

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

Mr. Pruneau convened the meeting at 7:00 p.m. at the Municipal Lighting Plant and thanked the Light Board and Manager Brad White for allowing the Selectmen to use their facility.

Read and acceptance of Minutes from Previous Meeting:

Motion Mr. McCormick to approve the meeting minutes of November 5, 2008, seconded by Mr. Rucho, all in favor.

NEW BUSINESS

1. Concurrence on the appointment of Jason Kunst, 515 Prospect Street, to the Cable TV Advisory Committee effective November 20, 2008 for a term to expire on June 30, 2009

This item will be tabled as Mr. Gaumond was unable to meet with Mr. Kunst today.

2. Request from Christ Lutheran Church, 112 Crescent Street for a Transient Vendor License to sell holiday trees from the day after Thanksgiving until Christmas

This annual request has been forwarded to the Building Inspector, Board of Health, Police and Fire Departments and the applicant is in compliance with those departments.

Motion Mr. McCormick to grant the license, seconded by Mr. DiPietro, all in favor.

3. Vote to accept donations and gifts made to the Beaman Memorial Public Library in the amount of \$243.00

Mr. Pruneau recused himself and turned the meeting over to Mr. DiPietro.

Motion Mr. McCormick to accept donations and gifts made to the Beaman Memorial Public Library in the amount of \$243.00, seconded by Mr. Rucho, all in favor. Mr. Pruneau returned.

4. Performance Review for Town Administrator and vote to approve salary adjustment in accordance with his employment contract

This items will be tabled until the next meeting.

Public Hearing: Re: Classification Hearing In Conformity With M.G.L. Ch 40, §56 To Establish Local Property Tax Rate Or Rates For Fiscal Year 2009

Notice is hereby given that the West Boylston Board of Selectmen will hold a public hearing on Wednesday, November 19, 2008, at 7:05 p.m. at the Municipal Light Plant 4 Crescent Street, in conformity with the provisions of Massachusetts General Laws, Chapter 40, Section 56 for the purpose of holding a Tax Classification Hearing so as to establish the local property tax rate or rates to be assessed to each of the following classes of property for fiscal year 2009, the period from July 1, 2008 through June 30, 2009: residential property, open-space property, commercial property, and industrial property. All interested persons, groups, and agencies are invited to attend and participate. Allen R. Phillips, Chairman, Board of Selectmen, Town of West Boylston, November 5, 12, 2008.

Regional Assessor Harald Scheid joined the Board with Brad Dunn, Chairman of the Board of Assessors. He distributed a worksheet on various scenarios for classification options and explained

that Massachusetts General Law requires the Board of Selectmen to meet once a year to decide whether to levy the same classification for all classes of property. The Board of Assessors met earlier this evening and voted to recommend the Selectmen continue to levy a single tax rate for all classes of property. Their reasoning is that you would have to raise the commercial rate 5% to yield a 1% reduction on the residential side. With this recommendation the projected tax rate would be \$13.89, which will be certified by the Department of Revenue after the Selectmen takes its vote. The average residential bill will increase 2% and residential values are declining faster than values for commercial properties. If we went with a CIP shift of 1.25 it would save the average resident \$300 and increase commercial 25% plus. The tax bill for a \$1,000,000 property would go from \$13,000 to \$17,000.

The Board opened the floor up to questions from the audience. A woman in the audience asked what the tax rate currently is. According to Mr. Scheid we are currently at \$13.12, however values are being reduced about 4% and will reflect market conditions in 2007.

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

Motion Mr. McCormick to establish a residential factor of 1.0, seconded by Mr. Rucho, all in favor.

Public Hearing: Re, Request from West Boylston Package Store Co., Inc. to Transfer/Issue Stock

Mr. McCormick recused himself. The Board of Selectmen of the Town of West Boylston will hold a public hearing on a request from West Boylston Package Store Co., Inc., 293 West Boylston Street, West Boylston to transfer and or issue stock of its corporation. The hearing will be held on Wednesday, November 19, 2008, at 7:15 p.m. at the Municipal Lighting Plant, 4 Crescent Street, West Boylston. All interested persons, groups, and agencies are invited to attend. Allen R. Phillips, Chairman, November 8, 2008.

Julie Meola Currier, Lisa Meola and Chris Meola joined the Board. We have correspondence from the Fire Chief, Police Chief, Board of Health, Building Inspector and Treasurer/Tax Collector that the establishment is in compliance with them.

Julie Meola Currier explained that Chris Meola wants to gift the package store to his four children and end his involvement with the business side of the operation. The process with the state is a four-year process to be finalized. In addition to the stock transfer, they have petitioned to change the Board of Directors and the Manager. Lisa Meola will be the Manager as she is physically there the most and has done the ordering for the past five years. They have all been active in the store for many years. The transfer of the stock is the transaction, which the ABCC requires the public hearing on. There are no questions from the Board on the transfer of the stock. The audience has no questions.

