

VOTE TAKEN AT ANNUAL TOWN MEETING HELD MAY 6, 2023

The meeting was called to order by Moderator Dana Altobelli at 1:08 p.m. with 78 people in attendance. The Constable's Return of the Warrant was read by Town Clerk Ellen Sheehan. Melinda Horrigan and Keith Harding were sworn in as tellers.

The following non-residents were given permission to address town meeting when appropriate: Town Counsel, Brian Riley, Cemetery Superintendent Alan Mayo, Town Planner Tracy Murphy, Acting Police Chief Jason Tamulen, Board of Health Agent Abby Conlin, and representatives from Montachusett Regional Vocational Technical High School.

Moderator Altobelli recognized former Moderator John Bowen for his 33 years of service to the Town of Westminster as Town Moderator.

An affirmative vote was taken at this time to accept the provisions of MGL Chapter 39, Section 15, which allows the Moderator to dispense with a count in matters requiring a two-thirds vote by statute, where the vote is unanimous or clearly overwhelming at this Special Town Meeting.

The votes taken were as follows:

CUSTOMARY ARTICLES

ARTICLE 1. Voted to authorize the Select Board to enter into a contract with the Massachusetts Department of Transportation or other appropriate state agency for the construction and maintenance of public highways for the ensuing fiscal year.

ARTICLE 2. Voted pursuant to Chapter 40, Section 4 of the General Laws to authorize the Select Board to enter into any and all contracts on behalf of the Town for the ensuing fiscal year unless otherwise provided by law, on such terms and conditions as it deems to be in the best interests of the Town.

ARTICLE 3. Heard the reports of the following committees appointed to act on Town affairs or in its behalf:

- Advisory Board financial report
- Agricultural Commission

ARTICLE 4. Voted to set the following spending limits for each Revolving Fund authorized under Chapter 28-9 of the Town Bylaws for FY2024:

Hazardous Materials Recovery - \$12,000
Agricultural Commission Programs - \$10,000
Public Health Clinic and Emergency Response - \$25,000
Private Road Maintenance - \$10,000

ARTICLE 5. Voted to establish one (1) full-time Community Services Director position in the Recreation Department. (Presentation followed)

NOT UNANIMOUS

OPERATING BUDGETS

ARTICLE 6. Voted to fix the compensation of appointed and elected officers, provide for a Reserve Fund, and determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town, including debt and interest, for the ensuing fiscal year.

AMOUNT APPROPRIATED

Select Board	Salaries	4,000
	Expenses	28,750
Town Administration	Salaries	154,750
	Expenses	7,200
Advisory Board Expenses		650
Reserve Fund	Expenses	98,400
Accountant	Salaries	112,312
	Expenses	38,900
Assessors	Salaries	72,383
	Expenses	21,695
Treasurer/Collector	Stipend	1,000
	Salaries	158,298
	Expenses	19,916
Legal	Expenses	75,000
Personnel Admin	Salaries	56,166
	Expenses	21,175
Data Processing	Salaries	72,918
	Expenses	132,100
Town Clerk	Stipend	1,200
	Salaries	93,945
	Expenses	11,960

Elections	Stipend	700
	Salaries	9,620
	Expenses	20,425
Conservation	Salary	42,072
	Expenses	1,050
Town Planner	Salary	85,891
	Expenses	4,500
Planning Board	Salary	2,000
	Expenses	1,150
Board of Appeals	Salary	1,000
	Expenses	300
Agricultural Comm	Expenses	500
Economic Developmt	Expenses	1,300
Public Bldgs & Prop	Salaries	114,330
	Expenses	262,550
Town Report	Expenses	2,250
Crocker Pond	Salaries	22,983
	Expenses	7,655
Police/Dispatch	Salaries	2,171,429
	Expenses	403,978
Fire	Salaries	1,079,762
	Expenses	209,595
Ambulance	Salaries	485,111
	Expenses	173,182
Emergency Mgmt	Salaries	31,025
	Expenses	12,405
Building Dept.	Salaries	228,405
	Expenses	20,000
Animal Control	Expenses	40,700
Tree Warden	Salary	2,000
	Expenses	33,200
K-12 Schools	Contribution to Fndn Budget	8,297,014
	Additional Funds	2,073,708
	Transportation	551,050
	Comm Serv.	4,330

