

Members present: Kevin McCormick Christopher Rucho  
Valmore H. Pruneau Steven Quist  
Allen R. Phillips

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

Motion Mr. Pruneau to approve the meeting minutes for the November 18, 2009 regular session, seconded by Mr. Quist, all in favor.

Motion Mr. Pruneau to approve the meeting minutes for the November 18, 2009 executive session, seconded by Mr. Phillips, all in favor.

Mr. Gaumond announced that we have been having technical problems with Channel 13 as one of our modulators has stopped working resulting in a lot of our audio being compromised. Until the condition is fixed, we will broadcast on Channel 11.

**Michelle Harris, Larry Salate & Michael Staiti, Re: LIP Incentives**

Michelle Harris, Chairperson of the Housing Partnership, Larry Salate, Chairman of the Planning Board and Michael Staiti developer for the Angell Brook project joined the Board. Angell Brook is a 55 and over project on Shrewsbury Street and Ms. Harris and Mr. Salate sent a letter to the Board regarding the LIP project to provide for three affordable units at Angell Brook. This request requires the approval of the Board of Selectmen.

Mr. Gaumond explained that the LIP Program is a partnership between the developer and the town and the agreements are entered into with the Board of Selectmen. The materials in the agenda package include correspondence going back to 2005 when this initially came before the Board. Mr. Phillips questioned whether the Board previously voted on this.

Mr. Staiti explained that one of the issues he is facing is this is a not a traditional LIP. They are Local Action Units which require the approval of the Board of Selectmen and the participation of the town in order to qualify. The town has three options, which include provide zoning-based approval, or land or buildings and those were not needed. The third option is substantial financial assistance from funds raised, and that is the only way the town can participate.

Mr. Phillips asked if this is the same thing the Board previously voted on. Mr. Staiti stated that the special permit that the Board of Selectmen voted on was for three units. He does not believe the Department of Housing and Community Development will approve these units to be included in our affordable housing stock. Mr. McCormick recalled Mr. Staiti going to the Planning Board and part of the plan to build the 18 units was he was going to give them two units and if we would waive the fees he would give the town three affordable units. However, when Mr. Staiti came before the Board of Selectmen we said no we will take the two units and not waive the fees for a third, which was all done in 2005. Mr. McCormick voiced his displeasure with Mr. Staiti in that five years later he says the rules have changed and we have to two units we cannot count as affordable. He thinks the Planning Board might have had a different issue if it knew Mr. Staiti were going to come back with this proposal. Mr. McCormick noted that the understanding of the Board of Selectmen was that we would get two affordable units and he does not believe Mr. Staiti presented it fairly in 2005. Mr. Staiti stated that he included this affordable unit and he didn't need variance as he could have gotten the units regardless.

Mr. Phillips noted that the Mr. Staiti offered a deal for two units and now he wants the Selectmen to waive the fees for all three of the units or we do not get any. Mr. Staiti response was that he does not have a choice as in reading the guidelines the town needs to provide some sort of financial support. Mr. Phillips is concerned that we had an agreement in 2005 and now it has changed. Mr. McCormick read an excerpt from the May 10, 2006 Planning Board minutes during which the

Planning Board requested three units. At that meeting Mr. Staiti offered two units and would agree with a third unit, however, he needed to have the Selectmen agree to waive sewer and building permits for a third. He then came before the Board of Selectmen, and we said no, and now you are coming back and we don't get any units. Mr. McCormick asked if the Planning Board knew that nothing would be counted if the Selectmen did not agree to three units.

Mr. Gaumond asked Mr. Staiti if he received any correspondence from DHCD that these units would not be counted. Mr. Staiti replied no, DHCD wants to know what the local support would be. Mr. Gaumond asked Ms. Harris if it is her understanding that unless we provide a financial contribution they will not accept the two units. Ms. Harris stated that this is new information and she would like to approach DHCD and report back to the Board. Mr. Gaumond recommends tabling this and he will work with Ms. Harris on speaking with DHCD to confirm this. He asked Mr. Staiti if he had a time frame. Ms. Staiti's agreement with the Planning Board is no Certificates of Occupancy will be issued until DHCD issues approval and that would be May. It was agreed to bring this back up in January.

Motion Mr. Quist to table this issue and bring this back up in January, seconded by Mr. Phillips, all in favor.

### **Execution Of Contract For Goodale Park Improvements**

Patrick Inderwish, Chairman of the Parks Commission and Parks Facility Committee joined the Board with John Owanasian, member of the Parks Facility Committee. Other members of the Parks Facilities Committee include James O'Day, Patrick Crowley, Tim Duplin and Selectmen Chris Rucho and Val Pruneau.

