

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

Mr. Phillips convened the meeting at 7:02 p.m.

Read and acceptance of Minutes From Previous Meeting:

Motion Mr. McCormick to approve the meeting minutes of April 16, 2008 as submitted seconded by Mr. Pruneau, all in favor.

Motion Mr. McCormick to approve the meeting minutes of April 23, 2008, seconded by Mr. Pruneau, all in favor.

Motion Mr. McCormick to rescind the previous vote to the meeting minutes of April 16, 2008 as submitted seconded by Mr. Pruneau, all in favor.

Motion to approve the meeting minutes of April 16, 2008 with an amendment to indicate Mr. Rucho voting no on the motion under Article 47 seconded by Mr. Pruneau, all in favor.

Public Hearing: Reservoir Motor Lodge, Re: Violation Of Manager's Policy

Mr. Phillips opened the public hearing and read the following notice. The Board of Selectmen of the Town of West Boylston will hold a public hearing on Wednesday, May 7, 2008 at 7:05 p.m. to consider the revocation, suspension or modification of the Motel Operation Permit issued to Reservoir Motel, 90 Sterling Street, West Boylston, on the grounds that the license holder failed to properly identify guests who were staying at the facility on March 24, 2008 in violation of MGL, Chapter 140, Section 27, in violation of the West Boylston Motel Operations Permit Regulations Section 9 b(1) and Section 12, (4) and paragraph four of the newly accepted Manager Policy. The hearing will be held at the municipal office building, 127 Hartwell Street, West Boylston. All interested persons, groups, and agencies are invited to attend. Allen R. Phillips, Chairman, Board of Selectmen, April 28, 2008.

Town Administrator Leon Gaumond swore in George Berry, Sgt. Thomas Balvin and Kinit Malaviya who will be providing testimony.

Sgt. Thomas Balvin testified first. He provided handouts he prepared on the incident to the Board of Selectmen. On March 24, 2008 at 0936 he conducted a guest register check at the Reservoir Motor Lodge. The on duty manager was George Berry. During the check Mr. Berry informed him that in two of the rented rooms, #137 and #142 the motel didn't have any information about several of the guests. Mr. Berry informed him that they work for an out of state construction firm. Both rooms were rented by the same person, Elias Cervantes, but up to three people were in each room.

Sgt. Balvin was aware of several other guests staying in room #149, Sherri, Justin and Nicholas Peterson. The guest register had no record of them being in the motel. The name listed for room #139 was Marie Robichaud. He asked Mr. Berry about the discrepancy and he told him the room was paid for by Marie Robichaud on behalf of the Peterson's. Sgt. Balvin was aware of the Petersons from two previous cases, one of March 4, 2008 a suicidal male and on March 13 a breaking and entering suspect was staying in the same room.

Sgt. Balvin asked Mr. Berry about the unregistered guests and he claimed that he was not aware that all guests staying in a room needed to be registered. He said he would register all guests in the future. Sgt. Balvin brought this information to Chief Minnich who confirmed that the motel management was in violation of their recent Manager's Policy. On April 26, 2008 Sgt. Balvin conducted another guest register check at the establishment and they were in compliance.

It is the Police Department's position for the safety of the residents of West Boylston, the motel management and guests and the safety of the officers that the motel management must keep an accurate record of all guests staying at the establishment. There have been numerous cases involving wanted people staying as guests at this motel. Over the last two years the department has responded to 210 calls for service. Although not all of these calls involved criminal activity each puts officers in potential contact with the guests staying there and the police need to know who they might be dealing with. Some of the calls the police have responded to involving the motel since 2006 include rape, arson, suicidal persons, drug overdose, warrants, assault and battery, under age alcohol consumption, staling, child abuse, and domestic disturbances.

Sgt. Balvin does not believe it is the job of the police department to dictate what type of people are allowed to rent rooms at any motel in town. The management may not be able to prevent incidents from occurring, however, they need to assist the police by obtaining a photo ID from every guest and keeping an accurate and complete guest register. The package also includes a summary of police involvement cases for the last three years.

Mr. Phillips asked the Board if they had any questions for Sgt. Balvin.