	WES Bond	232,953
	Oakmont Bond	226,938
Monty Tech	Foundation State Minimum	771,335
	Transportation	26,472
	Capital	14,682
	Bonds	0
Highway Admin	Salaries	344,596
Highway Dept	Salaries	678,765
	Expenses	266,670
Snow & Ice Control	Salaries	77,000
	Expenses	320,000
Street Lighting	Expenses	20,000
Cemetery Dept.	Salaries	172,525
	Expenses	17,180
Health Department	Salaries	132,115
	Expenses	19,860
Council on Aging	Salaries	65,770
	Expenses	15,700
Veteran's Services	Salaries	0
	Expenses	18,000
Veteran's Assistance	Expenses	75,000
MART	Salaries	95,038
	Expenses	12,250
Library	Salaries	323,119
	Expenses	162,765
Recreation Dept.	Salaries	93,202
	Expenses	21,440
Concerts	Expenses	3,000
Hager Park Comm	Expenses	1,100
Historical Comm	Expenses	1,280
Memorial Day	Expenses	1,300

Care of Town Clock	Expenses	350
Town Debt Retirement	Total Expenses	407,000
Town Debt Interest	Total Expenses	51,290
Reg Plan Council	Expenses	2,972
Other Emp Benefits	Expenses	40,000
Retirement & Pensions	Expenses	1,335,167
Group Health Ins	Expenses	1,387,183
Group Life Ins	Expenses	4,900
Other Insurance	Expenses	362,000

Voted to appropriate the total sum of \$25,380,805 and to meet that appropriation as follows:

- Raise and appropriate \$24,169,345
- Transfer \$658,293 from the Ambulance Receipts Reserved Account, with any unused balance from this transfer reverting to that account at the end of the fiscal year.
- Transfer \$3,000 from the Wetlands Filing Fees Account, with any unused balance from this transfer reverting to that account at the end of the fiscal year.
- Transfer 535,167 from Pension Stabilization to offset the annual assessment increase.
- Transfer \$15,000 from the Septic Loan Management Program.

ARTICLE 7. Voted the following sums for the operation of the Sewer Enterprise for fiscal year 2024:

Salaries	122,661
Expenses	1,057,160
Debt Principal	53,554
(USDA Loan)	
Debt Interest	48,601
(USDA Loan)	
Reserve Fund	10,000
SUBTOTAL	1,291,976
Shared Costs	240,906
TOTAL	1,532,882

Further, that of said sums, an appropriation of \$1,291,976 be raised as follows:

\$ 150,000	Retained Earnings
\$ 86,832	General Fund Subsidy
\$1,055,144	From available departmental receipts, investment earnings, and other revenues of the Sewer Enterprise Fund.

(Note: Shared costs have been appropriated in the general fund)

ARTICLE 8. Voted the following sums for the operation of the Water Enterprise for fiscal year 2024.

Salaries	148,961
Expenses	521,938
Debt Principal (Ellis Rd water tank)	67,573
Debt Interest (Ellis Rd water tank)	82,000
Capital Outlay	
Reserve Fund	10,000
SUBTOTAL	830,472
Shared Costs	227,858
TOTAL	1,058,330

Further, that of said sums, an appropriation of \$830,472 be raised as follows:

\$150,000	Retained Earnings
\$680,472	From available departmental receipts, investment earnings and other revenues of the Water Enterprise Fund.

(Note: Shared costs have been appropriated in the general fund.)

ARTICLE 9. Voted the following sums for the operation of the Solid Waste Transfer Facility Enterprise for fiscal year 2024.

Salaries	
Expenses	264,200
Reserve Fund	10,000
SUBTOTAL	274,200
Shared Costs	57,105
TOTAL	331,305

Further, that of said sums, an appropriation of \$274,200 be raised as follows:

\$274,200 from available departmental receipts, investment earnings,
and other revenues of the Solid Waste Transfer Facility
Enterprise.

(Note: Shared costs have been appropriated in the general fund.)

CUSTOMARY MONEY ARTICLES

ARTICLE 10. Voted to raise and appropriate the sum of \$10,500, as follows:

\$4,000 for the Westminster Cultural Council
\$5,000 for the Conservation Fund as provided for in Section 8C of Chapter 40 of
the General Laws.
\$1,500 Agricultural Commission, as provided in Section 8L, Chapter 40 of the
General Laws to support programs and future projects.

ARTICLE 11. Voted to raise and appropriate \$100,000 to fund a portion of the cost of retaining
a professional consultant to perform the revaluation of real and personal property in the Town as
required under Massachusetts General Laws.

ARTICLE 12. Voted to transfer \$230,000 from Free Cash to reduce the Fiscal Year 2024 tax
rate.

NON-CAPITAL MONEY ARTICLES

ARTICLE 13. Voted to transfer \$6,000 from Free Cash to be spent under the direction of
the Cemetery Superintendent for a new lowering device.