Mr. Inderwish reported that the committee started back in November of 2006 and were charged with looking at our existing parks facilities and the major projects we may want to address to make our parks more viable. The first big project was the condition the tennis court and basketball court area as it had a crumbling foundation as a base. This was designated the first priority and they submitted an application to the Community Preservation Committee, which was approved and at town meeting they were awarded \$25,000 for architectural and engineering services to proceed with the design of the project. An RFP was issued and they selected a qualified architect to do the design of the project. Before the Board of Selectmen is an agreement provided by Town Counsel and the Committee requests the Board execute the contract so they can get moving forward by the January 1 deadline to present the construction phase to the Community Preservation Committee. The architect is proceeding under his own risk.

Mr. Gaumond explained that because this is under the Board of Selectmen we thought it would be safest to bring it back to the Board to sign. He thanked Mr. Inderwish and the members of the committee.

Mr. Inderwish noted that the architect came up with three proposed designs. The base design calls for a significant amount of ledge removal, alternate #1 eliminates one half of the ledge removal and alternate #2 does not meet the requirements of the project. The committee will meet tomorrow to vote to approve Alternate #1. Mr. Phillips questioned the impact on the current field. Mr. Inderwish anticipates breaking ground on the tennis courts in May or June and it is a 65-day construction period. The other impact will be the construction period when we will have to close everything off as we would have to access the Little League baseball field to build the new retaining wall. The plan also calls for access through the retaining wall to the field. Mr. Rucho noted that they are trying to keep the grassy area and then construct the retaining wall. Mr. Inderwish pointed out challenges in the topography and existing soil conditions and they will be increasing the pervious area and capturing most of the water coming off of the hill to get it away from the low field by the use of trench drains.

They will also have emergency vehicle access in addition to a new leveled open space/passive recreation area at the rear of the new proposed basketball courts. The bandstand will stay and the tennis and basketball courts will meet ADA requirements.

Motion Mr. Phillips to sign the agreement for contract design services with Warner Larson, Inc., seconded by Mr. Quist, all in favor.

Mr. Phillips requested updates on the progress of the project. Mr. Inderwish offered to send reports and project photos and Mr. Rucho, who sits on the committee, will also report on the project.

### **NEW BUSINESS**

1. Concurrence on the appointment of John DiPietro, 43 Campground Road to the Transportation Committee effective December 3, 2009 for a term to expire on April 30, 2012

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

2. Concurrence on the appointment of Diana Englebart, 68 Bowen Street to the Town-wide Planning Committee effective December 3, 2009 for a term to expire on June 30, 2012

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

Mr. McCormick recused himself for the next three agenda items.

3. Request from Keepers, Inc., 175 West Boylston Street for a Billiards License and Automatic Amusement Licenses for Incredible Technologies Golden Tee Gold, Rowe CD Jukebox, Merit Industries Megatouch Video game and Silver Strike Bowling game

Mr. Gaumond explained that this is a new application for 2009 and will also be renewed for 2010. Mr. Phillips noted that everything seems pretty strait forward and everything is in compliance with the appropriate municipal departments.

Motion Mr. Phillips to approve the licenses, seconded by Mr. Rucho. Mr. Quist questioned whether the town had a bylaw dealing with automatic amusement devices. Mr. Gaumond advised that there is no bylaw and is covered by Mass General laws. Vote on the motion – all in favor.

4. Approve renewals of Business Licenses for 2010

Mr. Phillips would like to hold the licenses of those business who owe taxes until they pay. Mr. Gaumond explained that only those who owe FY09 taxes are in arrears. He asked the Board to hold both Classic Suites and Inns and Reservoir Motor Lodge as their inspections are schedule to be completed next. He suggested the Board approve pending successful inspections or carry them over until the December 16<sup>th</sup> meeting of the Board. Mr. Phillips questioned the taxes owed situation. Mr. Gaumond explained that the Reservoir Motor Lodge will be paying their FY09 taxes on December 24<sup>th</sup> and the FY10 taxes are preliminary and they have until June 30<sup>th</sup> to pay those.

Motion Mr. Phillips to approve all the business licenses for 2010 and to hold the licenses for Pinecroft Dairy and Wayside Furniture and Antiques until they paid for their taxes and hold Classic Suites and Inns and Reservoir Motor Lodge until they have been inspected, seconded by Mr. Rucho, all in favor.

5. Approve renewals of Alcoholic Beverage Licenses for 2010

All liquor license establishments are in compliance and have been inspected.

Motion Mr. Phillips to renew the Alcoholic Beverage Licenses for 2010, seconded by Mr. Rucho, all in favor.

6. Acknowledge concerns regarding the Zoning Board of Appeals

Mr. McCormick returned to the meeting. Mr. Gaumond noted that in recent weeks we have had the ZBA in to meet with the Board to discuss procedural and communication problems. We now have correspondence from the ZBA to the Board of Selectmen as the appointing authority to the ZBA.

