

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

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

Read and acceptance of Minutes From Previous Meetings

Motion Mr. Phillips to approve the meeting minutes of August 15 and 22, 2007 seconded by Mr. Rucho, all in favor.

Scout Day Fundraiser Presentation

The Boy Scouts and Girl Scouts are in attendance this evening to present the town with a check as a result of their Scout Day fundraisers. Scout Matthew George lead with the pledge of allegiance. Scout Leader Mark Baldi explained that one of the big parts of scouting is community service. The group looked for an achievable fund raising project. Chief Dennis Minnich recommended safety whistles for their "Blow the Whistle on Crime" promotion and Tom Caruso, Principal of Major Edwards recommended a defibrillator for the school. To raise money they held a 5-k road race and had to go out and get many sponsors, who included Meadowbrook Plaza, Finders Pub, Franklin Manor, Groundwater Supply, West Boylston Firefighters Association, and Representative O'Day. A check was presented to Sgt. Balvin of the Police Department and a check will be presented to the School Committee on September 20th. Board members thanked each of the scouts for their fund raising efforts.

Public Hearing: Re, Underground Storage Permit Oakdale Nursing Home, 76 North Main Street

Mr. McCormick opened the public hearing and read the following notice. In accordance with Mass General Law Chapter 148, Sections 37 & 38 the Board of Selectmen of the Town of West Boylston will hold a public hearing on the application of Osterman Propane to install a 4,000 gallon underground propane tank at West Boylston Nursing Home, 76 North Main Street, West Boylston. The hearing will be held on Wednesday, September 5, 2007 at 7:05 p.m. in the Selectmen's Room of the Mixter Municipal Office Building, 120 Prescott Street, West Boylston. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman advertised on August 22, 2007.

With regard to this request, each of the appropriate departments replied with positive responses, and Fire Chief Pauley has approved the license. There is no one present to speak to this request.

Motion Mr. Phillips to close the public hearing, seconded by Mr. Rucho.

Motion Mr. Phillips to grant the permit, seconded by Mr. Pruneau, all in favor.

NEW BUSINESS

1. Concurrence on the appointment of George Martinez 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 appointment, seconded by Mr. Rucho, all in favor.

2. Concurrence on the appointment of Colin Cahill, 132 Goodale Street to the Conservation Commission effective September 6, 2007 for a term to expire on April 30, 2009

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

3. Concurrence on the appointments to the Community Preservation Committee

Mr. Gaumond announced that he had an opportunity to accept applications from seven interested applicants for appointment to the Community Preservation Committee. The Committee is established once the community adopts the Community Preservation Act, which we did last spring. The Planning Board has designated Larry Salate as its representative, Heather Feland will be the representative for the Conservation Commission, Beverly Goodale will be the representative for the Historical Commission, Dennis Mulryan will represent the Parks Commission and the Housing Authority has yet to designate their representative.

Mr. Gaumond stated that he was very proud of the applicants who came forward. They include George Bernardin, Charles Greenough, Brenda Bowman, Patrick Crowley, Linda Isgro, Jacalyn Pruneau and Christopher Rucho. He recommends the Board concur with the appointment of George Bernardin and Charles Greenough for the three-year terms and Christopher Rucho and Patrick Crowley for the two-year terms.

Motion Mr. Pruneau to concur with the appointments, seconded by Mr. Phillips. Vote on the motion – Messrs. McCormick, Phillips and Pruneau yes; Mr. Rucho abstains. Mr. Gaumond thanked all the applicants for applying to serve the town.

Public Hearing: Re, Proposed Bylaw To Establish Fire Safety Regulations

Mr. Phillips recused himself. Mr. McCormick opened the public hearing and read the following notice. Public notice is hereby given, in conformity with the requirements of the General Bylaws of the Town of West Boylston, ARTICLE XXIII - PUBLIC HEARING AND NOTICE, that the Board of Selectmen will meet on Wednesday, September 5, 2007 at 7:15 p.m. for the purpose of considering a Fire Safety Regulations Bylaw. The meeting will be held in the Mixer Municipal Office Building, 120 Prescott Street, West Boylston. For additional information, or to review the proposed information, please contact the Office of the Board of Selectmen/Town Administrator at 508.835.3490. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman advertised on August 22 and 29, 2007.

