

# **TOWN Clerk Meeting Minutes Semi-Annual Town Meeting**

**Oct. 20, 2003 rescheduled session Oct. 27, 2003**

The meeting under the foregoing Warrant was held in the auditorium of the West Boylston Middle/High School on Oct. 27, 2003.

The Moderator announced that a quorum has been met, that there are 4,415 registered voters as of Dec. 31, 2002 and that 3% of registered voters are required to convene for a total quorum number of 132. And that 2%, or 88 registered voters, are needed to maintain a quorum, and reconvene. The meeting was called to order at 7:05 p.m.

The following tellers were appointed and sworn in by the Town Clerk:

Jane Estrada  
Marcia Cairns  
Irene Lawrence  
David Femia

Penny Bergeson  
Christopher Rucho  
Marilyn Kanerva  
Richard Butler

Following the Pledge of Allegiance to the flag of the United States of America, a moment of silence was observed in memory of all those residents who died, and for those who paid the ultimate sacrifice to the service of our country since the last Annual Town Meeting.

Upon a motion of Charles Stevens and second by Wayne LeBlanc, it was unanimously voted to waive the reading of the Warrant and return of service thereof.

## **ARTICLE 1 -**

### **AUTHORIZATION TO HEAR THE REPORTS OF OFFICERS AND COMMITTEES OF THE TOWN**

Motion- Charles Stevens  
Second- Allen Phillips

It was unanimously voted to hear the reports of the officers and standing committees of the town.

### **Reports-**

Wayne LeBlanc, re; Group Health Plan Cost Reduction Initiative strategies relative to collective bargaining- Mr. LeBlanc stated that the Board of Selectmen will continue to work with the School Committee, the employees of the Town of West Boylston and other local officials so as to continue to provide quality group health plan benefits for the employees and retirees, at cost-effective and reasonable prices.

Ellen Dolan, re: Beaman Libraries \$7,500.00 technology grant- In honor of the Beaman Library receiving an Library Services and Technology Act Grant of \$7,500.00 to conduct a community wide reading project entitled "On the Same Page", numerous activities and events have been planned to bring the community together around a common reading of Mark Twain's Adventures of Huckleberry Finn. It was declared to be "The Year of Mark Twain" in West Boylston by the Moderator. He encourages the townspeople to visit the library and pick up a copy of the book to participate in the enlightening and enjoyable activities that have been planned.

**ARTICLE 2** - passed over

AUTHORIZATION TO PAY BILLS FROM PREVIOUS FISCAL YEARS

Motion- Charles Stevens  
Second- Wayne LeBlanc

The Board of Selectmen received no bills. It was unanimously voted to pass over the article, which would have allowed the town to appropriate a sum of money to pay bills being held by the Finance Director in his capacity as Town Accountant from prior fiscal years for which no encumbered funds are available.

**ARTICLE 3** -

APPROPRIATION TO FUND THE ELDER COMMUNITY SERVICES PROGRAM

Motion- Wayne LeBlanc  
Second- Kevin McCormick

It was unanimously voted to appropriate the sum of Three Thousand Dollars and No Cents (\$3,000.00) from the Overlay Surplus Account to fund the Elder 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 conditions authorized under Article 41 of June 9, 2003 adjourned session of the May 19, 2003 Semi-Annual Town Meeting and to any and all eligibility requirements promulgated by the Board of Selectmen.

**ARTICLE 4** -

APPROPRIATION OF FUNDS FOR THE DEVELOPMENT OF A PARKING LOT ON LOWER GOODALE STREET

Motion- Allen Phillips  
Second- Wayne LeBlanc  
Finance Comm- recommends approval

It was voted by a simple majority to transfer the sum of Eighteen Thousand Dollars and No Cents

(\$18,000.00) from the appropriation authorized under Article 22 of the May 17, 1999 Semi-Annual Town Meeting for playing field development, to fund the construction and paving of the off-street parking area located off of lower Goodale Street; said funds to be expended under the direction of the Board of Selectmen and said construction activities to be undertaken by the Streets and Parks Department in conformity with all applicable laws and permit requirements.

#### **ARTICLE 5 –**

APPROPRIATION OF FUNDS FOR PUBLIC SHADE TREE PRUNING, LIMB CUTTING, TREE CUTTING AND CLEARING TO BE EXPENDED BY THE TREE WARDEN

Motion- Kevin McCormick  
Second- Wayne LeBlanc

It was unanimously voted to appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) from the Overlay Surplus Account to be expended by the Tree Warden with prior approval of the Board of Selectmen for the purpose of pruning, removing branches and limbs, and cutting and clearing public shade trees that are dead, dying, or deemed to be a public safety hazard; said activities to be undertaken by the Tree Warden in conformity with all applicable laws and permit requirements.

