

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

Mr. McCormick convened the meeting at 7:00 p.m.

Read and acceptance of Minutes from Previous Meeting:

Motion Mr. Phillips to approve the meeting minutes for the June 24, 2009 regular session with one amendment on the vote for Captain Ron's Catering to indicate the motion being seconded by Mr. Quist, seconded by Mr. Pruneau. Vote on the motion — Messrs. McCormick, Pruneau, Phillips and Quist yes; Mr. Rucho abstains.

Mark Brodeur — Presentation Of Check To Celebrations Account

Mark Brodeur joined the Board. When the Celebrations line item was deleted due to the budget situation he and a group of volunteers held a fund raiser to supplement that account. A meat raffle was held at the American Legion Post, and the members provided not only a location but were instrumental in fundraising and sponsorships. The raffle was very successful with EBS Foran, Press Box Benevolent Society, Finders & Keepers, West Boylston Fire Fighters Association, and the West Boylston Teachers Association providing tables of meat. A check for \$5,520 was presented to the Board of Selectmen, which was then presented to Jack McCormick who gratefully accepted on behalf of the Celebrations Committee and the veterans.

NEW BUSINESS

1. Request for Intradepartmental Transfer from DPW Salaries and Wages to DPW Snow and Ice Salaries and Wages of \$6,319

Last week the Board voted to take the entire amount from the Reserve Fund, however, the Finance Committee requested a portion be taken from DPW Salaries and Wages.

Motion Mr. Phillips to approve the transfer of \$6,319 from DPW Salaries and Wages to Snow Removal Salaries and Wages, seconded by Mr. Pruneau, all in favor

Motion Mr. Phillips to approve the transfer of \$12,268.42 from the Finance Committee Reserve Fund, \$4,174.60 to Snow Removal Salaries and Wages, \$3,491.67 to Snow Removal Purchased Services and \$4,602.15 to Snow Removal Supplies, seconded by Mr. Pruneau, all in favor.

Police Chief Dennis W. Minnich, Sr.

Chief Minnich joined the Board to request permission to hire two fully trained fractional-time dispatchers, which will not only save funds it will improve services within the Communications Center. The Chief feels there are enough people out there who are trained and laid off who would be interested. He has reviewed the costs associated with running the Communications Center and he could save \$7,000 by hiring two fractional-time dispatchers at \$13.66 per hour rather than paying \$26.60 per hour in overtime. He plans to cover three quarters of the open shifts with fractional-time dispatchers.

Mr. Quist asked how one gets trained to dispatch. The Chief explained that a lot of times communities will train dispatchers or we hire somebody who dispatches in another community. The E911 and criminal justice systems are the same, however, new employees would need training

on the micro systems computer as each community has a few different things. Mr. Phillips asked if the dispatchers have any first-responder type training. According to the Chief not at this time, however, we will look at that. A lot of our dispatchers have fire service backgrounds and they can do that. Police officers are also rotated through the dispatch center, and we are also looking at a regional dispatch communication system. Mr. Rucho commented on police officers having to dispatch and would that impact their ability to be on the street. Chief Minnich explained that if we have a shift we cannot fill, the police will fill that dispatcher's shift, and in these fiscal times the police officers should know how to dispatch as it does not hurt to have officers cross trained. He has a group of fractional dispatchers now and one who is able to fill more shifts during the winter months.

Motion Mr. Phillips to allow the Police Chief to hire two fractional dispatchers, seconded by Mr. Pruneau, all in favor.

Public Hearing Re:

Consider Increasing Demand Fees. For Delinquent Sewer Bills

Mr. McCormick opened the public hearing at 7:15 p.m. and read the following notice. Town of West Boylston, ARTICLE XXIII - PUBLIC HEARING AND NOTICE, that the Board of Selectmen/Sewer Commission will meet on Wednesday, July 1, 2009 at 7:15 p.m. for the purpose of considering an increase in demand fees for delinquent sewer bills. At 7:30 p.m. they will consider increasing the fees for Municipal Lien Certificates. 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. Kevin M. McCormick, Chairman, advertised on June 17, 24, 2009.

Mr. Gaumond thanked Treasurer/Collector Bonnie Yasick for being attendance at the meeting. At the annual town meeting the Selectmen brought forward an article to increase demand fees for property tax bills. The Treasurer/Tax Collector discovered that we did not have the authority through that vote to carry it over to the sewer bills. As this falls under the purview of the Sewer Commission, this request will mirror the demand fees being charged for property taxes and everything will be consistent with what we already do. Mr. McCormick opened the hearing up to questions from the audience.

