

**MEETING                      BOARD OF SELECTMEN/SEWER COMMISSION                      APRIL 7, 2010**

Members present:       Kevin McCormick                      Christopher Rucho  
                                 Allen R. Phillips                      Steven Quist  
                                 John O'Brien

Mr. McCormick convened the meeting at 7:00 p.m. and congratulated John O'Brien on his victory to win a seat on the Board of Selectmen. He recognized Boy Scouts Joshua Herrera and Jacob Andros who are in the audience this evening as part of the Citizenship in the Community badge.

**Read and Acceptance of Minutes from Previous Meeting**

Motion Mr. Rucho to approve the meeting minutes for the March 17, 2010 regular session, seconded by Mr. Quist. Vote on the motion – Messrs. McCormick, Rucho and Quist yes; Mr. Phillips abstains.

Motion Mr. Rucho to approve the executive session meeting minutes for the March 17, 2010 executive session, seconded by Mr. Quist. Vote on the motion – Messrs. McCormick, Rucho and Quist yes; Mr. Phillips abstains.

Motion Mr. Phillips to approve the regular session meeting minutes for the March 24, 2010 regular session, seconded by Mr. Quist, all in favor.

**Reorganization Of The Board Of Selectmen**

Motion Mr. Quist to nominate Mr. McCormick as Chairman, seconded by Mr. Rucho, all in favor.

Motion Mr. Quist to nominate Mr. Phillips as Vice Chairman, seconded by Mr. O'Brien, all in favor.

Motion Mr. Quist to nominate himself as Clerk, seconded by Mr. Phillips, all in favor.

**Reorganization Of The Board Of Sewer Commissioners**

Motion Mr. Phillips to have the same slate of officers for the Sewer Commission as previously voted for the Board of Selectmen, seconded by Mr. Rucho, all in favor.

**NEW BUSINESS**

**1. Other Board assignments**

a. Earth Removal Board. Motion Mr. Phillips to have Mr. Quist serve on the Earth Removal Board, seconded by Mr. Rucho, all in favor.

b. TWPC. Motion Mr. O'Brien to have Mr. Phillips continue to serve on the TWPC, seconded by Mr. Rucho, all in favor.

c. Upper Blackstone Water Pollution Abatement District (alternate). Motion Mr. Rucho to have Mr. Phillips continue to serve in this role, seconded by Mr. Quist, all in favor.

d. MBTA. Motion Mr. Phillips to have Mr. McCormick continue to serve on the MBTA, seconded by Mr. Quist, all in favor.

e. Policy Subcommittee. As the Policy Book Project is almost completed, Mr. Gaumond whether this committee should continue or be abolished.

Motion Mr. Quist to abolish the Policy Subcommittee, seconded by Mr. Phillips, all in favor.

f. Parks Facilities Committee. Motion Mr. Phillips for Mr. O'Brien to serve with Mr. Rucho on this committee, seconded by Mr. Quist, all in favor.

g. Affordable Housing Trust Board of Trustees. Motion Mr. Rucho for Mr. Quist to remain on this committee, seconded by Mr. Phillips, all in favor.

h. CMRPC alternate. Motion Mr. Rucho for Mr. Quist to remain in this role, seconded by Mr. Phillips, all in favor.

i. Shared Services Committee. Mr. Phillips, who is currently the designee for this committee noted that the committee has not been meeting a lot lately and questioned whether they would be. Mr. Gaumond explained that the next meeting will be to report back on the Executive Summary of the Regional Dispatch Project.

Motion Mr. Rucho for Mr. Phillips to remain on this committee, seconded by Mr. O'Brien, all in favor.

j. Community Preservation Committee. Motion Mr. Phillips for Mr. Rucho to remain on the committee, seconded by Mr. O'Brien, all in favor.

k. DPW Union Negotiating Team. Mr. Gaumond recommends abolishing this assignment as negotiations have concluded.

Motion Mr. Phillips to concur with Mr. Gaumond recommendation, seconded by Mr. Quist, all in favor.

l. School Negotiating Team. Mr. Gaumond recommends abolishing this assignment as negotiations have concluded.