Fire Chief Richard Pauley joined the Board. He previously met with the Town Administrator to discuss ways of improving some of the operations of the town. As a result, he is proposing a four section Fire Safety Bylaw which reads as follows.

Section 1 - Alarm System Registration. All owners or users of an alarm system shall register said alarm system with the Town on a form prescribed by the Fire and Police Chiefs. This registration shall be renewed annually in the month of January. An alarm registration fee shall be established by the Board of Selectmen upon recommendation of the Fire Chief.

For the purpose of these bylaws an alarm system shall be defined as an assembly of equipment and devices to include a control panel arranged to signal the presence of an emergency situation requiring urgent attention by the Town, its employees or agents. The term alarm system shall not mean individual battery operated smoke or carbon monoxide detectors or household fire warning systems as required in 780 CMR The Massachusetts State Building Code, Section 3603.16.

Chief may require a key box be installed in an accessible location. The key box shall be an approved type and shall contain keys to gain access as required by the Fire Chief. For the purpose of this section a key box(s) shall not be required for private dwelling units or spaces.

Section 3 False Alarms. The alarm user of any fire alarm system shall be assessed a false alarm charge of \$300.00 for each false fire alarm transmitted by such system after three (3) false alarms in a consecutive twelve (12) month period where such false alarms result in a response by the Fire Department. This shall include false alarms that are transmitted as a result of failure of a responsible party on site to inform the Fire Department of ongoing work within the building, occupancy or space; maintenance, repair, of the alarm system itself which results in the false alarm; and/or lack of proper maintenance of the fire alarm system.

Section 4 Emergency Adoption. The Fire Chief, with the approval of the Board of Selectmen, may enact emergency regulations where deemed necessary for public safety, fire prevention or life safety. Prior to its enactment, an emergency regulation shall be posted in three (3) public places, require a public hearing and approved by the Board of Selectmen. Any emergency regulation enacted under the authority of this section shall be acted upon for ratification at the next scheduled Semi-Annual Town Meeting.

Mr. Rucho questioned whether there will be a formal registration fee and what the penalty would be for non-compliance. Chief Pauley explained that there would be a formal registry fee, however, the fee has not yet been set. The registry process would provide key information for use by the police and fire personnel upon arrival at the building, which will save time and resources. The registration fee will offset the administrative processing costs. He suggested an initial fee of \$25.00 with a \$10.00 renewal fee. Chief Pauley feels that having this information available at the Dispatch Center would reduce Fire Department time on the scene. The current fee after a third firm alarm is \$300, and this will give the department the ability to be reimbursed for responding. He reported that we have some businesses who do not maintain their alarm as required by code and some test their systems without first notifying the Dispatch Center.

Mr. Pruneau asked about key boxes. Chief Pauley does not have a fee requirement for the boxes. Currently we have about 140-200 and they can be included in new businesses as part of the site plan approval or building permit process. They will work with people to make it happen as the Fire Department needs quick access to structures. There is no time line on when this needs to be done, and the key boxes will require Fire Department approval. Chief Pauley plans to publicize this in The Banner and on the cable access channel.

Mr. Rucho voiced concern for charging a fee to fill out a piece of paper. Chief Pauley noted that the fee could be zero, however, that has not yet been determined. According to the bylaw, setting of the fee is under the purview of the Board of Selectmen. This will codify the practice of alarm registration.

Mr. Gaumond noted that he and the Chief have not discussed what the appropriate fee would be, and the bylaw would include a mechanism to establish a fee. With the bylaw there would be a requirement to fill out a registration form. The bylaw has been reviewed by Town Counsel, who made a few changes to the original document. Following passage at town meeting it goes to the Attorney General's Office for approval. Chief Pauley noted that the key box bylaw is pretty effortless and people want to do the right thing and give the Fire Department access to their buildings in a timely fashion. This will get the one to two percent who fail to cooperate. There is no one present to comment on the proposed bylaw.

