

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

Mr. Phillips convened the meeting at 7:03 p.m.

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

Motion Mr. McCormick to accept the meeting minutes of May 19, 2008, seconded by Rucho, all in favor.

Motion Mr. McCormick to accept the meeting minutes of May 21, 2008, seconded by Rucho. Vote on the motion – Messrs. Phillips, McCormick and Rucho yes; Messrs. DiPietro and Pruneau abstain.

**Board Deliberation Re: Public Hearing On May 21, 2008 For Reservoir Motor Lodge Violation**

Mr. Gaumond informed Messrs. Pruneau and DiPietro that they would need to recuse themselves from any deliberations as they were not present for the public hearing to hear testimony. The Board's agenda package includes the violation history for the Reservoir Motor Lodge. The Board agreed to move this agenda item to 7:47 following the public hearing scheduled for this evening for the Reservoir Motor Lodge.

**Fire Chief Richard Pauley, Jr., Re: New Ambulance Purchase**

Mr. Phillips recused himself and turned the meeting over to Vice Chairman Pruneau. Fire Chief Richard Pauley and Captain Dean Kochanowski joined the Board. Chief Pauley explained that last September he requested funds to replace Ambulance 2 a 1995 Ford that has been in service for the last 13 years. A group was formed and they developed a 45-50 page specification document. In response to our advertisement we received five requests for bid packages with Specialty Vehicles and Quality Emergency Vehicles submitting bids. Chief Pauley recommends the town enter into a contract with Specialty Vehicles who submitted a bid in the amount of \$161,012. He is going with the higher bidder because Quality Emergency Vehicles took exception to about 19 of the specification points with regard to the electrical system and the quality of the workmanship the Fire Department wanted for the vehicle. The Chief also found a number of items to be of a better value with Specialty Vehicle. Chief Pauley noted that the town has had a relationship with this dealer for the last 13-14 years as our last two ambulances were purchased from them. They are also used by communities on the Cape, towns in Massachusetts and in Hollis, New Hampshire. They have had good experience in dealing with this particular brand of truck. With the exception of the chase, everything is done by the manufacturer. Over the years we have had a couple of minor issues and they have come out and taken care of the problem. He feels they are in it for the long term and have a better service department. The town previously approved \$165,000 for the purchase of the vehicle from ambulance receipts.

Mr. DiPietro asked if the Chief had any idea why the other firms who requested bid packages didn't return a bid. Chief Pauley feels that they would have had to make more exceptions. Captain Kochanowski noted that the previous two trucks were road rescues and the life line was of a better and heavier construction. Chief Pauley added that the electric system is based on cards and circuitry so if you have a problem you can remove the card and install a new one. The 1995 ambulance has 80,000 miles on it. On the bid from Quality Specialty Vehicles the bulk of the truck was not what was specified. Chief Pauley sets up the two ambulances exactly the same way.

Motion Mr. McCormick to award the bid from Specialty Vehicles in the amount of \$161,012, seconded by Mr. DiPietro, all in favor. Mr. Gaumond thanked Chief Pauley and his staff for their work on the procurement of the vehicle. Mr. Phillips returned to the meeting.

**NEW BUSINESS**

## 1. Concurrence on the June appointments of the Town Administrator

Motion Mr. Rucho to concur with the following June appointments of the Town Administrator:

**ANIMAL CONTROL OFFICER:** Charles Witkus 6-30-2008

**ASSISTANT ANIMAL**

**CONTROL OFFICER:** Steven Jones 6-30-08

**FINANCE DIRECTOR/TOWN**

**ACCOUNTANT:** Michael Daley 6-30-2008

**ASSIST. TOWN**

**ACCOUNTANT:** Leslie Guertin 6-30-2008

**TOWN-WIDE PLANNING**

**COMMITTEE:** Charles F. Greenough 2008

JoAnne Dunne 2008

Heather Feland 2008

**OPEN SPACE ADV. CMTE.:** Robert Tashjian 6-30-2008

Barbara Wyatt 2008

Jim Edmondson 2008

Vincent Vignaly Pl Bd 2008

Brenda Bowman 2008

**CABLE TV AD. CMTE.** Stephen Howland 6-30-2008

Louise Howland 2008

John McCormick 2008

Pauline McCormick 2008

Julie White 2008

Barbara Deschenes 2008

Frank Jansen 2008

**LOCAL HOUSING**

**PARTNERSHIP:** Patricia Halpin, Pl. Bd. 6-30-2008

Susan Meola 2008

Michelle Harris 2008

Sandra Menard 2008

Andrew Feland 6-30-08

**CMTY PRESERVATION CMTE:** Larry Salate Pl Bd 6-30-08

Beverly Goodale, Historical 6-30-08

Parks Cmsn. 6-30-08

Heather Feland, Con Com 6-30-08

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

## 2. Vote to approve the June appointments of the Board of Selectmen

Mr. Gaumond announced that Paula Ceglowski, the current Chairman of the Personnel Board has informed us that she will not be able to accept reappointment due to work commitments. He

encouraged anyone in the viewing audience with a background in personnel to consider an appointment to the Personnel Board.

Motion Mr. McCormick to appoint Richard McCarthy to the Personnel Board, seconded by Mr. Rucho, all in favor.

Motion Mr. McCormick to appoint Patricia Altomare to the Finance Committee, seconded by Mr. Rucho, all in favor.

Mr. Phillips recused himself.

Motion Mr. DiPietro to appoint Mychelle Phillips to the Personnel Board, seconded by Mr. Rucho, all in favor.

Mr. Phillips rejoined the meeting.

