

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

Mr. McCormick convened the meeting at 6:04 p.m.

### **Meeting with Zoning Board of Appeals**

Linda Isgro, member of the Zoning Board of Appeals joined the board. Ms. Isgro requested this agenda appointment to discuss some issues she brought forward. She thanked the Board for the meeting to discuss the issue with regard to meeting minutes of the Zoning Board of Appeals. Since she forwarded information on June 4<sup>th</sup> many of the meeting minutes came before the ZBA to be reviewed and approved. Because of the nature of the multiple minutes this review was not successfully done that night as they dated back several years and included both executive and open session minutes. During the past three months she, along with Town Counsel, Mr. Gaumond and the ZBA board members have worked on resolving which minutes were approved and the process. It is Ms. Isgro's understanding after these three months there is still a lot of work to be done to bring these minutes to meet the proper requirements of the Open Meeting Law.

Ms. Isgro tried to make the changes with the red lined method as recommended by Town Counsel. That got a bit contentious with the Chairman of the ZBA. The disagreement was whether or not the minutes claimed to be approved on June 4<sup>th</sup> were actually approved. The question is over whether different members constituted a proper quorum. Because Ms. Isgro has been at all the meetings and not missed reading any of the minutes this may not be an issue to another member because they were not there. Two members may have approved the meeting minutes and they may not have been at the necessary quorum as they may have been an associate member and not a full member of the ZBA. She noted that it is very complex. There are 20 sets of minutes both executive and open session. She was very upset that after three years of work the ZBA tried to rush her through the review. They worked at trying to address all the issues she thought were pressing. Since that time she has supported meeting the minimum requirements for minutes and there is a legislative requirement to go back and address these minutes. There are things that have to be in there such as date, names and things she was trying to work out.

Mr. Phillips questioned why that was not brought up three years ago. Ms. Isgro replied that she was never privileged to them. Mr. Phillips noted that Ms. Isgro did sign some of these minutes. With regard to the October 5<sup>th</sup> minutes it was signed by Ms. Isgro and she had concerns that it was not her signature. Ms. Isgro replied when those minutes became available to the meeting that has happened since the June 4<sup>th</sup> meeting. Mr. Phillips noted that all but one set of minutes from 2006, which was October, were all signed by Ms. Isgro in 2007. He questioned why not two and a half years ago and why now? There was a statement that you made that you did not sign these, and it was your signature on a September 21 Vote Sheet from that day, both have your signatures on it. Ms. Isgro explained that on June 4<sup>th</sup> it the first time she saw the typed copy of the 2006 minutes, and they were handed to her on June 4<sup>th</sup>. They did not have any signatures on them. They were included in the package we were reviewing at the next meeting after 2007.

Mr. Phillips is disturbed with Ms. Isgro saying that the minutes of September 24, 2006 and October 5, 2006 lists her name and she never signed it. We have the pages with your signatures on it and this I received from the Town Clerk. Your signature appears on April 19, 2007 and September 16, 2006. Ms. Isgro explained that she was handed those minutes at a June meeting and two of them had signature pages and they did not have her name included on them. After that she came to town hall and

then they were available for public review and they were not before. Ms. Isgro has received complaints that other board minutes are available not those of the ZBA. Mr. Phillips is aware of an issue with back minutes not being done and he understands that.

Mr. Chevalier noted that the issue was addressed with the secretary. Ms. Isgro explained that the minutes do go back to 2007 and that we did on June 4 and we did not have a quorum. Since June 4<sup>th</sup> they were changed. Ms. Phillips stated that to him, if somebody is forging signatures it should be looked at by our Police Department and not by the Board of Selectmen. Ms. Isgro replied because these have lapsed so long there are minutes I have never read before. The originals were missing as were two sets of minutes from 2008 and 2007 and the Town Clerk did not know where they were. She is concerned there is a copy of her signature and it does not indicate that it is from any minutes. Mr. Phillips asked that is the same September 21<sup>st</sup> meeting? Ms. Isgro – the Barakat application.

Mr. Phillips – in your complaint, the minutes of September 21 and October 5 you said you never signed the minutes and then I find them with your signature on this. Ms. Isgro replied it is a copy. Mr. Phillips it is a Signature Sheet from the meeting the minutes were also signed. It has the same date as the meeting and your signature. Instead of waiting until 2009 it should have been in 2006. Ms. Isgro replied it became an issue in June 4<sup>th</sup> and I have been trying to resolve this. Mr. McCormick asked if you signed it in 2006 and you were at the meeting, you signed the vote sheet. If you did sign it, how does it go three years later and now it is an issue. Ms. Isgro replied I sign the vote sheet, did I sign the minutes? Ms. Phillips you go back and pull the minutes and see if that is when the September 21 minutes were approved. Ms. Isgro replied there is a signature for Phil Chevalier on the Vote Sheet and it is her understanding he was delayed. On the 21<sup>st</sup> it says he is there and he signs page 7, but he does not sign the Vote Sheet. Ms. Isgro added he is present on the 21<sup>st</sup> and listed as a member. Why didn't he sign the Vote Sheet? Mr. Hennessey signs and he is only an associate member. He should only be voting if there is not a full member of the ZBA.