Mr. DiPietro – do you keep records of how many man hours the police department has spent?

Sgt. Balvin – did not – depends on the call and it would be at least two officers.

Mr. McCormick – since you were there on April 25 have there been more calls there?

Sgt. Balvin – not that I am aware of. These calls are those we are called to respond to included in the 210. There are also business checks – 68, there maybe some calls listed that may include a radar car in the driveway.

Mr. Rucho- do you know the policy that the town and the Reservoir Motor Lodge signed?

Sgt. Balvin – has a copy.

Mr. Rucho – it clearly states all incoming guest should completely fill out the registration form.

Sgt. Balvin – they know by law they have to keep an accurate register

Mr. Phillips – the people who rent the rooms are supposed to provide a photo ID to be copied.

Sgt. Balvin – yes, I believe so. He highlighted the rooms involved and the calls highlighted in his report are the more serious calls.

Mr. Phillips – no other questions for Sgt. Balvin.

Mr. Berry – in Sgt. Balvin's response he said he returned on April 26. It should be March 26. He came in and I said I was not aware we had guests registered under a single name because I had not taken the registration.

Sgt. Balvin – believe it was April 26 – could call the dispatch.

Mr. Berry – he took quite a bit of time in between the two checks.

George Berry and Kinit Malaviya joined the Board

Mr. Phillips – you heard what Sgt. Balvin had to say and you know what the complaint is.

Mr. Berry – I am the Assistant Manager, the Manager is Sam Bhagat and Kinit Malaviya is the owner. I think it was a misinterpretation of the policy that he was supposed to get IDs from every incoming guest. I got ID's from those who paid. When brought to my attention I had all the information and IDs from every guest including non-registered guests and information on each child staying there as well. The date is inaccurate. He came in on the 24th and I him to come back in two hours and I will have all the information and he came back two days later. It was a misinterpretation and when brought to my attention we corrected it.

Sgt. Balvin – (who called the Police Department to check on the date) the date is correct he checked with the Police Department. It might have been another officer.

Kinit Malaviya – it was a misunderstanding and within two days we had everything. We thought only the registering person needed to have an ID. We are not doing anything behind the back of anyone it was a human error.

Mr. Phillips – the last time we had a hearing we had three people here and we made it very clear the reason why this information is required – it is state law, and in the Motel Policy for the safety of the police officers and the town. I do not believe it was a misunderstanding – I think we made things very clear.

Mr. Rucho – to Mr. Berry – you were the manager that night?

Mr. Berry – Sam Bhagat. At the time the officer came he was there.

Mr. Rucho – the night this happened who was the manager?

Mr. Berry – Sam Bhagat was the manager.

Mr. Rucho – I don't think it could be any clearer we need to know who is in the room and the policy is very clear, and everyone signed the policy on February 22, 2008

Mr. McCormick - normally the person who registers for the room gives a photo ID.

Sgt. Balvin – photo ID is above state law it says true ID.

Mr. McCormick – when I go to MMA I give my license, not my wife's who would go with me.

Kinit Malaviya – thought only the registered person would have to give a photo ID.

Mr. Phillips – who drew up the policy?

Mr. Berry – I drew it up and it was reviewed by the owner and the previous owner.

Mr. DiPietro – is the policy posted?

Kinit Malaviya – it is in the file – I think when we were here they said we could keep it in the file.

Mr. DiPietro – suggestion to avoid these problems you post the policy so everyone knows what is required. I'm bothered by the clientele you attract here – what kind of reputation you have.

Mr. Berry – a lot pre-dated Mr. Bhagat and the new ownership. There is not criminal activity at all since Kinit has been the owner. I have been a resident.

Mr. Phillips – it doesn't bother you with all this criminal activity around you?

Mr. Berry – never knew about it, never saw it.

Mr. Phillips – you name it, that type of activity has gone on. Why should anybody in this town want a facility like that next to them?

Mr. Berry – that pre-dated Kinit's ownership and my residence there – never heard or seen if this is going on it would be front page news.

Mr. Rucho – to Sgt. Balvin the night you went to the room the cards filled out by Robichauds – were there ID?