3. Concurrence on the appointment of Joanne Vaudreuil, 181 Hillside Village Drive to the Council on Aging effective June 6, 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 appointment of Beverly Salate, 382 Prospect Street to the Board of Health effective July 1, 2008 for a term to expire on April 30, 2011

Mr. DiPietro recused himself. Motion Mr. Rucho to concur with the appointment, seconded by Mr. McCormick. Mr. Gaumond explained that he received two applications, one from Beverly Salate and the other from David Mercurio for the position. He noted that both were very qualified and requested the Board's input. The preference was for Ms. Salate. The Board of Health recognized that Mr. Mercurio's background in septic systems. Mr. Gaumond spoke with members of the Board of Health and they recognized that both would be acceptable. Ms. Salate has 22 years in community health, the last 20 with the VNA and is familiar with training in pandemic and disaster planning. She could also assist with our Wellness Program. Mr. Mercurio also serves on the town's Bylaw committee. Mr. Gaumond feels Ms. Salate offers the best immediate assistance and would encourage Mr. Mercurio to seek appointment on the Board should we have another vacancy.

Vote on the motion – all in favor.

5. Concurrence on the appointment of Timothy Regele, Holden, as a Special Police Officer effective June 4, 2008 for a term to expire on June 30, 2008

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

6. Review Request for Intradepartmental Transfer for the Fire Department in the amount of \$6,500 from Salaries to Supplies to replace radios and pagers no longer serviceable

Mr. Phillips recused himself.

Chief Pauley amended his requested amount from \$6,500 to \$5,000 as he was able to get better prices on the radios he plans to purchase. He also noted that he is trying to maintain and replace equipment little by little as it fails, however, we will need to replace the system sometime in the future.

Motion Mr. McCormick to approve the request for transfer in the amount of \$5,000, seconded by Mr. Rucho, all in favor.

### **Public Hearing: Re: Establishing A Fraud Prevention And Detection Policy**

Mr. Phillips 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, June 4, 2008 at 7:30 p.m. for the purpose of considering establishing a Fraud Prevention and Detection Policy. The meeting will be held in the Municipal Office Building, 127 Hartwell 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. Allen R. Phillips, Chairman, May 21 and 28, 2008.

Mr. Gaumond explained the purpose of the policy is to communicate the Town's intentions regarding prevention, reporting and investigating suspected fraud, abuse and similar irregularities. The Town desires to create an environment in which employees and/or citizens can report any suspicious of fraud. The policy is set forth to communicate the Town's desire to protect the assets, resources and reputation of West Boylston. It is through this policy that the Town also seeks to protect all officials, employees and associated parties from false or erroneous allegations by providing them with sufficient knowledge and training relative to the Town's fraud prevention policies and procedures to ensure that they fully understand the culture of the environment they are operating within. The Policy provides management with specific guidelines and responsibilities regarding appropriate actions in conducting investigations of alleged fraud and similar improprieties.

The reason we are moving forward with this is we have been notified by our auditing firm that in the future we will be asked to have this type of policy in place. We worked closely with our audit firm and our Finance Director to develop the policy. One of our goals was to strengthen our fiscal policies and this will meet the standards required by our audit firm. In addition to the policy there is a proposed Complaint Form. Should the Board approve the policy it will be posted on our web site.

With no one present to speak on this issue, the public hearing was closed.

Motion Mr. McCormick to accept the Fraud Prevention and Detection Policy, seconded by Mr. Rucho, all in favor.

### **NEW BUSINESS (cont.)**

7. Review Request for Intradepartmental Transfer for the Building Department in the amount of \$1,900 from Purchased Services to Other Charges for mileage reimbursement

Mr. Gaumond received a request for mileage reimbursement for the Building Inspector. When the budget was created for the department the money put aside for mileage was placed in the wrong category. Mr. Gaumond has reviewed the request and recommends the Board's approval.

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

### **Public Hearing, Re: Reservoir Motor Lodge Violation Of Town Of West Boylston's Motel Operation Permit Regulations**

Mr. Phillips opened the public hearing and read the following notice. Public notice is hereby given that the Board of Selectmen of the Town of West Boylston will hold a public hearing on Wednesday, June 4, 2008 at 7:45 p.m. to consider the revocation, suspension or modification of the Motel Operation Permit issued to Reservoir Motel, 90 Sterling Street, West Boylston, as a result of an inspection conducted on May 21, 2008 by the Board of Health, Building Department and Fire Department. The hearing will be held to determine whether the license holder is in violation of the Town of West Boylston's Motel Operation Permit Regulations, Section 8a, Section 8c, Section 9b (1), Section 12a(1), and Section 12 a (4) and Paragraph 6 of the Manager's Policy. The hearing will be held in the Municipal Office Building, 127 Hartwell Street, West Boylston. All interested persons, groups, and agencies are invited to attend. Allen R. Phillips, Chairman, May 28, 2008.

Mr. Gaumond swore in all those in attendance who intend to testify.

Fire Chief Richard Pauley, Building Inspector Mark Brodeur and Chairman of the Board of Health Robert Barrell joined the Board.

Mr. Gaumont – the town officials forwarded to the owners of the property a three-page document signed by the Building Inspector, Fire Chief and Chairman of the Board of Health. There are 15 specific items and some general items. They have subsequently been re-inspected and Mr. Gaumont emailed the results of that inspection to members of the Board of Selectmen.

Mr. Brodeur – the Fire Chief, Barbara Mard and I went to inspect building #1 and building #2. There were a number of serious and not so serious violations, four rooms were uninhabitable and two of those were uninhabitable only because the entrance way to them was deemed to be unsafe by me. There was a dead battery in the emergency lights and vending machines blocking the entrance. Thirty items were found in both buildings. We sent a notice to the owner that these items require some attention and some maintenance.

