

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

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

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

Motion Mr. McCormick to accept the meeting minutes of February 5, 2009, seconded by Mr. Pruneau, all in favor.

Motion Mr. McCormick to accept the meeting minutes of February 18, 2009, seconded by Mr. Pruneau, all in favor

**Robert Marinelli, MIIA – Present MIIA Award**

Mr. Marinelli, the town's MIIA Risk Management Manager, presented the Board with an MIIA's Excellence in Loss Control Award. As West Boylston is new to the MIIA Program, he noted that receiving this award is a great achievement. He congratulated the town and looks forward to working with us for many years to come.

Mr. Gaumond credited his department managers who went above and beyond with their seminar attendance. The town was also recognized at the MIIA Conference in Boston this past January. He thanked MIIA and credited Nancy Lucier for putting it all together.

**Anthony Casali, Recycle Bank**

Mr. Casali is unable to join the Board this evening as his flight from Philadelphia was cancelled due to the weather. He will be rescheduled for the next meeting of the Board.

**Update on Ice Storm Debris**

Today Mr. Gaumond received correspondence from the Department of Conservation and Recreation on the brush removal process. He hopes to have a proposal and a Memorandum of Understanding on how we would deal with the brush removal for the entire town, those portions both in and out of the Asian Long-horned Beetled Restricted Zone, by the end of the week. He will continue to update the Board at their meetings.

**OLD BUSINESS**

1. Consider request from Municipal Coalition for Affordable Housing to support legislation to provide communities alternatives to Chapter 40B

It was agreed to table this agenda item.

2. Vote to accept gifts on behalf of the Beaman Memorial Public Library in the amount of \$231.10

Mr. Pruneau recused himself.

Motion Mr. McCormick to accept gifts on behalf of the Beaman Memorial Public Library in the amount of \$231.10, seconded by Mr. Rucho, all in favor. Mr. Pruneau returned.

3. Vote to accept donations and gifts on behalf of the Mount Vernon Cemetery in the amount of \$500.00

Motion Mr. Rucho to accept donations and gifts on behalf of the Mount Vernon Cemetery in the amount of \$500.00, seconded by Mr. Pruneau, all in favor.

**4. Discussion re: Wachusett Earth Day Site**

Jonathan Yeo, John Scannell and Rep. O'Day joined the Board. Last month the Board met with this group and Senator Chandler to review the areas of concern the Selectmen have with the project. Issue #1 is West Boylston would be amenable to the site being open one day a month for recycling collection. DCR would like to be open one day a week. Mr. McCormick feels this is a decent compromise. Mr. Pruneau questioned which day it would be. According to Mr. Scannell, they have not decided. Mr. Rucho attended the meeting between DCR and the residents and noted that during the meeting there was discussion about a Saturday and a few days a week. Mr. Scannell reported the ultimate plan is two or three days a week, depending on the need, and by appointment, after the first year. It was agreed to allow the facility to be open one day a week.

Issue #2 - the facility would be open two days a year for household hazardous waste collection. The \$50,000 grant from DEP calls for collections four times per year. Mr. Scannell informed the group that he got a "non-answer" from DEP. According to Mr. Scannell, DEP is willing to talk about flexibility in the first year as the facility will be under construction, however, the agreement for collections to be held four times per year. Both Messrs. Phillips and McCormick are agreeable to collections occurring twice a year. Mr. Yeo indicated that this first year we will have two collections and DCR will continue to talk with DEP. Rep. O'Day questioned the scheduling of the grant payments. Mr. Scannell noted that they were supposed to open in the spring of 2009, they received their first \$25,000 last year and the other \$25,000 will be released at the end of June. If they do not comply with the agreement, the funds will have to be returned to DEP. Mr. Yeo added that this year they applied for additional money to complement the money from last year to offset West Boylston's portion of the start-up costs. Mr. Scannell intends to push to get DEP to agree to an initial two day per year collection, however, after year one he hopes for further discussions with the Board to increase that to four times a year. Mr. Phillips stated that any agreement that we come to would have to state a specific number of days and should DEP push back we could have another discussion.

Issue #3 - there will be no construction of structures until after their first year of operation at which time the applicants must come back to the Board of Selectmen to discuss how the first year went.

Wachusett Earth Day would like to put a trailer on the site. And the Board would have no problem with that. Mr. Rucho noted the residents voiced concern over what the site would look like after the first year and had concerns with lighting. DCR offered to look at the possibility of fencing. Mr. Phillips stressed the need to look at this well in advance of the first year being up. His expectation is a meeting at which a plan is available delineating screening, lighting and anything else they intend to include on the site. Mr. Yeo agreed.