Sgt. Balvin – no.

Mr. Berry – 149, the guest were there – Robichaud – I didn't go up to check – it happened in two stages.

Mr. Rucho – if you don't know who is in the room how do you expect the police to know? You are telling us you didn't know if Robichaud was in the room.

Mr. Berry – I think that is correct – I did not know myself. Some times people in the motel have guests come in to visit them. Peterson was a guest we thought we had to take a photo ID of the person registering. Now we take the ID of everyone over 18.

Mr. Rucho – that night with Robichaud – you didn't know who was in the room, correct?

Mr. Berry – I was not on duty so I cannot tell you. I didn't know who had checked him in Robichaud was paying the bill so I cannot say who was in the room that evening when the Sergeant came in. When he came in to see me in the morning I immediately got ID's from everybody in the room and posted it on the registration cards. By the 26th of April we were in full compliance.

Mr. Rucho – that night you were not in compliance.

Mr. Berry – I was not there the night Robichaud rented the room it was Sam Bhagat. I was working days that week. I am not the manager I was manning the desk, not the manager.

Sgt. Balvin – it was my report and I thought he was the manager.

Mr. Rucho – who was the person on duty that night when this room was rented?

Kinit Malaviya – he was there for a while we would have to look back.

Mr. Pruneau – when you came back that night was Mr. Berry on duty?

Sgt. Balvin – in the morning Mr. Berry was on duty.

Mr. Berry – I am not the manager – I have not been the manager for several months I filled in temporarily and when we saw you in December I was not the manager. We split the day up so I will take 7:30-2:30 and the manger takes the evening. It is a division of labor.

Mr. Phillips – who else was there?

Mr. McCormick – the person on the desk acts as the manager when no one else is there?

Mr. Berry – there is a manager available. He lives on the premises – Mr. Bhagat.

Mr. Phillips – you were the person there and there was no one else – when you started this hearing you said you were the Assistant Manager. If you were the only one there does it make you in charge of the facility?

Mr. Berry – no.

Mr. Rucho – who was the person in charge on March 24?

Kinit Malaviya – during the day Mr. Berry was at the front desk and the other guy at night.

Mr. DiPietro – do you keep a log of undesirable clients?

Kinit Malaviya – yes, we do.

Mr. DiPietro – since you owned it what have you done to attract a different type of cliental?

Kinit Malaviya – running it as it was before – I've run motels in other states.

Mr. Phillips – on April 26 and March 28 there were arrests, on March 15 an attempted suicide – there are a number of incidents since our last hearing.

Kinit Malaviya – we do not have anything we can check on restraining orders or warrants. We are not trying to do anything to create a nuisance.

Mr. Phillips – it is a nuisance and a danger to the Police Department. There are some bad people staying there and the Fire and EMS have to respond and need to know who they are dealing with. You also have some very good people staying there.

Mr. Rucho – we could move on because we know they are in violation of the policy. He would like to move on.

Kinit Malaviya – it was human error we didn't understand we had to take the ID of every person staying. We are in compliance since it was handled – we made a mistake we will not make it again.

Mr. Berry – we are in full compliance as soon as it was brought to my attention we immediately corrected it. All those other calls pre-dated my existence there and Kinit Malaviya's ownership. I welcome the Chief of Police and the Sergeant to come down and check the registrations. We have a manager who English is not his native language. I understand we are under heavy scrutiny because we were under probation at the time.

Mr. Phillips – you said you went and obtained the ID's after the police were there?

Mr. Berry – yes.

Mr. Phillips did the officer ask you to go and get the IDs?

Mr. Berry – I don't remember the exact conversation. He said you have to have not just the registering guest but all the guests. I said I would get it immediately and he could come back in two hours. He came back in two days and we had it.

Mr. Phillips requested a motion to close the public hearing.

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

Motion Mr. Rucho to find that the Reservoir Motor Lodge violated the Manager Policy, paragraph four, signed by the Mr. Berry and Mr. Bhagat on February 22, 2008 in regards to getting registration cards from all incoming guests, seconded by Mr. Pruneau. Mr. McCormick questioned the language in MGL, Chapter 140, Section 27, which Mr. Gaumond read for the Board. Sergeant Balvin noted that Elias Cervantes rented two rooms under his card. Vote on the motion – all in favor.

