

Members present: Kevin M. McCormick Allen R. Phillips  
Christopher A. Rucho Alexander Fallavollita, Sr.  
Members absent: John B. DiPietro, Sr.

Mr. McCormick convened the meeting at 7:04 p.m.

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

Motion Mr. Phillips to approve the meeting minutes of March 7, 2007, seconded by Mr. Fallavollita, all in favor.

**Mr. Uno, Japanese Fulbright Scholar Program**

School Superintendent Tom Kane joined the Board with School Committee member Peter Desy, sixth grade science teacher Glenna Pearson and Mr. Uno a Japan teacher who is visiting us through the Japanese Fulbright Scholar Program.

Mr. Kane explained that Ms. Pearson applied to the Fulbright people for the program. During the visits they will be collecting data and doing some interactive projects. Yesterday they went to Boston to visit Fenway Park and the State House. Ms. Pearson explained that the Japanese Fulbright Scholar Program is based upon the United States' model, and annually 600 teachers from the United States go to Japan to learn about their educational system. The Japanese teachers visit the United States for one week and in June she will be going to Japan for two weeks. They will stay in contact until next March, and they have had discussions about continuing this beyond the one-year time. She feels that nothing but better understanding of one another can come from this.

Mr. Uno explained that he is from a town of 100,000 located aside of the Japan Sea. He is having a good time in Massachusetts and thinks it is very important to make a relationship. He enjoyed his trip to Fenway Park and Daisuke Matsuzaka, the new Red Sox pitcher, is from his city.

Mr. Desy congratulated Ms. Pearson who has dealt with several different Fulbright Programs and is also involved with the Space Camp. Three weeks ago she was announced as one of the three finalists from the State of Massachusetts for Teacher of the Year in Science. When she visits Japan, Ms. Pearson will be visiting with the Mayor and offered to deliver a message from the Board. The Board agreed to write a letter.

Discussion ensued with Mr. Fallavollita asking a number of questions about the Japanese school system. Mr. Uno reported that students in Japan attend school eight hours a day and after classes they play club activities until 7:00 p.m. Mr. Fallavollita feels that Japan is number one in education in the world. Ms. Pearson stated that is certainly true in math and the United States gets many Nobel Prizes for creativity. Students attend school 220 days a year, have cram school in the evenings, are extremely good at working in groups and spend at least thirty minutes a day cleaning the school after lunch time. Ms. Pearson noted that it is very impressive to watch the Japanese students work in groups. Mr. Fallavollita feels the Japanese people have a great work ethic. Mr. Rucho questioned class sizes. Ms. Pearson reported that the class sizes are 25-27 students per class. They have a lot of small schools and Mr. Uno teachers all the social studies. There are also no drugs or fights in the Japanese schools.

Board members thanked the School Department guests for meeting with them.

Mr. Gaumond announced that the viewers at home might be experiencing a buzzing in the audio as we are experiencing technical problems on the town's side due to water infiltration in our lines.

**Senator Harriette L. Chandler**

Senator Chandler presented Mr. Fallavollita with an official citation from the State Senate in recognition of his many years of services. She noted his service on the following boards Earth Removal Board 1991-1994, 2002-2003, 2005-2006, Board of Selectmen 1992-1997, 2000-2003, 2004-2007, Sewer Facilities Study Committee 1993-1994, Solid Waste Board 1993-1996, Board of Health 1998-1998, Sewer Commission 2000-2003, 2004-2007, Town-wide Planning Committee 2001-2004, and Municipal Buildings Committee 2006-2007. The citation is the last one signed by the outgoing President of the Senate, Robert E. Travagalini.

Mr. McCormick presented Mr. Fallavollita with a plaque, which reads as follows:  
In Recognition Of His Valuable Contribution And Long-Term Dedicated Service And Leadership To The Town Of West Boylston, ALEXANDER "ALEX" FALLAVOLLITA, SR., The residents West Boylston and your fellow Board members wish you well and say "*thank you Alex*". The plaque also outlines the boards Mr. Fallavollita served on.

Treasurer/Tax Collector Bonnie Yasick joined the Board to wish Mr. Fallavollita well as she just learned he was retiring. She noted that he was on the Board when she first accepted her position with the town and she always appreciated his straight forward approach and frankness. She wished him the best of health.

Mr. Gaumond stated that he never had a conversation with Mr. Fallavollita when he did not learn something whether it be how to become a better Town Administrator or the history of the town. He has enjoyed working with him and will miss his steady hand in the towns' affairs. He wished him the best in his retirement.

