

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

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

Read and acceptance of Minutes From Previous Meeting:

Motion Mr. McCormick to accept the meeting minutes of June 18, 2008, seconded by Mr. Pruneau, all in favor.

OLD BUSINESS

1. Board Review of Comprehensive Public Housing Inspection Report and deliberation for Reservoir Motor Lodge

At the last meeting of the Board, Mark Fournier of Comprehensive Public Housing Inspections provided an inspection report for the Reservoir Motor Lodge. The Board deferred action on the report until this meeting so that they could have sufficient time to review the report. Mr. Phillips asked Board members for their comments. Mr. Rucho has none at this time. Mr. McCormick has read the report and feels there may be more problem with the tenants than the owners. He would like to instruct the Board of Health, Building Inspector and Fire Chief to monitor the conditions, and do enforcement as necessary via the ticketing system.

Motion Mr. McCormick to allow the Board of Health, Building Inspector and Fire Chief to handle the issues and do enforcement as necessary, and for the Board not to take any further action at this time, seconded by Mr. Pruneau. Mr. Gaumond noted that at the end of the calendar year the premises will be inspected prior to license renewal and the owner should be mindful that the condition of the facility should be in tip top shape. Vote on the motion – all in favor.

Mr. Gaumond reported that the Board has received correspondence from Paul Sushchuk, counsel for the Reservoir Motor Lodge requesting the suspension dates be amended to begin on December 25 and end on December 31.

All Board members will be included on the two-day suspension discussion.

Motion Mr. McCormick to deny the request to change the dates to serve the two-day suspension, seconded by Mr. Rucho.

Mr. Phillips stated that he really has a problem removing people in the middle of winter on Christmas Day and he does not plan to agree to the request. Mr. Rucho is concerned with letting the business pick their slowest time of the year to serve the suspension

Vote on the motion – all in favor.

On the five-day suspension.

Motion Mr. McCormick to deny the request to change the dates to serve the five-day suspension, seconded by Mr. Rucho. Vote on the motion – Messrs. Phillips, Rucho and McCormick no; Messrs. Pruneau and DiPietro abstain.

2. Request from Charles Derrah for grinder pump

Charles Derrah, 35 Phelps Place joined the Board for discussion relative to 192 Goodale Street. Mr. Westerling provided the Board with the original sewer construction plans which showed the actual construction of the sewer lines and a grinder pump being proposed for the property.

Mr. Derrah explained that his father, who has since passed away, had an agreement with Jeff Perkins who purchased the land to build Old Century Farm Road that he could tie into the sewer line for the subdivision. The original design for the road was to have a gravity feed so there was no need for the pump. The decision was made not to take the pump which was originally offered by the DCR as it was not going to be necessary. When Mr. Perkins applied, Mr. Westerling sent him a letter that he would not approve the design and recommended individual grinder pumps and a pressurized system. Mr. Westerling sent Mr. Derrah a letter in May of 2004 indicating that at no time was gravity sewer an option for this subdivision.

Mr. Westerling explained that the original design was a gravity system and a pump station. He recommended to the Planning Board individual grinders pumps, which we still maintain should they fail. Mr. Derrah's home is below Goodale Street which would make it impossible to gravity feed to Goodale Street and that is why DCR originally offered a free pump to Mr. Derrah. Mr. Westerling stressed that the new subdivision was never approved as a gravity system. It was a conceptual idea with Mr. Perkins and Mr. Derrah and that is what Mr. Derrah made his decision on.

Mr. McCormick asked if the DCR building on Beaman Street has hooked into the system. Mr. Westerling advised that they have not yet connected. He noted that as of May 26, 2004 everyone knew that gravity sewer would not be an option and it was read into the record of the Planning Board public hearing. Charles Derrah was not aware of what was going on and his father died on April 19, 2004. His father made the decision with the engineer who came down and saw the house. Jeff Perkins told his father that they would be putting a gravity feed system. According to Mr. Westerling the cost of the pump is \$7,000, and all the other houses have grinder pumps which were purchased by the owners and the owner pays the utility costs. According to Mr. Derrah the house still has a Goodale Street address.