Mr. Phillips – on the May 28<sup>th</sup> letter – questions from the Board of Selectmen. No one has questions

Mr. Brodeur – subsequent to this we inspected the other day and the workmanship was acceptable, several items have been completed and a lot of the hand rail issues have been resolved. Room 124 which was a real problem has been complete renovated, carpet and repainted. The bird seed has been removed. Another room with urine in the carpet has been replaced. The contractor will undertake repairs to the metal decking so those two rooms can be used. The owner removed the dead bolts from those rooms. Many of the repairs have been made, window screens are 75% complete. There was a gentleman there working the entire day on the screening and emergency lights have been done. They are making progress and we will work with them until such time as we are satisfied.

Mr. Barrell – reiterate what Mark said – there has been an effort by the manager to continue with maintenance.

Chief Pauley – has nothing to add.

Mr. McCormick – how much longer do you think it will take for the rest of the repairs?

Mr. Brodeur – not that dramatically long but we are into the more complex items. I am anticipating we may see the contractor for the building permit package on the decking. That is probably the most complicated part as it involves welding and fire separation repairs. I anticipate those things will take another week to a week and a half. I gave him 30 days to complete everything, and I think they will beat that deadline.

Mr. Phillips – how many of the 28 have been completed?

Mr. Brodeur – I do not know.

Mr. Phillips – what about the exterminators?

Mr. Barrell – the Board of Health asked them to obtain a contract with a responsible company.

Mr. McCormick – in your opinion you would say they are making an effort to comply?

Mr. Brodeur – they are making a very good effort to comply and I would like to see that kind of effort continue and to have the maintenance kept up. It is an older building and these things are going to continue. These things need to be looked at on a religious basis because maintenance is critical.

Mr. McCormick – when you inspect is there a fee?

Mr. Brodeur – just the annual inspection.

Mr. Rucho – you are confident everything is up to code or being worked on.

Mr. Brodeur - no one is using the area closed off access to because the area with the decking issue has been compromised and the contractor will undertake the repairs shortly.

Mr. Phillips – on the mold has that been dealt with?

Mr. Brodeur – there was mold and the wallpaper was removed. Room 150 had mold and that was addressed. Some may be the result of a fan not working in the bathroom, maybe a window left

open and water infiltrated – not aware of any roof issues. I was going to recommend to the owner to check and test some of the exhaust fans.

Mr. McCormick – you feel things are better?

Mr. Barrell – they are better – during the inspection we did not do every room they were occupied and we were going out there to get a sense of the property and make recommendations to the owner and the Board of Selectmen. The occupants have a duty to report to the owner so there may be other violations and the owner should go through every unit as they turn over.

Mr. McCormick – to Chief Pauley how are things - are there any alarm issues?

Chief Pauley – these things require constant maintenance, emergency lights, smoke detectors – there has to be a clear and constant decision by the manager that these things need to be managed by the manager. It has to be a conscious decision to turn this thing around. We cannot walk into any room which is occupied we have to get permission from the occupant.

Mr. Phillips – how many did you not inspect?

Mr. Brodeur – inspected 11-14 out of 40.

Mr. Phillips – this list could be four times longer if we were able to go into all the rooms.

Mr. Brodeur – a certain percentage would involve common areas and there were some areas, storage rooms and landings – we were very deliberate in our approach in areas people have access to and more comprehensive where we could be - hopefully we can work something out in the future.

Mr. Phillips – out of the rooms you did – how did you select them?

Mr. Brodeur – some of them are room we knew to be an issue – we knew they were not occupied and the most egregious have been addressed.

Mr. Barrell – in some cases we went by some rooms and people let us come in so there was some randomness.

Mr. Rucho – I'm concerned this will turn into a full time job for the Building Inspector, Fire Department and Board of Health. If there was no issue you would probably not go in.

Mr. Brodeur – we do annual inspections and last year we had some issues and a lot of things were repaired. Chapter 106 of the Building Code you test emergency lights and they all work. At the annual inspection we had an issue with one fire extinguisher and now they are all set.

Nothing else from the Board of Selectmen

George Berry, Assistant Manager, Kinit Malaviya, owner and Sam, manager joined the Board.

Mr. Phillips – you heard what the Fire Chief, Board of Health and Building Inspector said. Do you have anything to say that was not reported?

Kinit Malaviya – Item #1 in the Building Inspector's report – the fence around the pool – that is there and it prevents the mud from going into the pool and I think it should be grandfathered.

Mr. Phillips – you have to maintain a four-foot barrier, which shrank with the landscaping – you need to remove some of the landscaping.

Kinit Malaviya – that was like that 10-15 years.

Mr. McCormick – you need to deal with the big issues the pool is the last thing you should deal with.

Mr. Phillips – the four-foot barrier has to be maintained – remove whatever is in front creating the height.

Mr. Berry – we looked at the list and the most serious violations we took care of them 25 of the 28 have been accomplished working not quite 24-7, but seriously to take care of them. The welder spoke with the Building Inspector about the cat walks they are starting to rust out. Orciani Welding came to give us an estimate and it will be taken care of in the next few days – 90% have been taken care of. We have a few cosmetic problems – mold in room 150. The exterminator has been out two times and has a 30-day contract. If we hear of anything we will get him out sooner.

Mr. Phillips – do you disagree with anything on the list?

Kinit Malaviya – Item #1

Mr. Phillips – you have to maintain that – is there anything else you would like to dispute?  
Let's go over what is not complete.

Kinit Malaviya - #1 is not done, walkway and in the boiler room the fire separation walls, everything else is done.

Mr. McCormick – you put a handrail in the parking lot for the pool?