Ms. Isgro noted that the September 20<sup>th</sup> meeting was continued to October 26<sup>th</sup>. The October 26<sup>th</sup>, 2006 meeting has no minutes and that was continued. Mr. Phillips pointed out that there is an October 30, 2006 and it was also signed by Ms. Isgro. Ms. Isgro noted that the October 30<sup>th</sup> minutes need to be changed as four of those hearings were actually October 26<sup>th</sup>. It should be two sets of minutes, not just one. We got there on the 26<sup>th</sup> and it was rescheduled to the 30<sup>th</sup>. There is also a set of minutes that say we adjourned at 1:10 in the morning. We continued the FWC to the 26<sup>th</sup> and we only met on the 30<sup>th</sup> to sign FWC. We were supposed to do that on the 26<sup>th</sup>. Ms. Isgro stated that the information on Gerry Sarli is incorrect. She keeps her own copies of the decision that are handed out. Mr. McCormick asked during a meeting you keep your own minutes? Ms. Isgro answered yes. Mr. Phillips asked on September 21 and October 5, 2007 those are not your signatures? Mr. McCormick asked you are saying that somebody attached false signature pages to those pages? Ms. Isgro replied I did not sign those minutes. Mr. McCormick asked you are saying it is a fraudulent Signature Sheet? Ms. Isgro replied there are some serious inconsistencies, I did not review and approved and I never signed an original. Mr. McCormick believes the Town Clerk gave them a copy of the original. Mr. Gaumond assumes the ZBA files contains the original minutes.

Mr. Chevalier stated that he has not researched the minutes Ms. Isgro is talking about. She is talking about December 14, 2006 and said she never signed or approved. She came in and wanted changes, we voted to change those minutes. Mr. Chevalier also finds it interesting that a lot of these issues are being directed towards him and he was not the Chairman until the end of April 19, 2007 meeting. Mr. Isgro replied we did not have a quorum, before that. Mr. Chevalier noted that this is the way we would approve minutes since the day I was first on the ZBA. The April 19, 2006 are original signatures and the December 14, 2006 are originals. They were signed on voted on April 19, 2007.

Ms. Isgro replied the original copies and signatures have been missing.

Mr. Phillips stated we are trying to get to the issue if somebody is committing fraud. The way I see to deal with it is to turn the false Signature Sheets over to the Police Chief.

Ms. Isgro stated the fact is that I have been asking for copies of the original minutes for three months and now a week before this meeting one of these minutes show up and all of the documents from 2007 and our Town Clerk wanted two sets of minutes from those August 23, 2007 and December 13 or 14, 2007. They were being requested by the Town Clerk as not being forwarded back in June or July. She was also, along with Mr. Gaumond wanting to look into the files to see the original files and the cabinet was locked. She was told that Donna Jean had the key and then was told Phil Chevalier had the key. All the records of 2007 were missing. If we are going to question the validity of a signature page on its face this situation is intolerable and public documents have been handled carelessly. We need to address this issue of how this will not happen again.

Mr. Phillips noted the email from Mr. Chevalier in which he addresses these issues with the secretary concerning getting the records up to date on July 16, 2009. Ms. Isgro asked did you read the part that the records were missing? Mr. Chevalier stated that the email was sent to an employee. He was not able to get in touch with their secretary and what he didn't realized was there is another file cabinet being used and it came over from the Mixter Building and all the information was locked in the ZBA file cabinet. Once he received her cell phone number. Mr. Phillips suggested giving a copy of the key to the Town Clerk.

Mr. Chevalier explained that the delay in the meeting minutes was brought to my attention by the Town Clerk, not by Ms. Isgro. I had been trying to get our secretary to get the minutes typed up and to our board for approval. An email from the Town Clerk listed all the minutes she said she had and cross referenced with meeting postings. The Town Clerk, Mr. Chevalier and the Board secretary did get the records resolved for 2007, 2008 and 2009. December 13 and 20 we are resolving now. May she now has. We do not meet unless there is a hearing. In 2009, we have May 28, June 4 and July 9<sup>th</sup>.