Mr. Rucho asked if the Board has given pumps to any residents since the project was completed. According to Mr. Westerling during the sewer project the Board authorized two to be purchased. Mr. Rucho cautioned that whatever the Board does on this it may open it up to others coming forward. Mr. Westerling pointed out the fact that pumps are needed for houses with ledge or those below the street, and he thinks the Board is opening themselves up to other requests. Mr. McCormick questioned how many people have not yet hooked up. Mr. Westerling has supplied that information to the Board of Health and the number may be 150-200 as there are different levels of readiness to connect.

Mr. McCormick thinks the Board should approve the pump and would like to know how many have not hooked up to see what the 'can of worms' might be. Mr. Westerling pointed out the fact that it might need town meeting approval as we would need a funding source.

Motion Mr. McCormick to table this until we have more information. No second on the motion.

Mr. Westerling knows of four instances where people may request pumps due to ledge or property being too low. Mr. DiPietro noted that if we did not go with the individual grinder pumps the town would have had another pump station to maintain, so the easiest way out was to go with the individual grinder pumps. Mr. Westerling stated that Mr. Perkins was offering something he had no right to offer. Mr. DiPietro does not want the Board to miss the point that there was an opportunity to get a pump for free and Mr. Derrah choose to say no and instead made a private agreement with a contractor. He feels when he did that he assumed all responsibility and if anybody should pay for the pump it should be Mr. Perkins because he could not stay true to his agreement.

Motion Mr. DiPietro to deny the request for the pump, seconded by Mr. Rucho. Vote on the motion- Messrs. Phillips, Pruneau, DiPietro and Rucho yes; Mr. McCormick no.

Mr. Westerling requested the Boards approval on an intradepartmental transfer in the amount of \$4,000 from salaries to fuel to cover increases in fuel costs.

Motion Mr. McCormick to approve the request, seconded by Mr. DiPietro, all in favor.

Public Hearing, Re: Request For Transfer Of The All Alcoholic Beverage License Issued To P.J.'S Restaurant Group, Inc. D/B/A PJ's New England Bar & Grill To AJ89 Group, LLC D/B/A P.J.'S New England Bar & Grill

Mr. McCormick recused himself. Mr. Phillips opened the public hearing and Mr. Gaumond read the following notice. The Board of Selectmen of the Town of West Boylston will hold a public hearing on the Transfer of Liquor License Application from AJ89 Group, LLC d/b/a P.J.'s New England Bar & Grill for the All Alcoholic Beverage License currently held by P.J.'s Restaurant Group, Inc., d/b/a P.J.'s New England Bar & Grill, 185 West Boylston Street. The public hearing will be held on Wednesday, July 2, 2008 at 7:30 p.m. in Conference Room #1 of the Municipal Office Building, 127 Hartwell Street, West Boylston. All interested persons, groups, and agencies are invited to attend. Allen R. Phillips, Chairman advertised on June 23, 2008.

Anthony Picarello and his attorney joined the Board. Mr. Picarello plans to be the manager and run the business with his wife and father. Mr. DiPietro questioned the status of the Fire Department issue on the sprinkler system. Chief Pauley, who is in the audience this evening, reported that the issue was resolved at 9:00 this morning as the system has been installed and inspected. Mr. Phillips questioned the pledge of the license by the bank. It was explained that this is an SBA loan from US Capital and should he default the bank would have to come before the Board of Selectmen as they have to approve any license transaction. Mr. Picarello is currently working as a program director in Boston and plans to continue as a consultant ten hours a week.

In the Board's agenda package the Police Chief and Treasurer/Tax Collector have no issues with the transfer. The issues with the Fire Department have been resolved. Mr. Gaumond spoke with the Building Inspector who was holding off on comments until the fire alarm issue had been resolved. We have yet to receive a report from the Board of Health. Mr. Phillips asked Mr. Picarello if he plans to run things the same. Mr. Picarello explained that he looked at a lot of establishments, likes the current operation and it will family involved with the same employees and times. No one is in attendance to speak to the transfer.