Motion Mr. Phillips to adjourn the public hearing and reopen it at 7:30, seconded by Mr. Rucho, all in favor.

NEW BUSINESS (cont.)

2. Concurrence on the appointment of Timothy Charland as a full-time patrolman for a three-year period effective July 15, 2009 for a term to expire on April 30, 2012

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

3. Announce that the Department of Agricultural Resources is considering purchasing a parcel of land described as Assessor Map 157, Lot 1; Map 164, Lots 8, 11, 12 — Lee & Prospect Streets

Mr. Gaumond explained that MGL Chapter 7, Section 40I requires that the Department of Agricultural Resources notify the local Board of Selectmen of the state's intension to purchase, rent, sell or significantly change the use of one or more acres of real estate in a municipality. Because the Department of Agricultural Resources is considering purchasing a parcel of land described as Assessor Map 157, Lot 1; Map 164, Lots 8, 11, 12, on Lee and Prospect Streets, he is responsible for reading this notice. Pursuant to that Section the Department of

Agricultural Resources is considering acquiring an interest in approximately 80 acres of land within West Boylston for inclusion in the Agricultural Preservation Restriction Program as an Agricultural Preservation Restriction. The property in question, which is currently used for agricultural purposes, is privately owned and will remain so if it becomes a participant of the APR Program. The development rights would be acquired to secure the preservation of the land for agricultural purposes as provided in MGL Chapter 20, Sections 23 through 26 and Chapter 184, Sections 31, 32 and 33. Section 401 also requires that this proposal be made public in a local forum. The Board need not take any formal action concerning the proposal acquisition as the announcement is for information purposes only.

Mr. Gaumond explained that the parcel of land is currently owned by Dr. Robert Tashjian and if this is approved by the state it will cement that the land will be used in perpetuity for agricultural purposes.

4. Consider signing Fiscal Year 2010 APR-Muni Application

Mr. Gaumond explained that if the Board is willing to agree to this project, they would sign off on this application. On Items 3a, and 3b they ask if there will be a financial contribution needed from the town. At this point there is no financial contribution needed from the town, and if the state does we might pursue costs through the Community Preservation funds as open space is an eligible category. Mr. Phillips questioned what the benefit would be the town. Mr. Gaumond feels from the open space point of view it prevents further development in an area that may not be able to handle it. It would also reduce the need for police, fire and school services. Mr. Phillips asked about the drawbacks. Mr. Gaumond noted that if we were looking to grow the town this would make it impossible to do in this location. It is used for agricultural purposes now and it would change the character of the town if it was subdivided into lots. Mr. Phillips asked if this was reviewed by the Agricultural Commission. According to Mr. Gaumond, they are aware, however he has not received a response from them. Mr. Pruneau asked if this was the first request the town received. Mr. Gaumond noted that there are other APRs in the Town of West Boylston. Mr. Phillips asked if this would impact the abutting properties. Mr. Gaumond does not believe it would, and it may increase property values. Mr. Phillips would like to give the Agricultural Commission an opportunity to comment.

Mr. Quist asked if the rest of the property was in some sort of trust as well and what makes this property different than the other property. Dr. Tashjian explained that Malden Brook goes through the farm and it is a highly sensitive property. DCR has been concerned with the protection of the brook and the APR is the actual farm land, which is top quality land. It will increase the quality of homes in the neighborhood because the land will be preserved and protected. It is a 61 A, which preserves the land.

Mr. Phillips feels that on the surface this seems like a good idea. He would like to have an opportunity to review MGL Chapter 7, Section 40I and he would also like to hear from the Agricultural Commission as well. Mr. McCormick pointed out the fact that the town has very little land available for anything, and 53% is open space held by the state. Should the Board agree to this it will tie up another 160 acres of potentially developable land. From a devil's advocate point of view he sees this as a potential down the road to tie this up as many times we do things that seem good today and then they come back on us. He stated that he is not against this, but he would like to look at all aspects. Mr. Phillips questioned the time frame needed for the Board's decision. According to Dr. Tashjian, it would not hurt to hold off until the next meeting of the Board. Mr. Gaumond suggested putting this off until the Municipal Buildings Committee meeting scheduled

for July 15th, which could be a joint meeting. He will provide Mr. Phillips with the information he would like to review.