Mr. Chevalier stated that the meeting we met on for the minutes covered minutes from September 27, 2007 through March 26, 2009. Those minutes were sent by email. There were never any 2006 minutes handed out at that meeting. The September 27, 2007 were the oldest ones we reviewed. We reviewed those minutes that night and it was contentious. The meeting went on and on and members were leaving. All that remained were myself, Ms. Isgro and Mrs. Deschenes. I said we will finish reviewing these later, I submitted the minutes to the Town Clerk for members to come in and sign. In the years of being on the Board we never voted the minutes because we have an eight member Board and it is not always the five full-members. What we have done is have the members sign the minutes as if they were there and once we receive a quorum we would date them and submit them to the Town Clerk.

Ms. McKnight's recommendation was email the minutes to the members before the meeting to review and comment. Now we place that burden on the Clerk, Barbara Deschenes. She will sign the minutes and submit to the Town Clerk. We do the minutes and correct them.

Mr. Phillips asked Ms. Isgro if she is satisfied with the new procedure for acceptance of minutes. Ms. Isgro indicated that she is satisfied. Mr. Rucho questioned asked after you go through the email you all agree? Mr. Chevalier explained that on the August 5<sup>th</sup> meeting there is a question on how something was voted and we will have a vote and it will be reflected on this. We gave Ms. Isgro some of the changes and some not. With regard to the meeting and mention of the time we adjourned, we would not know what that time would be, it was a typo. For her to say she has not seen those minute I have minutes that say she has seen them and she made the motions.

Mr. Chevalier voiced concern that he has been accused of fraud. With regard to the December 14, 2006 meeting minutes, Ms. Isgro made a motion to delete four sentences. She came to the meeting and there were comments about the minutes having her signature. What bothers Mr. Chevalier is the

ZBA voted to give her the changes. As to how to correct them, Ms. Isgro wanted the comments completely struck.

Town Counsel recommended striking out the amended section and in the margin put a note as to when they were amended. Mr. Chevalier went to the Town Clerk. Mr. Witkus signed the minutes stating that now they are voted on. When Mr. Chevalier went to find the minutes of December 14, 2006 at the Town Clerk's office they were gone. She files them in three-ring binder and the December 14, 2006 minutes are not in there. The Assistant Town Clerk checked with the Town Clerk and she did not know where they were and other than Mr. Chevalier and the staff there were only two other people who were looking at those minutes. How did the copy get to me through Linda with a three-hole punch shadow? We have the originals in our files.

Ms. Isgro stated that she has not used the word fraud or accused Mr. Chevalier of that. She thinks that a statement implying this is just why she chose not to address these issues tonight and to address the bigger issue of the inability to go about and resolve an issue of delaying minutes to the public. Mr. Chevalier replied that he addressed that and dealt with the secretary. There were minutes that were not filed timely and now they are accurate.

Mr. McCormick feels that with the new system things will be fine. He noted that at one point the Board of Selectmen had to accept meeting minutes from 12 years ago and they did it. The other issues seem like non-issues to him and he asked Ms. Isgro what she was looking for. Ms. Isgro noted that the executive session meeting minutes have not been addressed. Mr. McCormick explained that some will not be released until the situation has been resolved, they will be accepted, but not released.

Mr. Rucho questioned the procedure for accepting executive session minutes. Mr. Chevalier stated that his problem is with executive session minutes. He noted that the Board of Selectmen looks and approves with no discussion in a public hearing. With the ZBA, his problem is because of how the discussion goes on with meeting minutes he questions how do we approve executive session meeting minutes in public.

Mr. Quist thanked Ms. Isgro for creating a great opportunity.

Motion Mr. Quist for Town Counsel to conduct a training session for all boards on proper minute taking, recording and proper handling of documents, seconded by Mr. Pruneau. Ms. McKnight noted that Kopelman and Paige offer these seminars to their clients at no cost to the town.

Mr. Chevalier noted that the original minutes stay with the ZBA and the Town Clerk gets copies. All executive session minutes stay with the ZBA until they are approved. Mr. Chevalier would like a copy and the December 14, 2006 original minutes will stay with the Board of Selectmen. Vote on the motion – all in favor.

Motion Mr. Phillips to turn over the meeting minutes of September 21, October 5 and December 14, 2006 to the Police Department for investigation as somebody attached a different signature page or signed Ms. Isgro's name and it should be turned over to the Police Department. There is no second on the motion.