ARTICLE 14. Voted to transfer \$6,000 from Free Cash to be spent under the direction of
the Cemetery Superintendent for a hot/cold power washer.

ARTICLE 15. Voted to transfer \$3,000 from Free Cash to be spent under the direction of
the Historical Commission for continued work with an historic preservationist.

ARTICLE 16. Voted to transfer \$14,000 from free cash to be spent under the direction of the Town Administrator to hire an independent consultant to perform a search for a full time, permanent Police Chief.

ARTICLE 17. Voted to transfer \$8,500 from IT Stabilization to be spent under the direction of the Treasurer/Collector to upgrade the Town's financial cash book, receivables package and other software.

**2/3 Vote Required and Recognized
UNANIMOUS**

ARTICLE 18. Voted to establish an Opioid Abatement Stabilization Fund, in accordance with Chapter 40, Section 5B of the Massachusetts General Laws, to be used, upon further appropriation, for the purposes of implementing the abatement strategies set forth in the Massachusetts State Subdivision Agreement for Statewide Opioid Settlements, dated March 4, 2022.

ARTICLE 19. Voted to accept the fourth paragraph of Chapter 40, Section 5B, of the Massachusetts General Laws, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Chapter 40, Section 5B of the Massachusetts General Laws, to be effective for all fiscal years beginning on July 1, 2023.

ARTICLE 20. Voted to dedicate 100 percent, of the Opioid Litigation Settlement Funds received or to be received by the Town, as defined in the State-Subdivision Agreement for Statewide Opioid Settlements, to the Opioid Abatement Stabilization Fund established in accordance with Chapter 40, Section 5B of the Massachusetts General Laws, effective for the fiscal year 2024, beginning on July 1, 2023.

**2/3 VOTE REQUIRED AND RECOGNIZED
UNANIMOUS**

ARTICLE 21. Voted to transfer \$330,000 from Free Cash, for the purpose of acquiring, for conservation and passive recreation purposes certain property located at 216 Ashburnham State Road, together with buildings thereon, known as the Therriault Property, consisting of 80 acres, more or less, and identified on Westminster Assessors Map 4 as Parcel 2, and costs incidental or related thereto, and to authorize the Select Board to acquire said property by purchase, gift, and/or eminent domain on such terms as the Select Board deems appropriate, which property shall be held under the care, custody and control of the Conservation Commission for the foregoing purposes under the provisions of G.L. c. 40, §8C, and, further, at authorize the Select Board, the Conservation Commission and/or their designee to apply for, accept and expend funds from the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of acquisition, including, but not limited to, grants and/or reimbursements from the Commonwealth under G.L. c. 132A, §11 (the so-called LAND Grants), and/or any other federal, state or other grants or reimbursement programs in any way connected with the scope of this article, and to enter into any and all agreements and execute any

and all instruments as may be necessary or convenient on behalf of the Town of Westminster to effectuate said acquisition.

**2/3 VOTE REQUIRED AND RECOGNIZED
UNANIMOUS**

CAPITAL EXPENDITURE ARTICLES

ARTICLE 22. Voted to appropriate \$2,650,168 to be spent under the direction of the corresponding departments for the following capital equipment and projects, including related incidental costs, as follows:

22	Department	Amount Requested	Funding Source
22-01	DPW - Road maintenance (including oiling, sealing, re-surfacing, drainage, guardrails, removing trees/brush, and other such activities.)	\$300,000.00	Raise and Appropriate
22-02	DPW - Road Improvement Program	\$500,000.00	Road Maintenance Stabilization
22-03	DPW - Storm Water Permit	\$50,000.00	Free Cash
22-04	DPW - Replace Ford F550	\$115,000.00	Capital Equipment Stabilization
22-05	DPW - Replace 2013 Ford E250 Cargo Van	\$60,000.00	Water & Sewer Enterprise
22-06	DPW - Fuel Pump and Management System	\$30,000.00	Capital Equipment Stabilization
22-07	DPW - Replace Ford F350	\$70,000.00	Capital Equipment Stabilization
22-08	DPW - Replace Water Meters	\$100,000.00	Water & Sewer Enterprise
22-09	Police - Hybrid 2022 Ford Explorer	\$50,000.00	Capital Equipment Stabilization
22-10	Police - Hybrid 2022 Ford Interceptor	\$60,000.00	Capital Equipment Stabilization
22-11	Police - Bullet Proof Vests	\$40,000.00	Capital Equipment Stabilization
22-12	Police - Firearms/Weapons	\$30,000.00	Capital Equipment Stabilization
22-13	Fire - Replace 2016 Chevy Ambulance	\$467,000.00	Ambulance Receipts
22-14	Fire - Replace 2016 Ford Explorer	\$85,000.00	Capital Equipment Stabilization
22-15	Fire - Air Compressor	\$110,000.00	Capital Equipment Stabilization
22-16	Cemetery - Zero Turn Mower	\$15,000.00	Capital Equipment Stabilization
22-17	Cemetery - Mt Pleasant Stone Wall Repair	\$30,000.00	Building Maintenance Stabilization
22-18	Tech - Computer Replacement	\$48,000.00	Technology Stabilization
22-19	Tech - LAN Wireless Apps	\$22,000.00	Technology Stabilization