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

Motion Mr. Rucho to approve the transfer of the All Alcoholic Beverage License currently held by P.J.'s Restaurant Group, Inc., d/b/a P.J.'s New England Bar & Grill to AJ89 Group, LLC d/b/a P.J.'s New England Bar & Grill, seconded by Mr. DiPietro provided there are no issues with the Building Inspector and Board of Health, seconded by Mr. DiPietro, all in favor.

OLD BUSINESS (cont.)

3. Review survey information on Live or Tape-Delayed Selectmen's Meetings

Steve Howland joined the Board as he was recently asked to undertake a survey on whether residents preferred live or tape-delayed Selectmen's meetings. He received 14 responses, most of which did not want to spend the \$15,000 it will take to cable the facility on Hartwell Street. Mr. Gaumond advised that at their last meeting they appointed Ray DeSanti to the Open Space Committee. Mr. DeSanti has a business of installing fiber on poles and would like to explore that option as both he and Mr. Howland feel that might work. Mr. Howland explained that it is a point to point fiber line and the DPW would like a line as well. It would enable us to send a signal over fiber and we need to examine financial and logistical aspects. Mr. Gaumond suggested meeting with the Municipal Light Plant on this, and thanked Mr. DeSanti for coming forward with this suggestion.

In reading the responses, Mr. Phillips does not think the people who responded understand where the money for this would come. Mr. Howland stated that he called everyone and explained

where the money would come and only one person changed their mind. At this time we only have the Charter solution to run INET cable for \$15,000. Mr. Rucho agrees with Mr. Phillips' comments that the residents do not understand that the money would come from cable company money paid to the town and not town funds.

Mr. Howland advised that the school has a small pilot program to get students interested in videotaping some of the meetings. He hopes with the new students they may be interested in doing more programs from the new studio at the Municipal Light Plant. Mr. Rucho would like to see expanded coverage of town board meetings. Mr. Phillips would like a report on the fiber option. Mr. Rucho would also like an accounting of what we have for cable funds and where it would go if it is not spent on this project. It was agreed to schedule this discussion on August 6.

4. Review information on creation of a Town Naming Committee

At the June 18th meeting the Board requested examples of how other communities deal with naming things. Mr. Gaumond recommends the establishment of a Naming Committee to consist of five West Boylston residents, appointed to five-year terms, with no elected official allowed to serve as the committee's roll will be to make recommendations to elected boards. All members shall be appointed by the Town Administrator. It would be a recommending committee and their recommendation would be passed onto the appropriate board or to town meeting. The Naming Committee would apply to departments under the Selectmen but that other elected boards in town could use this committee as well.

Mr. McCormick suggested doing this town-wide so we do not have a conflict and suggested having it as a bylaw. Mr. Phillips recommends passing it now as a Committee and bringing in forward in October as a bylaw. Mr. DiPietro likes the version put forth by Brookline.

Motion Mr. McCormick to create a Naming Committee and work on a bylaw for the October town meeting, seconded by Mr. Pruneau, all in favor.

Reservoir Motor Lodge

Paul Sushchyk, attorney for Kinit Malaviya owner of the Reservoir Motor Lodge, joined the Board with Mr. Malaviya. Mr. DiPietro recused himself.

Mr. Sushchyk explained that he has been retained by Mr. Malaviya to review the problems he has been having. He has reviewed the situation with him and contacted the Board's counsel, Tom McEnaney relative to the Board putting off the suspension of the days to be served until December. The reason was there are a number of residents that would have to be moved out almost immediately and he hoped to work with the town and Mr. Malaviya to make sure he gets everything done he needs to complete with the building issues. Mr. Phillips informed Mr. Sushchyk that the Board already disposed of this item earlier in the meeting. Mr. Sushchyk asked the Board to reconsider their prior action.