Motion Mr. Phillips to schedule a public hearing on this matter during the month of January as he thinks there is a lot going on and he thinks it is to the detriment of the town to let it continue, seconded by Mr. Pruneau. Mr. Phillips would like to bring in both of the complainants, Mr. Chevalier the Chairman and member Linda Isgro, and the hearing would be to hear the complaints against each of them. Following the hearing the Board would take appropriate action which could be up to removal, if necessary. Mr. Phillips would like to have the other members of the ZBA in attendance as well. Mr. Gaumond will prepare the letter to be signed by the Chairman. Mr. Gaumond will check with Town Counsel and schedule them in to attend as well if necessary. The Board would like to review all documents related to the issue prior to the hearing. Vote on the motion – all in favor.

7. Acknowledge receipt of 2009 goals of the Council on Aging

Mr. Gaumond included this information on the agenda as he thought the Board would be interested in reviewing the goals set by the Council on Aging and the status report on them. Mr. Phillips questioned the definition of a young elder. Mr. Gaumond believes it is somebody between 50-65. It was noted that you begin receiving information from AARP once you turn 50.

8. Accept a grant in the amount of \$1,500, in behalf of the Beaman Memorial Public Library, from the Central Massachusetts Regional Library System for the purpose of updating the young adult non-fiction collection with emphasis on curriculum support and assistance for home-schooled students

Motion Mr. Phillips to accept a grant in the amount of \$1,500, in behalf of the Beaman Memorial Public Library, from the Central Massachusetts Regional Library System, seconded by Mr. Pruneau, all in favor. Mr. Gaumond thanked the Board of Library Trustees for their work in seeking grant assistance.

9. Acknowledge receipt of Municipal Calendar for 2010

The fourth edition of the Municipal Calendar was presented to the Board. Mr. Gaumond noted that it was finished through the hard work of Ms. Lucier and will be published on the website under the Town Administrator's page.

Motion Mr. Phillips to accept the Municipal Calendar for 2010 and post it on the Town Administrator's section of the website.

10. Announce evaluation of the Town Administrator by the Board of Selectmen

Mr. McCormick announced that he received the evaluations from all five members of the Board and compiled the scores. Mr. Gaumond has been given a Commendable Rating for the 08-09 period by the Board of Selectmen. The Board thanked Mr. Gaumond for another good year. Mr. Gaumond thanked the Board for the evaluation, and noted that ordinarily the Board would vote the salary adjustment called for in his employment contract, however, he will be deferring any contract raise. The Board thanked Mr. Gaumond.

## **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. December 5 – 9:00 a.m. to 1:00 p.m. – Wachusett Regional Recycling Center first Collection of Household Paints & Chemicals

The Board questioned the fees to be charged. Mr. Gaumond informed the group that he included that information in his most recent blog.

Next Tuesday, December 8<sup>th</sup> is Primary Day and voting will take place from 7:00 a.m. until 8:00 p.m. here at town hall. The Board questioned why we are not using the Church and voiced concern over people being confused with the change of location.

Sunday night the Historical Society will sponsor the annual tree lighting at 5:00 p.m.

**FUTURE AGENDA ITEMS**

Mr. McCormick noted that the Board needs to set goals for next year. Mr. Gaumond distributed a list of suggested goals to be reviewed and finalized by the Board. Mr. Phillips suggested a brain storming session.

Motion Mr. Phillips at 8:05 p.m. for the Board to enter executive session under the provisions of MGL Chapter 39, Section 23b, Part 3 to discuss strategy with respect to union negotiations and litigation, and pursuant to exemption 7 of the Open Meeting Law to comply with the provisions of the public records law exempting from disclosure materials relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy and the Board may be going back into open session, seconded by Mr. Pruneau. Roll call vote: Mr. Quist yes, Mr. Pruneau yes, Mr. McCormick yes, Mr. Phillips yes and Mr. Rucho yes.

Motion Mr. Rucho at 8:55 p.m. to come out of executive session and reconvene in open session, seconded by Mr. Phillips. Roll call vote: Mr. Quist yes, Mr. Pruneau yes, Mr. McCormick yes, Mr. Phillips yes and Mr. Rucho yes.

The Board reconvened its meeting at 8:55 p.m.

Motion Mr. Rucho to accept the Agreement Between the Town of West Boylston and Teamsters Union Local 170, seconded by Mr. Pruneau. Vote on the motion- Messrs. McCormick, Pruneau, Rucho and Quist yes; Mr. Phillips no.

Mr. Phillips congratulated the Jr. Midget Pop Warner Football Team for winning the Super Bowl. He also noted that the Shrewsbury Midget Team, who has several members from West Boylston, will be going onto the National Championships.

With no further business to come before the Board, motion Mr. Phillips at 9:00 p.m. to adjourn, seconded by Mr. Pruneau, all in favor.

Respectfully submitted,

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Nancy E. Lucier

Approved: December 16, 2009

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Kevin M. McCormick, Chairman

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Valmore H. Pruneau, Vice Chairman

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Allen R. Phillips, Clerk

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Christopher A. Rucho, Selectman

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Steven Quist, Selectman