Kinit Malaviya – yes.

Mr. Phillips – when will they be complete?

Kinit Malaviya – in 15 days – I had 90% done in 15 days.

Mr. DiPietro – are any of these rooms rented to Section 8 people?

Kinit Malaviya – no.

Mr. Phillips – you guys have a responsibility to keep this place in a good clean condition – it is a management issue.

Kinit Malaviya – from now on I'm coming at least five days a week.

Mr. Phillips – you should go unannounced some day in case Mr. Berry is sleeping at the desk.

Mr. Berry – I live there and have a concern and interest in making sure everything is done and deal with the complaints. The last meeting we had the Building Inspector, Fire Chief and two members of the Board of Health there in December and they had none of these 28 problems. We took care of four items and now we are trying to do the same thing.

Mr. Phillips – it doesn't matter if they were there in December they are there now.

Kinit Malaviya – we are here to do the business in the proper way. It was because of my health condition.

Mr. Phillips – if you have a manager and an assistant manager you have to be able to rely on them that they are going to keep the place clean.

Kinit Malaviya – they can come in to inspect any time they would like – it is open to them – we will make sure they do not find anything wrong.

Mr. Phillips – we will give anybody else a chance to speak.

Jamie Cotton – resident of West Boylston Motor Lodge. We keep talking about mold and the owner asked me for my rent. We had an ice storm, and when it melted I had a water fall coming off the wallpaper kept coming off all this started happening. I do appreciate the town coming in. On Monday night we had a huge incident and I feared for my life. I have a picture I just showed the Board of Health of my room. I begged on Monday not to have the Board of Health come into my room because I would not have a place to live. I do not want a room in the back of the motel where it is not safe to live. I put a security deposit on an apartment and when the person found out where I lived she returned it. She showed the Board photos of the mold.

Jamie Cotton – my refrigerator has not worked since I lived there and he knows we cannot afford to move out. He knows he does not have to fix anything unless the town says he has to. I am at work every day so they cannot come in. I hope he is forced to fix everything people live there and pay him rent and he is taking advantage of the situation.

Mr. Rucho – was the incident this past Monday?

Jamie Cotton – it is all in the police record and that person has not been kicked out.

Kathee Sonner, Room 148 – had the same water issue and mold under the rug my daughter Morgan is 14 and lives with me. My biggest complaint has to do with Monday night there are some undesirable characters who are allowed to live there and he continues to allow this person to stay there it is a big problem. I spoke with one of the policemen in West Boylston and he said there is somebody there who does drugs. It is the people he is bringing in there buying drugs. My daughter's bedroom is

above that. I started a new job today and hope to be in a position very shortly to get out of there. It is preferable to homelessness and I am concerned about the suspension. I would like you to wait until after the school year as my daughter is in the 8<sup>th</sup> grade at Quabbin and it is really important that she be able to go that last week. I cannot transport her back and forth. If you are going to do this, please hold off until after school ends.

Mr. Phillips – do you have any issues other than mold?

Kathee Sonner – I pay \$250 a week for a room and a refrigerator that does not work. When I moved in the room was filthy.

Mr. Phillips – do you have people come and clean your room?

Kathee Sooner – we have two cats and the people who clean are afraid of the cats and they will not come in our room. I had to go out and buy plates because the dishes were so bad and the owner said they were not responsible for that. When somebody moves out somebody should come in and clean. They will not touch anything with meat.

Mr. Phillips – what about the bedding?

Kathee Sooner – I put out my linens once a week and they give me linens that do not fit the bed. They take the towels and bring them back two to four hours later so you cannot take a shower. The rugs are filthy. You have had people in there who had major drinking parties. I have a sheet on the coach because it is disgusting.

Mr. DiPietro- can you enjoy the outside?

Kathee Sooner – they finally got the pool looking better. The outside is better than the inside. Nights can be scary I had issues with the people next door to me they were killing each other. Paul would come over he is the all-around handyman.

Mr. Phillips – are people walking through the lot at night?

Kathee Sooner – Paul and George have been really helpful if I need anything. George has always been there. Paul changed my belt in my car for a six-pack of beer. They really care about the place.

Valerie Celucci – Room 138, I moved in October of last year and had roaches when I moved in. They sprayed numerous times and they are worse now. I was up the other night and must have killed three or four every time I got up. Nothing works. There is also mold in the bedroom window and in the bathroom and I brought it to their attention. I have an autistic son and it is the only place we can be right now and they need to have things fixed.

Mr. Rucho - the Board of Health did you see evidence of rodents?

Mr. Barrell – did not notice any, however, we have been there for roach complaints and that is why we asked them to get a contractor.

Valerie Celucci – when we moved in there was a sign that said free local calls. Now we have a phone bill of 55¢ for local calls. I have no outside phone service and cannot dial out or call 911.

Mr. Phillips – are all the rooms like that?

Mr. Berry – in all rooms you can dial 911.

Mr. Phillips to Mr. Berry and Mr. Malaviya – these are a lot of complaints – have any been brought to your attention?

Kinit Malaviya – Room 148 received complaint on Tuesday there was complaint for the air conditioning and refrigerator. The mold was not complained.

Kathee Sooner – I complained to all three managers because I was afraid I was going to get in trouble.

Kinit Malaviya – if they said there is mold there is mold. In three days I will get it taken care of. It was not brought to my attention I spoke with them on Tuesday and she didn't complaint to me.

Kathee Sooner – that is right I didn't complain to him I just met him on Tuesday.

Mr. Phillips - do you see what I mean, it is a management issue. I do not believe that have not complained to the manager.