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

Motion Mr. DiPietro to approve the transfer of the stock for West Boylston Package Store Co., Inc., seconded by Mr. Rucho, all in favor.

With regard to the change of manager, Chris Meola is presently the manager. Mr. Rucho questioned whether the position of manager needs to have certain training. Although not required, Julie Meola Currier noted that they all take Mass Pack Beverage Alcohol Training every three years.

Motion Mr. Rucho to approve the change of manager from Chris Meola to Lisa Meola, seconded by Mr. DiPietro, all in favor.

Motion Mr. DiPietro to approve the change of officers/directors, seconded by Mr. Rucho, all in favor.

Winthrop Handy

Mr. Handy joined the Board. He explained that he owns the properties at 45, 49 and 53 Central

Street. He is here tonight after two court hearings over his unwillingness to hook up to the mandated sewer project. He finds it disturbing that he is being mandated to hook up three Title V systems, which are functioning, and the expense to hook up which includes re-pavement of one of his parking lots. He met with the Board of Health a week and a half ago and asked for an extension. At his second court hearing he also asked the judge for an extension and that was denied. He has read all the mandates of the case and feels it really does not say that a Title V system could fail and pollute the reservoir. Mr. Handy would like a six-month extension to get an SBA loan for the \$12,000 it will cost him to connect. He has been in business with his wife for 32 years and is a 35-year resident of the town. They invest all their money into their equipment and things they need.

Mr. Handy noted that when he lived in Holden on Arizona Avenue the sewer went by and they did not have to hook up and he is disturbed with the mandatory hook up. If the Board of Health would grant him an extension he offered to pay a double sewer hook-up fee. He has been to court and the Board of Health and he is asking the Board for consideration of his request. He has served on a number of boards, is out at meetings quite a bit, and if he lived in Holden he would have the right to choose. His request is for a six to nine month extension and he will hook up and pay.

Mr. Pruneau asked Board of Health Chairman Robert Barrell if Mr. Handy was eligible for the loan program. Mr. Barrell indicated that he was and the Board of Health extended it twice to give people an opportunity. He also noted that the has been going on for four year, he has had ample time to hook up, and right now Mr. Handy is in contempt of court. The loans were available to home owners. The 53 Central Street is his home and 43 and 49 are businesses. Mr. Handy is also disturbed that residents are paying a price for Boston to have clean water. He also feels light needs to be shed on the fact that we are giving clean water to Boston and putting our sewage in somebody else's backyard. Mr. Pruneau advised that it is a lot cheaper for people with failed systems to hook into sewer rather than investing \$40,000 into a new system. He noted that when sewers came into town some people were in dire straits with their septic systems. Mr. DiPietro was not in favor of mandatory hook up, but you would have to prove that the Board of Health made a wrong decision or violated a regulation in their decision. Mr. Handy would like to have a choice and he feels the townspeople voted and fought hard for that choice.

Mr. McCormick stated that he also paid a lot of money to hook up, however, this has been adjudicated and is done and over with. The Board of Selectmen has no authority to offer a waiver as that is under the jurisdiction of the Board of Health and the town has spent a lot of money in legal fees to get people to hook up as it is law. Mr. Handy intends to continue to fight this as best he can. Mr. McCormick feels he is wasting the town's money every time he goes back to court.

Discussion With Police Chief On Proposed Traffic Safety By-Law & Electronic Weapons, Policy And Procedure No. 4.06a

Chief Minnich joined the Board with Sgt. Anthony Papandrea and Patrolman David Westerman. Chief Minnich noted that Sgt. Papandrea did a lot of work on the proposed Traffic Safety Bylaw which is before the Board this evening. Sgt. Papandrea explained that during his research he looked at other communities and measures they took. The City of Worcester has adopted a city ordinance that mirrored state law and allows the city to keep 100% of the fines they issue. The proposed bylaw also gives the town the ability to make things specific to the community. It has the ability to generate revenue and not change anything they do other than to cite somebody under a different chapter and section as the citation would be written under the town's bylaw. Currently the town only receives 50% of the fines. The Police Department writes a lot of tickets, many are appealed and at the hearing often times the fine is reduced with the town still incurring the expense of sending

an officer to court. Although this also has an appeal process through district court, people are less likely to appeal. The courthouse is all set up for this.

Mr. Rucho questioned the process for a speeding ticket as those fine escalate. Sgt. Papandrea stated that they would do a local history as they have access to records over the past year. The approach is to enforce the law, not to create more revenue and they intend to track this. It is another tool to use in the citation process. With regard to Section 10, Vehicle Weight Exclusions, 'when official signs are erected giving notice thereof, no commercial vehicle of any authorized capacity shall be permitted upon such posted streets', Mr. DiPietro is concerned about truck traffic on Pierce Street to get to the Industrial Park and questioned whether the Police Department have the authority to erect the signs. According to Chief Minnich, they would have to go by state law, however, his department is working on another project which will review signage for speed limits and no parking areas. Some streets have speed limits that go from 50 miles per hour down to 30 miles per hour within a twenty-foot span and they will try to look at the whole town with a goal of presenting the Board of Selectmen recommended bylaws. Should the Board agree with the bylaw, which has been reviewed by town counsel, it will be included on the warrant for the next town meeting. As the bylaw stipulates \$60.00 as a fine for a first offense, Mr. Rucho questioned whether the Clerk could still reduce the fine. Sgt. Papandrea thinks they could still reduce the fine.