Motion Mr. Pruneau to close the public hearing, seconded by Mr. Rucho, all in favor.

Motion Mr. Rucho to bring the bylaw to town meeting, seconded by Mr. Pruneau, all in favor.

Mr. Gaumond announced that Chief Pauley received a telephone call from Senator Kerry and Senator Kennedy notifying him of the fact that he has received a grant in the amount of \$61,000 from the Department of Homeland Security for the purchase of protective clothing. He thanked the Chief for his work on the grant, which will be a great benefit to the town. Board members also thanked Chief Pauley who stated that this would allow him to replace gear that is over ten years old. Mr. Phillips returned to the meeting.

Public Hearing: Re, Proposed Stormwater Management Bylaw

Mr. McCormick opened the public hearing and read the following notice. Public notice is hereby given, in conformity with the requirements of the General Bylaws of the Town of West Boylston, ARTICLE XXIII - PUBLIC HEARING AND NOTICE, that the Board of Selectmen will meet on Wednesday, September 5, 2007 at 7:30 p.m. for the purpose of considering a Stormwater Bylaw. The meeting will be held in the Mixter Municipal Office Building, 120 Prescott Street, West Boylston. For additional information, or to review the proposed information, please contact the Office of the Board of Selectmen/Town Administrator at 508.835.3490. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman, advertised on August 22 and 29, 2007.

Director of Public Works John Westerling joined the Board. One of the town goals established by the Board was to bring forward a Stormwater Management Bylaw. Mr. Westerling initially came before the Board in January, returned in March with a revised bylaw, and the Board requested this item be brought back in October. Planning Board member Vincent Vignaly provided comments, and it has been reviewed by the Building Inspector and Mr. Westerling. The document before the Board is a revised version taking into account the recommendations of the Planning Board. It is scheduled to be on the warrant for the October town meeting to comply with the Stormwater Management Program.

Mr. Westerling explained that this bylaw is a requirement of the Federal Government and the Department of Environmental Protection, and its purpose is to protect the town waterways by ensuring that any water run off that disturbs more than 10,000 square feet follow best management practices. The Conservation Commission has reviewed the information and has no comments. The Stormwater Authority is the Director of Public Works, the Planning Board is the designee for subdivisions and site plans, the Zoning Board of Appeals oversees special permits, variances and 40B, Earth Removal Board will oversee earth removal permits, the Conservation Commission will oversee projects requiring an Order of Conditions that do not fall within the categories listed above and the Building Inspector will oversee projects requiring a building permit that do not fall within the other categories.

Under Administration, B Stormwater Regulations, the stormwater authority may adopt and periodically amend rules and regulations relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of the Stormwater Bylaw by majority vote of the stormwater authority after conducting a public hearing to review comments on any proposed revision. Exempt uses include the following. Any activity that will disturb an area less than 10,000 square feet. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act. Maintenance of existing landscaping, gardens or lawn areas associated with a single, two or three family dwelling. Repair or replacement of an existing roof of a single, two or three family dwelling. Construction of a single family dwelling, where approval is not required as

defined in the Subdivision Control law, unless the associated land disturbance activity exceeds 10,000 square feet. Repair or replacement of an existing septic system when approved by the Board of Health. The construction of any fence that will not alter existing terrain or drainage patterns. Construction of a deck, patio, retaining wall, expansion of an existing driveway, construction of a shed, garage, swimming pool, tenor basketball court associated with a single, two, or three family dwelling that does not disturb more than 10,000 square feet. Construction of utilities, gas, water electric, telephone, etc., other than drainage which will not alter terrain, ground cover or drainage patterns and for which the total area to be disturbed does not exceed 10,000 square feet at any one time. Emergency repairs to any stormwater management facility or drainage structure or practice that poses a threat to public health or safety, or as deemed necessary by the Stormwater Authority. Any work or projects for which all approvals and permits have been issued before the effective date of this bylaw. Normal maintenance of town-owned public land, ways and appurtenances. Mr. McCormick questioned exemption 5 on roof repair. It was agreed to strike out "of a single, two, or three family dwelling".

