

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

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

**Read and acceptance of Minutes From Previous Meeting**

Motion Mr. Phillips to accept the meeting minutes of September 19, 2007 seconded by Mr. Pruneau, all in favor.

**Colleen Abrams, Wachusett Earthday**

This item will be postponed until the November 7 meeting.

**John Westerling, Director Of Public Works**

1. Trenton Lane Drainage Project

The estimate for the project was \$32,000, and the Board previously authorized \$32,000 of Chapter 90 funds for the project. Mr. Westerling went out to bid and the low bid was \$57,000. Currently we have \$360,000 in Chapter 90 funds and this represents 17% of those funds, which could be used to purchase over 1,300 tons of bituminous concrete. Mr. Westerling feels we need to re-evaluate whether we want to improve a drainage situation that is currently functional when we have sidewalks and other projects that also need funding.

Mr. DiPietro suggested Mr. Westerling clean out the swale. Mr. Westerling explained that under the swale is sediment that has settled clay and peat. It also has perimeter drains going into it from neighboring homes and it is being used by people for dumping grass clippings, lumber and tarps. Mr. Westerling suggested having his department go back and clean it out as there are a couple of places where water does stand. Mr. DiPietro suggested digging it out and putting in 1-1/4" stone. Mr. Westerling feels that the engineering for the project was very well done, however, he feels there is a lesser step we could do and we could do it in house. He also does not think the project is worth spending \$57,000 on. Mr. Phillips questioned where the initial \$32,000 figure came from. Mr. Westerling explained that the plans were given to a contractor who said the job could be done for \$20,000, however, that contractor was counting on this project being combined with the Prescott Street project, and when publicly advertised on its own the low bid, which was one of five, came in at \$57,000.

Kama Jayne, who initially requested the work, joined the Board. She presented the Board with a petition signed by the people in the neighborhood and also reported that a case of West Nile Disease has been confirmed in Boylston. Mr. DiPietro would like to dig down a couple of feet and then fill the trench with stone. Ms. Jayne voiced concern with the perimeter drains as there is only a 2-two variant in the pitch, and this impacts the entire neighborhood. She also does not believe that a trench one foot deep and one bucket wide will be sufficient. Several years ago they did try to scoop the area out and the result was they made little ponds. Mr. DiPietro feels you need the stone to dissipate the water.

Mr. Westerling feels the VHB design is a very high-tech solution. Ms. Jayne also mentioned the blocked pipe that goes beneath her neighbor's yard. Mr. McCormick requested Mr. Westerling go out and find a more cost effective solution for the Board's consideration. Ms. Jayne asked if it

would be possible to appropriate a couple more thousand dollars and re-bid. Mr. Westerling indicated that he could re-bid the project and come back before the Board at their first meeting in November. Mr. Phillips suggested having Mr. Westerling make an attempt and then go out to rebid.

Motion Mr. Pruneau to re-bid the project and should the bids come in high, direct Mr. Westerling to see if the DPW could do the work, seconded by Mr. Phillips. Mr. Westerling will go back to VHB to see if the plan can be modified. Vote on the motion – all in favor.

## 2. Landfill Monitoring bid results

One of Mr. Westerling's goals was to go out to bid for these services. He went out to bid, received six responses with VHB the lowest bidder at \$9,820. Our 2006 contract was \$18,000 without the gas monitoring.

Motion Mr. Phillips to award the bid to VHB, seconded by Mr. Pruneau, all in favor. Mr. Rucho questioned how long the town was obligated to do this monitoring. Mr. Gaumond explained that after forty years the town can go back to the DEP and have the site permanently certified as clean. The monitoring is to ensure that the cap is not leaching

## 3. Ernie's Car Wash request for consideration of its sewer privilege fee

Mr. Westerling sought town counsel's advice on whether the Board could change the parameters of the privilege fee and she has indicated that the Board could extend the period of time for payment should they choose. They will use an estimated 11,000 gallons per day, 20% of which, or 8,000 gallons per day will be recycled. Mr. McCormick believes they should be responsible for the entire \$107,000 fee; however, he would not have a problem with them paying an initial payment of \$25,000 and the remainder over a ten-year period. Mr. Phillips agrees with that suggestion. Mr. Gaumond will have town counsel craft an agreement. Mr. Rucho feels ten years is too long and suggested five years.

Motion Mr. Phillips to allow Ernie's Car Wash to pay \$25,000 up front and the remaining \$82,000 over a ten-year period in equal installments using the same criteria as everyone else, seconded by Mr. DiPietro. Vote on the motion – Messrs. McCormick, Phillips, Pruneau and DiPietro yes; Mr. Rucho no. Christopher Pallotta, President of Ernie's Auto Wash, joined the Board and stated that he thinks the Board's motion is fair.

## 4. Perry & Ellen Kapiloff, 16 Mary Drive

Mr. Gaumond included this on the agenda for the Board to review and determine whether or not they would like to have the residents come before them at a future meeting.