Mr. McCormick noted that Ms. Isgro never said it was fraud. She claims it is not the right page and how will the police investigate that? Mr. Phillips feels it is a Police Department call. Mr. Chevalier expressed his concern over Ms. Isgro's accusations that 'we are hiding stuff.' He added that only one member has an issue, not the other members. Once three people have signed them, those minutes are approved and we do not need all the members to sign. Ms. Isgro believes that she should be able to take a look at them and not accepting them on face value. Mr. Chevalier noted that now, all pages of the meeting minutes have page numbers as well.

Mr. McCormick noted that going forward, meeting minutes will be approval this new way. The old minutes will stay the same unless the other members agree with this. The old minutes are approved by the appropriate number of people and they seem happy with them. He has not heard anyone else say

there is a problem with them. He sees no more issues with these and we need to move forward and be positive. He asked the ZBA members to go back and continue doing the fine job they do for the town.

Mr. Phillips withdrew his request and stated that if he thought somebody was attaching his name on a sheet he would want it investigated. Mr. Gaumond asked Ms. McKnight if she thought the process outlined by Mr. Chevalier was adequate. Ms. McKnight agrees, if draft minutes are sent out to ZBA members prior to the meeting there should not be substantive communication between them. Obvious substantive changes to draft meeting minutes need to be deliberated at the meeting. Mr. Chevalier noted that the secretary sends them to all the members and they are asked to 'reply to all' so everyone sees what they are asking to be changed. There will be no perceived voting being done through email. Mr. Rucho asked if those draft minutes could be sent to the Town Clerk as well. Ms. McKnight stated that draft minutes should not be sent to the Town Clerk. However, if a person makes a public records request for draft minutes they would have to be produced by the ZBA. She feels that may have led to some of the current issues. Mr. Chevalier explained that if it going to be drawn out, the ZBA will vote on the minutes even if it is all they do at their meeting.

Mr. McCormick views the matter as settled and Mr. Gaumond will monitor this. Mr. Chevalier noted that one of the comments made was that decisions and agreements of the ZBA are not on file with the Town Clerk. He stated that decisions and agreements are all on file with the Town Clerk. The Town Clerk has every decision written by the ZBA. Mr. Rucho feels this issue is not just the ZBA and that the issue of proper procedures for minutes preparation and dissemination impacts a lot of boards and that is why this training would be beneficial for all.

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

Motion Mr. Phillips to approve the meeting minutes for the August 5, 2009, seconded by Mr. Pruneau, all in favor.

Motion Mr. Phillips to approve the executive session meeting minutes for the August 5, 2009, seconded by Mr. Pruneau, all in favor.

Motion Mr. Phillips to approve the meeting minutes for the August 10, 2009 regular session, seconded by Mr. Pruneau, all in favor.

#### **Peter Bourne, Athletic Association**

Peter Bourne, President of the Athletic Association joined the Board. He explained that around town there are nine or ten signs that celebrate previous school super bowl, baseball and golf championships. He presented the Board with four new larger signs updated to include all the school championships. It also has space for additional championships. They plan to take the old signs down and replace them with the new ones. Mr. Bourne spoke with John Westerling who indicated that he could use the poles the old signs were on.

Mr. Bourne thanked Howard Dono for his generous donation of funding for the signs which were made by Connor Sign and Graphics. Mr. Dono's daughter said that forever when she drives into town she will be reminded of her championship year.

Motion Mr. Phillips to accept the signs and work with the DPW to replace the old signs, seconded by Mr. Pruneau, all in favor.

Mr. Bourne explained that the Athletic Association meets the second Thursday of the month at the Middle/High School Library. They have two events each year, a golf tournament in July and Valentines Dance in February. They help out the schools, purchase equipment and pay athletic fees for those who cannot pay. They have been around for 20 years and try to do anything they can to help the schools and the town.

**Public Hearing, Re: Consider Adopting A Reserve Policy**

Public notice is hereby given, in conformity with the requirements of the General Bylaws of the Town of West Boylston, ARTICLE XXIII - PUBLIC HEARING AND NOTICE, that the Board of Selectmen will meet on Wednesday, September 2, 2009 at 7:15 p.m. for the purpose of considering adopting a Reserve Policy. Once that public hearing has adjourned, they will open a public hearing at 7:15 p.m. to consider approval of updates to Sections J-M of the Board of Selectmen's Policy Book. 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 McCormick, Chairman, advertised on August 19, 26, 2009.

One of the Board's goals this year was to adopt strong fiscal policies. The purpose of the policy is to annually review all fund designations and reserves. Mr. Gaumond noted that it is a critically important policy and comments received have been position. It has been reviewed by the Finance Director and the department heads of the town. He asked the Board to adopt the policy which will be included in the financial section of their policy handbook.