Motion Mr. Rucho to reconsider and give Mr. Sushchyk and opportunity to be heard, seconded by Mr. McCormick, all in favor.

Mr. Sushchyk reported that he has read all the documents and reports and feels that it is an unfortunate situation and Mr. Malaviya should have been much more pro active. He told Mr. Malaviya if he had been sitting on the Board he would not only have been facing a suspension he would have been facing revocation. He has impressed upon him the gravity of the situation and they discussed the fact that the Board has the potential to take the license. He would like to speak with the Police Department, Building Inspector and Board of Health to ensure all concerns the town of West Boylston has are met within a certain period of time. He understands there is a policy that was developed and it is very important that they use operational control. Mr. Malaviya is now taking a more active role

in the motel. He requests the Board consider a suspension from December 25 to December 31.

Mr. Phillips informed Mr. Sushchuk if this was in Sterling he would be short tempered with what the Board has had to put up with. Mr. Sushchuk stated that his tone with Mr. Malaviya was not very kind. Mr. Phillips stated that the Board gave him a break on the date already because there was concern with the children in school and our goals was not to hurt the residents. How would it punish Mr. Malaviya if we allow them to pick the date they want to close and it would be their least busiest time. We would be putting people out in the middle of winter during the holidays. Mr. Sushchuk's understanding is they are just as busy during that time however they have less occupants as the vacancy rate is up. Mr. Phillips might have gone along with this if somebody said can you give me one more month so I can help people out, but not in the middle of winter or on Christmas Day.

Mr. McCormick asked if it is Mr. Malaviya's intention to move these people to another location and pay for their housing. Mr. Malaviya has spoken with motels in Clinton and they can accommodate them in December and the children do not have school at that time. Mr. Sushchuk suggested to Mr. Malaviya that maybe there could be another date in between as the Board is willing to work with him. Mr. Phillips reinforced the fact that the board has done a lot to work with Mr. Malaviya already. Mr. Rucho voiced concern over why the Board changed the date from June to July because of the children and now Mr. Malaviya wants to move it to October, which would defeat the first continuance. Mr. Pruneau does not want this to go into the school year. Mr. McCormick suggested other motels in addition to those in Clinton and stressed the need to see where the people need to be located. He has rented a room in West Boylston for one of the tenants to move into as he needs to be in town.

Mr. Phillips voiced his frustration that this has been on-going for a while and the fact that Mr. Malaviya waited till the last minute to get an attorney and then waited till the last minute to throw it back on the Board of Selectmen. Mr. Rucho feels that some people may have already made arrangements to move. August 13 to 20 were suggested by Mr. Malaviya and Mr. Sushchuk. Mr. Phillips would agree to an August date provided Mr. Malaviya helps people find a place to stay and help fund the cost. Should the Board agree to a change in suspension dates, Attorney Sushchuk would waive any rights to appeal. During the suspension no one would be allowed to stay at the facility. The Board informed Mr. Sushchuk that the Inspection Report was referred to the Building Inspector, Fire Chief and Board of Health to ensure enforcement. Mr. Sushchuk plans to walk through the facility to get a handle on everything. Mr. Sushchuk thanked the Board for their good faith. The Board informed Mr. Malaviya that he still owes two fines each of which is \$300.

Motion Mr. McCormick to change the dates for the suspension to August 13 through 20, there will be no appeal from Mr. Sushchuk, Mr. Malaviya will assist in relocating everyone and pay the difference in the cost, workers can work at the Reservoir Motor Lodge from 8:00 a.m. to 6:00 p.m., no one is to stay over night, the license is to be turned over to the Chief of Police during the service of the suspension, signs are to be posted that the facility is not open and the two fines \$300 each are to be paid, seconded by Mr. Pruneau, all in favor.