Issue #4 all Town Bylaws and building codes would be followed. The Selectmen are unwavering on this issue. Mr. Scannell stated that he does not see any reason not to try to follow the intent of the town's bylaws. He also feels the town's bylaws are ambiguous to allowing this use in that zone. He would not have a problem having the Building Inspector involved; however, the State Building Inspector would be their permitting authority. He added that without going through all of the town's bylaws he cannot absolutely say they will comply with all the bylaws. Mr. Yeo indicated that they will meet the requirements as far as setbacks and in terms of building codes they have dealt with the State Building Inspector at the Quabbin and they hold DCR to the same type of standards. Mr. Phillips suggested they look at the town's bylaws and building codes as this Board will hold firm on that issue. Mr. Yeo will review and should something be glaring he recommends a discussion.

Issue #5 the project coordinators, Wachusett Earth Day and DCR would be responsible for any trash and spill clean ups.

DCR - has no argument with this. Mr. Phillips would like to set up zone limits. Mr. DiPietro noted that the town owns a nine-foot setback from the curbing to the road.

Issue #6 - the state will continue to monitor the water concerns in the area. Mr. Scannell indicated that they will put in monitoring wells to catch things early. They intend to test the wells prior to opening the site and annually thereafter annually.

Issue #7 - the Town of West Boylston would be allowed to participate at no charge to the community.

DCR has agreed to cover the \$21,000 start-up costs for West Boylston and thereafter the town would only be responsible for the annual assessment. Mr. Scannell explained that the assessment will be set annually by the Advisory Board with those funds being used to cover operating costs, electricity and any required police details. Mr. Phillips asked if the town would be responsible for police and fire response services to the facility. According to Mr. Scannell if there was an emergency the town would have to respond, however, if police details were needed, payment for those details would come from the assessment funds. The DCR Rangers will also patrol the property. Mr. Rucho asked if people will be charged a fee to drop items off. Mr. Scannell explained that anyone using the site will pay a fee and some items may not have a fee associated with them. People will have to show identification to ensure they are a resident of the communities involved as those will be the only users of the facility and DCR is not interested in having other people bring items in.

Mr. Rucho voiced concern over the unknown annual assessment cost. Mr. Scannell explained that the operation will be run by an Advisory Board made up of a resident from each of the participating communities and DCR would propose an annual budget for the site and the committee would have to vote to take it back to their town for a vote. He added that the intent is not to generate an exorbitant cost for the town and they will get money back from some of the items that come in. Mr. Phillips voiced concern over not knowing the exact cost and suggested language within the agreement that the figure would not exceed \$1,400 for the first few years as the Town of West Boylston does not have any money available. Mr. Scannell noted that the other communities are in the same situation and he is hesitant to commit to a certain number.

Mr. Phillips suggested having DCR go back to the other participating towns and include a not-to-exceed figure as he does not like the idea of West Boylston's fate being in the hands of other communities. Mr. Scannell informed the Board that the other communities have already signed the agreement. Mr. Gaumond requested a copy of those agreements. Mr. Scannell explained that the development fees were based on population.

The last suggestion from the previous discussion was that of Mr. DiPietro who would like to see hazardous material collections not occurring between October 15 and April 15 when the ground is frozen. He also suggested having a Board of Health employee at the site when it is open. Mr. Scannell stated that he does not disagree with the winter collections, however, he would rather not commit to an October 15<sup>th</sup> cut off as it might be restrictive. Mr. McCormick recommends discussing this after the first year. Mr. DiPietro would like to cut off collections once there is frost on the ground. Should we have a hazardous spill his plan is to take the material to a hot top plant and if the ground was frozen you cannot contain the spill. Mr. Scannell does not disagree with Mr. DiPietro's suggestion. Mr. DiPietro withdrew his recommendation to have a Board of Health employee at the site when it is open.

Mr. Yeo agreed to review the Town's Bylaws, add testing of residents wells and include language to cap the town's annual assessment at \$1,400. Mr. Gaumond requested DCR forward the town an agreement detailing the items. A draft copy of the meeting minutes will be forwarded of DCR for inclusion in the draft agreement and the contracts from the other communities will be provided to the town. Mr. Phillips recommends having Town Counsel review the documents.

Rep. O'Day questioned how costly the well testing will be for DCR. According to Mr. Scannell the cost is about \$150 each. They will do an initial test and a re-test after one year for the four houses on the street. Rep. O'Day requested an initial test and another test after six month. Mr. Yeo suggested a pre-test and one towards the end of the calendar year and then on a yearly cycle. Mr. Pruneau pointed out that the monitoring wells would detect any issue and requested copies of the monitoring reports. DCR is fine with that request.