#### **ARTICLE 6 –**

APPROPRIATION TO THE FISCAL YEAR 2004 SEALER OF WEIGHTS AND MEASURES OPERATING BUDGET

Motion- James Ryan  
Second- Allen Phillips

It was unanimously voted to appropriate the sum of Two Hundred Forty-two Dollars and No Cents (\$242.00) from the Overlay Surplus Account to the Fiscal Year 2004 Sealer of Weights and Measures Purchase of Services Account, Budget Line Item #02-44-6200.

#### **ARTICLE 7 –**

APPROPRIATION TO FUND THE PURCHASE OF EQUIPMENT FOR THE SEALER OF WEIGHTS AND MEASURES

Motion- James Ryan  
Second- Allen Phillips

It was unanimously voted to appropriate the sum of Two Thousand Three Hundred Seventy Dollars and No Cents (\$2,370.00) from the Overlay Surplus Account to the purpose of purchasing equipment for the Sealer of Weights and Measures.

#### **ARTICLE 8 –**

APPROPRIATION TO THE FISCAL YEAR 2004 FINANCE DIRECTOR/TOWN ACCOUNTANT OPERATING BUDGET

PURCHASE OF SERVICES ACCOUNT

Motion- Charles Stevens

Second- Wayne LeBlanc

Finance Comm- recommends approval

It was unanimously voted to appropriate the sum of Eighty Thousand Dollars and No Cents (\$80,000.00) to the Fiscal Year 2004 Finance Director Purchase of Services Account, Budget Line Item #01-35-6200, and to meet said appropriation by transferring the amount of Forty Thousand Dollars and No Cents (\$40,000.00) from the Fiscal Year 2004 Finance Director Salaries and Wages Account, Budget Line Item #01-35-5100, and by transferring the amount of Forty Thousand Dollars and No Cents (\$40,000.00) from the Overlay Surplus Account.

**ARTICLE 9 –**

APPROPRIATION TO THE FISCAL YEAR 2004 COMPUTER OPERATIONS ACCOUNTS

Motion- Wayne LeBlanc

Second- Charles Stevens

Finance Comm- recommends approval

It was unanimously voted to appropriate the sum of Eight Thousand Dollars and No Cents (\$8,000.00) from the Overlay Surplus Account to the Fiscal Year 2004 Computer Operations Purchase of Services Account, Budget Line Item #01-55-6200, and further to appropriate the sum of Six Thousand Dollars and No Cents (\$6,000.00) from the Overlay Surplus Account to the Fiscal Year 2004 Computer Operations Capital Outlay Account, Budget Line Item #01-55-6800.

**ARTICLE 10 –**

AUTHORIZATION TO TRANSFER FUNDS TO THE UNEMPLOYMENT COMPENSATION FUND

Motion- Allen Phillips

Second- Kevin McCormick

Finance Comm- recommends approval

It was unanimously voted to transfer the amount of Ten Thousand Dollars and No Cents (\$10,000.00) to the Unemployment Compensation Fund, by transferring the sum of Five Thousand Dollars and No Cents (\$5,000.00) from the Fiscal Year 1999 Workers' Compensation Claims Reserve Fund, and the sum of Five Thousand Dollars and No Cents (\$5,000.00) from the Fiscal Year 2000 Workers' Compensation Claims Reserve Fund.

**ARTICLE 11 –**

APPROPRIATION OF FUNDS TO THE FISCAL YEAR 2004 FINANCE COMMITTEE RESERVE FUND

Motion- Kevin McCormick  
Second- Charles Stevens  
Finance Comm- recommends approval

It was unanimously voted to appropriate the sum of Ten Thousand Dollars and No Cents (\$10,000.00) from the Fiscal Year 2000 Workers' Compensation Claims Reserve Fund to the Fiscal Year 2004 Finance Committee Reserve Fund, Budget Line Item #01-32-6700.

**ARTICLE 12 -**

APPROPRIATION TO FISCAL YEAR 2004 CIVIL DEFENSE PURCHASE OF SERVICES ACCOUNT

Motion- James Ryan  
Second- Kevin McCormick  
Finance Comm- recommends approval

It was unanimously voted to appropriate the sum of Three Thousand Dollars and No Cents (\$3,000.00) from the Overlay Surplus Account to the Fiscal Year 2004 Civil Defense Purchase of Services Account, Budget Line Item #02-91- 6200.