Kinit Malaviya – she never mentioned mold and the roach problem – Terminex is coming every month. From now on when I say I am coming here if there are any problems come to me. I do not want anybody else to be responsible and I will solve it right away.

Mr. Pruneau - from the photos and the answers we are getting I feel insulted for people who live like this it is a disgrace.

Mr. Phillips – you are the owner of the building and if she spoke with anybody else there you are responsible for the building.

Kinit Malaviya – it was not brought to my attention.

Mr. Phillips - do you see an issue if she brought it to Mr. Berry or Sam and nothing was done?

Kinit Malaviya – yes sir.

Mr. Pruneau – at some point it is hard to believe that everything is fine because it is not this is the tip of the ice berg. If we go into every unit the more we dig in you have to pay attention or you are going to end up closed.

Kinit Malaviya – I was going to do room by room to see that everything is done within 30-45 days.

Mr. Phillips – I almost feel insulted - you said if somebody gets arrested they are not allowed to stay there and they are allowed to stay there. You said you cleaned these rooms every week if we can and they do not have a ‘do not disturb’ sign and then you wait two weeks. They only looked at 14 rooms, only ¼ of the rooms.

Kinit Malaviya – we have 40 rooms.

Mr. Phillips – there is another incident - I am sure it will be before us once the Police Chief writes it up.

Kinit Malaviya - it is between the people and his guest.

Mr. Phillips - it is one incident after another. I am not sure what you are doing there but you need to get a handle on it quick.

Kinit Malaviya - I am trying to clean up the whole place but I was working on the other issue to get them done within the time frame.

Mr. DiPietro – I was not here a couple of weeks ago but I read the Banner article and I didn’t realize until tonight what a growing issue this is and if these ladies didn’t come here. I think they ought to go to the other hotel in town and rent clean units for those people who live there until we can get 50% of the units fit to live in and have the owners of Reservoir Motor Lodge pay the cost to house the people.

Mr. Barrell – some of the concerns were these folks do not have another place to go and perhaps they could clean up a certain number of rooms and relocate these residents to the rooms deemed safe and sanitary so they will not be displaced.

Mr. Phillips – do you have clean rooms you can put these people in?

Kinit Malaviya – I have two available rooms they now live in two-room suites. Within 30 days I can get them done. I am a heart patient and do not want this kind of stress.

Kathee Sooner – the housekeepers say they come in and clean and they do not clean.

Mr. Phillips – when people come in and make complaints you cannot take action against them.

Kinit Malaviya – they pay the rent and they should get the services.

Motion Mr. Rucho to close the public hearing and begin deliberation, seconded by Mr. McCormick, all in favor.

Mr. McCormick states that in all cases we have two issues; people who live there and need to live there because they have no place to go and the conditions that seem to be there. Things are taken care of haphazardly when they call management. We looked at 14 out of 40 rooms and now we hear from three other people and their rooms were not looked at. We cannot put the people who live there out on the street, and we have a responsibility to them as citizens of West Boylston. We could require the management to find them somewhere else to live and have him pay the extra cost. We could close them for 30 days and have them hire an independent building inspector or consultant to come up with a list and repair enough rooms so these people can move back in. We do not know what is in these rooms and that would be a way to solve this and give these people somewhere to live. Our people should not be running over there on a weekly basis inspecting this. Bring in an independent person to do a review of the building at their cost and if they cannot fix enough in 30 days to have them move back in then it will stay closed until they can and bring the other rooms back to code. The manager will pay over and above what it would cost to live somewhere else.

Mr. Phillips asked Mr. Gaumont if the Board of Selectmen could do that. Mr. Gaumont does not know and suggested having a Town Counsel review. It is enforcing the permit regulations and he is not 100% sure the Selectmen could do that unless Reservoir Motor Lodge offered to do that in lieu of further suspension. Mr. Rucho suggested having Town Counsel review everything to date and give the Board its options. Mr. Phillips stated that in the mean time these people still have to live in the mold and cockroaches and he does not think it is fair to have them live in it until the Selectmen can decide. If the Board suspends the license everyone will have to leave. Mr. Rucho pointed out the fact that the owner could move people all over the place and to different towns. Mr. Gaumont reminded the Board that they could have children in schools who live here. Mr. DiPietro agrees with Mr. McCormick. The Board was informed that the three children who reside at the Reservoir Motor Lodge attend school in West Boylston, Clinton and Quabbin. Mr. Rucho noted that everyone could have an issue and maybe it is that they drive to work with somebody who lives down the street.

Mr. Pruneau feels the issues are far from a quick fix as with mold you are ripping out walls and replacing sheet rock. He would like to seek legal advice from Town Counsel. Mr. Gaumont suggested meeting next Wednesday, however, that would not work with members' schedules.

Kinit Malaviya offered to give a single room to those people instead of a suite room. Mr. Phillips question how would they eat. Kinit Malaviya advised that there are microwaves and refrigerators in the rooms and the walls are cinderblocks. Mr. Phillips does not think that they are the only three people with problems. Kinit Malaviya stated that within 30 days he will have everything cleaned up and any private inspector or Board of Health can come in and do all the rooms even those occupied. Mr. Phillips told Mr. Malaviya that is what he said last time and it didn't happen and this should not be a full time job for the Fire Chief, Building Inspector or Board of Health.

Mr. DiPietro asked Mr. Malaviya if he is going to have to gut those walls. Mr. Malaviya advised that they are cinderblock walls all the rooms will be done in 30 days. He also has the exterminate there every month doing every room it is with the Terminex people.

Mr. Phillips told Mr. Malaviya that he came before us tonight and told us all you did and then we hear about all the other problem. I do not like that deception. I would rather you come to me and say we have a huge problem instead of coming in and trying to deceive us about the condition of this facility. You tell us that they go into the rooms and clean and they are not doing that. Mr. Malaviya replied I admit it and would like the opportunity to work it out.