Mr. Phillips pointed out an email, which is included in his agenda package, from Pat Crowley. Mr. Crowley asked with regards to the Stabilization Fund being 5% of the operating budget you do not spell out how they will be achieved. If the fund dips below 5% and the available Free Cash is not sufficient to replenish the fund, how will get to the 5% goal. Will the next fiscal year operating budget be adjusted to bring the fund to 5% or will we not meet our 5% goal until there is sufficient Free Cash to bring the fund back to the 5% level. Mr. Gaumond explained that in practice we would use Free Cash to bring that back up, and he does not anticipate laying off people to do that. Our policy would be get to the 5%. There is no one present who wishes to speak on this agenda item.

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

Motion Mr. Pruneau to accept the Reserve Policy, seconded by Mr. Rucho, all in favor.

**Public Hearing: Re: Consider Approving Updates To Sections J,K,L & M Of The Board Of Selectmen's Policy Book**

A year ago the Board of Selectmen set as one of their goals and objectives to try to find a way to codify the procedures in the Town of West Boylston. He thanked the members of the Policy Subcommittee for their hard work. Mr. Gaumond would like to continue this hearing until October 21 as he intends to bring forward Sections J and M at this time and hold off on J and L.

Section J deals with Sewer Policies and all the policies have already been approved by the Board. The Board's vote is to approve the policies in this codified form. There are no questions or public comment on this section.

Section L deals with Personnel Policies and as with the Sewer section, most have been previously approved. We are adding L-3, Violence in the Workplace. As part of our MIIA Rewards Program we attended a seminar on Violence in the Workplace and one of the suggestions was to adopt this policy. Mr. Gaumond would like the Board to approve Section L in its entirety minus the Violence in the Workplace Policy, which he will provide to the collective bargaining groups prior to the Board's acceptance.

Policy M-2 has been amended as once we closed Mixter we no longer had a town hall flag. We have changed the designation of that flag to 39 Worcester Street until further notice. Mr. McCormick asked for public comments and there are no public comments.

With regard to the Violence in the Workplace Policy, Mr. Phillips recommends adding the language "following a public hearing" following "termination for cause" at the end of the last sentence under the Purpose section.

Motion Mr. Phillips to continue the public hearing until October 21, 2009 at 7:05 p.m., seconded by Mr. Pruneau, all in favor.

Motion Mr. Rucho to accept Section J, Sewers, policies 1-6, seconded by Mr. Pruneau, all in favor.

Motion Mr. Rucho to accept Section L, policies 1, 2, 4 and 5, seconded by Mr. Pruneau, all in favor.

Motion Mr. Phillips to accept M-2 including the change to designate the American Flag located at 39 Worcester Street as the flag for town hall, seconded by Mr. Pruneau, all in favor.

If there are any other fiscal policies the Board would like to see by the end of the year, Mr. Gaumond offered to work with the Finance Director on those policies.

### **Fire Chief Richard Pauley, Request Approval to Fill Full-Time Firefighter/EMT Vacancy**

Mr. Phillips recused himself. Chief Pauley joined the Board to request permission to fill a full-time firefighter/EMT vacancy. Michael McGovern will be finishing up his time in West Boylston and has taken a position with the Acton Fire Department. By filling this vacancy it will keep us at seven full-time personnel.

Mr. Pruneau asked the Chief how he coming filling the other two vacancies. Chief Pauley reported that he is in the process of doing that now. One individual has been made a conditional job offer and he is now down to two individuals. He hopes to be ready within a week or two. Mr. Pruneau questioned whether it is difficult for the applicants to meet the Chief's requirements. Chief Pauley feels there are four points. The first being salary, which is not as competitive as other communities and the work schedule. He added that once we are up and running he intends to look at the work schedule. The three individuals who left have gone to larger departments for more money and 24-hour departments. With that schedule, they work 8 shifts per month and 96 shifts per year, and it is a schedule that smaller departments cannot compete with. Our people work four twelve—hour days. The other issue is we require our men to be on call. The goal is get us back up and running and when the economic improves we can put some ideas on the table to make us more competitive. The Chief pointed out that this situation is not exclusive to the Town of West Boylston. He has seen this before and it comes in cycles.

Mr. Rucho noted that this is not unusual to the Fire Department, Police Department or the School Department. Chief Pauley feels he has some really good people who will stay with us, live in the community and grew up in the community. Mr. Quist stated that in industry we find that in a business if we have a sense of purpose and community the chance of somebody leaving for more money are reduced. Chief Pauley has established a Mission Statement, tries to get families involved, and has had some success. He has interviewed six applicants, two of the six were given two interviews. Mr. Rucho noted that the town is still under a hiring freeze, but it can be waived. Mr. Gaumond explained that we instituted a hiring freeze and he has not lifted it. We continue to hold back on our Educational Incentive Program and although he has not instituted a strict spending freeze, maybe around Christmas time that will change. Mr. Gaumond has concerns over our 2011 state aid.