This bylaw will affect new subdivisions, site plans and large industrial buildings. It will allow us to bring forward regulations at a future date.

Mr. Westerling noted that a lot of what is contained within the bylaw is also in the Planning Board's Rules and Regulations and a lot of what is not in the bylaw is contained within the Planning Board's site plan review process. Mr. Gaumond would like to forward this to the Economic Development Task Force and have Mr. Westerling work with them to make sure they have an understanding as to what this is and why it is happening. Mr. Westerling stressed that this will ensure that best management practices are followed when developing a site plan on a public road. Mr. Pruneau questioned the reference to septic systems because most of them are raised systems. Mr. Westerling explained that this intended for larger exposed soils with a greater chance of effecting a stream or water body. It also says that persons repairing or replacing septic systems are strongly encouraged to consult with the Board of Health or Conservation Commission about actions to reduce stormwater impacts during and after construction. If you are within 100-feet of a wetland you would need to go to the Conservation Commission. Mr. Gaumond recommends leaving the verbiage as it, getting the opinion of the Board of Health and if needed, amending the motion on town meeting floor. Mr. Westerling will get comments from the Board of Health.

This bylaw is a requirement under our NPDES permit and we are required to have it in place by April of next year. Following its passage, Mr. Westerling will set regulations through a public hearing, however, he would rather not make the process associated with another fee. Mr. Westerling will prepare a rough draft of proposed regulations for the Selectmen and all other boards mentioned in the bylaw to review prior to town meeting. No one is present to speak on this item.

Motion Mr. Phillips to close the public hearing, seconded by Mr. Pruneau, all in favor.

Motion Mr. Phillips to include the bylaw on the warrant with the amendment on the roof, seconded by Mr. Pruneau, all in favor.

Public Hearing: Re, Underground Storage Permit 114 West Boylston Street, Site Of Proposed Ernie's Touch-Free Car Wash

Mr. McCormick opened the public hearing and read the following notice. In accordance with Mass General Law Chapter 148, Sections 37 & 38 the Board of Selectmen of the Town of West Boylston will hold a public hearing on the application of Pallotta Family Realty Trust to install a 3,000 gallon underground propane tank at 114 West Boylston Street, West Boylston. The hearing will be held on Wednesday, September 5, 2007 at 8:00 p.m. in the Selectmen's Room of the

Mixer Municipal Office Building, 120 Prescott Street, West Boylston. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman, advertised on August 22, 2007.

With regard to this request, each of the appropriate departments replied with positive responses. Initially, the Building Inspector had an issue, which has since been resolved, and the Fire Chief Pauley has approved the application. The Building Inspector did send a follow up email, which will be given to the Board. There is no one present to speak to this request.

Motion Mr. Pruneau to close the public hearing, seconded by Mr. Phillips, all in favor.

Motion Mr. Phillips to approve the permit pending receiving the written approval from the Building Inspector, seconded by Mr. Pruneau, all in favor.

John K. Westerling

1. Trenton Lane Drainage Update

The Board previously approved funding for two drainage projects, one on Prescott Street and the other on Trenton Lane. The Board approved the expenditure of \$20,000 in Chapter 90 funds for each of the projects. Mr. Westerling requested four quotes for the two projects; Prescott Street came in at \$7,500 and Trenton Lane at \$32,500. He did not want to go forward without the Board's approval. The total is still the \$40,000 previously authorized.

Motion Mr. Phillips to go forward with the previously authorized projects, seconded by Mr. Rucho, all in favor.

Kama Jayne, whose property is impacted by the Trenton Lane project, thanked the Board for their approval. She reported that when the engineers were there they found a blocked pipe in the back of Mr. Dostourian's property and they suggested having the Fire Department flush it. Mr. Gaumond offered to meet with her to get the situation straightened out.