Mr. Phillips noted that he has been on the Board with Mr. Fallavollita for five years and he has learned a lot from him. He thanked him for the knowledge and help he has given him.

Mr. Rucho thanked Mr. Fallavollita and noted that he learned a lot from him.

Mr. McCormick has worked with Mr. Fallavollita for five years and stated there has not been a day he has not learned something from him. He might also call him in the future to get his advice.

Mr. Fallavollita stated that he hopes whoever takes his seat looks out for the tax payers and treats everybody equally as in taking that approach you will not have any problem

Senator Chandler suggested having someone from the West Boylston Historical Society sit with Mr. Fallavollita to do an oral history of the town as he stores the institutional history of the community.

**Local Aid - Status**

Senator Chandler reported that state tax revenues have slowed and capital gains is one of their big slow downs. They also had a bad December in the state as a result of a 3% loss in lottery sales, which is where local aid comes from. The former Director of the Lottery has left the position. The Governor released his budget in late February, which included a modest increase in Chapter 70 and Local Aid. Mr. Gaumond noted that the town's assessments were increased, which ended up with a net loss on Local Aid. The Speaker of the House has indicated that his budget will be slightly larger for Chapter 70, and they are looking to have an extremely challenging year.

**Review Patrick/Murray Administration's Municipal Partnership Act**

Senator Chandler explained that the GIS legislation would allow towns to implement a local option tax of up to 2% for motels/hotels and restaurants. From most of her towns she has heard that they are not interested in this. If Senator Chandler were to vote in favor of this, it would give the

towns the option to go forward, should they desire. The GIC issue means all employees would have the option to join the GIC and take advantage of the bulk purchasing. They also believe they can work with the collective bargaining agreements. There will be no new taxes in the House or Senator budgets. The Senator asked the Board for its comments.

Mr. Rucho stated that he understands that the state is not coming forth with new taxes, however, with the motel/restaurant tax, they want the towns to increase the taxes and give them 25%. Mr. McCormick noted that he thinks it is a back-handed tax which could impact the town if we accept the tax and neighboring communities do not. Mr. Phillips shares that opinion. He is fine with the insurance, but not with an additional tax. Senator Chandler noted that this is an option Worcester and Boston like as it will be paid by visitors. Mr. Fallavollita it against any form of taxation and noted that the gain for West Boylston will be a mere pentanes. He thinks that by the time the town deals with the additional bookkeeping we will end up with nothing. He is in favor of the insurance.

Senator Chandler believes the insurance will pass. She asked the Board to write to her to express their views. The food and motel tax and corporate loopholes are one piece and the GIC is separate. Mr. Rucho voiced concern that should the state see the additional 2% tax is working, what is the likelihood of them increasing it to 5%. The Senator thinks we should be thinking about out of the box opportunities for communities to raise funds. Mr. McCormick feels it is better when the state just raises the taxes, as then it is the same for all the communities. Senator Chandler noted that the state is so short that this is the only way we have found thus far. As far as the overhead to administer the funds that would continue to be done by the state, as this is just an increase over what they already collect. The opinions expressed by the Board this evening are the same as the Senator has heard in her eight towns.

### **MWRA Trunk Line Project**

Mr. McCormick explained that he attended a meeting the other day to discuss MWRA's turn over of the sewer trunk line to the towns of Holden, Rutland and West Boylston, and asked for the Senator's support on this issue. The Senator stated that the town would have her full support, as she is not in favor of anything that would push this problem back on the town of Holden or West Boylston. Mr. Fallavollita also attended the meeting and asked at the meeting if any maintenance had been done on the line since it started in 1932. He also asked about the schedule of work on the line. The response he received was I do not know. He pointed out that in the Acts of 1895 the town was supposed to get sewers installed at no cost. He also does not believe we need both the Department of Conservation and Recreation and the MWRA maintaining the line. At the meeting we were told that we may need to replace the line. Senator Chandler does not believe this will happen, and she met with Holden who also has strong feelings. She noted that if they want to turn the trunk line over they should get it up to a level of maintenance.

Mr. Fallavollita feels that when an engineer is overseeing a project and pipe is being replaced they should take a sample to see how much life is in the line as they can reline the pipe. He feels they need a maintenance schedule.

Senator Chandler explained that in the Senate a Senator has the right to Lay Something on the Table, which means it cannot be touched. She has had a conversation with Sheriff Glodis and should the funding for an addition at the jail go through without mitigation funds for West Boylston she plans to Lay it on the Table. Sheriff Glodis has committed to work with her on this.