22-20	Tech - Server upgrade Phase III	\$18,000.00	Technology Stabilization
22-21	Tech - Upgrade Library Phone System	\$30,000.00	Technology Stabilization
22-22	Schools - Districtwide Capital Projects	\$215,168.00	Building Maintenance Stabilization
22-23	Schools - Westminster Capital Projects	\$205,000.00	Building Maintenance Stabilization

**2/3 VOTE REQUIRED AND RECOGNIZED
UNANIMOUS**

MISCELLANEOUS AND ZONING ARTICLES

ARTICLE 23. Voted pursuant to General Laws Chapter 44, §20 to transfer \$100,000 from the amount borrowed pursuant to Article 21 of the 2018 Annual Town Meeting and Article 6 of the November 17, 2020 Special Town Meeting to the amounts previously appropriated for the Shady Avenue Water Tank project.

**2/3 VOTE REQUIRED AND RECOGNIZED
UNANIMOUS**

AMENDMENT TO ARTICLE 24: to change the convening time of the Annual Town Meeting to **NOT EARLIER THAN** 10:00 A.M. **AMENDMENT FAILS.**

VOTED TO PASS OVER ARTICLE 24.

ARTICLE 24. DID NOT vote to amend the Westminster General Bylaws (Chapter 25 of the Code of the Town of Westminster, Massachusetts, §25-4 and §25-6) to change the convening time of the Annual Town Meeting to 10:00AM and the convening time of the Special Town Meeting to not earlier than 6:00PM and to authorize the Town Clerk to make such changes to the Bylaw.

ARTICLE 25. Voted to transfer the care, custody and control of the parcel described below from the board having custody thereof for the purposes for which it is currently held to the Select Board for the purpose of conveyance, and to authorize the Select Board to convey all or a portion of the Town-owned parcel of land located at the intersection of Laurie Lane, consisting of 11,885 square feet, directly adjacent to Assessors Map 138, Parcel 38 on such terms and conditions and for such consideration as the Select Board deems appropriate.

**2/3 VOTE REQUIRED AND RECOGNIZED
UNANIMOUS**

MOTION TO TABLE ARTICLE 26. MOTION FAILS. (Needed a 2/3 vote.)

Yes – 30

No – 26

ARTICLE 26. Voted to amend the Zoning Bylaw, Chapter 205 of the Code of the Town of Westminster, to add Section 205-32.1 under Article XI Special Provisions as follows, and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Westminster:

205-32.1.1. PURPOSE.

The purposes of this section are to:

1. Provide a process through which certain residential dwelling units and bedrooms within dwelling units may be registered with the Town of Westminster for use as "short-term rentals";
2. Provide health and safety standards for short-term rentals; and
3. Provide for the orderly operation of short-term rentals within the Town.

205-32.1.2. DEFINITIONS.

"Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment that is rented for thirty-one (31) days or less.

Short-term renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a short-term rental.

Short-term rental operator: The person or persons offering a Dwelling Unit or bedroom within a Dwelling Unit, for short-term rental, with the written permission of the owner, condominium association, and homeowners association where applicable.

Operator-occupied short-term rental: The short-term rental of a Dwelling Unit, or of individual bedrooms within a Dwelling Unit, that is the primary residence of its operator.

Operator-adjacent short-term rental: The short-term rental of a Dwelling Unit that is not the primary residence of the operator, but is located within a dwelling with a total of four or fewer Dwelling Units where one of the Dwelling Units in the building is the primary residence of the operator.