Chief Pauley feels that due to creative scheduling and hard work from the staff, the department is running 4% under on payroll. They have tightened their belts and people have pitched in so that \$20,000 to \$25,000 has been saved.

Motion Mr. Pruneau to allow the Fire Chief to fill the full-time firefighter/EMT vacancy, seconded by Mr. Quist. Vote on the motion – Messrs. McCormick, Pruneau and Quist yes; Mr. Rucho no.

**NEW BUSINESS**

1. Vote to accept a \$1,500 donation from Wal-mart on behalf of the Fire Department and authorize the Fire Chief to use the funds towards the 5% match required on our FEMA, Department of Homeland Security Fire Act grant

Chief Pauley explained that about a year and a half ago he received a \$62,000 grant for protective clothing, which cost \$2,000 per set. He was able to purchase 30 sets of gear and the town is responsible for 5% or \$3,000. Walmart donated \$1,500 to the Fire Department, which Chief Pauley would like to use towards that and he would take the balance out of other grant funds.

Motion Mr. Rucho to accept the donation of \$1,500 from Walmart to be used towards the town's 5% match on the grant, seconded by Mr. Pruneau, all in favor.

**Joseph Evangelista & Gary DeWolfe, Sewer Connection Request**

Mr. Evangelista joined the Board. He is building a house on 145 Worcester Street and there was no sewer lateral left to connect into. The only lateral is currently being used by 151 Worcester Street. Mr. Evangelista has also paid a betterment on the new house. He would like permission to share the six-inch lateral that services 151 Worcester Street. The alternative would be to go into Route 140 and connect into the line in the street.

Mr. Westerling explained that in accordance with Section 4.4 of the sewer regulations, the Sewer Commission may grant approval to make this connection. He also noted that if approved, this will eliminate a second cut into Route 140 as the water also needs to be connected. He intends to set certain criteria on how the area is to be left. Mr. Pruneau asked if there was any explanation as to why we do not have another lateral. Mr. Westerling explained that the property had an old garage on it and he thinks they left one lateral to serve house number 151 Worcester Street, which is the property located behind this lot. That property is served by a grinder pump and feeds into a six-inch lateral. The lateral was installed on the lot which the new house was built upon. The new house will be a gravity feed and can be connected right at the property line. Mr. Evangelista explained that they will grant an easement to 151 Worcester Street and part of their agreement with the seller is we would grant them a right-of-way access to the driveway. Mr. McCormick would like to see the easement in place first as the new home owner could say we do not want them to use our line. Mr. Evangelista indicated that he intend is to create the easement for them.

Mr. Rucho asked if 145 Worcester Street is in good standing with all town departments. Mr. Gaumond noted that he had a conversation with the building inspector and is all set and if there are any back taxes they need to be settled up.

Mr. Quist asked about the state access to the back property via the driveway. Mr. Evangelista is unaware of that. The driveway for 151 Worcester Street is on the 145 Worcester Street lot and Mr. Evangelista intends to allow 151 Worcester Street to continue that use.

Motion Mr. Phillips to approve the request to tie the 145 Worcester Street property into the existing lateral servicing 151 Worcester Street, seconded by Mr. Pruneau, all in favor.

**Charles Derrah, Regarding Driveway at 192 Goodale Street**

Mr. Derrah joined the Board to discuss the location of the granite curb stones on Old Century Farm Road. He explained that from the beginning when the curb stone was installed he believed they were in the wrong location. Mr. Perkins and he had several conversations and Mr. Perkins indicated that they were okay. Mr. Derrah went to the Planning Board and when he discussed the issue with them they seemed to agree with him and they were going to address it. After that the Water Department came in and made a test of the services. Mr. Perkins came to Mr. Derrah's house and they



discussed changing curb stones and the water tie in. Mr. Perkins never returned and finished the job. Half the entrance to the driveway is in the road.

Mr. Derrah does not understand the comments made at May 14, 2008 Planning Board meeting when the road acceptance issues were discussed. Ms. Paré stated that the boxes (houses) and driveways on these plans have little to do with the reality of what is finally built because landowners frequently wish to place their houses and driveways in different locations on their lot. When Mr. Derrah stated that he wanted to curb removed Ms. Pare stated that the usage was designed as a single lot and the driveway issue was addressed when the lot was sold. Mr. Baker asked whether the design was approved and noted that the driveway is ten feet off the property line and an unapproved deviation of the approved plan.