Dr. Tashjian stated that he is not sure of the deadline. According to Police Chief Minnich, if the Department of Agricultural Resources does not have certain information it will delay action as they only meet a couple of times a year. They are trying to get it in within the first couple of weeks of July and the announcement has to be made 120 days prior. Dr. Tashjian noted that West Boylston is not a fully developable town and as a result we have wetlands in town and the committee that has comprehensively evaluated this is the Open Space Committee. He does not think it should be the Agricultural Commission. The farm has been in the family for 100 years and it is a delicate and sensitive farm and to put it into APR for him is a serious financial move as he could sell it. It is a very difficult sacrifice and it is important to preserve it. It is part of the heritage of the town and its preservation is very vital. Dr. Tashjian feels to have a comprehensive evaluation of this you need to read the updated Open Space Plan, which was just completed.

Mr. Phillips does not disagree with Dr. Tashjian that the farm is a beautiful area. His issue is he has not had sufficient time to thoroughly review the information and he would, and he also thinks it would be wrong for the Board of Selectmen to overstep the Agricultural Commission. Mr. Rucho noted that the Board's approval is needed to continue and the application also mentions the ability of the town to contribute 15% of the value. Mr. Gaumond explained that under 3a, b, and c the project would require a 10% match as we get credits on some of the criteria.

Chief Minnich explained that the state actually determines what acreage is allowed to put into the APR and if they determine that 10 acres will go in they will pay \$10,000 per acre. If the appraisal says it is worth \$10,000 per acre it is a done deal, however, if it is less than that it is up to the town to make the land owner whole. Mr. Rucho noted that there are still some things that need to be done by Dr. Tashjian prior to that step. Chief Minnich indicated that if everything is not met then nothing is done and no check will be released. The Board's preference is to table this until July 15.

Mr. McCormick noted that APR has been around for a long time, however, he thinks this is being rushed and the Board has not have sufficient time to review this prior to taking action. It is frustrating to him that we will be tying up a big piece of property forever. He would like to get comments as the Board does have a choice. Chief Minnich explained that the state will not own the property it will be owned by Dr. Tashjian, and it just says that it will be farm land forever. Mr. Rucho questioned the Chief's involvement and the Chief indicated that he is interested as well.

It was agreed to put this off until July 15th in order to get feedback from the Agricultural Commission and the Open Space Committee. Mr. Phillips requested sufficient time on the agenda for a full discussion. Chief Minnich noted that certain steps have to be taken and the appraisal has to be done by September. If it does not go it will be pushed to FYI 1. Mr. Gaumond will contact Michelle Padula to get the time table.

Public Hearing Re: Consider Increasing Fees for Municipal Lien Certificates

Mr. McCormick reconvened the public hearing. Mr. Gaumond explained that the Treasurer/Tax Collector has researched the law the town adopted which allows us to raise fees and the fees charged by area communities. We charge \$25 and many communities charge \$50, which is what is being recommended. Treasurer/Tax Collector Bonnie Yasick reported that the town has already adopted MGL Chapter 40, Section 22F, which allows us to raise the fees for Certificate of Municipal Liens. Bolton, Orange, North Reading, Somerville and Medway charge \$50, and according to Ms. Yasick the amount of time being spent gathering this information is increasing as

you need to deal with the light, water and sewer departments. In 2009 she collected \$6,450 and in April she collected \$900. A Municipal Lien Certificate is a request from an attorney's office when a closing takes place because people are selling or re-financing.

Mr. Quist questioned whether \$50 is sufficient. From what Ms. Yasick is seeing no town is at \$75, and she would feel comfortable charging \$50 effective August 1. There is no one present to speak on the issue.

Motion Mr. Phillips to close the public hearing, seconded by Mr. Pruneau.

Motion Mr. Phillips to increase the sewer demand fees from \$5 to \$10, seconded by Mr. Pruneau, all in favor.

Motion Mr. Pruneau to increase the fees for a Municipal Lien Certificate from 425 to \$50, seconded by Mr. Phillips, all in favor.

Mr. Gaumond thanked Ms. Yasick for her work on this and noted that department managers are being challenged to find ways to increase revenues for the town.

NEW BUSINESS (cont.)

5. Consider adopting a resolution consenting to the Reorganization of Charter Communications

Mr. Gaumond explained that after Charter Communications filed for Chapter 11 protection, they begin their re-organization. During their reorganization they have been able to continue to provide services. One of the things they are being asked to do is to ask each of the communities they service to do one of two things. Either consent to the reorganization or decide to do nothing and not take any action. They would like to know one way or another. Mr. Phillips asked if the Cable TV Advisory Committee submitted their recommendation. Mr. Gaumond noted that the Cable TV Advisory Committee only advises on the contract. Mr. Phillips suggested asking their opinion. Mr. Gaumond indicated that he hadn't asked them, however he could. Mr. Rucho asked if Town Counsel provided an opinion. Mr. Gaumond recommends we do nothing and send out the No Action letter.