2. Review correspondence from Christopher Pallotta, President of Ernie's Auto Wash regarding sewer privilege fee

Christopher Pallotta joined the Board. Mr. Westerling explained that the site was formerly a gas station and when the town did its betterments, we looked at two years of water usage and the site was set for two sewer units. Mr. Westerling spoke with Mr. Pallotta's engineer who provided estimates on water usage, which is 11,000 gallons per day, 20% of which is recycled. With that usage, Mr. Westerling used the calculation outlined in the Sewer Betterment Policy and determined the privilege fee would be \$108,000 to connect into the town's sewer system. Mr. Pallotta stated that he is here to discuss options as this would be the most expensive property he has ever developed.

Mr. Westerling noted that there are a couple of options. The 11,000 gallons per day is an estimate and the 20% recycle rate is also an estimate. He suggested that the Board may want to have Mr. Pallotta pay a lesser amount than the \$108,000 and then re-evaluate after the site is up and operational. Mr. McCormick feels we have a problem with the policy. He pointed out the fact that West Boylston Seafood had to pay \$20,000 to hook up. Mr. Westerling noted that the town had the option of calculating based on frontage or estimated average use and elected to have those using the system more pay more. Mr. Phillips questioned whether the Board has ever adjusted the fee for anyone in the past. Although the town has not, Mr. Westerling stated that this is the highest fee we have assessed. Mr. McCormick suggested changing the policy so that any fee over a certain threshold could be paid over a twenty-year period. Mr. Gaumond suggested Mr. Westerling have a

conversation with town counsel to determine what options are available and report back to the Board at its next meeting. Mr. Phillips would not have a problem paying over a certain amount of time, however, the Board has to abide by the policy we have in effect at this time.

Mr. Westerling noted that the only time the Board looked at the actual flows was when The Manor constructed its addition. They paid a portion and the usage was reviewed after two years. Mr. Phillips recommends a cap on the rate, however, he does not believe the Board can go back. Mr. Pallotta stated that what he feels he is getting from the Board is there is something wrong with the fee. Mr. Phillips does not think there is a problem with the fee. Mr. Westerling will contact Mr. Pallotta once he has reviewed available options with Town Counsel.

OLD BUSINESS

1. Huntington Square Sign

Mr. Pruneau reported that he met with Sterling Greenery and presented them with the sign dimensions and style the Board previously agreed to. They said they would get back to Mr. Pruneau and as of this date, he has not heard anything back. Mr. Westerling noted that he had a message left on his machine from Sterling Greenery asking if the sign was all set.

Mr. McCormick suggested putting together the town's requirements and soliciting local businesses and landscapers to see if they have any interest. Mr. Westerling offered to go back to Sterling Greenery to let them know that the Board is awaiting their response. The Police and Fire Chiefs also need to approve the sign location. Mr. Rucho noted that the DPW did a good job on their work around the landfill and feels that we need to look at the big picture on all these issues. Mr. Phillips would like to stay with what we have now and look at other areas in town. Mr. Westerling will report back.

2. Review information regarding members for the Municipal Coalition for Affordable Housing

At the last meeting of the Board, the Board voted to join the Municipal Coalition for Affordable Housing and questioned who should be the designee of the town. The Coalition will accept anyone the Selectmen would like to select. Mr. Gaumond suggested asking other boards such as the Zoning Board of Appeals and the Housing Partnership if they have an interest.

NEW BUSINESS (cont.)

4. Review invitation from Central Mass Metropolitan Planning Organization to submit a candidate for consideration on their Advisory Committee

This information was sent to the members of the Transportation Committee and they have no interest at this time. Mr. Gaumond noted that the Advisory Committee brings together public agencies, elected and appointed officials, transportation providers, environmental interests, technical experts, specialists, business persons, and citizens to advise the CMMPO on transportation plans, programs, policy and planning.

Motion Mr. Rucho to designate Mr. Gaumond to serve on the Advisory Committee, seconded by Mr. Pruneau, all in favor. Should another candidate come forward, the Board would be willing to designate someone else.

5. Refer proposed Zoning Bylaw amendment to the Planning Board

Motion Mr. Pruneau to refer the amendment to the Planning Board for public hearing, seconded by Mr. Phillips, all in favor.