Mr. Derrah pointed out the fact that he had nothing to do with the placement of the stones and Mr. Perkins refused to do anything. He thinks the engineer agreed with him that the stones were in the wrong location. Before they came back the town approved the acceptance of the road and the driveway is ten feet into the other's neighbor's lawn. Mr. Derrah thought the Planning Board understood it had to be resolved and now it is the town's responsibility.

Mr. Phillips asked Mr. Gaumond if the town bears the responsibility if Mr. Derrah was dealing with this with the developer. Mr. Gaumond does not know and he would like to work with Mr. Westerling and Town Counsel on reviewing our options and the town's responsibility. He feels the request is for the town to do work on private property. Mr. McCormick asked Mr. Derrah if he would like the town to move the granite from one side to the other. Mr. Derrah thinks they intended to put the two lots together into one lot. Mr. Phillips asked Mr. Westerling if this is something his men can move. Mr. Westerling indicated that they could.

When the curbing went in during 2005, Mr. Derrah went to the Building Inspector and the Building Inspector indicated that he would take it to the Planning Board. Mr. Derrah never heard from the Building Inspector again. May 14, 2008 Mr. Derrah went to the Planning Board. Mr. McCormick would like to continue this agenda request to allow the town the ability to research the situation. Mr. Pruneau asked Mr. Westerling if he was aware of the issue when he checked the meets and bounds.

Mr. Westerling explained that when he inspects a road prior to its acceptance, he is responsible for the infrastructure while the Planning Board's engineer checks meets and bounds.

## **NEW BUSINESS**

1. Consider designating a Selectmen representative to participate in the interviews for engineering services for the town

Messrs. Pruneau and Quist offered to participate.

Motion Mr. Phillips to designate Messrs. Pruneau and Quist to participate in the interviews for engineering services for the town, seconded by Mr. Rucho, all in favor.

2. Consider adding language to all Common Victualler Licenses issued by the Board of Selectmen to prohibit BYOB into establishes which do not have an approved Alcoholic Beverage Licenses

Mr. McCormick recused himself. Mr. Pruneau requested this agenda item as he has a concern as the Board acts as the local licensing authority for all alcoholic beverage licenses. We could have an establishment that paid for a license and right next door there could be an establishment that offers BYOB. He does not feel it is right to force one business to pay for a license and the other does not. Mr. Phillips' issue is individuals are going into the establishment and you need to ensure that they come out in a condition safe enough to drive. With a BYOB, he questions who is responsible to ensure that occurs. Mr. Rucho would rather poll other towns to see what they do. The language in the Board's

agenda package is what the City of Cambridge adopted. Mr. Quist would also like to hold off to see what other communities have done. Mr. Pruneau agrees with that suggestion. Mr. McCormick does not see it as a problem and years ago when his restaurant was Beaman Tavern he was BYOB for a while when he was waiting for his license to be approved. Mr. Pruneau views this as opening the door for any other establishment and would like it addressed.

Motion Mr. Quist to table this issue until further information is gathered and schedule it for the next meeting. Mr. Rucho sees no need for a motion. No second on the motion. Mr. McCormick returned to the meeting.

4. Review bids received for surplus items and vote to accept or reject bids

The high bidder on the Bicentennial Trolley was Eric Pearson of Pinecroft Dairy at \$3,200.00

Motion Mr. Rucho to accept the bid of \$3,200.00 for the Bicentennial Trolley, seconded by Mr. Phillips, all in favor.

5. Concurrence on the appointment of Anthony Gribbons as a special police officer during the period of July 1, 2009 through June 30, 2010

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

6. Consider request from Karen Rondinone, 5 Alhambra Road for the installation of a street light on Alhambra Road

The Board has received a letter from Karen Rondinone requesting a street light on Alhambra Road. Mr. Gaumond noted that in the past the Board of Selectmen considered removing street lights and not adding any new lights. Brad White, Manager of the Municipal Lighting Plant was asked whether or not streets lights on private roads were included in the town's street light costs. He indicated that they are. Mr. Phillips would like to know how many private roads we have in town and why the town pays for those street lights. He also questioned why the town plows private roads. Mr. Gaumond believes we may have 20 private streets. Mr. Pruneau noted that not all the private streets and town have street lights. Although Mr. Phillips feels badly, he believes the Board should deny the request.

Motion Mr. Phillips to deny the request for the street light, seconded by Mr. Pruneau, all in favor. The Board asked for a report on how many private streets we have in town, how many street lights they have and the cost for those lights.

7. Vote to sign Professional Services Agreement by and between the Towns of West Boylston and Sterling and Mark Brodeur

This is a one-year extension with no salary increase and the next item is the approval of the Intermunicipal Agreement with the Town of Sterling for Building Inspector/Zoning Enforcement Officer services. Mr. Rucho inquired as to whether or not Sterling has approved this. According to Mr. Gaumond, Sterling voted this last week. Vote on the motion – all in favor.

