

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

Mr. Phillips convened the special meeting at 7:00 p.m. The purpose of the meeting this evening is to review the warrant for the October 20, 2008 Semi-Annual Town Meeting. Mr. Gaumond noted that the articles are not in their final order and thanked Mrs. Lucier for her work on the warrant preparation.

Article 1 - Authorization To Hear The Reports Of Officers And Committees Of The Town

This is a standard article.

Motion Mr. McCormick to include Article 1 on the warrant, seconded by Mr. Rucho, all in favor.

Article 2 – Authorization To Modify Fiscal Year 2009 Appropriations And Other Necessary Adjustments To The Fiscal Year 2009 Budget

This is a standard article and allows us to modify our current year appropriations by transferring from available funds or from any unexpended balances.

Motion Mr. McCormick to include Article 2 on the warrant, seconded by Mr. Rucho, all in favor. It is all funded internally.

Article 3 – Authorization To Join The Central Massachusetts Mosquito Control Project And Appropriate Annual Assessment

This is a request from the Board of Health to become a member of the Central Massachusetts Mosquito Control Project for a minimum three year period, with an approximate assessment for the Town of \$30,000.00 annually. Mr. Gaumond believes Boylston was a part of this group and dropped out because they didn't have funding.

Motion Mr. McCormick not to include Article 3 on the warrant, seconded by Mr. Pruneau, all in favor. Mr. Rucho would like to know the reason behind the request and noted that should the Board of Health have a funding plan he would be open to a discussion.

Article 4 – Appropriation To Fund An Elderly Community Services Program

This article was only funded for a half a year back in May. We now need an additional \$9,000.00. Marcia Cairns, Director of the Council on Aging, explained that she currently has eleven people on the program working in various offices of the town, three of which are in her department. Mr. Gaumond reported that according to Finance Director Michael Daley we will have \$25,000 in certified Free Cash for the October meeting. Mr. McCormick would rather not spend the funds now as that will leave us nothing in May. Mr. Phillips pointed out the fact that the Board made a commitment to fund the program in two segments. Mr. Rucho understands, however, we are at a point where we do not have any money. Mr. DiPietro would rather leave the decision up to the voters.

Motion Mr. DiPietro to include Article 4 on the warrant, seconded by Mr. Pruneau. Marcia Cairns spoke to the fact that her department would be hurting without her program volunteers. She is behind on her work, works overtime every day, and cannot get things done. She processes three to five food stamps application a week and people are frightened about not being able to make it through the winter. Without these volunteers the offices would not be opened when staff is out on seminars. Mr. McCormick stated that based on what he is hearing the offices will be closed in another six months because there will not be any money and we need to save our money. Vote on the motion –

Messrs. Phillips, Pruneau and DiPietro yes; Messrs. McCormick and Rucho no.

Article 5 - Authorization To Close Out Appropriation Under Article 20 Of May 2001 Town Meeting

This article will transfer the unexpended balance of \$1,969.29 remaining in the appropriation under Article 20 of the May 2001 Semi-Annual Town Meeting to the Stabilization Fund. These are the funds remaining from the repair of Woodland Park.

Motion Mr. McCormick to include Article 5 on the warrant, seconded by Mr. Rucho, all in favor.

Article 6 – Authorization To Accept M.G.L. Chapter 41, Section 108p

By passing this article it will allow for an additional stipend for collectors or treasurers who receive certain certifications from the state and we have the money in the budget.

Motion Mr. DiPietro to include Article 6 on the warrant, seconded by Mr. Rucho, all in favor.

Article 7 - Petition Legislature To Authorize The Town To Affix A Penalty And Accept Fine In Lieu Of Suspension For Violation Of The Town's Motel Operation Permit Bylaw And Regulations

The Board requested this article in order to accept a fine in lieu of a suspension for violation of Article XIV, Section 6 of the Town's General Bylaws, Hotel/Motel Operation Permit, or the Town's Motel Operation Permit Regulations. The Board also needs to determine the penalty amount they would like to assess. Discussion ensued relative to the amount of the penalty. Mr. Phillips recommends basing it on how the Alcoholic Beverages Control Commission issues their fines in lieu of suspension. He suggested basing it on the previous years' revenues. According to Mr. McCormick the ABCC uses an average of sales for a certain number of days which need to be certified by the establishment's accountant. Town Counsel suggested setting an amount for the fine. Mr. Phillips agrees with it being tied to a certain time period. Mr. Rucho asked if Town Counsel feels the special legislation which we are required to file is going to pass. Mr. Gaumond did not have that conversation with him. Mr. Rucho agrees with the idea but voiced concern with the cost of town counsel services to accomplish this. Mr. McCormick feels those costs are a one-time item.