Mr. Fallavollita requested the Senator file legislation to get funds from the MWRA to help West Boylston's ratepayers. The towns of Holden and West Boylston have just been notified that

they are going to be assessed a maintenance charge for services such as cutting brush. The Senator offered to look into that and report back. Mr. Fallavollita would like the Selectmen to take a vote for rate relief.

Senator Chandler reported that DCR has closed off a portion of the Wachusett Reservoir near the dam in Clinton. As a result of 911 they were required to install an automatic gate at the dam in Clinton. The PCB's in the calking they used at the dam has been leaching into the water. They have tested everything and are taking care of everything, however, they will have to power wash the dam as every time it rains a little more calking is released.

Senator Chandler recommends meeting with the towns of Rutland and Holden.

### **Schedule Meeting with DCR for final sewer related issues**

Senator Chandler requested a list of any outstanding sewer related issues so that she can provide it to John Scannell to respond to. She noted that she is also working with the Water Department as they are looking for additional opportunities to find water.

### **Discussion about Mass Historical Commission and Afra Terrace**

Mr. Gaumond will speak with the Senator after the meeting on this issue.

### **Other Board Requests**

Mr. Phillips questioned why towns are paying taxes on gasoline for municipal-owned vehicles. The Senator reported that Cynthia Cream, Chairperson of the Review Committee, has filed a bill eliminating that tax. She is co-sponsor of the bill.

Mr. Phillips noted that someone recently reported that DCR is in the market to purchase land. He asked if the town could file a bill to cap the amount of land they can purchase in any one town. Senator Chandler explained that she filed a bill to reduce the 40B requirements from 10% to 5% for communities that have 30% of their land owned by the state. Mr. Phillips noted that West Boylston has 53% of its land owned by the state and he would like to cap the percentage at 35%. Mr. McCormick pointed out the fact that West Boylston is further impacted by the Cohen Bill, which limits development. Mr. Fallavollita mentioned the power lines. Mr. Gaumond suggested non-taxable land. Mr. Phillips feels that if the state owns more than 30% of the property then they should pay the fair market value of the land. Mr. Gaumond noted town resident Richard Baker has spearheaded this topic for years. Should the town have over 30% of its land owned by the state it should be exempt from 40B as the land becomes much more valuable. Senator Chandler has been following the town's 40B problems. Four years ago she tried to write a new 40B that was widely accepted by one group. She feels the way it is currently written makes it too difficult on towns. As she traveled across the state she found in Central Mass the prices of existing new homes are cheaper than the cost of the so-called affordable units. This year they will be looking at 40A, the issue of the zoning code as developers are building on what normally would be inappropriate pieces of land.

Mr. Rucho reported that in the Town of Clinton a contractor built a 40B Project and he is unable to find eligible buyers to purchase the units so he is trying to obtain a waiver on the affordable units. Mr. Brodeur reported that the same situation existed in Southborough. Senator Chandler noted that when you build affordable houses that are more expensive than your market-priced houses you have a problem.

Board members thanked Senator Chandler for coming to the meeting. The Senator will report back on the outstanding issues.

**Public Hearing, Re: Consider Amending The Building Department Permit Fee Structure (cont.)**

Mr. McCormick opened the public hearing, which was continued from February 21. Building Inspector Mark Brodeur joined the Board and explained that he went online for the Mass Municipal Association and obtained some town web sites. He developed two spreadsheets, one for residential and one for commercial. The average permit cost for a \$5,000,000 commercial building is \$40,226 and West Boylston's cost would be \$34,650, \$5,576 lower. Mr. Brodeur's recommendation is to move up to \$10.00 per \$1,000 for all commercial permits. On residential permits the average cost for a \$243,000 home is \$1,934 and West Boylston is at \$1,701, \$233 lower than the average. Mr. Brodeur recommends moving up to \$10.00 per \$1,000 for residential permits. He stressed that he is trying to move his office to be a little more standardized. He explained that originally he was recommending going from \$7.00 to \$7.50, however, after his survey he decided to change to the \$10.00. He is also reviewing plumbing, gas and electrical fees. The plumbing and gas are in line, however, the electrical will need to be looked at.

Mr. Fallavollita's understanding of the fee increase is the Building Inspector is condensing the number of things that require a permit and as such there will be a lot of other things that do not exist any more. He also noted that the department should only be bringing in enough money to run the department. Mr. Phillips thought the Board wanted to look at the other towns and decide if we would be making a profit or losing money. He also voiced concern in the big jump from \$7.50 to \$10.00. Mr. Brodeur explained that the figure is based on surrounding towns and the fact that the fees have not increased for seven years.