8. Vote to sign Intermunicipal Agreement with the Town of Sterling for Building Inspector/Zoning Enforcement Officer services

Motion Mr. Pruneau to sign the Intermunicipal Agreement with the Town of Sterling for Building Inspector/Zoning Enforcement Officer services, seconded by Mr. Phillips, all in favor.

9. Consider amending the Personnel Bylaws by adding a new section entitled Exit Interviews

As the October town meeting is intended for all bylaw changes, Mr. Gaumond intends to bring forward an amendment to the Personnel Bylaw which would allow for Exit Interview for employees terminating their service with the town. A sample Exit Interview form is also included. He forwarded the package to the Personnel Board and they were pleased with the results. Mr. Gaumond expects that they would meet prior to town meeting to act on it.

Motion Mr. Pruneau to accept the proposed Personnel Bylaw, seconded by Mr. Rucho, all in favor.

10. Acknowledge receipt of 2009 Town Goals & Objectives ¾ Year Update

Mr. Gaumond provided the Board with the package and welcomes Board input to modify or amend the document. The next time this will be presented to the Board will be at the Town Administrator's annual review.

Motion Mr. Rucho to acknowledge receipt of 2009 Town Goals & Objectives ¾ Year Update, seconded by Mr. Pruneau, all in favor.

### **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. October 28, 2009, 7:00 p.m. – Ice-Storm Wrap-Up & Pre-Disaster Mitigation Meeting

2. The WRTA, Route 30 has 7 additional outboard and 8 additional inboard runs from Worcester's City Hall to the West Boylston Wal-Mart and 7 roundtrip runs have been cut back to turn around at the Summit in Worcester and instead of Wal-Mart. Service has been adjusted to end at 8:35 pm. instead of 9:15 p.m.

It was recommended that if you use the route you should contact the WRTA and inquire as to the schedule.

3. The MMA will hold 9 Legislative Breakfast Meetings across the state in October

October 16 – Pembroke Public Library, Adams Town Hall & Acushnet Council on Aging

October 23 - North Andover Stevens Estate, Rutland Public Library & Bellingham Public Library

October 30 - Maynard Public Library, Springfield Carriage House at the Barney Estate & Deerfield Town Hall

Mr. Gaumond intends to attend the Rutland session and encourage Board members to join him.

4. Stump Removal Project

The Board previously voted to request quotes from stump removal companies and Mr. Westerling has figures from two companies. Mr. Gaumond intends to send out an advisory in the next few days outlining the process on the stump removal. Residents in need of this service will have until September 22 to notify the Office of the Town Administrator so that the work can be coordinated and completed. He reminded the Board that this work is not eligible for FEMA reimbursement and will come from the funds appropriated by town meeting.

### **FUTURE AGENDA ITEMS**

Mr. Rucho expressed his concern over the Municipal Buildings Committee being dissolved and the fact that it lost touch with our other municipal buildings needs in touch such as the leaking roof at the Public Safety Headquarters. He would like this on a future agenda for discussion.

Mr. Quist would like to review change in law which allows the town to adopt a meals excise tax of .75%. Mr. Gaumond noted that this was brought before the Board at its previous meeting and it was voted not to bring it forward until other towns considered it. Since then, the City of Worcester has

adopted the option and others may have the question on upcoming fall town meetings. It was agreed to include this discussion on the next agenda.

Mr. Quist would like to explore any training programs Town Counsel could offer to the town. Mr. Gaumond advised that in the past Town Counsel provided programs on the Open Meeting Law and Land Use.

Mr. Quist would like to search out available grants which would allow the town to use the capped landfill for solar projects. Mr. Gaumond explained that he has been forwarding information from the Federal Stimulus Package to the Sustainability Committee and the Municipal Lighting Plant as the Municipal Light Plant would be the applicant for the project. He offered to outreach to them.

Mr. Quist would like to develop a revenue stream for maintenance of our municipal buildings. Mr. Phillips questioned why the Board would revisit the meals tax option as he feels this was already addressed by the Board a very short time ago. Mr. McCormick reported getting feedback from a lot of people asking why aren't we doing this. If the Board holds their discussion now they would be able to get it included on the warrant for town meeting. Both Auburn and Worcester have accepted it thus far. It was agreed to survey other towns prior to the next Board meeting.

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

Respectfully submitted,

Approved: October 7, 2009

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Nancy E. Lucier

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Kevin M. McCormick, Chairman

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Valmore 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