Motion Mr. Rucho to find that the Reservoir Motor Lodge violated The Town of West Boylston Motel Operation Permit Regulations, Section 9 b(1) and Section 12, (4), seconded by Mr. McCormick, all in favor.

Motion Mr. Rucho to find that the Reservoir Motor Lodge violated MGL, Chapter 140, Section 27, as they did not have an accurate record of the room assignments, seconded by Mr. Pruneau, all in favor.

Mr. Phillips voiced concern that there are individuals who use the facility as a residence and he is not sure how to proceed with a suspension as the establishment had been given a stay of the previously issued three-days suspension for another violation. Mr. Malaviya advised that he has 40 rooms, 25 of which are residences. Mr. Rucho noted that with the last violation the Board did not suspend the license because there are people who use the facility as a permanent residence. Mr. Phillip suggested staying the suspension for thirty days to give people an opportunity to find another place to live.

Mr. DiPietro suggested a monetary fine. Mr. Rucho suggested fining them the loss of revenue for those two days. Mr. Gaumond advised that the Motel Regulations do not allow for that threshold of penalty. Mr. DiPietro suggested closing them down on a weekend as perhaps the residents go away for the weekend and the closing would not have a big impact on residents. Mr. Phillips would like to give the residents ample time to find another location to stay in addition to having Reservoir Motor Lodge responsible for covering those costs for the guests.

Motion Mr. Rucho to have the Reservoir Motor Lodge serve the two-business day suspension previously voted at the December 5, 2007 public hearing and held in abeyance for a six-month period pending no other violations on the part of the establishment, seconded by Mr. Pruneau, all in favor.

As the Board typically has the establishment serve one of the days the same day as the violation occurred, which was Wednesday, October 17, 2007, the suspension will be for a Tuesday and a Wednesday. With regard to the new violation, Mr. Rucho recommends a five or six-day suspension, which he would not no problem holding in abeyance for one year in addition to the \$300 fine. Mr. McCormick voiced concern as the residents of the Motor Lodge already paid to stay and now they would have to pay for another location. He suggesting having the Reservoir Motor Lodge pay that cost. He does not want the residents to have to pay for the two days the establishment will be closed. Mr. Phillips would like to have the Reservoir Motor Lodge submit to a group inspection by the Fire Department, Police Department, Building Inspector and Board of Health with unlimited access. Mr. Rucho feels that those departments have that ability at any time. Mr. Phillips noted that in the past when they have inspected some rooms were off limits. Mr. Berry explained that he had an inspection in December and the only rooms they were not given access to where occupied. They chose to look at other rooms. Mr. Malaviya reiterated that he is open to inspection at any time.

Motion Mr. Rucho to suspend the Motel Operators License for Reservoir Motor Lodge for five business days to be held in abeyance for one year pending no other violations, to fine the Reservoir Motor Lodge \$300, and have them submit to a group inspection by the Fire Department, Police Department, Building Inspector and Board of Health with unlimited access on the date of their choosing, seconded by Mr. McCormick all in favor.

Mr. DiPietro asked Mr. Malaviya if he intended to open his pool this year. Mr. Malaviya indicated that he does and has already applied for a pool inspection through the Board of Health.

Motion Mr. McCormick to suspend the Motel Operation License for Reservoir Motor Lodge for two days, June 11 and 12, 2008, seconded by Mr. Rucho, all in favor.

Mr. Phillips encouraged Mr. Malaviya to assist his residents in finding housing. The license will be turned over to the Police Department to hold during the two-day suspension. No one is to reside at the establishment, including the manager.