Mr. Rucho brought up another question from the resident meeting involving truck traffic and moving containers off the site. It was recommended that the trucks proceed down I-190 and not down Laurel Street. Mr. Scannell offered to look into it as it could be added into their agreement with the haulers. Mr. Gaumond thanked both Rep. O'Day and Senator Chandler for their cooperation.

### **John B. DiPietro, Jr., - Sewer Connection Issue**

Mr. DiPietro recused himself. Director of Public Works John Westerling joined the Board with John DiPietro, Jr. who requested an opportunity to speak with the Board regarding a sewer connection he is doing on Shrine Ave. and Carol Drive. Mr. Westerling explained that there is sewer connection at this location that is three quarters complete. There are two apartment buildings and, Mr. DiPietro, the sewer contractor has connected three of the four units. During construction Mr. DiPietro notified him that the lateral was not as deep as it was on the tie card. According to Mr. Westerling we have a situation where a grinder pump is necessary to complete the connection and we have approached DCR and they the Town of West Boylston has accepted the line. The sewer main and lateral were designed by Weston & Sampson, the engineers who worked under a contract with DCR and they were inspected by an engineer working under a contract with DCR. Everything was done by DCR, nothing by the Town of West Boylston. The property owner is now looking for the Town of West Boylston to help out with the cost of a grinder pump

Mr. DiPietro noted that he did seek help from DCR and they said it was not their problem. The property owner has paid a betterment fee of over \$60,000. Mr. Phillips questioned why the property owner is not in attendance this evening. According to Mr. DiPietro, he is unavailable. Mr. McCormick asked about paperwork on the location of the line. Mr. Westerling explained that property owners were asked to identify the location of the lines and this was found at the end of the construction. Mr. McCormick suggested that perhaps DCR didn't know the line was there or the height of it as the other three do meet the gravity feed requirements.

Mr. DiPietro reported that he spent time at the DCR office and they cannot find the files for that phase of the construction, which was done eight years ago under Fed Corp. They do not have the files. The other issue is the customer was not the property owner at that time. Mr. DiPietro noted that three other homes in the same neighborhood had the same problem and two of the three had their grinder pumps paid for by the state. The state said they could not help out because the project is over and the town accepted the system. Mr. McCormick feels the Board needs to know what was identified. According to Mr. DiPietro, all the construction is taking place in a parking lot and it is a matter of popping a manhole cover, which should have been done during construction, and is common sense for somebody in the business.

Mr. Pruneau asked Mr. Westerling if he had any plans on lateral evaluations. Mr. Westerling has the tie cards which show a depth of one foot lower. They gave the elevation to the engineers and when they found the fourth connection it was too deep. Mr. DiPietro noted that the complex has two small apartments in the basement. Mr. Pruneau suggested an injector pump inside the building. Mr. DiPietro explained that it is an older building, built in the 1960's and in three instances on Cavour Circle, Weston and Sampson did pay for the pumps for two of the three.

Mr. Westerling does not believe the Town of West Boylston is responsible for this situation and noted that many other residents came forward to ask for pumps. Mr. DiPietro is not sure what the cost for the pump would be for the apartment, and the cost for a residential pump is around \$7,000. Mr. Westerling recommends the town not pay as it is not their responsibility.

Motion Mr. McCormick for the Board to concur with Mr. Westerling's recommendation and not pay for the pump, seconded by Mr. Rucho, all in favor. Mr. DiPietro returned to the meeting.

**Board of Library Trustees**

Mr. Pruneau recused himself. Louise Howland, Director of the Beaman Memorial Public Library joined the Board with Anne Marchant, Chairman of the Board of Library Trustees. Library Trustees Don DeMarsh, Whitney Barnard and Susan Bream introduced themselves. Trustee Pauline McCormick is out of state this evening.

Ms. Marchant feels in times of trouble it is time to pull together. Last week she was horrified and dismayed to learn that there was no funding for library in the FY10 budget. They come forward in the spirit of appreciation as they very much appreciate the dedication of the Board of Selectmen. West Boylston is blessed with an incredible library staff committed to public service with many years of training and expertise. The building is the jewel of the community and many people are being asked to present to the Board of Selectmen what it means to them. The library is an education center across the life span and 60% of the residents of West Boylston hold library cards with 52,093 people visiting the library during fiscal year 2008 checking out 70,000 materials. Of the 351 towns in Massachusetts, 349 have libraries.

