like Groundhog Day.

We should keep the Town Clerks as an elected position. I am surprised, perplexed and concerned.

He further 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 and not at the discretion of a small board.

The decision of electing a town clerk involves an electorate of several hundred people as opposed to an appointment made by only one individual. It would be untenable for the Selectman to supervise a department with insufficient knowledge of what the job entails. An additional layer of management has never resulted in increase efficiency. Keep the Town Clerk Position elected.

Richard Johnson

The intent of this article is to have someone qualified in the position. This should not out of the goodness of your heart, or be a popularity contest. I want assurance that Kim Hopewell will be appointed as Town Clerk. Administrator Scheipers stated that Kim Hopewell would be the appointed Town Clerk.

David Sweetman

Stated that being a former Moderator and Selectmen, and Personnel Board that he has worked with the Town Clerk for the preparation and running Town Meetings. The Town Clerk we have is responsible, and has a formidable amount of technical knowledge and understanding of what is required by law, it is an essential service for this position.

Marc Freiden

What is the proper vetting of the Town Clerk position without an election? The article states that the position would be appointed by the Town Administrator, would the Board of Selectmen need to approve the appointment as well? Scheipers responded that it would.

VOTE-

It was voted to allow the 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.

Article 16- Authorization to Petition the Legislature for Special Legislation to Amend Article VI of the General Bylaws to at the position of “Alternates” to the makeup of the Finance Committee

Motion- Siobhan Bohnon

Second- John Hadley

Recommendations – Finance Committee

Discussion

By amending this Act it would allow the town to amend the bylaws, to add Finance Committee Alternates appointed by the Board of Selectmen. Alternates would be allowed to vote in the absence of full members.

The Quorum requirements will also be amended to the majority of the Finance Committee currently in office.

Ray Bricault raised questions regarding the Finance Cmte. Quorum requirements set forth in this Act. The current Bylaw states that the quorum is 4 members. This article would define a “quorum” as a majority of the Finance Committee members currently in office.

At this point the Finance Committee asked the Moderator to have a moment for the Bd. to review this article more closely. Motion to amend by Christopher Berglund of Finance Committee to keep the quorum as 4 members. Town Clerk Kim Hopewell asked to speak with Town Counsel, Town Administrator and Selectman Chair Rucho. The Clerk advised passing over this article and bringing it back at a future Town Meeting along with a separate General Bylaw amendment.

Motion to Pass Over

David Sweetman stated that if there were still questions and amendments to this article, this was no way to bring forth a Special Act to the State Legislature. He then motioned to pass over this article, Board of Selectmen Chair Christopher Rucho seconded.

VOTE-

Passed Over

it was unanimously voted to pass over this article. This article would've voted to authorize the Board of Selectmen to petition the General Court for special legislation to allow the Town of West Boylston to create up to two positions of Alternates to add to the makeup of the Finance Committee membership, notwithstanding the provisions, of Chapter 39, §16 of the general laws, and further to have these Alternates be designated to participate in Committee business and vote as needed in the absence of a quorum of regular members of the Committee, and further to define "quorum" as a majority of the Finance Committee members currently in office; 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.

Article 17 –Authorization to Petition the Legislature to Amend the Special Act to modify the hiring qualifications for the DPW Director Position

Motion- Patrick Crowley

Second- Christopher Rucho

Recommendation- Personnel Board

Discussion

Special Act – Chapter 77 of the Acts of 2001

DPW Director Position has been filled, however the process was made more difficult due to a requirement in the Special Act for a degree in Civil Engineering.

The Town wishes to petition the Legislature to make a degree in Civil Engineering a preferred qualifications versus a required qualification in order to strengthen and expedite for the candidate searches.

VOTE-

It was voted to authorize the Board of Selectmen to petition the General Court for special legislation to allow the amendment of the Chapter 77 of the Acts of 2001, to change the hiring qualifications for the DPW Director by making the required qualification of having a bachelor's degree in civil engineering, or other appropriate discipline, to make these standards preferred qualifications versus mandated qualifications; 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.

Article 18 - Authorization to Amend Article XXIX of the General Bylaws

Motion- Christopher Rucho

Second- Patrick Crowley

Recommendation- Bylaws Committee

Discussion

Upon approval of Article 17 by the legislature, this article would allow the town to:

To replace the existing Paragraph 3 of Article XXIX- Department of Public Works to change the mandated qualification of a Bachelor's Degree in Civil Engineering or related discipline to a ***preferred*** qualification.

This article would still require approval by the Attorney General's Office as well before being incorporated into our General Bylaws

VOTE-

It was voted to amend Article XXIX – Department of Public Works, 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.”

Motioned and seconded to dissolve town mtg at 9:40 p.m.

Attest:

Kim D. Hopewell
Town Clerk