6. Review invitation to join the Suburban Coalition

Mr. Gaumond recommends respectfully decline the invitation as we are already have memberships to a number of municipal organizations.

Motion Mr. Phillips to decline the invitation, seconded by Mr. Pruneau, all in favor.

7. Review 6-month Performance Review for Fire Chief Richard Pauley, Jr.

In accordance with the employment contract for the Fire Chief, the Board is required to grant the salary increase associated with a successful six-month performance review. Mr. Gaumond noted that he is very proud of the work the Fire Chief has done thus far in the town.

Motion Mr. Pruneau to approve the salary increase for the Fire Chief, per his employment contract, seconded by Mr. Rucho. Vote on the motion – Messrs. McCormick, Pruneau and Rucho yes; Mr. Phillips abstains.

8. Accept donations in the amount of \$846.30 made to the Beaman Memorial Public Library

Motion Mr. Phillips to accept the donations on behalf of the town, seconded by Mr. Rucho. Vote on the motion – Messrs. McCormick, Phillips and Rucho yes; Mr. Pruneau abstains. Mr. McCormick acknowledged the efforts the library makes to raise funds.

9. Review information from EBS Foran regarding deadlines for Section 125 Plan

The Board's agenda package contains information with regard to Section 125 Plan documents. This is a requirement of the Federal government and needs to be in place by October 1. The document sets the parameters by which we approach our health insurance. Town Counsel has issued an opinion letter on this and marked up the document, which is all boiler plate information that the town has to adopt. We will have complied with the Board adopting the agreement and plan document. Once adopted, it goes on file with the Office of the Town Accountant should anyone wish to review the information, and none of this is policy change.

Motion Mr. Rucho for the Board to adopt the Section 125 Plan, seconded by Mr. Pruneau, all in favor.

10. Request from Director of Council on Aging to display a large poster within town hall

Mr. Gaumond has received a request from Marcia Cairns, Council on Aging Director, to display a large poster on an easel in the front lobby at town hall from September 10 through September 21 to advertised their upcoming fundraiser. This request requires Board approval.

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

Motion Mr. Rucho to designate approval of any future signage requests within the Mixer Building to the Town Administrator, seconded by Mr. Phillips, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. September 4, 7:00 p.m. Town-wide Planning Committee Meeting

2. September 6, 7:00 P.M. – Rutland/Holden Sewer Trunk Line Meeting

3. September 10, 10:00 a.m.- noon – Forum of Rural Health with newly appointed Department of Public Health Commissioner John Auerbach

4. September 12, 7:00 Planning Board public hearing for proposed change to Zoning Bylaws on Shrine Avenue
5. September 12, 7:15 Planning Board public hearing for proposed change to Zoning Bylaws to create Business/Industrial District
6. September 12, 7:45 Planning Board public hearing for proposed change to Zoning Bylaws on Huntington Highway
7. September 28, 2007 – Annual Meeting for MORE – Mr. Gaumond noted that this meeting is open to the Board of Selectmen and will deal with the impact of casino gambling on neighboring communities.

SELECTMEN'S REQUEST AND NEW BUSINESS

Mr. Pruneau inquired as to whether Mr. Gaumond had an opportunity to speak with Mr. Westerling regarding the condition of the entrance to the rail trail parking lot. Mr. Gaumond reported that Mr. Westerling had reviewed the situation and provided him with a written response. Mr. Westerling will outreach to DCR to get the situation resolved. Mr. Pruneau would like to know the results and Mr. Gaumond will email them to him.

Mr. Rucho has nothing this evening.

Mr. Phillips noted that in 2008 the town will celebrate its bicentennial and he feels that we keep getting bogged down on minor details. He would like to make improving our community gateways a priority.

Mr. McCormick has nothing this evening.

With no further business to come before the Board, motion Mr. Pruneau at 9:15 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: September 19, 2007

Nancy E. Lucier

Kevin M. McCormick, Chairman

Allen R. Phillips, Vice Chairman

Valmore H. Pruneau, Clerk

Christopher A. Rucho, Selectman