Reservoir Motor Lodge – Fire Chief Report on Unacceptable Living Conditions

The Board is in receipt of a memorandum from Fire Chief Richard Pauley outlining unacceptable living and sanitary conditions at the Reservoir Motor Lodge during a call on May 1, 2008. His department was dispatched to check on the condition and general welfare of an elderly male occupant who was found in his bed covered in his own human feces. The Fire Department personnel attempted to clean the occupant and the room. The Fire Chief's position is that the conditions observed are unhealthy and unsanitary and some type of enforcement action must be taken. The matter has been reported to Elder Services.

Motion Mr. Rucho to schedule a public hearing on May 21, 2008 for Reservoir Motor Lodge on the grounds that they violated the Motel Operation Permit Regulations Section 8. Physical Premises (a) All premises covered by the license shall be kept in a clean and sanitary condition, seconded by Mr. McCormick, all in favor.

Mr. Phillips recommended to Mr. Malaviya that he bring all personnel working at the premises on May 1, 2008 to the public hearing.

Request For One-Day Liquor License From The Reenactment Committee

Gail Radcliffe joined the Board. Mr. McCormick recused himself. Mr. Phillips questioned whether there would be an issue with the remainder of the Board of Selectmen acting on this request as three members serve on the Bicentennial Committee. Mr. Gaumond advised that there would not be.

The request for a one-day license is for an event to be held on June 7th on property owned by Our Lady of Good Council Church in front of Hollbrook Chapel on Church Street. The serving time would be 3:00 p.m. to 9:00 p.m. with set-up and breakdown from 1:00 p.m. to 10:00 p.m. Cheryl Carlson will be one of the servers and a copy of her TIPS Certification has been supplied. At this time she is the only person who will be serving, however, any new servers will also be certified with some type of alcohol service training. They will be pouring from a beer wagon and liquor license liability insurance has been applied for. The granting of the license will be conditional upon receiving the insurance. The Board wants to ensure that the Police Chief has no issue with the granting of the license. Mr. Phillips indicated that he had a conversation with the Chief and it was his suggestion to stop serving at 9:00 rather than 10:00. Mr. Gaumond noted that the vote would be pending the proper insurance, TIP certifications and something in writing from the Police Chief. Mr. Rucho asked about the Board of Health. Mr. Gaumond advised that as this is alcohol it is under the jurisdiction of the Board of Selectmen.

Motion Mr. Pruneau to grant a one-day liquor license for the Reenactment to be held on June 7th on property owned by Our Lady of Good Council Church in front of Hollbrook Chapel on Church Street conditional upon receiving the liability insurance, TIP certifications and something in writing from the Police Chief, seconded by Mr. DiPietro, all in favor. Mr. McCormick returned.

JOHN WESTERLING, DIRECTOR OF PUBLIC WORKS

1. Review Parks Maintenance Plan

Mr. Westerling explained that the Plan was necessary in order for his department to understand the overall maintenance needs within the parks system. It was done in coordination with the Parks Lead Person and is currently being reviewed by the Parks Commission. Mr. Westerling encouraged the Board to review the materials and provide comments.

Mr. Rucho feels it would be helpful to break down what gets done when. Mr. Westerling pointed out the fact that we also have a Municipal Calendar which lays out tasks on a monthly basis. Mr. Rucho would like a range within the policy as it would assist a new person in getting familiarized with the routine.

2. Vote remainder of Snow and Ice Over-expenditure

The Board previously authorized the overexpenditure of Snow and Ice with a specific amount. This year the department had 75 call outs and expended \$287,608 on snow and ice removal; 66% of which on supplies, 30% for salaries and 8% on purchased services. The largest increase was for salt at a \$11.00 increase per ton from last year. Mr. DiPietro would like the Board to have a future discussion on a Proposition 2-1/2 override for our Snow and Ice Budget.

Motion Mr. Pruneau to authorize the overexpenditure of an additional \$184,800 in the Snow and Ice Budget, seconded by Mr. Rucho, all in favor. Mr. Gaumond noted that this will be fixed on town meeting floor. Mr. Westerling advised that he is investigating the use of new products with a vendor.

3. Request for Intradepartmental Transfer from the Salaries and Wages line item into the Municipal Fuel line item (\$15,000)

This monetary threshold of this request is allowed as during the last quarter of the fiscal year transfers up to 3% of your total municipal budget are allowed. The fuel is also used by all departments. Mr. Westerling has reviewed his salary account and has sufficient funds for the remainder of the year.