Mr. Pruneau feels he is taking their money and supposed to be furnishing then, Mr. Malaviya stated that some of the people do not want the housekeepers in their rooms. Mr. Phillips told Mr. Malaviya that he is not cleaning the facilities the way he is supposed to.

Mr. Rucho – would like to put this off and have Town Counsel review all the violations and minutes and have the Board deal with this at their next meeting. Mr. Phillips asked the ladies if they could wait two or three weeks until we get legal advice. All indicated yes.

Mr. Rucho asked if there is a way we could ask him to get an outside third party company to check all the rooms, which Mr. Malaviya pays for and a report is furnished to the Building Inspector and Board of Health. Mr. Brodeur thinks we can come up with a person. Mr. Barrell advised that there are some companies that do this. Mr. Rucho would like to come back with a full report and the people living there need to be prepared for the worse. Mr. Phillips asked the time frame on the report and questioned if we can get somebody in to review every room and get a report by the 18<sup>th</sup>? Mr. Brodeur is not sure, there are people out there, but he does not know about the time frame. It would be his goal to have it done and he will make every effort. He will get Kinit Malaviya some names. Mr. Phillips advised him to start working on it right away as it will be on the agenda for June 18<sup>th</sup>.

Mr. DiPietro suggested contacting a company in Worcester to bring in modular trailer homes. Mr. Brodeur feels that would create another issue with sewer and water and he does not think we could pull that off logistically.

Motion Mr. McCormick to hold in abeyance the June 11 and 12 suspension until a time to be determined by the Board of Selectmen, seconded by Mr. Pruneau. Mr. Rucho voiced concern that this has been on-going since December and the Board keeps putting it off. Mr. DiPietro has a problem with an autistic child living in that type of environment and he thinks they should be moved out away from that situation and have Kinit Malaviya pay. Mr. Phillips wants to make sure that we do what is correct and Kinit Malaviya is willing to move them to another room to get the rooms up to snuff. He would rather put it off until a certain date and suggested July 9 and 10. Mr. Rucho voiced concern that people may have already made arrangements to leave on June 11 and 12. Motion and second withdrawn.

Motion Mr. McCormick to postpone serving the two-day suspension until July 9 and 10, seconded by Mr. Pruneau. Vote on the motion – Messrs. Phillips, Pruneau, DiPietro and McCormick yes; Mr. Rucho no.

Motion Mr. McCormick to postpone the Board's finding until June 18, seconded by Mr. Rucho, all in favor.

Motion Mr. Rucho to request a voluntary complete inspection from the owner to be provided at his expense to the town on all 40 units and common areas no later the June 16<sup>th</sup> and prior to June 18<sup>th</sup> meeting, seconded by Mr. Rucho, all in favor.

Mr. Phillips asked Mr. Gaumond to obtain a report from the Police Chief relative to the incident on Monday night.

## **JOHN K. WESTERLING, DIRECTOR OF PUBLIC WORKS**

### **1.DCR Forest Cutting Plan Proposal**

Mr. Westerling joined the Board with Greg Buzzell, Chief Forester for the Department of Conservation and Recreation. Mr. Westerling has received a request from DCR for permission to cut trees along the entire reservoir side of Beaman Street. Regulations require DCR to leave a fifty-foot wide buffer of trees along the edge of the roadway and they are seeking the town's permission to clear cut that buffer as they believe that the trees located within that area are tall spindly trees unable to withstand high wind and snow and once exposed to those conditions would fall into the road. Mr. Buzzell would like to remove all the trees on the basis of public safety. Cutting any portion of the trees will not work.

Mr. Westerling asked what will the after effect be. Mr. Buzzell intends to remove whole trees and drag them out in their entirety. They also plan to have the crew cut down the brush so

immediately after it will look very different. Mr. Rucho asked if this is similar to what they did last year or the year before on Thomas Street. Mr. Buzzell replied no, as that was a request from the Board of Selectmen to remove the trees to prevent icing on the roadway. In order to get some light to the road you need to cut the trees back a certain distance. Mr. McCormick asked when you cut the trees back will it all be brown. Mr. Buzzell explained that it will be a logged look and the chipping will be hauled away. The job will be bid in early September and the successful bidder has a two-year permit. Stumps will be left behind immediately and after it is cut it will look the worse. Within five years it will be up to twenty-feet tall. Mr. Westerling asked whether the trees will be chipped with the work that DCR is doing. According to Mr. Buzzell they will be driven over, will break up and provide nutrients to the soil.

Mr. Pruneau asked Mr. Westerling if he felt this would create an erosion problem. Mr. Westerling feels the edge of the road is compacted. Mr. Buzzell does not think the soil will be deeply rutted or impacted. Mr. Pruneau does not want the end result of the project to be any unresolved issues the Town of West Boylston will have to deal with. Mr. Phillips asked if any trees had fallen. Mr. Buzzell noted that there are several trees leaning and caught onto other trees and once that happens the condition accelerates and there is also bittersweet climbing the trees. Mr. McCormick pointed out the fact that should the Board of Selectmen not agree to this request, DCR has other avenues they could go through to cut the trees down.

Should the Board approve the request, Mr. Westerling recommends putting conditions on the approval that all brush, tree butts and cuttings from the area be removed. Mr. Rucho asked if the DCR would allow them to add trees in town that need to be removed to the list. Mr. Buzzell stated that they will consider it.