Motion Mr. Phillips to take no action on the resolution consenting to the Reorganization of Charter Communication, seconded by Mr. Rucho, all in favor.

6. Acceptance of Petition for a Special Town Meeting

The Town Clerk has certified the signatures and the Board now needs to set a date for a Special Town Meeting. The petition reads as follows — We, the registered voters of the Town of West Boylston request that a Special Town Meeting be called for the purpose of voting on the following article: To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, for general municipal purposes, including, without limitation, for town hall purposes, a parcel of land located at 150 Hartwell Street, described in a deed recorded with the Worcester South District Registry of Deeds in Book 22449, Page 102, and further to appropriate by borrowing a sum of money in order to pay costs associated with the purchase of and improvements to said parcel, including remodeling, making extraordinary repairs, equipping and furnishing to the building located thereon, including all costs incidental and related thereto, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow such sum under G.L. Chapter 44, Section 7 or any other enabling authority and to issue bonds or notes of the town therefor, or take any action relative thereto.

Motion Mr. Phillips to schedule a Special Town Meeting for August 10, seconded by Mr. Pruneau, all in favor.

7. Announce that Cheryl Carlson, Michael Fishbein and Steve Paige have been appointed to the Regional School District Planning Committee

It was announced that Cheryl Carlson, Michael Fishbein and Steve Paige have been appointed to the Regional School District Planning Committee by the Town Moderator.

8. Acknowledge Water District proposal to waive fees for some of the costs of doing business in the town for the upcoming year

The Board previously requested the Water District consider a voluntary payment to the town. The Water District has decided that it would waive some of the fees to the town which amount to \$2,000 per year. Mr. Gaumond will draft a thank you letter for them.

9. Consider sending a letter to the legislators regarding the proposed amendments to the Open Meeting Law

As this was signed into law this morning, Mr. Gaumond requested the Board terminate any discussion on this item.

10. Vote to accept donations and gifts on behalf of the Beaman Memorial Public Library in the amount of \$1,278.16

Mr. Pruneau recused himself.

Motion Mr. Phillips to accept donations and gifts on behalf of the Beaman Memorial Public Library in the amount of \$1,278.16, seconded by Mr. Rucho, all in favor. Mr. Pruneau returned.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. July 15, 5:30-8:30 — Public Workshop on the Worcester Regional Mobility Study at Our Lady of Mount Carmel Church

2. July 15, 7:00 — Municipal Buildings Committee Meeting

3. August 1 — walk through of 150 Hartwell Street — Mr. McCormick will report back on the time.

FUTURE AGENDA ITEMS

Mr. Rucho would like to revisit combining the water and sewer bills. Mr. Gaumond noted that the conversation with the Water District was that it would not provide any cost decrease. We will include it on a future agenda.

Mr. Phillips asked if there will be any additional warrant articles included on the Special Town Meeting scheduled for August 10. If so, he would like to include his suggested bylaw change to change the election date. Mr. McCormick recommends the one item only.

Mr. Phillips suggested developing some type of a certificate, which could be presented to somebody when they go above and beyond similar to what Mr. Brodeur did with his fund raising effort. Mr. Gaumond noted that he sent Mr. Brodeur a letter of congratulations which is also in his file. He also has created a gift from the town he could share with him.

Mr. Quist asked for an update on the Tivnan Drive project. Mr. Gaumond held a pre-bid conference last week and no bidders came forward. He is scheduled to open the bid next Monday morning. Mr. Quist asked Mr. Westerling is a PG Engineers. According to Mr. Gaumond he is not. Mr. Quist would like contact information of both state and congressional leaders made available to the public. According to Mr. Gaumond that information is on the town's web site.

Motion Mr. Phillips at 8:25 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 contract negotiations and litigation, and the Board may be going back into open session, seconded by Mr. Rucho. Roll call vote: Mr. Quist yes, Mr. Pruneau yes, Mr. McCormick yes, Mr. Phillips yes, Mr. Rucho no.

Motion Mr. Phillips at 9:50 p.m. for the Board to come out of executive session, seconded by Mr. Quist. Roll call vote: Mr. Quist yes, Mr. Pruneau yes, Mr. McCormick yes, Mr. Phillips yes and Mr. Rucho yes.

With no further business to come before the Board, motion Mr. Phillips at 9:55 p.m. to adjourn, seconded by Mr. Pruneau, all in favor.

Respectfully submitted,

Approved: August 5, 2009

Nancy E. Lucier, Municipal Assistant

Kevin M. McCormick Chairman

Valmore H. Pruneau, Vice Chairman

Allen R. Phillips, Clerk

Christopher A. Rucho, Selectman

Steven Quist, Selectman