She noted that Massachusetts asks cities to demonstrate that they support their library and in West Boylston because we are certified our residents can borrow materials from any Massachusetts library. No certification means no borrowing of materials anywhere. If we close the library we will not be able to borrow from anywhere. To achieve minimal standards the state wants the city to prove that budget reductions are across the Board. The minimum hours the Library needs to be open is 25 and we are now open 30, which is the lowest of our neighboring towns. We need to spend 19% of the budget on materials. Massachusetts will allow some accommodation so that libraries can stay open. They will allow us to open 20 hours a week and spend 15.2% on materials. West Boylston has struggled for certification for a number of years. Last year 13 towns had to apply for waivers and West Boylston was one of those 13. This year 26 applied for waivers and West Boylston was one of those 26. For the last four of the five years we have had to apply for waivers. In July of 2008 we entered into the budget process and everyone knew it would be difficult. Town departments were asked to submit a 10% reduced budget, which the library did, \$282,276, 10% less than last year. There is a big difference between zero and \$282,276. The Board of Trustees comes forward to re-submit their budget of \$282,276, the 10% reduction that was requested and provided in good faith. They ask the Board to go back to the drawing board and re-evaluate and re-distribute funds so the library can get its budget. If we have unanticipated revenue that those funds be committed 100% to the Library budget once they have reached the \$282,276. Ms. Marchant would like a public reply to this request and would like an invitation to the Board of Library Trustees at the next meeting of the Board of Selectmen. She concluded by saying in 1878, the grandson of Ezra Beaman gifted West Boylston with a library.

Mr. Phillips state that what was put out were rough suggestions from the Town Administrator and not voted by the Board of Selectmen. The Board of Selectmen has not yet voted on any numbers. He does agree with cutting and reducing hours but he does not agree with closing the Library. We have to fund public safety and our schools and we have been at a disadvantage with so much property owned by the state and have a low tax base to draw off of. The Board of Selectmen will get a budget proposal this evening which they will take under advisement. He asked what it would the budget

number would be to have the Library open 20 hours a week. Mrs. Howland replied approximately \$250,000 and the reduction of three staff people.

Mr. Rucho questioned the years the Library required a waiver. Mrs. Howland reported that since 2002 the Library has been cut or level funded and we were required to apply for a waiver of the municipal appropriation requirement. Each year the amount gets larger. Mr. McCormick stated that he does not want to close the library either, and would have no problem with committing additional funds to the Library. He asked the Trustees to go to the School Committee and get a commitment from them because if there are any additional funds the school will be looking for them as they also have needs.

Mr. DiPietro noted that currently we are spending 68¢ out of every dollar on the school. He agrees with Mr. McCormick and also recommends the Trustees have a conversation with the School Committee and get them to agree that additional money should go to the Library. He feels it will also send a message to the unions that they are not going to get the money either because we need help.

Ms. Marchant would like the Board of Selectmen to bear in mind the minimum funding level that is required. Mr. Phillips asked what we get for the certification. Mrs. Howland stated that the citizens of West Boylston have the ability to go outside the town to other libraries across the state through the intermunicipal library program. It also brings in state aid on the Cherry Sheet based on population and the lottery formula. We get about \$12,000 a year in state aid to public libraries which the Board of Library Trustees uses for technology and for paying the electric bill. It also allows us to be eligible to apply for federal and state grants.

Mr. Phillips stated that no one on the Board of Selectmen wants to close the Library and we were presented with something. He asked the group to stand by and have trust and faith that they will work on this. He has no problem with the public reply and they are re-evaluating the funding and to commit unanticipated funds requires everyone to buy into it. He suggested sharing our library with the Town of Boylston as that had been brought up in a discussion he had with the Chairman of the Boylston Board of Selectmen when they discussed shared services. Mrs. Howland noted that there are only two communities in the state who share a library, Hamilton and Wenham. They have a regional school system and the library building is on the town line. She recommends including the Board of Library Trustees in any future discussions as it is something the Trustees have thought of in the past. She also had a conversation with Boylston.

Motion Mr. McCormick that the Board of Selectmen commits to dedicate any unanticipated funding that may be forthcoming to the goal of getting the Library to the minimal funding requirement, and to search the current budget for any money which could be put towards the library, seconded by Mr. DiPietro. Mr. Gaumond noted that town meeting does not have to pass the budget in May. We may not have our union negotiations completed by then and we still have not heard about the stimulus package revenues. He also did not build in the additional revenues for the meals and hotel taxes. If the motion is approved he recommends the Board table its discussion on the FY2010 budget until we have an opportunity to meet with the Finance Director. Mr. Phillips noted that tomorrow night the Board will be having a discussion on pay-as-you-throw.