Motion Mr. McCormick to allow an exemption to the buffer strip limits on the entire reservoir side of Beaman Street with the condition that all brush, tree butts and cuttings from the area be removed, seconded by Mr. Rucho. Mr. Phillips stated that he plans to vote no because of the appearance and the way the other street was left. Mr. Buzzell stated that he is not sure if he could get the approval without the backing from the Board of Selectmen. Vote on the motion – Messrs. McCormick and Rucho yes; Messrs. Phillips, Pruneau and DiPietro no.

## 2. Sewer Reserve Intradepartmental Transfer Request

Mr. Westerling would like to defer this item until the meeting on June 18<sup>th</sup>.

## 3. Ernie's Car Wash Sewer Privilege Fee Agreement

The Board previously approved an agreement with Ernie's Car Wash that would allow them to pay an initial \$25,000 and spread the remainder of the fee over a ten-year period. The agreement has been prepared by Town Counsel and signed by Ernie's Car Wash.

## 4. Request from Camillo Davis, One Cutting Street

The Board received a letter from Mr. Davis requesting the Board authorize Mr. Westerling to make repairs to his street, which is a private way. Mr. Westerling checked with the Town Clerk with regard to our bylaw on repairs to private roads and Cutting Street is not included. Mr. Westerling noted that the road has pot holes, is a private street and it is basically a long driveway. The DPW does plow the street as the pot holes do not interfere with his plowing operations. Mr. McCormick questioned whether Cutting Street could be added to our list of streets at town meeting. Mr. Gaumont feels that it could. Should it be included and repairs be made the abutters, which are the MDC and Mr. Davis, would be bettered for those improvements. Mr. Westerling feels Mr. Davis could hire a contract to do

the work rather than have the town complete the work and be bettered. Mr. Gaumont feels Mr. Davis may have misunderstood the bylaw and the process.

Motion Mr. McCormick to have the Town Administrator send a letter and an explanation of the bylaw to Mr. Davis, seconded by Mr. Pruneau. Vote on the motion – Messrs. Phillips, Pruneau, Rucho and McCormick yes; Mr. DiPietro recuses himself.

#### 5. Request for Street Opening Permit for Raymond Huntington Highway

Mr. Westerling has received a request for a Street Opening Permit from the Department of Conservation and Recreation for Raymond Huntington Highway. The request does not meet our requirements. We only allow 30-feet and the request is for 40-feet. Mr. Phillips voiced concern that they are still going forward with their project even though the town voiced its objection due to the strain it would have on our departments. Mr. Gaumont noted that in order for them to get their forty-foot driveway they need to get a waiver from the Board of Selectmen and the Board could say no because it does not meet the requirements of the town.

6. Mr. DiPietro questioned the process used in shutting off the electricity at the ball field as he was of the understanding that one of Mr. Westerling's staff requested the power be shut down because of the possibility of an electrocution. Mr. Westerling explained that at the October town meeting \$30,000 was appropriated for safety repairs and one of those repairs was to be for the lights at the Goodale tennis court. It was found that those lights were not properly grounded and there were discussions with the electrical inspection. It was brought to the attention of the Parks Commission and it was determined that they should disconnect the power. What they found after the fact was the line also provided electricity to the concession stand. The Parks Commission is looking at options for reestablishing lights there. A town resident did the work at no charge. The other thing he found was the circuit box to the concession stand also needed some repairs which were made. Mr. Westerling further added that there were conversations in the field and he is not sure how it was determined to shut down the power. The Parks Lead Person did discuss the situation with the Parks Commission. Mr. Rucho asked Mr. Westerling if the Wiring Inspector ordered the lights to be disconnected. Mr. Westerling stated that due to the fact that the Wiring Inspector wanted to have the option of doing the electrical work he did not condemn them himself, however, it was obvious there were bare wires and the electrical problem was apparent. Mr. Rucho voiced concern that the Wiring Inspector considered it a safety issue but because he may bid on the job he didn't want to order it disconnected. Mr. Westerling stated that was his understanding of the conversation. Mr. Rucho asked Mr. Gaumont to look into the situation.

Mr. Westerling informed the Board that this year the DPW will publicly advertise for a town electrician and plumber. Mr. Rucho stated that it was Tuesday morning that everything happened and Monday night we found that the lights were off in the concession stand. Mr. Rucho does not understand who ordered it closed. Mr. Pruneau stated that he also does not know who gave the order to shut it off. He was there with Tim Shea, the Building Inspector, and the Wiring Inspector and he saw the condition. He went to the Parks Commission and they agreed not to turn the lights on until the condition of the wiring had been resolved, however, he is not sure who gave the order to shut them down. Mr. Rucho voiced concern that the wiring had been a hazard for two years and he was told from people at the DPW it has been a problem for years. Mr. Phillips noted that there was an existing problem and questioned why it is an issue that they were shut off. Mr. Rucho feels the Wiring Inspector should be the one who makes the call. Mr. Phillips feels it was an obvious safety issue and didn't require discussion. Mr. Westerling will be going to the Parks Commission to put temporary lights up at a very low cost.

Mr. Pruneau thanked Mr. Westerling for his assistance on the Bicentennial Celebration. He also noted the cooperation from the Town of Shrewsbury.

**OLD BUSINESS**

1. Consider dedicating a baseball field to Kyle Little

Motion Mr. McCormick to table this agenda item until June 18<sup>th</sup>, seconded by Mr. Pruneau, all in favor.

**NEW BUSINESS (cont.)**

8. Vote Acceptance of the Easement for Merrimount Street Extension

Motion Mr. McCormick to sign the Acceptance of the Easement for Merrimount Street Extension, seconded by Mr. Rucho, all in favor.

