

Members present: Kevin M. McCormick Christopher A. Rucho  
Valmore H. Pruneau John B. DiPietro, Sr.  
Members absent: Allen R. Phillips

Mr. McCormick convened the meeting at 7:00 p.m.

**Read and acceptance of Minutes From Previous Meetings:**

Motion Mr. DiPietro to approve the meeting minutes of July 18, 2007 seconded by Mr. Pruneau, Messrs. McCormick, Pruneau and DiPietro yes; Mr. Rucho abstains, as he was not present at the meeting.

**OLD BUSINESS**

1. Review Proposed Zoning Bylaw amendment for use of one-owner adjoining non-conforming lots within sewer areas (text to be distributed at meeting)

Mr. DiPietro requested this item be included on the agenda, and after speaking with Mr. Gaumond and our Building Inspector Mark Brodeur, he would rather postpone this discussion until the next meeting of the Board. Due to the fact that this involves state laws, he recommends inviting in members of the Zoning Board of Appeals and the Planning Board for a discussion.

**NEW BUSINESS**

1. August Election Staff Reappointments as recommended by the Town Clerk

Motion Mr. Rucho to concur with the appointments of Nancy Kezer as Registrar, Patrick Inderwish as Election Warden, Neil Norum as Deputy Warden, Beverly Scott as Election Clerk, John Richie as Deputy Clerk and Elaine Novia as Registrar, seconded by Mr. Pruneau, all in favor.

2. Vote by Board whether or not to re-appoint the Town Administrator to another term and to enter into contract negotiations for a successor agreement

Motion Mr. Pruneau to reappoint Leon Gaumond as Town Administrator to another term, seconded by Mr. Rucho, all in favor.

Motion Mr. Pruneau to designate Chairman McCormick and Vice Chairman Phillips as the negotiating team to enter into contract negotiations with Mr. Gaumond, seconded by Mr. Rucho, all in favor.

3. Authorize the Town Administrator to get quotes for surveys of the three sites the Municipal Buildings Committee is looking at

Mr. Gaumond provided the Board with a letter from Eric Moore of Lamoureux Pagano Associates, the architect working with the Municipal Buildings Committee. They are looking for property delineations for the Public Safety Complex and the DPW building site. Mr. Gaumond requested the Board's approval to begin that process. Mr. Pruneau, who attended the last meeting of the Municipal Buildings Committee, explained that there was discussion of exactly where the DPW line was and concern about the leach field and right of ways at the Mixter Building. Mr. Rucho voiced concern over the Municipal Building Committee discussing changing the location of the town hall and senior center to the current DPW building and building a new police station on the Mixter property, which was the original plan.

Motion Mr. Pruneau to authorize the survey work for the highway garage, existing police and fire station and the Mixter property, if needed, seconded by Mr. Rucho, all in favor.

4. Execute Afra Terrace, LLC Side Agreement

The agenda package contains the agreement that the Board of Selectmen negotiated with Afra Terrace to begin the project. The agreement has been reviewed by Town Counsel and approved as to form. The last step will involve the Zoning Board of Appeals as they will sign off on the Marketing Plan.

The project has 13 affordable units in the Regulatory Agreement and the Marketing Plan. The agreement covers the profits that will be paid to the developer and the total development costs. The parties agree that the standards set forth in the Massachusetts Housing Partnership's Local 40B Review and Decisions Guidelines or, if the Guidelines are unavailable, other similar guidelines shall be used to determine all matters related to costs, profits, related party activities and other such accounting matters. The developer shall provide the ZBA a copy of the deed and HUD settlement statement for the sale of each unit of the project. The developer shall also provide the ZBA with a certified cost and income statement for the entire project within 60 days from the date on which the final Certificate of Occupancy is issued for the 52<sup>nd</sup> unit. In the event that any unit sales are made to related parties, the amount of income to be included in the Cost and Income Certification for such sales shall be the greater of the actual sales price of the unit and the average sales price of the highest three arm's-length sales of comparable units. The terms of this Agreement shall be in addition to, and independent of, the Developer's obligation pursuant to the Regulatory Agreement and pursuant to the Comprehensive Permit, as modified by the Acknowledgement. The Agreement will be binding upon the parties hereto, their successors, assigns and legal representatives. If any term or condition of the Agreement or any application thereof shall to any extent be held invalid, illegal, or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby. Each party shall be entitled to recover from the other all costs incurred in enforcing this Agreement after breach of any terms. The Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the parties submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement. The developer shall record this Agreement in the Worcester South District Registry of Deeds and shall deliver a copy of the recorded instrument to the municipality.