**ARTICLE 13 –**

APPROPRIATION TO FUND MOLD ABATEMENT AND REHABILITATION SERVICES FOR THE BEAMAN MEMORIAL LIBRARY

Motion- Charles Stevens  
Second- Wayne LeBlanc

It was unanimously voted to appropriate the sum of Thirteen Thousand Dollars and No Cents (\$13,000.00) from the Overlay Surplus Account to be expended by the Board of Library Trustees to conduct mold abatement and restoration, and repair services at the Beaman Memorial Library, including, but not limited to: cleaning and removal of mold in affected areas, equipment rental and purchase, and replacement of sheetrock walls, insulation and other materials as required.

**ARTICLE 14 –**

APPROPRIATION TO THE FISCAL YEAR 2004 BOARD OF SELECTMEN PURCHASE OF SERVICES

Motion- Wayne LeBlanc  
Second- Charles Stevens

Finance Comm- recommends approval

It was unanimously voted to appropriate the sum of Twelve Thousand Five Hundred Dollars and No Cents (\$12,500.00) from the Fiscal Year 2000 Workers' Compensation Claims Reserve Fund to the Board of Selectmen Purchase of Services Account, Budget Line Item #01-22-6200, for the purpose of funding the expense of a group health insurance advisor, including legal services.

#### **ARTICLE 15 –**

ESTABLISHMENT OF A TOWN OF WEST BOYLSTON 2008 BICENTENNIAL CELEBRATION FUND

Motion- Allen Phillips

Second- Kevin McCormick

It was unanimously voted to establish a Town of West Boylston 2008 Bicentennial Celebration Fund in conformity with the provisions of Massachusetts General Laws, Chapter 44, Section 53 I, and to authorize the Treasurer/Tax Collector to establish a separate bank account for said Town of West Boylston 2008 Bicentennial Celebration Fund in which shall be deposited such sums as may be appropriated as authorized under Massachusetts General Laws, Chapter 44, Section 53 I, and any and all sums received from the sale of commemorative items, admissions charges for commemorative ceremonies or events, and all donations and earned interest of the account; and further to authorize the Bicentennial Celebration Committee to expend funds from the 2008 Bicentennial Celebration Fund for the purposes of said celebration in the calendar year of such celebration and in the calendar year preceding or succeeding the same; provided that any surplus remaining in said special fund after such celebration is concluded, shall be transferred by the Treasurer/Tax Collector into the General Fund.

#### **ARTICLE 16 –**

AUTHORIZATION TO AMEND THE PERSONNEL BYLAW RELATIVE TO RECLASSIFICATION OF THE ADMINISTRATIVE ASSESSOR

Motion- Kevin McCormick

Second- Allen Phillips

Personnel Bd.- recommends approval

It was unanimously voted to amend Article XXI Personnel Bylaw, Section AA -CLASSIFICATION PLAN Grade 3 by deleting:

Assistant Administrative Assessor

And inserting in Article XXI Personnel Bylaw, Section AA 1 – CLASSIFICATION PLAN Grade 4 Administrative Assessor.

**ARTICLE 17 -**

AMEND THE PERSONNEL BYLAW WITH RESPECT TO "BOARD OF FIRE ENGINEERS" AND "FIRE CHIEF"

Motion- James Ryan

Second- Kevin McCormick

Personnel Board- recommends approval

It was unanimously voted to amend and to accept the article as follows;

Section F, Types of Employees, Section 5. Emergency Fire Personnel: by deleting "Board of Fire Engineers" and adding, "Fire Chief";

Section J- Hiring Procedures- by deleting; "Board of Fire Engineers and adding "Fire Chief" in both the second and third paragraphs;

Section K- Work Hours- by deleting "Chief of Fire Engineers" and adding "Fire Chief,"

Section AA- Classification and Compensation Plan Section, Section 2. Compensation Plan- Non-Exempt Emergency Fire and Medical Services Employees; by deleting "Board of Fire Engineers" and adding, "Fire Chief"; and

Section CC- Step increases- by deleting "Board of Fire Engineers" and adding, "Fire Chief".

**ARTICLE 18 –** passed over

AUTHORIZATION TO TRANSFER MONEY TO THE STABILIZATION FUND

Motion- Charles Stevens

Second- Wayne LeBlanc

It was unanimously voted to pass over this article, which would have allowed the transfer of a sum of money to the Stabilization Fund.