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

4. Request for Intradepartmental Transfer from the Salaries and Wages line item into the Supplies line item (\$5,000)

Mr. Westerling is requesting this transfer due to fleet maintenance issues.

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

5. Review request from the Municipal Lighting Plant to purchase gasoline and diesel fuel from the town

Brad White, Manager of the Municipal Lighting Plant has been purchasing his diesel fuel from Kevin's Automotive, who has just lost the ability to sell fuel from that facility. The Light Plant would like to purchase their fuel from the town. Mr. Westerling is able to accommodate the request, which would not impact the price he pays for gasoline and would handle the usage as he does for the Council on Aging and Water District. Usage would be tracked and billed on a monthly basis. Mr. McCormick noted that this was done in previous years. Mr. DiPietro questioned whether this would be a temporary situation. Mr. White advised that there are no diesel gas stations in West Boylston. Should the gas station sell diesel again, Mr. White would rather purchase the fuel from the town. Mr. Phillips suggested looking into a consortium and bringing something to the Shared Services Committee. Mr. Gaumond noted that the MORE group is looking into that.

Motion Mr. McCormick to approve the request of the Municipal Lighting Plant to purchase gasoline and diesel fuel from the town, seconded by Mr. Pruneau, all in favor.

Mr. Rucho questioned whether Mr. Westerling is limiting the time his vehicles are left idling to conserve on fuel usage. Mr. Westerling explained that the only time the DPW authorizes extended periods of idling is during a snow emergency time. Mr. White noted that his department does not have that option as they have to be able to move their equipment and they have to keep it running. Mr. Westerling added that he received an Idling Reduction Program last year. Mr. Phillips explained that the Fire Department vehicles idle as it is required to have their equipment run. Mr. Westerling indicated that the fuel would be available at all times for use by the Light Plant.

6. Announce that the Town of West Boylston will be receiving \$224,125 in Chapter 90 funds for Fiscal 2009

Mr. Westerling noted that the figure we will be receiving this year in Chapter 90 \$224,125 is a little less than last year. The Mass Highway Department now places the funds into a ten-year window contract.

NEW BUSINESS

1. Concurrence on the reappointment of Robert Ash to the Earth Removal Board as the designee for the Water District effective May 1, 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.

2. Concurrence on the reappointment of David Eckhardt to the Earth Removal Board as the designee of the Conservation Commission effective May 1, 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. Vote to accept donations in the amount of \$113.00 to the Beaman Memorial Public Library

This item will be tabled to check on the total as the items listed amount to donations in the amount of \$93.00

4. Determine whether or not fees should be waived for building and wiring permits required for Bicentennial Events

Motion Mr. McCormick to waive building and wiring permits required for Bicentennial Events, seconded by Mr. Pruneau, all in favor. Mr. Rucho pointed out the fact that fees are typically waived for town functions.

5. Review correspondence from Fire Chief Richard Pauley regarding fees associated with the Bicentennial Events and authorization for camping fire on Town Common

Mr. McCormick is in favor of allowing a camp fire, however, he voiced concern over the need to protect the grass from being damaged. Mr. Phillips suggested using outside fire pits or fire places, to be distinguished at the time directed by the Fire Chief.

Motion Mr. McCormick to allow the Fire Chief to waive permit fees associated with the Fire Department for the upcoming reenactment and encampment event, seconded by Mr. Pruneau, all in favor.

Motion Mr. McCormick to allow a fire on the Town Common to be extinguished by the time designated by the Fire Chief and to consult with the DPW Director to ensure a minimal impact on the lawn, seconded by Mr. Pruneau, all in favor.

Chief Pauley has also indicated that he may be able to cover up to \$1,900 of the costs of the fire coverage detail and requests the Board's authorization to expend those funds to assist the Bicentennial Committee with the event should his budget allow.

Motion Mr. McCormick to authorize the Fire Chief to cover up to \$1,900 of the costs for the fire coverage detail associated with the events during the reenactment weekend, seconded by Mr. Pruneau. In discussion, Mr. Rucho states that he feels the people need to pay a fee to attend the event.