Mr. Phillips wants to know if we go to the \$10.00 are we making a profit or breaking even. Mr. Brodeur feels we would be a little above, however, he offered to diligently try to put something together. Mr. Rucho has no problem giving him more time to gather the information and he would like to get the Benchmark Communities and our surrounding communities. He recommends putting this off. Mr. Fallavollita stressed the key issue is how the other towns calculate it by BOCA or something else. Mr. Brodeur explained that he uses the principles or BOCA; however, their dollar figure is ridiculous. He agreed to also give the Board a letter of explanation. Mr. Gaumond suggested closing the hearing and scheduling this again some time after town meeting so that he could work with Mr. Brodeur on a formal presentation. There are no comments from anyone in attendance. Mr. McCormick closed the public hearing.

Motion Mr. Phillips to table this issue for this evening, seconded by Mr. Rucho. Vote on the motion – Messrs. McCormick, Rucho, and Phillips yes; Mr. Fallavollita abstains.

**NEW BUSINESS**

1. Concurrence on the hiring of Todd Raymond, Sterling, Massachusetts as Plumbing Inspector effective March 26, 2007, at \$25.00 per inspection

Mr. Gaumond reported that applications for the position have been reviewed and Mr. Brodeur conducted background checks and interviews and recommends Todd Raymond of Sterling for the position.

Motion Mr. Fallavollita to concur with the appointment, seconded by Mr. Rucho, all in favor.

**Public Hearing: Re, Proposed Stormwater Management Bylaw**

At the request of Mr. Westerling, the public hearing will be continued to allow him to have an opportunity to meet with the Building Inspector, Planning Board and Conservation Commission. Mr. Gaumond also provided the Board with information on the Federal Clean Water Act and correspondence from the Conservation Commission.

Mr. Fallavollita recommends doing this through a regulation of the Board of Selectmen or the Board of Sewer Commissioners rather than by a formal bylaw. He will attend the hearing and will bring forth that information as he is trying to simplify this. He noted that there is a \$27,500 a day fine for non-compliance and he thinks the person who should oversee this is Mr. Westerling.

Motion Mr. Fallavollita to continue the hearing until April 4, seconded by Mr. Phillips, all in favor.

**NEW BUSINESS (cont.)****2. Request for Common Victualler's License from Dagwood Restaurant, 26 West Boylston Street**

Mr. McCormick recused himself and turned the meeting over to Mr. Rucho. Mr. and Mrs. Martunas joined the Board. The application has been reviewed by the Building Inspector, Fire Chief, Police Chief, Board of Health and Treasurer/Tax Collector, and is compliance with those departments.

Mrs. Martunas explained that the menu will be sandwiches, fish and chips on Thursdays and Fridays and meals to go. They have a 15-inch dagwood and formerly operated in Worcester. They will have seating for 16, and most of their business is take out. They plan to open by May 15 or June 1.

Motion Mr. Phillips to grant the license provided that all the inspectors are satisfied, seconded by Mr. Fallavollita, all in favor. The Board wished Mr. and Mrs. Martunas well.

**Public Hearing, Re: Request From Verizon New England, Inc. To Install 7 New Poles on Pierce Street (cont.)**

Motion Mr. Phillips to continue to hearing at the request of Verizon until April 4<sup>th</sup>, seconded by Mr. Fallavollita, all in favor.

**Request From Verizon for Telephone Easement on Pierce Street**

At the request of Verizon, the public hearing will be continued until April 4<sup>th</sup>

**NEW BUSINESS****1. Review list of Special Employees as designated by the Board of Selectmen on July 1, 1998**

Mr. Gaumond explained that one of the goals for the town was to conduct an Ethics Seminar and Conflict of Interest Training. One of the items discussed by the presenter was that the Board of Selectmen should periodically review those positions designated as Special Municipal Employees. Agenda packages contain the positions designated by the Board of Selectmen at its meeting in 1998 together with the portion of the meeting minutes when the designation was discussed.