**ARTICLE 19 –**

AUTHORIZATION TO TRANSFER FUNDS FROM FREE CASH, STABILIZATION FUND OR AVAILABLE FUNDS TO REDUCE THE FISCAL YEAR 2004 TAX RATE

Motion- Wayne LeBlanc

Second- Charles Stevens

Finance Comm- recommends approval

It was unanimously voted to transfer the sum of Five Hundred and Five Thousand, Three Hundred and Six Dollars and No Cents (\$505,306.00) from the Stabilization Fund to reduce the Fiscal Year

2004 Tax Rate.

**ARTICLE 20** – Motion Defeated

PETITION ARTICLE

Motion- William Chase

Second- Carolyn Padden

Motion to accept the article as written and to motion to conduct such vote by paper ballot.

Discussion on this article:

Charles Stevens stated the two motions be separated, and to vote on each individual issue.

Question from the floor- Why was one person singled out and not all Town jobs? That's discrimination I think.

William Chase stated that "the reason I picked this particular one is, um I feel I don't disagree with what you said, but we have to start someplace, the example I give is the sewer project and I question capabilities of setting the tax rate. Since I moved here in 95 the tax rate has quadrupled and I am not getting anything for my money. I feel that we have to make a move. We spent over \$500,000 at this meeting."

Joe Lajeunese requested information on the current practices of the Board of Selectmen. Mr. McCormick stated that the Town Administrator has a 2-year contract that is reviewed each year by the Board of Selectmen.

Kevin McCormick, Chairman of the Board of Selectmen read a legal opinion from town council re: Effect of Town Meeting Vote Directing Board of Selectmen to Follow Certain Practices Prior to Renewal of Town Administrator's Contract.

"Where specific authority to regulate a particular matter is vested in a local board by the Legislature, the town cannot, by vote of Town Meeting, exercise any control or direction over such a board as to a matter within the board's discretion, Breault v. Auburn 303 Mass. 424, 428 (1939). Therefore, in my opinion, the Town Meeting vote requiring the Board of Selectmen to follow certain procedures in reviewing the Town Administrator's contract is merely a non-binding referendum, and the Board of Selectmen is not required to change its hiring and contracting practices based on said vote."

Mr. Lajeunese queried as to why we were doing this article at all since it has no effect. The Moderator, David Sweetmen replied that we had to follow through with the article because it was a 10 Taxpayer Petition.

Mr. David Femia questioned the expiration date of Mr. Guida's contract. Mr. McCormick stated that the current contract expires on Dec. 10, 2004.

Moderator hearing no other comments on the question he requested to move forward with the motion of conducting a paper ballot, William Chase made the motion and was seconded by Carolyn Padden. After two attempts at voting by a voice vote, a show of hands was requested. It was voted by a majority **not** to conduct a paper ballot. Nays carried Motion was defeated.

With no further discussion on the matter a motion made and seconded to move on article 20 as printed in the warrant. It was voted by a majority **not** to request the Board of Selectmen interview other candidates and post the position of Town Administrator prior to the renewal of the present administrator's contract being signed. Nays carried article was defeated.

The Moderator opened the floor to any unfinished business.

Christopher Berglund asked to revisit Article 1 - Authorization to hear the Reports of Officers and Committees of the Town.

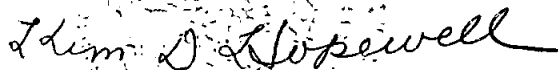
Christopher Berglund, acting as the Finance Committees designee to the Town Wide Planning Board presented a Vision Statement and Executive Summary of the West Boylston Town Wide Plan. The report also includes the committees Oct. 2003 Semi-Annual Report in regards to the Housing Task Force, Open Space and Recreation, Comprehensive Plan and Financial Statement.

Elizabeth Arnow questioned affordable housing issues and if the Worcester County House of Correction could be considered in the percentage count that the town needs to satisfy it's 40B housing allowance. Mr. Guida stated that the BOS doesn't hear cases on 40B and doesn't determine if low-income housing can come in, it's a function of the ZBA. Mr. Guida will speak with Senator Harriet Chandler regarding legislation that was filed, and will follow up on the Town Meeting Resolution sent to her by the Town Clerk regarding Senate Bill Number 701.

This bill requests to amend the Massachusetts General Laws, Chapter 40B, Section 20, Relative to Low & Moderate Income Housing as recommended by the Board of Selectmen and the Town Wide Planning Committee on the May 19th, 2003 Semi-Annual Town meeting Warrant, Article 33.

Hearing no further discussion, a motion was made and seconded to adjourn the town meeting. The meeting was adjourned at 8:31 p.m.

Attest:



Kim D. Hopewell  
Town Clerk