Motion Mr. Rucho to sign off on the agreement, seconded by Mr. Pruneau.

Mr. DiPietro questioned whether this Board should act prior to the Zoning Board of Appeals. Mr. Gaumond stated that the agreement would not be released until the Zoning Board of Appeals has signed the Marketing Plan, which they plan to do on August 23. However, if it is the Board's preference to have the Zoning Board of Appeals act first, this agenda item could be carried over. Vote on the motion – Messrs. McCormick, Pruneau and Rucho yes; Mr. DiPietro abstains. The Municipal Assistant will hold the document until such time as all the boards have approved all the documents.

5. Announce that the Crescent Village Project has received its Project Eligibility (Site Approval) letter

The Board's agenda package contains a copy of the Project Eligibility Site Approval letter for the Crescent Street Village project from Mass Housing. They have made the following findings: (1) the proposed housing design and land use plan are generally appropriate for the Site and Site

Location; (2) the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable sales figures); (3) an initial pro forma has been reviewed and the Project appears financially feasible on the basis of estimated development costs; (4) the proposed financing is reasonable and profit is properly limited; and (5) the applicant is financially responsible and meets the general eligibility standards of the Programs. In addition, the applicant would be eligible to apply as a limited dividend organization in connection with an application for financing under the Program. The letter also contains the comments sent in from the various town departments.

#### 6. Fire Chief Goals and Objectives

In accordance with the employment contract of the Fire Chief, Mr. Gaumond will begin his performance evaluation for his first six months on the job, and welcomes recommendations on goals and objectives from the Board

#### 7. Vote to submit to Town Clerk minutes of previous meetings that were not transcribed and add to the permanent records of the town

This item was a goal set by the board. Mr. Gaumond requested the Board vote to allow these minutes, which were compiled from notes, to be submitted to the Town Clerk for the permanent record of the town. They will not be marked as approved. The minutes cover the following meeting dates: March 17, 1999 – Board of Selectmen regular session, June 28, 2000 – Board of Selectmen regular session, May 9, 2001 – Board of Selectmen & Sewer Commission regular sessions, June 13, 2001 – Board of Selectmen & Sewer Commission regular sessions, October 1, 2001 – Board of Selectmen regular session, November 3, 2001 – Board of Selectmen regular session, November 20, 2001 – Board of Selectmen regular session, November 21, 2001 – Board of Selectmen & Sewer Commission regular sessions, December 12, 2001 – Board of Selectmen & Sewer Commission regular sessions, February 6, 2002 – Board of Selectmen regular session, February 27, 2002 – Board of Selectmen regular session, March 20, 2002 – Board of Selectmen regular session, July 21, 2002 – Board of Selectmen regular session & executive session, November 13, 2002 – Board of Selectmen regular session & executive session, February 19, 2003 – Board of Selectmen regular session & 2 sets of executive session, May 12, 2003 – Board of Selectmen budget work session, August 13, 2003 – Board of Selectmen regular session and September 10, 2003 – Board of Selectmen regular session & executive session.

Motion Mr. Rucho to have Mr. Pruneau sign off on the minutes as the Clerk of the Board and release them to the Town Clerk, seconded by Mr. Pruneau, all in favor.

#### 8. Review and approve bids for surplus items

Annually the town compiles a listing of items, which they declare surplus and advertise to the public. There were no bids on any of the computer equipment. The Police Chief has also reviewed the bids on the vehicles he declared surplus and he agrees with the current bid for the Sable at \$678.80. However, the bids for the Intrepid, Infinity, and the Dodge Van are not acceptable and he recommends these vehicles be re-auctioned at a later date.

Motion Mr. Rucho to accept the high bids for items 4-26, seconded by Mr. Pruneau, all in favor. Disposal of the non-bid items will be at no charge to the town. Mr. DiPietro voiced concern with the Lemon Law and the ability of all the vehicles pass inspection.

Motion Mr. Pruneau to rebid items 1-3 at a later time as recommended by the Police Chief, seconded by Mr. DiPietro, all in favor.