Mr. Fallavollita recommends supporting the list and publishing it with the Town Clerk. He noted that these positions can work for the town without any problems. Mr. Gaumond explained that in communities of less than 10,000 the Board of Selectmen are automatically classified as

Special Employees, however, that designation is not given to other elected boards. In reviewing the list it was noted that some of the positions, Measurer of Wood and Bark and Inspector of Insect Control no longer exist. Mr. Phillips recommends including Emergency Management Director, Deputy Emergency Management Director and CERT Coordinator. Mr. Gaumond explained that individuals may hold more than one elected position, however, they cannot be compensated for two, only one. Most of the people on the list are appointed and wish to hold another office. Mr. Rucho recommends the Board take some time to review the list. Mr. Gaumond is not asking the Board to take any action on the list, this was a recommended that the list be reviewed and it will be on the Municipal Calendar as an April assignment. Board members will forward their suggestions to him and he will compile a list to bring forward to the Board for consideration.

2. Concurrence on the appointment of Heather Feland, 101 Central Street to the Town-wide Planning Committee effective March 26, 2007 for a term to expire on June 30, 2008

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

5. Review and approve Schedule for May 21, 2007 Annual Town Meeting

Mr. Gaumond presented the Board with the May 21, 2007 Town Meeting Schedule.

Motion Mr. Phillips to concur with the schedule, seconded by Mr. Rucho. Vote on the motion – Messrs. McCormick, Rucho, and Phillips yes; Mr. Fallavollita abstains.

6. Review Proposed Zoning Bylaw change and vote to refer back to the Planning Board for a public hearing

Mr. Gaumond explained that the law requires the proposed petitioned bylaw change come to the Board of Selectmen who vote to forward it back to the Planning Board.

Motion Mr. Phillips to refer the bylaw back to the Planning Board for public hearing, seconded by Mr. Rucho, all in favor. Currently that use is now allowed, however, with the amendment it is allowed through Special Permit.

7. Review RFP for Computer Network Administration and vote to authorize the Town Administrator to enter into negotiations with the respondent

Mr. Gaumond asked the Board to table this item this evening.

8. Review Town Scholarship Committee information

Mr. Gaumond noted a newspaper article on the rejuvenation of the Scholarship Committee. The committee is planning on awarding scholarships this year. Mr. Rucho thanked the members of the committee who worked hard on this accomplishment. Mr. Fallavollita also thanked the group and suggested putting information on Channel 11 to let residents know how they could donate funds. Mr. Gaumond plans to put something on the web site and will dedicate a Blog entry to the committee. He also plans to invite the committee members to participate in a Cable TV show. They have \$31,000 in their fund, and the members of the committee are Joyce Kujala, Kim Hopewell, Bernie Dow, John Swalec, and Ann Marie Richardson.

9. Review information on longevity pay (JD)

This item will be tabled this evening, as Mr. DiPietro is not in attendance this evening.

**MEETINGS & INVITATIONS**

1. Sunday, March 25 from 9 to 11 a.m. meet the new Fire Chief and visit the new fire truck at the Public Safety Headquarters. Coffee and donuts will be served
2. March 28, 2007 – 7:00 p.m. Budget Work Session With School & Finance Committees
3. March 29, 2007 – 1:00 to 3:00 p.m. West Boylston Health Fair sponsored by Council on Aging at the Mixter Building
4. Monday, April 2, 2007 – 9:00 a.m. Suburban Coalition Annual Legislative Breakfast at the State House. Mr. Fallavollita recommended Mr. Gaumond attend.
5. April 4, 2007 Agenda items to date
  - Board reorganization
  - New Business
  - Concurrence on April appointments
6. April 7, 2007 from 9:00 a.m. until 10:30 a.m. we will be holding the first Saturday Morning Coffee with your Appointing Authority. Mr. Gaumond explained that this will be an opportunity to thank all appointees for their service and to remind them of the town's goals and objectives.

**SELECTMEN'S REQUEST AND NEW BUSINESS**

Mr. Phillips has nothing this evening

Mr. Fallavollita asked the Board to request Mr. Westerling look at Fairbanks Street from Route 110 to Giobellina's Farm to the hill where there is an open trench as the water does not come off the road and it ices up every winter. There are structures at the landfill that can be used and it also needs to be overlayed.

Mr. Rucho complimented the DPW on their snow removal efforts during the last snowstorm. It was also noted that the sidewalk plow is not working properly.

Mr. McCormick would like Mr. Westerling to provide the Board with the final report on the broken pipe on Worcester Street. He would like to know how we can recoup our costs and whether it was a faulty cast or improper installation.

With no further business to come before the Board, motion Mr. Phillips at 9:45 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: April 4, 2007

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Nancy E. Lucier

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Kevin M. McCormick, Chairman

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Christopher A. Rucho, Vice Chairman

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Allen R. Phillips, Clerk

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Alexander Fallavollita, Sr., Selectman