Mrs. Howland explained that should the library lose certification, we would need to be within certification for one year prior to being restored. Mr. Phillips asked if we could charge a fee for people to come in. Mrs. Howland explained that we cannot charge a fee and people can come in because we are regionalized. Vote on the motion – all in favor.

Mr. Barnard noted that he will do as Mr. DiPietro suggested and speak with the School Committee. He also asked that the Library Trustees are informed about any discussions relative to

regionalizing the Library. Mr. DiPietro recommended Mr. Barnard get the School Committee to put in writing that they agree that additional money should go to the Library.

**Town Administrator FY2010 Budget Recommendation**

Based upon the Board's conversation this evening, Mr. Gaumond will give a formal draft of his budget at a later date.

**NEW BUSINESS**

1. Concurrence on the appointment of Marc Frieden, 8 Pinewood Drive to the Sustainability Committee effective March 9, 2009 for a term to expire on April 30, 2011

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

2. Review information on unknown owner tax taking questions

Mr. Gaumond explained that this is an issue the Chairman asked to have on the agenda following some emails between a member of the Planning Board and the Town Administrator. There is a business owner on Route 12 looking to expand his property and he asked if the town would go through the process of a title search to determine ownership and then recover any past taxes due on the property. Mr. Gaumond pointed out the fact that he does not have any money in his budget for a title search and if a property owner wished to expand his property perhaps he should take that venture on himself.

Mr. Phillips noted that there are six acres of land marked as unknown and questioned if the owner cannot be found does that mean it belongs to the town. Mr. Gaumond feels that some of these may be paper streets. Mr. Phillips requested a list of the streets. Mr. Gaumond will forward that information to the Board. Mr. DiPietro believes Mr. Westerling previously researched these properties. Mr. Phillips would like to review the list and suggested doing the research on our own. Mr. Gaumond reminded the Board of the Fay property acquisition, which was both lengthy and costly. Mr. Phillips feels if there is land, and it belongs to somebody and they are not paying taxes that we should do something to have them pay taxes.

3. Review draft payment-in-lieu of taxes proposal for consideration at the Water District Annual Meeting

Several months ago the Board asked Mr. Gaumond to prepare a proposal to bring to the Water District for a payment-in-lieu-of-taxes. He has worked with the Board of Assessors and developed what he believes to be a fair determination. As any proposal needs to be presented before the Water District's Annual Meeting, he asked the Board for their input. Mr. McCormick would like to include the value of the pipes in the ground and the hydrants. Mr. Gaumond does not know if the Assessors would have that information to make a good judgment. Mr. McCormick also asked about Pleasant Valley, the pumping station on Temple Street. It was agreed to add the value of the pipes in the ground, hydrants and Pleasant Valley.

4. Accept Performance Review for Fire Chief

Mr. Phillips recused himself.

Mr. Gaumond explained that annually he provides the Board with the evaluation for their review and acceptance.

Motion Mr. McCormick to accept the review, seconded by Mr. Rucho. Mr. Gaumond noted that according to the contract with a satisfactory evaluation the Fire Chief would be entitled to a

contractual pay increase, however, the Chief has agreed to waive the increase due to our fiscal crisis. Vote on the motion – all in favor.

Mr. Phillips returned.

**MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. Announce that the Beaman Memorial Public Library has been granted a waiver of the FY2009 Municipal Appropriation Requirement
2. March 5, 2009, 7:00 - Board of Selectmen's meeting to discuss pay-as-you-throw options
3. March 6, 2009, 1:30-3:00 – Municipal Cabinet Meeting with Lt. Governor Tim Murray at The Ashland Town Hall - Mr. Gaumond plans to attend the meeting.
4. March 26, 2009, 3-6:00 p.m. – America Ages: Our Region Responds at Hogan Center, College of the Holy Cross, Worcester

**FUTURE AGENDA ITEMS**

No one has any future agenda items for this evening. Mr. DiPietro asked if Mr. Gaumond was making any progress in getting a representative from Charter Communications in to meet with the Board. Mr. Gaumond informed Mr. DiPietro that a representative will be in to speak with the Board at their April 15 meeting.

Motion Mr. McCormick at 9:25 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 the Board will not 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. DiPietro at 10:18 p.m. for the Board to come of executive session, seconded by Mr. McCormick. Roll call vote: Mr. DiPietro yes, Mr. Pruneau yes, Mr. Phillips yes, Mr. McCormick yes, Mr. Rucho yes.

With no further business to come before the Board, motion Mr. McCormick at 10:20 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: March 18, 2009

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Nancy E. Lucier

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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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Kevin M. McCormick, Selectman

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Christopher A. Rucho, Selectman