NEW BUSINESS

1. Review and approve Request for Intradepartmental Transfer for the Fire Department

Mr. Phillips recused himself. Chief Pauley joined the Board and explained that he previously requested a transfer of \$5,000 from salaries and wages to supplies. However, due to unexpected overtime and an increased call volume he now needs to move \$4,500 from supplies into salaries and wages.

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

2. Concurrence on the appointment of Larry Salate, 382 Prospect Street to the Transportation Committee effective July 3, 2008 for a term to expire on April 30, 2009

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

3. Concurrence on the appointment of John Hadley, 151 Malden Street to the Conservation Commission effective July 4, 2008 for a term to expire on April 30, 2011

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

4. Concurrence on the hirings for Summer Recreation Program Employees

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

5. Discussion of Wachusett Earthday Proposal on Raymond Huntington Highway

The Board has received an email from Mr. Westerling indicating that the application for the Road Opening Permit meets the town's standards and if he does not hear from the Board he plans to issue the permit on July 7th. The fee has been paid.

Mr. Phillips stated that he has an issue with this in light of the fact that the Board denied wanting to be part of this, didn't want this type of facility in our community and the Wachusett Earthday group and the Department of Conservation and Recreation are proceeding with it. They plan to take in hazardous waste from five other communities and place it on DCR property in our town. DCR took the land, which comes off our tax rolls, to protect the Wachusett Reservoir, and he thinks the Selectmen should take some action, whether it be legal or through the press. We had a baseball field which was taken away because we were told it might pollute the reservoir.

Mr. Pruneau voiced concern that they took the property on Raymond Huntington Highway for conservation protection and now they are planning to put hazardous waste on it. Mr. Phillips questioned whether the Board should seek advice from town counsel and obtain an injunction.

Mr. Gaumond explained that the town has received two requests for this project. The first was a request to go forward with funding at town meeting and we denied that and this request, which Mr. Westerling has indicated does meet the requirement set forth by the town. Mr. McCormick suggested asking what the driveway is for as we have no other information on what they are going to do and he feels as Road Commissioners the Board could deny this. He suggested putting this off until we are told what is going at the end of the driveway. Mr. Gaumond reminded the Board that they did have a visitor come before them and tell them what was going on the site. Mr. McCormick would like to see a plan and questioned whether it would need to go through the site plan approval process. He would like to have a presentation on the project.

Mr. Pruneau reported that he knows of one contractor who is about to bid on this and there are no topos or surveys on the project. He questioned what gives DCR the right to put in a driveway without that type of information. Mr. Phillips voiced concern that if the Board denied the application they would still build the facility. Mr. McCormick would like to deny the request as Road Commissioners and should they proceed we could get an injunction. He is concerned that no board has ever received a plan of what they plan to do. Mr. DiPietro suggested sending a letter to John Scannell advising him that any permits are to come from the Environmental Protection Agency or Department of Environmental Protection. Mr. Phillips disagrees as the DCR has owned this land for all of these years and it is for the protection of the reservoir and now they are going to allow hazardous waste on it.

Mr. DiPietro does not want this to impact the potential development of the newly zoned parcel off of Raymond Huntington Highway.

Mr. Rucho suggested enlisting the assistance of our legislators. Mr. Rucho noted that Wachusett Earthday is a non-profit and DCR applied for the permit and paid the fee. He thinks we need to get answers from Wachusett Earthday on their plan and have it reviewed by the Planning Board, Building Inspector and Board of Health. Mr. Phillips suggested getting an opinion from Town Counsel noting that the town already houses the Wachusett Reservoir, House of Corrections and now we will have a hazardous waste facility. His other concern is whether the group has sufficient funds.

Motion Mr. Pruneau to seek advice from Town Counsel on this and deny the permit, seconded by Mr. McCormick. Mr. Gaumond informed the Board that the permit is not being brought forward for Board approval, and suggesting asking Mr. Westerling to hold off issuing the permit. Mr. McCormick requested a delay for more information. Mr. DiPietro advised that the Planning Board has a regulation that a road can only extend a certain amount of feet and the proposal could be beyond what is allowed. Motion and second withdrawn.