Motion Mr. McCormick to bring the bylaw forward to the next town meeting, seconded by Mr. DiPietro, all in favor.

The second issue is a proposed Electronic Weapons, Policy and Procedure No. 4.06a. Chief Minnich explained that it is a policy from the Training Team, which was headed by Sgt. Balvin. The Team did a lot of research on tasers. Officer Westerman attended 20-hours of training and is certified through Taser International and the Municipal Police Training Committee as is required under the laws pertaining to electronic weapons. He was also hit with a taser during the course of his training. Officer Westerman feels it is an incredible tool and is being used by 13,000 agencies. According to Officer Westerman, five seconds after being tasered it is like you never got hit at all. It is a little painful for five seconds and locks you up when you get hit. There have been 80 studies done on this to ensure it is safe and it has reduced lethal force by 78%.

Chief Minnich explained that typically these types of equipment, like pepper spray, originate in California. The policy had to be approved by the Executive Office of Public Safety prior to our taser training. Chief Minnich feels the biggest pushing point is officer safety as it is a non-lethal form of law enforcement. He purchased the equipment with law enforcement drug seizure funds, and the equipment will create a confetti which tracks the taser history, cannot be tampered with and can be retrieved. The Board has a 30-day window to act on the policy and once voted, it will go into effect. The cost for each unit was \$900 and there are three units, one per shift. The unit reaches up to twenty-one feet. Should someone be tasered an EMT will check them out, per the policy. Mr. Gaumond commended the department for their work on this.

Motion Mr. McCormick to accept the policy, seconded by Mr. DiPietro, all in favor

NEW BUSINESS (cont.)

5. Review 3rd Edition of A Report on Performance Measurement Managing for Results

Annually, in the month of November Mr. Gaumond presents the Board with his Report on Performance Measurement. The town was given an award from ICMA for the report. It is still a work in progress and we continue to learn more about performance measurement and refining our research. We increased the number of things we collect including utility costs and the Council on Aging. Next year we may be able to see trends and how we measure up against similar demographic communities. Managing for Results data sheets are also included in the monthly department head reports.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. Review list of possible School/Finance Committee meeting dates

Mr. Gaumond recommends designating two members from each Board should we not be able to select a meeting date. Mr. McCormick recommends picking two dates and going forward. It was agreed to schedule meetings for December 9 and 18.

2. Announce that the Bicentennial Parade will be broadcasted on Channel 11 on Mondays, Tuesdays, Fridays, Saturdays and Sundays at 7:00 p.m. for the next several weeks

Mr. Gaumond thanked Charlie Greenough for the time he spent recording the presentation. Mr. Pruneau commended the Channel 11 crew for their work.

3. Town Administrator's Commitment to Excellence Award

This is year two of this award which will be announced in December. Any employee under the direct or indirect supervision of the Town Administrator is eligible for the award.

4. Announce Results of the November 4, 2008 Election

The results of the November 4 election have been certified by the Town Clerk with 82% of the town voting. The Telegram and Gazette incorrectly reported West Boylston's vote on Question 1. It should have said that the question failed 2602 to 1338 with 74 blanks.

5. Announce that the Governor under Section 9C of Chapter 29 of the Massachusetts General Law has instituted 9C reductions to FY2009 budget line items effective October 15, 2008, one of which was the \$25,000 earmarked for the Town of West Boylston Bicentennial Marketing Efforts

6. November 20, 2008, 7:00 p.m. – CMRPC Quarterly Meeting at the CMRPC Office in Union Square

7. November 24, 2008, 6:00 p.m. – Shared Services Committee Meeting to be followed by a 7:00 meeting of the Board of Selectmen and the School Committee.

8. December 1, 2008, 7:00 p.m. – Municipal Buildings Committee Meeting

FUTURE AGENDA ITEMS

1. The Building Inspector may order a business owner to repair their own sidewalk, driveway, or parking lot in the name of public safety JD

This item will be placed on the Board's next agenda.

Messrs. Rucho, McCormick and Pruneau have no requests this evening.

Mr. DiPietro read the minutes of the last SWAT meeting and recommends we form an Energy Committee.

With no further business to come before the Board, motion Mr. McCormick at 8:35 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: December 3, 2008

Nancy E. Lucier

Valmore H. Pruneau, Vice Chairman

John B. DiPietro, Sr., Selectman

Christopher A. Rucho, Selectman

Kevin M. McCormick, Selectman