Mr. Westerling explained that when they exposed the end of the lateral it was very close to ledge. They split the ledge and then the drainlayer hit ledge. The resident asked if there were any funds available to assist them with the cost and they were told about the \$2,000 connection loan. Mr. Westerling recommended they contact the Board of Health, which they did, and the Board of Health told the resident they would consider a deferral if they would do a Title V. As the letter from the Kaploffs discusses a deferral from the Board of Health, he recommends directing the resident back to the Board of Health. Mr. DiPietro questioned why they didn't go with a grinder pump, which is a cheaper option, and only requires a 2-inch line. Mr. Westerling reported that he was not approached until after two days of encountering ledge. Mr. Phillips recommends taking this under advisement until we hear from the Board of Health relative to the status of the project. Mr. Pruneau would like to find out the results of the Title V.

**5. Michele Palmer, 99 Newton Street**

This resident previously sent a letter requesting an extension of the availability of the sewer connection loans after the Board of Selectmen approved funds for a woman on Laurel Street. Mr. Westerling noted that there are no longer any more funds, and the last \$50,000 will be coming out of the town's own budget to those who applied within the 18-month window. Ms. Palmer indicated to him that she would table her request at this time.

Mr. Pruneau thanked Mr. Westerling for his work on Huntington Highway. Mr. Westerling noted that Mr. Phillips provided the pumpkins.

Mr. DiPietro questioned the progress on screening sand for this winter. Mr. Westerling has received an estimate from David Mercurio at \$8.00 per cubic yards for the site, which is a \$1.00 savings per yard. He is evaluating whether they have the time to haul the sand and will prepare a formal report for the Board. Due to the fact that we have to pay prevailing wage, the price is increased. The Board feels it may be cheaper for the town to purchase the sand as you have to factor in the cost of hauling. Mr. Westerling feels the only way to save funds is to rent a screener and do it in-house.

**OLD BUSINESS****1. Parks Commission – Warrant article on parks' safety improvements**

Dennis Mulryan, Parks Commission Chairman, Patrick Inderwish, Parks Facility Committee Chairman and Peter Desy member of the Parks Commission, joined the Board to discuss Article 8 on the warrant. Mr. Mulryan has updated the list, which calls for total project funding of \$33,376. The total project cost is \$39,272, and the Parks Fields Revolving account has a balance of \$14,196. They would like to hold \$5,000 in reserve and \$3,000 will need to be paid from their revolving account due to the DPW fiscal year 2008 budget cut. They also have a \$300 shortfall in their Fiscal Year 2008 budget, which will be paid from the revolving account, leaving \$5,896 for the project.

Mr. Pruneau questioned how many bids have been received for each item. Mr. Mulryan has one estimate for each item, they are plus or minus, and the article has a sunset of March 1, 2009. He also feels he may be able to get volunteers or community service workers to paint lines. Those items without estimates are within the \$200 to \$400 price range.

Mr. McCormick does not feel making the scoreboards operational and deep time aeration with sand insertion at the Woodland Street facility are safety issues. Mr. Westerling explained that when the Woodland Street field was constructed leaves were used under the base and thus the water does not drain. Mr. Mulryan explained that the field is like a rock, has a very hard surface, and this would fill the holes with sand and improve the drainage and keep the field soft for a longer period of time. Mr. Rucho feels some of the estimates are too low. Mr. DiPietro recommends performing all the electrical work at one time by the electrician who recently completed the work on the lights at the parks. He also voiced concern with someone getting serious injured as a result of the safety issues. The Board also suggested enlisting the assistance on the Light Plant for the replacement of the electrical pole at the multi-purpose field. Mr. Mulryan stressed the fact that he intends to be creative on how the Parks Commission expends the funds. Mr. Inderwish reported that there are multiple places within the parks where the fencing needs to be replaced. Mr. Phillips suggested turning the barbs and Mr. Mulryan suggested purchasing padding to run along the top of the fencing, which might be safer, although it would not last very long. Mr. Mulryan also noted that the order of the list does not reflect the priority of the project as it is grouped by facility. He also plans

to have a conversation with Mr. Westerling to enlist manpower. Mr. Phillips would also remove making the scoreboards operational from the list and he would like to see the list arranged with safety issues as priority. Mr. Rucho explained that some of the items are safety and if we do not do a little maintenance the cracks might worsen. Mr. McCormick suggested a hand out for town meeting outlining the safety items. Mr. Mulryan also hopes to be back before the Board to discuss strategic long-term projects the Parks Facilities Committee is working on.

Mr. DiPietro noted that the Municipal Light Plant employees, and manager have donated a lot of time and equipment to the parks. Mr. Mulryan thanked them publicly for saving the Parks Commission thousand of dollars. He also thanked the DPW crew for repairing the large cracks on the track and a number of other areas.