Mr. Phillips noted that the people who do the reenactment do not charge and they do not allow the town to charge the spectators. Mr. Rucho voiced concern that the \$1,900 could be used somewhere else. Vote on the motion – Messrs. Phillips, Pruneau, DiPietro and McCormick yes; Mr. Rucho no.

Mr. Phillips feels this is an event, which will require a lot of coverage from the Fire Department and these funds will help off set those costs.

6. Provide input and guidance on our goal to establish a Wellness Program for Citizens and Employees

Mr. Gaumond reported that we have just completed our first year on our Wellness Program, with no additional resources. We are now planning for next year and seek input from the citizens, members of the Board of Selectmen and the Board of Health. There will be three new topics and suggestions are welcomed. Mr. Phillips commended Mr. Gaumond on his work on the program.

3. Vote to accept donations in the amount of \$113.00 to the Beaman Memorial Public Library

Motion Mr. McCormick to accept donations the amount of \$93.00 to the Beaman Memorial Public Library, seconded by Mr. Rucho. Vote on the motion – Messrs. Phillips, DiPietro, McCormick and Rucho yes; Mr. Pruneau abstains.

7. Assignment of Motions for the May 19, 2008 Semi-Annual Town Meeting

Mr. Rucho will read the motions on articles 1, 17, 22, 28, 32 and 38; Mr. McCormick will read the motions on articles 2, 18, 23, 33, and 39; Mr. Phillips will read the motions on articles 3 through 14, 19, 24, 28, 34 and 40; Mr. DiPietro will read the motions on articles 16, 21, 26, 31, 37 and 49; Mr. Pruneau will read the motions on articles 15, 20, 25, 30, 35 and 41.

Articles 34 and 35 for DPW aerator and mower may be passed over. Article 29 will be addressed by the Community Preservation Committee, Article 36 will be by the petitioner, Articles 41-48 will be by the Planning Board and Articles 50 and 51 by the petitioners.

8. Review information from the Town Administrator regarding funding for warrant articles

Mr. Gaumond advised that he has a balanced budget, however, he has a shortfall in the area of warrant articles requested by \$35,407. He has spoken with the Council on Aging Director and he plans to fund only half of the Elder Services Program in May and the remainder in October. He will also defer the purchase of the DPW mower until October. The purchase of the aerator may be deferred indefinitely.

The funds for the Bicentennial events are around \$30,000. Mr. Gaumond advised that the Police Chief will be able to cover the events through the Community Policing Funds. He will not be able to cover outside details coming into the town. Mr. Phillips noted that road closures would also not be included as that was a late addition.

The one area Mr. Gaumond has a little concern with is the petitioned article for the part-time math teacher. Town Counsel advised him that the funds could be dedicated to the School Department, however, the School Committee is able to use the funds as they see fit. Town Counsel advised Mr. Gaumond to inform the petitioner of that fact, which he has. If the petitioned article fails on town meeting floor we could revisit a passed over article.

Mr. DiPietro questioned which proposed projects will be charged off to Chapter 90. Mr. Gaumond advised that those funds would be used for plans or specs for Route 140 or TIP requests, we would also be responsible for design funds for the both the sidewalk and pavement management programs. Mr. DiPietro suggested using the funds for DPW equipment. Mr. Gaumond has already checked and purchasing equipment is ineligible. Mr. Rucho suggested saving the funds. Mr. McCormick would like to decrease our capital fund threshold. As improving our town bylaws is one of the town goals, Mr. Gaumond plans to have an all encompassing town bylaw change at which time he will change our capital schedule.

Mr. Rucho advised that the petitioner bringing forth the petition for the math teacher met with the school and the school indicated that should they get additional funds the most important item would be that teacher position.

9. Vote to authorize the Town Administrator to proceed with negotiating a contract for financial services with Financial Advisory Associates, Inc. (FAA)

Motion Mr. McCormick to authorize the Town Administrator to proceed with negotiating a contract for financial services with Financial Advisory Associates, Inc., seconded by Mr. Pruneau, all in favor.