9. Vote to sign Grant of Easement for Edwin J. and Diane K. Attella

10. Vote Acceptance of Easement for Edwin J. and Diane K. Attella

Mr. Gaumond requested the Board defer Items 9 and 10 until we receive a map for the Board to review.

11. Update on Sharing Building Inspector Services

Mr. Gaumond updated on the Board on our ongoing efforts to regionalize services in the town. We were pursuing an experiment with the Town of Sterling in sharing our Building Inspector. The arrangement has been in place for the last several weeks and has been working. In the T&G last week it was reported that the Sterling Board has given approval for a longer experiment. The next step will be the Sterling Town Administrator and Chairman of their Board will sit down with Mr. Gaumond and the Chairman of the West Boylston Board to work out an agreement agreeable to both parties as well as Mr. Brodeur unless our Board objects.

Motion Mr. McCormick for the Board to go forward with this effort, seconded by Mr. DiPietro. Mr. DiPietro complimented Mr. Phillips for his work on the Shared Services Committee. He will also share some ideas he has. Mr. Rucho would like the schedule for the inspector to be flexible. Vote on the motion - all in favor.

12. Review survey information on Life or Tape-Delayed Selectmen's Meetings

This item will be tabled until June 18<sup>th</sup>.

13. Review request from the West Boylston Bandstand Committee to install a banner on The Bandstand advertising the summer concerts and the sponsors from June 20<sup>th</sup> until the end of August

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

14. Discussion relative to meetings alternative locations during the Bicentennial Year

Mr. Phillips requested Mr. Gaumond prepare a list of possible locations. Jack McCormick, member of the Cable TV Advisory Committee and long-time camera person for the Board's meetings, informed the Board that this would be doable at the schools and the library. However, it probably would not work at alternate locations. It will be discussed on June 18<sup>th</sup>.

15. Vote to close Route 12 for the Bicentennial parade on September 21, 2008 from 1:00 p.m. until 4:00 p.m.

Mr. Rucho spoke with the Police Chief about closing Route 12 for the parade and the Chief recommend the Board vote to close Route 12 and notify both the Fire and Police Chief of the vote. He also recommends sending a letter to Mass Highway of the closing. Mr. McCormick recused himself and questioned how long the parade would last. Mr. Rucho explained that it will begin at 2:00 and last for two hours. Mr. McCormick suggested opening up Route 12 as the parade moves by. Mr. Rucho plans to also have a soft closing. The Police Chief will also provide details on how Route 12 should be closed. Parade Committee members will be notifying everyone on Route 12 of the closing. Mr. Phillips noted that the information will also be in The Banner and the Telegram and Gazette.

Motion Mr. Rucho to close Route 12 for the Bicentennial parade on September 21, 2008 from 1:00 p.m. until 4:00 p.m. and notify the Fire Chief, Police Chief and Mass Highway Department, seconded by Mr. Pruneau, all in favor. Mr. McCormick returned to the meeting.

17. Consider voting to waive Section 7 of Article XIII of the General Bylaws of the Town, “No person shall consume any alcoholic beverage as defined in Section 5, while in or upon any public way in the Town of West Boylston” and Section 8, “No person shall consume any alcoholic beverage as defined in Section 5, upon any way, place or building in the Town of West Boylston, to which members of the public have access as invitees or licensees without the permission of the owner or person in control thereof.”

As the owner of The Common property the Board of Selectmen has received a request from the Bicentennial Committee for this upcoming weekend. Mr. Pruneau explained that the beer tent will be located on Church Street and it does incorporate some of The Common. People will be able to consume alcohol under the tent in a cornered off area. It is the easterly corner of Church Street.

Motion Mr. McCormick to waive Sections 5, 6,7 and 8 of the Article XIII of the General Bylaws of the Town to allow for the consumption of alcohol on the easterly corner of Church Street on June 7 from 3:00 to 10:00 p.m., seconded by Mr. Pruneau. Vote on the motion – Messrs. Phillips, Pruneau, DiPietro and McCormick yes; Mr. Rucho no.

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

1. Announce that the Fire Department has been awarded a Student Awareness of Fire Education Grant in the amount of \$3,850.00
2. June 12, 2008, 7:00 p.m. – Open Space Advisory Committee public hearing on updated Open Space & Recreation Plan for the Town of West Boylston
3. June 12, 2008, 6:00 p.m. – Annual Meeting and Dinner for Central Mass Regional Planning Commission
4. June 16, 7:00 p.m. Shares Services Committee meeting with area town to explore shared services and regional opportunities
- June 17, 2008, 5-6:00 p.m. – Rep. O’Day Office Hours at the Beaman Library
5. June 18, 6:30 – Meeting of the Municipal Buildings Committee
6. June 23, 2008 – deadline for municipal departments to identify surplus items and provide list with estimated value to the Office of the Town Administrator
7. Mr. Gaumond spoke with both the Finance Committee and the School Committee to determine a date for a joint budget discussion meeting. The last two weeks in June and the first two weeks in July were suggested. This will be included on the June 18<sup>th</sup> agenda.

### **FUTURE AGENDA REQUESTS**

Messrs. Rucho, McCormick, Phillips and Pruneau have no future agenda requests.

Mr. DiPietro would like to invite the Water District to a meeting to discuss a municipal discount on water rates for town buildings. He would also like Mr. Gaumond to speak with the Solid Waste Advisory Team about mandatory recycling.

With no further business to come before the Board, motion Mr. McCormick at 11:00 to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved:

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Nancy E. Lucier

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Allen R. Phillips, Chairman

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Valmore H. Pruneau, Vice Chairman

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John B. DiPietro, Sr., Clerk

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Christopher A. Rucho, Selectman

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Kevin M. McCormick, Selectman