Motion Mr. Pruneau to include Article 7 on the warrant with an amendment tying it into a time frame and dollar amount. Mr. Phillips would like the figure to take into consideration the size of the hotel, the amount of sales and the time of the year. Mr. Gaumond suggested an up to \$5,000 and the Board could make a determination. As Mr. Phillips would like guidance from Town Counsel, Mr. Gaumond will confer with counsel. Vote on the motion – Messrs. Phillips, Pruneau, DiPietro and McCormick yes; Mr. Rucho no.

Article 8 - Authorization To Accept The Provisions Of Massachusetts General Law Chapter 39 Section 15

This article will allow the Moderator to declare a two-thirds vote upon a voice vote.

Motion Mr. McCormick to include Article 8, seconded by Mr. Pruneau, all in favor.

Article 9 – Authorization To Amend The General Bylaws

This was requested by the Moderator and it strikes the word "he" and replaces it with "Town Clerk" in Article III – **TOWN CLERK**, Section 2.

Motion Mr. Rucho to include Article 9 on the warrant, seconded by Mr. McCormick, all in favor.

**Article 10 – Authorization To Amend The General Bylaws**

Mr. Gaumond explained that one of the town goals this year was to fix the town bylaws and Article 10 was discussed when he had his informational meeting on bylaw changes. This bylaw speaks to the development of certain policies by a certain date. This change will allow the Town Administrator to a comprehensive set of written financial management and fiscal policies for review and approval by the Board of Selectmen and the Board controls the process.

Motion Mr. McCormick to include Article 10 on the warrant, seconded by Mr. Rucho, all in favor.

**Article 11 – Authorization To Amend The General Bylaws**

The original draft of this bylaw should have included the \$20,000 threshold.

Motion Mr. Rucho to include Article 11 on the warrant, seconded by Mr. Pruneau. Mr. McCormick recalled the Board's conversation about lowering the threshold for capital in order to purchase items such as a lawn mower from the Capital Investment Fund. He noted that the town does not have sufficient funds for large projects and should we wish to purchase an item at a \$10,000 threshold that has a useful life for a number of years he would like to be able to use the monies in this fund. Mr. Gaumond noted that the threshold was established by researching what other communities used as a base line which included the period of time the item will be used and the cost of the item.

Motion and second withdrawn.

Motion Mr. DiPietro to include the article on the warrant amending the figure to \$10,000 or greater, seconded by Mr. Pruneau, all in favor.

**Article 12 – Authorization To Amend The General Bylaw Amendment**

This does not change anything in the bylaw other than to give the Housing Partnership Committee its own category.

Motion Mr. McCormick to include Article 12 on the warrant, seconded by Mr. Rucho, all in favor.

**Article 13 – Authorization To Amend The General Bylaw Amendment**

This article was submitted by the Town Clerk, however, Mr. Gaumond feels needs more involvement with the DPW Director who has some questions and has recommended some sections be kept intact as it deals with public ways. Mr. Gaumond recommends not including the article at this time.

Motion Mr. Rucho not to include Article 13 at this time, seconded by Mr. Pruneau, all in favor.

**Article 14 – Authorization To Amend The General Bylaws**

This article will allow the Town Clerk to issue fines for businesses who are delinquent in renewing their business certificates.

Motion Mr. McCormick to include Article 14, seconded by Mr. Rucho, all in favor.

**Article 15 - Authorization To Amend The General Bylaws**

This article refers to elected officials in town and never included the Housing Authority. This will correct that oversight.

Motion Mr. Rucho to include Article 15, seconded by Mr. McCormick, all in favor.

**Article 16 - Authorization To Amend The General Bylaws**

This article would amend Article II - Town Officers And Duties. Mr. Gaumond feels it may need a little more conversation in house and recommends it not be included.

Motion Mr. McCormick not to include Article 16 at this time, seconded by Mr. Rucho, all in favor.

**Article 17 - Authorization To Amend The General Bylaw**

Mr. Phillips recused himself. This article will amend the Article XXXII – Fire Safety Bylaw.

Motion Mr. McCormick to include Article 17, seconded by Mr. Rucho, all in favor. Mr. Phillips returned

Article 18 - Authorization To Amend The General Bylaws

This article amends Article XXV Non-Criminal Disposition of the General Bylaws to allow a fine mechanism for non-compliance with our Transient Vendor and Hawkers and Peddler bylaw, filing of business certificates and the violation of fire codes.

Motion Mr. Rucho to include Article 18, seconded by Mr. McCormick, all in favor.

Article 19 - Authorization To Amend The General Bylaw

This article is to amend Article XIII - by deleting the second paragraph from Section 4 as follows. "No person shall light or extinguish any public lamp in any street or public place in the Town, except by permission of the Selectmen or persons having the care and control of such lamps".

Motion Mr. McCormick to include Article 19 on the warrant, seconded by Mr. Rucho. Mr. McCormick questioned what would happen if the Selectmen wanted to turn off some of the street lights. Mr. Gaumond pointed out the fact that the Selectmen do not own the poles as they belong to the Municipal Light Plant. Mr. Phillips would like to better define the wording.