10. Review correspondence from PEG Coordinator regarding the broadcasting of Selectmen's Meetings on WBPA-TV

Mr. Gaumond explained that when we moved from the Mixer Building we lost our ability to Broadcast Selectmen's meetings live. The meetings are being recorded and broadcast the next day. We decided to ask the public their opinion on this change. We have the ability to fix this by using \$15,000 of our cable funds, however, should we end up moving we would have the same situation. We are trying to go with a mobile fix, however, it is about the same amount of money. Should residents have an opinion either way, Mr. Gaumond would like them to email him. Mr. Phillips stated that he has heard complaints from people that they do not see the meetings and it has created a feeling of mistrust.

Steve Howland joined the Board. He explained the other solution is an internet solution, however, we are in a hold pattern right now as we may have a firewall issue. It would cost about \$14,000 to solve the issue, and Mr. Howland feels there may be other solutions which he is not aware of. Mr. McCormick suggested having the Light Plant run the cable, however, according to Mr. Howland Charter does not allow that. Mr. Rucho thought our cable contract requires Charter to hook up municipal buildings at their cost. Mr. Howland explained that the distance the cable needs to go is in excess of what Charter allows per the contract. Charter will absorb \$6,000 as a cost sharing.

Mr. Phillips suggested preparing a handout for town meeting.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. May 12, 10:00-2:00 – WRTA – Best Practice Conference, Worcester
2. May 12, 6:30 p.m. – Shared Services Cmte. Meeting
3. May 15, 7:15 p.m. - Zoning Board of Appeals public hearing on a petition for a Variance to add a second story to a garage/barn
4. May 15, 7:45 p.m. - Zoning Board of Appeals public hearing on a petition for a Special Permit or an in-law accessory apartment
5. May 15, 8:00 p.m. - Zoning Board of Appeals public hearing on petition for a Variance to add a 10-foot extension to an existing Wireless Communication Facility
6. May 16, 8:00 a.m. – 2:45 p.m. – MMA Leadership Academy presents a statewide conference on Regionalism in the 21st Century at Holy Cross College. Mr. Gaumond plans to attend and encouraged any members interested in attending to notify the office by the Friday registration deadline.
7. May 19, 2008, 6:00 p.m. – Meeting of the Board of Selectmen
8. May 19, 2008, 7:00 p.m. – Semi-Annual Town Meeting at the Middle/High School
9. June 16, 7:00 p.m. Shares Services Committee meeting with area town to explore shared services and regional opportunities

FUTURE AGENDA REQUESTS

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

As tomorrow is the one-year anniversary of the death of Kyle Little, Mr. Phillips would like to revisit the naming of a ball field after Mr. Little.

Mr. Gaumond distributed the updated Open Space and Recreation Plan to the Board for their review and comment by May 14.

Motion Mr. McCormick at 10:06 p.m. for the Board to enter executive session under the provisions of Massachusetts General Laws Chapter 39, Section 23b, Part 3 to discuss strategy with respect to contract negotiations and litigation, and the Board may be going back into open session, seconded by Mr. Rucho. Roll call vote: Mr. DiPietro yes, Mr. Pruneau yes, Mr. Phillips yes, Mr. McCormick yes, Mr. Rucho yes.

Motion Mr. McCormick at 10:15 p.m. to come out of executive session and return to open session, seconded by Mr. Rucho. Roll call vote: Mr. DiPietro yes, Mr. Pruneau yes, Mr. Phillips yes, Mr. McCormick yes, Mr. Rucho yes.

The Board reconvened at 10:15 p.m.

Motion Mr. McCormick to terminate negotiations with Bay Colony Recovery having deemed them to be an unresponsive bidder, seconded by Mr. Rucho, all in favor.

With no further business to come before the Board, motion Mr. McCormick at 10:25 to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: May 21, 2008

Nancy E. Lucier

Allen R. Phillips, Chairman

Valmore H. Pruneau, Vice Chairman

John B. DiPietro, Sr., Clerk

Christopher A. Rucho, Selectman

Kevin M. McCormick, Selectman