Motion Mr. Phillips to adjust the appropriation request to \$30,000 taking off the \$3,000 for the Goodale Baseball Field scoreboard and the \$1,500 for the Goodale Softball Field scoreboard, seconded by Mr. Pruneau. The Parks Facility Committee will come before the Board this winter. Vote on the motion – Messrs. McCormick, Phillips, Pruneau and Rucho yes; Mr. DiPietro no.

## **NEW BUSINESS**

1. Concurrence on the appointment of Craig Gonyea to the Solid Waste Advisory Team effective October 4, 2007 for a term to expire on April 10, 2010

Motion Mr. Phillips to concur with the appointment contingent upon the Town Clerk certifying that the applicant is a registered voter of the town, seconded by Mr. Rucho, all in favor.

2. Concurrence on the appointments of Eric J. Pearson, Troy J. Chauvin, Robert J. Marino, Jr., and Nicholas A. Monaco, all of Rutland as a Special Police Officer for detail assignments for the period of July 12, 2007 through June 30, 2008

Motion Mr. Phillips to concur with the appointments, seconded by Mr. Pruneau, all in favor.

3. Review letters from Norma Nowak and Pat and Joe Bostek re: barking dog complaint and appointment of alternate hearing officer

We have received a barking dog complaint regarding property on Prospect Street. The Board previously appointed the Town Administrator to act as the hearings officer, however, Mr. Gaumond informed the residents of a potential conflict of interest he may have. They advised that they would prefer the Town Administrator recuse himself. Mr. Gaumond intends to clear that up his potential conflict by changing his veterinarian. Mr. Phillips stated that he would also have to recuse himself as well due to his potential conflict. The Board agreed to hear the complaint.

4. Assign motions for October 15, 2007 Semi-Annual Town Meeting

Motions were assigned as follows: Mr. Rucho will read the motions for articles 1, 6, 11, and 22; Mr. Phillips will read the motions for articles 2, 7, 19 and 23; Mr. McCormick will read the motions for articles 3, 8, 12, and 24; Mr. Pruneau will read the motions for articles 4, 9, 18, and 25; Mr. DiPietro will read the motions for articles 5, 10, 21 and 26. The Planning Board will read the motions for articles 13-17 and the petitioner will read the motion for article 20.

5. Review 2007 MMA Legislative Breakfast Schedule & Registration

The Board reviewed the schedule. Mr. Gaumond intends to attend the October 19 session at the Shrewsbury town hall. Any Board members having an interest in attending any of the sessions should let the office know.

6. Request to hang Open House Banner at the Fire Station

Mr. Phillips recused himself. The Fire Department requested the Boards' permission to hang a Banner on the Fire Station advertizing their open house scheduled for October 14<sup>th</sup>.

Motion Mr. Pruneau to approve the request, seconded by Mr. Rucho, all in favor. Mr. Phillips returned to the meeting.

### **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. October 9, 2007 – 6:30 – Economic Development Committee

2. October 10, 2007 – 10:00 a.m. – We just received word from Senator Chandler's Office that the legislation she sponsored on behalf for PILOT funds for hosting the former county jail has a hearing scheduled in Room AI in Boston. Mr. Gaumond is unable to attend to provide testimony. Mr. Gaumond will work with McCormick who will attend and provide testimony.

3. October 10, 2007 – 7:00 – Municipal Buildings Committee meeting

4. October 15, 2007 – 6:00 p.m. Board of Selectmen Meeting in cafeteria of Middle/High School

5. October 15, 2007 – Semi-Annual Town Meeting at 7:00 Middle/High School

### **SELECTMEN'S REQUESTS AND NEW BUSINESS**

Messrs. Rucho, Phillips Pruneau and DiPietro have nothing this evening.

Mr. McCormick reported on a Central Mass Metropolitan Planning Commission meeting he attended last Thursday that dealt with the Transportation Improvement Program. He was very impressed with the discussion. Our representative is Mr. O'Brien from Princeton who brought up the Route 12 issues. Mr. McCormick also attended the Rutland/Holden Sewer Trunk Line meeting at DCR. The group will be distributing the minutes of those buildings.

Motion Mr. Phillips at 8:45 p.m. for the Board to enter executive session under the provisions of Massachusetts General Laws Chapter 39, Section 23b, Part 3 to discuss strategy with respect to contract negotiations, and the Board will not be going back into open session seconded by Mr. Rucho. Roll call vote: Mr. DiPietro yes, Mr. Pruneau yes, Mr. McCormick yes, Mr. Philips yes, Mr. Rucho yes.

Motion Mr. Phillips at 9:30 pm. to come out of executive session, seconded by Mr. Rucho. Roll call vote: Mr. Rucho yes, Mr. Pruneau yes, Mr. Phillips yes, Mr. DiPietro yes, Mr. McCormick yes.

With no further business to come before the Board, motion Mr. Phillips at 9:30 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: October 17, 2007

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Nancy E. Lucier

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Kevin M. McCormick, Chairman

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Allen R. Phillips, Vice Chairman

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Valmore H. Pruneau, Clerk

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Christopher A. Rucho, Selectman

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John B. DiPietro, Sr., Selectman