Vote on the motion – Messrs. Pruneau, DiPietro, Rucho and McCormick yes; Mr. Phillips no.

Article 20 - Authorization To Appropriate Or Reserve Funds From The 2009 Community Preservation Fund Reserves

This will be an annual article and it is continuing to be refined. The Community Preservation Committee will be presenting the article. Mr. Phillips wants to ensure the town already has the funds.

Motion Mr. Pruneau to include Article 20 on the warrant, seconded by Mr. McCormick, all in favor. It was noted that the state's match is 65-70%.

Article 21 – Authorization To Amend The General Bylaws To Include Article XXXV - Agricultural Commission

Every year the town fills out a ComCap Application and we get a score which is used to determine whether we get certain grants. One of the categories to get points is if we have an Agricultural Commission. Mr. DiPietro noted that we have families in town who belong to the Mass Farm Bureau.

Motion Mr. Rucho to include Article 21 on the warrant, seconded by Mr. McCormick, all in favor.

Article 22 – Authorization To Amend The General Bylaws Of The Town By Adopting Traffic Bylaws

As Mr. Gaumond has not yet heard back from Town Counsel on their review of the proposed bylaws, he recommends not including them on the warrant. He did note that the Chief did a lot of work on the document and suggested perhaps including this on a Special Town Meeting.

Motion Mr. McCormick not to include Article 22 on the warrant, seconded by Mr. Rucho, all in favor.

Article 23 - Petitioned Article To Initiative Pay As You Throw

This article request that the Board of Selectmen initiate a policy for the residents of the town to "Pay-As-You-Throw," as recommended by the town's Solid Waste Advisory Team (SWAT), with 50 (33 gallon) large bags to be provided free to each participating household per year with any monies collected from the purchase of bags to be used solely to offset costs associated with trash removal and trash disposal. Mr. Phillips asked the Board if they wanted to vote to endorse or not as they have done in the past. Mr. Rucho prefers voting the way we want to on town meeting floor.

Mr. DiPietro recommends holding this off until we have a Special Town Meeting and include this with Article 22. He feels this is unfair as the Selectmen have not had a chance to discuss the article thoroughly and he thinks they are getting blind sighted. Mr. Pruneau feels the idea still needs some work. He thought the group was going to do a questionnaire to get feedback from the residents.

**MEETING****BOARD OF SELECTMEN****SEPTEMBER 24, 2008**

Mr. Gaumond noted that we missed the deadline to include a question on the ballot. He noted that the Board is under no obligation to follow this as it is a request to the Board of Selectmen to do something. As the Board of Selectmen are elected officials they can do it or not do it. Mr. McCormick feels the Selectmen would not have missed the deadline had they known a petition would be presented. His understanding was this was an advisory team and the Board was not advised. Mr. Phillips voiced concern that SWAT had one public hearing and he feels we need to look at other options. His recommendation is for the Board not to endorse this at this time until we have had an opportunity to do more research and discussion with the recommending Board. Mr. Rucho would rather not stand up at town meeting and speak against the article as it may backfire.

Motion Mr. Rucho for the Board not to make a recommendation, seconded by Mr. DiPietro. Vote on the motion – Messrs. Rucho and DiPietro yes; Messrs. Phillips, Pruneau and McCormick no.

Motion Mr. McCormick for the Board to recommend that they cannot support this at this time until they get further clarification and it is researched better, seconded by Mr. Pruneau. Vote on the motion – Messrs. Phillips, Pruneau and McCormick yes; Messrs. Rucho and DiPietro abstain.

**Article 25 – Petition To Accept Olde Century Farm Road And Garside Drive**

Mr. Gaumond informed the Board that just about everything has been resolved but not everything is completed. If it is not ready at town meeting it will be put off until May. The Board will not take any stand on this article.

Motion Mr. McCormick not to endorse the article, seconded by Mr. Pruneau. Vote on the motion – Messrs. Phillips, Pruneau, DiPietro and McCormick yes; Mr. Rucho abstains.

**Other Suggested Bylaw Changes**

Mr. Gaumond noted that Mr. DiPietro submitted a list of eleven ideas, copies of which he provided to the Board last week. Mr. Gaumond does not think we are able to bring them all forward as this evening the Board has to tell him what article will be on the warrant. Mr. Phillips suggested including one idea at a time on an upcoming agenda to get them all reviewed prior to the May town meeting. A lot of the suggestions will require Mr. Gaumond to do a little research. Mr. DiPietro would like to strike tax breaks for buildings of 50,000 square feet or great. He is fine with the suggestion.

With no further business to come before the Board, motion Mr. Pruneau at 8:30 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

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Nancy E. Lucier

Approved: October 1, 2008

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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., Selectman

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Christopher A. Rucho, Selectman

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Kevin M. McCormick, Selectman