Mr. Gaumond suggested a delay and send the minutes to Town Counsel for an opinion to be made available to the Board for their next meeting.

Motion Mr. Rucho to instruct Mr. Westerling to delay the issuance of the permit for the Board to get more information, seconded by Mr. McCormick, all in favor.

The Board would also like to contact Senator Chandler and Rep. O'Day for assistance and seek information from Town Counsels relative to the Board's options on the request.

6. Review of current motel bylaws

This agenda item was requested by Mr. McCormick who would like to review the penalties available to the Board. Due to the lateness of the hour, Mr. Phillips requested putting this item off for another meeting. He would not have a problem having a monetary component, however, he would like to keep the suspension option available.

7. Discussion of a four-day work week

This agenda item was requested by Mr. DiPietro who would like to revise it to have departments who go to a four-day work week have their employees work in four days the amount of hours they typically work in five days. He would also like to leave it up to the department heads of those departments to determine whether the change in hours would be beneficial to the towns people and their employees. This would be for the summer months. Mr. McCormick assumes the change would save gasoline for employees, however, he voiced concern that Holden has extended his hours and suggested staggering the days off. Mr. Phillips stressed that what is done for one has to be done for all. He received a telephone call from the DPW and they were split. Mr. DiPietro stated that the modified schedule would only be for town hall and would not pertain to the DPW as those employees are under a union contract. Mr. Phillips does not see any savings to the town and does not believe it would benefit more than a handful of employees. Mr. Rucho feels hours should be expanded noting that the Town Clerk's office used to be open on Wednesday night and now everything is during the day. If we were a city with our own facilities he could see millions in savings. Mr. Phillips does not think it would be a fit for West Boylston. Mr. Rucho voiced concern that people were polled before hand and in the future the Board should discuss the issue and then ask for comments.

8. Review Notice from Massachusetts State Lottery Commission regarding request for Keno license for Keepers

Mr. McCormick recused himself. Should the town object to the request, the notice allows the town 21 days from receipt of the letter to request a hearing. The Board has no objection to the request.

Mr. McCormick explained that he applied for the license four months ago, and he hopes to be open for Labor Day.

9. Review and vote to accept donations in the amount of \$2,413.90 to the Beaman Public Library

Motion Mr. McCormick to accept the donations, seconded by Mr. Rucho. Vote on the motion – Messrs. Phillips, DiPietro, Rucho and McCormick yes; Mr. Pruneau abstains.

10. Review email from Water District re: joint meeting date in September

The Board has no objection to a September meeting date. This will include preparing the list of items to be discussed on a future agenda under Old Business.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. July 9, 2008, 7:00 p.m. – Joint meeting with School and Finance Committees at the Library. Mr. DiPietro asked the Board if this meeting could be cancelled and suggested a weekend retreat-type meeting as the Board did last fall. Mr. Phillips would not have a problem with a retreat-type meeting, and as it was a challenge selecting a date which worked for all three entities, it will remain as is.

2. July 14, 7:00 – Shared Services Committee

FUTURE AGENDA REQUESTS

Mr. Rucho has nothing.

Mr. McCormick has nothing this evening.

Mr. Phillips reported that he received a phone call from the Chairman of the Boylston Selectmen who would like to meet with our Board to look at sharing services.

Motion Mr. McCormick to schedule a meeting, seconded by Mr. Pruneau, all in favor. Mr. Gaumond will notify Boylston and offer them some meeting dates.

Messrs. Pruneau and DiPietro have nothing this evening.

With no further business to come before the Board, motion Mr. McCormick at 9:40 p.m. to adjourn, seconded by Mr. Pruneau, all in favor.

Respectfully submitted,

Nancy E. Lucier

Approved:

Allen R. Phillips, Chairman

Valmore H. Pruneau, Vice Chairman

John B. DiPietro, Sr., Clerk

Christopher A. Rucho, Selectman

Kevin M. McCormick, Selectman