**9. Town Administrator's Recommendation on Creation of Solid Waste Advisory Team**

Mr. Gaumond noted that in The Banner last week there was a very powerful editorial written to the town from a Judith Doherty on the need to increase recycling in town. He met with Mr. Westerling and they discussed the real reasons why we need to work to increase recycling which are that it is not only good for the environment but it helps to save the town money. He had planned on creating a new commission in the town in 2008, and he is looking for concurrence from the Board, per the Special Act, to create a three or five-member committee of dedicated people to work as an advisory committee for trash and recycling issues. He had such a committee in his previous town and he would like to create this as an appointed board of the Town Administrator.

Mr. Rucho feels we have been talking about this with Mr. Westerling for a year, and Mr. Westerling says he is going to do something. Mr. Gaumond pointed out the fact that we send out the calendars and Mr. Westerling tracks our recycling reports, which indicate that we are at about 17-20%. He would like to work with Mr. Westerling and this committee to focus on this issue. Mr. Rucho asked if one of Mr. Westerling's goals was to educate people on recycling. Mr. Gaumond noted that Mr. Westerling did have this as one of his goals. Mr. Gaumond would like to recruit Judith Doherty for the committee.

Motion Mr. DiPietro to authorize the Town Administrator to create a Solid Waste Advisory Team, seconded by Mr. Pruneau, all in favor. Mr. Gaumond thanked The Banner for running the article and noted that the Governor has recently instituted an aggressive recycling program.

**10. Plowing Hillside Village and Angel Brook complexes**

Mr. DiPietro requested information on snow and ice removal for private ways. He stated that he was thinking about plowing the Angel Brook and Hillside Village complexes, which are 22-feet wide as they pay quite a bit of taxes and have no children in the school system. He was wondering if the town could plow those roads at a minimal cost. He also suggested putting together a list of any other private streets in town we could plow. No action needs to be taken on this agenda item this evening and should we have a request, we have information and materials on the topic.

**MEETINGS, INVITATIONS & ANNOUNCEMENTS****1. August 3, 1:00 – Odor Control Meeting at DCR**

Both Messrs. Pruneau and McCormick indicated that they would attend the meeting.

**2. August 6, 2:00 – Tentative Meeting with Congressman McGovern in West Boylston****3. August 6, 7:00 – Sewer Truck Line Meeting at Holden Senior Center****4. August 15, 6:00 p.m. brief work session on the expansion of the Paperless Program**

Mr. Gaumond provided the Board with a memo, which he encourages them to review if they are interested in going forward with the paperless program.

**5. September 28, 2007 or October 12, 2007 – DOR Seminar entitled "What's New in Municipal Law at the Clarion Hotel & Conference Center in West Springfield**

Mr. Gaumond will be attending the September 28<sup>th</sup> session.

**6. October 4, 2007 5:00 at Assumption College Mrs. Lucier will be receiving the Thomas S. Green Public Service Award**

Mr. Gaumond announced that annual the Worcester Regional Research Bureau holds an awards ceremony to honor those employees of Worcester who have excelled in their positions and gone above and beyond the call of duty to serve the public. This year, for the first time, they opened the award up to surrounding communities. As the Town Administrator he was asked to consider

who best fits the criteria, and he knew that the qualifications of one of the employees of the town fit nicely. He nominated Municipal Assistant Nancy Lucier for this honor. On July 26<sup>th</sup> he was notified by the Worcester Regional Research Bureau that Ms. Lucier's nomination was received and reviewed by the Selection Committee and the first award to a non-Worcester employee will be given to Ms. Lucier at a public ceremony on October 4, 2007 at 5:00 p.m. at Assumption College. Mr. Gaumond wants the Board and the entire Town to know that the spirit of public service is alive and well in West Boylston and the people of West Boylston should applaud Ms. Lucier for her decades of exemplary service. Board members congratulated Ms. Lucier.

**SELECTMEN'S REQUEST AND NEW BUSINESS**

Messrs. Rucho and Pruneau have nothing this evening.

Mr. DiPietro would like to explore weight limitations for Pierce, Prospect and Fairbanks Streets. He would like to limit traffic to nothing over 10,000 pounds or over 20-feet in length.

Mr. McCormick has nothing this evening.

With no further business to come before the Board, motion Mr. Rucho at 8:10 p.m. to adjourn, seconded by Mr. Pruneau, all in favor.

Respectfully submitted,

Approved: August 15, 2007

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Nancy E. Lucier

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Kevin M. McCormick, Chairman

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Valmore H. Pruneau, Clerk

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John B. DiPietro, Sr., Selectman

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Christopher A. Rucho, Selectman