205-32.1.3 REQUIREMENTS. Operator-occupied, and operator-adjacent short-term rentals are permitted as an accessory use to a permitted principal residential use, subject to the following requirements:

1. No Dwelling Unit, or bedroom within a Dwelling Unit, may be used as a short-term rental except in compliance with this bylaw.
2. The following Dwelling Units may not be used as short-term rentals:
 - i. Dwelling Units designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law;
 - ii. Accessory Apartments as defined in Section 205-34; and
 - iii. Any Dwelling Unit in violation of the State Sanitary Code, 105 CMR 410.
3. All short-term rental operators shall register with the Health Department prior to short-term rental use and occupancy in conformance with Section 205-32.1.5 Registration, Inspection and Fees.
4. A short-term rental operator may make available no more than one (1) Dwelling Unit for operator-occupied short-term rentals, which may include the separate short-term rental of each of no more than three (3) individual bedrooms, and one (1) Dwelling Unit for operator adjacent short-term rentals, which may be rented only as a whole unit to one (1) party of short-term renters at any one (1) time and may not be rented as separate bedrooms to separate parties.
5. A short-term rental shall be limited to parking of one (1) vehicle per lawful bedroom in the short-term rental.
6. The short-term rental operator or their agent shall maintain an up-to-date log of all occupants that occupy the short-term rental, which shall contain the occupants' names, ages, principal residence address, and dates of commencement and expiration of each short-term rental period. The log shall be available for inspection by Town officials with authority to regulate use of the Dwelling Unit, including the Town's Board of Health. The purpose of this requirement is to ensure that the Town shall have basic identifying information of all occupants of the short-term rental at all times.

7. The short-term rental operator must be current with all town taxes, water, and sewage charges on the property being rented.
8. Each short-term rental shall comply with 105 CMR 460.100 (D).
9. All short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use.
10. During any period of seven (7) or more consecutive days when the short-term rental operator is away from the Dwelling Unit, an operator-occupied short-term rental may be rented only as a whole unit and not rented as separate bedrooms to separate parties.
11. The number of bedrooms made available for operator-occupied short-term rentals within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.
12. Renting for an hourly rate, or for rental durations of less than ten (10) consecutive hours, shall not be permitted.

205-32.1.4 REGULATIONS.

The Board of Health shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section 205-32.1 "Short-Term Rentals."

205-32.1.5 REGISTRATION, INSPECTION AND FEES.

1. All Dwelling Units, or bedrooms within a Dwelling Unit, offered for short-term rentals shall register with the Health Department and secure a Certificate of Registration according to standards set forth by the Board of Health, and pay all associated fees. The Certificate of Registration shall require the short-term rental operator to agree to abide by the requirements of this bylaw.
2. It is the responsibility of the short-term rental operator to renew its Certificate of Registration on an annual basis or upon change of operator or owner.
3. Prior to issuing or renewing a certificate of registration, the Health Department and Fire Department shall conduct an inspection to verify that each Dwelling Unit, or bedroom within a Dwelling Unit, to be rented to short-term renters meets the requirements of this bylaw.

4. Units shall be annually recorded in the Short-Term Rental Registry for a fee set by the Board of Health.

Yes – 42

No -- 15

2/3 VOTE REQUIRED AND RECOGNIZED

ARTICLE 27. DID NOT vote to amend the Zoning Bylaw, Chapter 205 of the Code of the Town of Westminster, Attachment 1, Table of Use Regulations, to add a new category (18) under Section I. Accessory uses and off-street parking, as follows: (See Amendment to the Amendment below.)

Use	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	VC	I-I	I-II
(18) Short term rental (See § 205-32.1)	Y	Y	Y	Y	Y	Y	Y	Y

MOTION TO AMEND ARTICLE 27 TO CHANGE TO ALL N’S IN THE TABLE.

MOTION TO AMEND THE AMENDMENT TO ARTICLE 27 TO CHANGE THE TABLE TO N’S IN R-I, R-II, R-III, Y’S IN C-1, C-II, N IN V-C, and Y’S IN I-I, I-II.

THE AMENDMENT TO THE AMENDMENT TO ARTICLE 27 CARRIES AS FOLLOWS:

Voted to amend the Zoning Bylaw, Chapter 205 of the Code of the Town of Westminster, Attachment 1, Table of Use Regulations, to add a new category (18) under Section I. Accessory uses and off-street parking, as follows:

Use	Residential			Commercial			Industrial	
	R-I	R-II	R-III	C-I	C-II	VC	I-I	I-II
(18) Short term rental (See § 205-32.1)	N	N	N	Y	Y	N	Y	Y

2/3 VOTE REQUIRED AND RECOGNIZED

ARTICLE 28. Voted to accept as gifts three acrylic on canvas paintings done by Amy Kukta in 2002 of scenes intended for murals in the library stairway given by LeeAnn Lamsa and accepted by the Library Board of Trustees on January 10, 2023.

Annual Town Meeting adjourned at 4:34 p.m.

Respectfully submitted,

Ellen M. Sheehan, CMMC
Westminster Town Clerk