Motion Mr. Phillips to concur with Mr. Gaumond recommendation, seconded by Mr. Quist, all in favor.

m. Police Negotiating Team. As the contract has not been settled, this assignment will remain. Motion Mr. O'Brien to have Mr. Rucho and Mr. Phillips serve on this Team, seconded by Mr. Quist, all in favor.

n. Municipal Coalition for Affordable Housing. Motion Mr. Phillips for Mr. Quist to continue with this assignment, seconded by Mr. Rucho, all in favor.

o. Municipal Buildings Advisory Committee. Motion Mr. Phillips for Mr. Quist and Mr. Rucho to continue on this committee, seconded by Mr. O'Brien, all in favor.

p. Bylaws Committee. As the Chairman at the time serves on this committee, motion Mr. Phillips to have Mr. McCormick serve on this committee, seconded by Mr. Rucho, all in favor.

q. Street Light Sub-Cmte. Mr. Phillips noted that he and Mr. Pruneau worked on the committee, received a report from Brad White, Manager of the Light Plant, and he would like to continue to work on this initiative.

Motion Mr. Rucho to have Mr. Phillips to continue to serve and have Mr. O'Brien work with hi, seconded by Mr. Quist, all in favor.

r. Economic Development Committee. Motion Mr. Phillips to have Mr. Rucho remain on this committee, seconded by Mr. Quist, all in favor.

s. DPW Liaisons. Mr. Gaumond asked the Board if they wished to continue with these monthly meetings. Mr. Rucho indicated an interest in taking Mr. Pruneau's spot and Mr. Phillips would like to continue.

Motion Mr. O'Brien to have Mr. Phillips and Mr. Rucho serve on this assignment, seconded by Mr. Quist, all in favor. Mr. Rucho would prefer the meetings be scheduled later in the day.

## 2. April reappointments of the Board of Selectmen

Motion Mr. Phillips to reappoint David Mercurio and Gregory Zakarian to the Bylaw committee, seconded by Mr. Rucho. Mr. Gaumond announced that there is one vacancy on this

committee, whose charge is reviewing proposed bylaws to determine whether they are consistent with other bylaws of the town and make recommendations on those changes at town meeting.

3. Concurrence on the April re-appointments of the Town Administrator

<b>BOARD OF ASSESSORS:</b>	Richard K. Duguay (3 yr.)
<b>BOARD OF HEALTH:</b>	N. Alan Harris and Celia Hartigan (3 yr.)
<b>VETERANS AGENT:</b>	Neil Norum (1 yr.)
<b>CONSERVATION CMSN.:</b>	David Eckhardt (3 yr.)
<b>COUNCIL ON AGING:</b>	Carol Ann McGuiggan and Edward Philbin (3 yr.)
<b>CULTURAL COUNCIL:</b>	Winifred Hesemeyer, M.Patricia Barrie, Judith Fortin, Pauline McCormick, Andrew Feland, Heather Feland and Ellen K. Philbin (1 yr.)
<b>ASSIST ANIMAL INSP.</b>	Steven Jones and Robert Barrell (1 yr.)
<b>INSPECTOR OF ANIMALS:</b>	Charles Witkus (1 yr.)
<b>FENCE VIEWER:</b>	Michael Mard (1 yr.)
<b>EARTH REMOVAL BD.:</b>	David Eckhardt, Con Com; Robert J. Barrell, Jr., BOH; Steven Quist, BOS; Vincent Vignaly, Pl. Bd. and Robert Ash, Water District (1 yr.)

Motion Mr. Phillips to concur on the above appointments, seconded by Mr. Rucho, all in favor.

<b>HISTORICAL CMSN.:</b>	Nancy Barakian, Dennis Parker and Beverly K. Goodale (3 yr.)
<b>PARKS COMMISSIONER :</b>	Robert Monk (3 yr.)
<b>INSURANCE ADV. CMTE.:</b>	Michael J. Kittredge, III- Sts. & Pks.; Sandra Ivins- School Teachers, Marcia Cairns- Gen. Gvt.; Paula Menendez- alt School Teachers; David Richardson-Police; Cande Kristoff-School Administrative; Barbara Deschenes- Retirees; John McCormick alt. Retirees; and Patricia Fanning- MLP – (1 yr.)
<b>CONSTABLE:</b>	Peter Rotando, Robert Rosenlund, Dennis Minnich, Thomas M. Balvin, Matthew Saunders, Francis Glynn and Anthony Papandrea (1 yr.)
<b>MATRON:</b>	Mary E. Almstrom and Abbi E. Parkinson (1 yr.)

Motion Mr. Phillips to concur on the above appointments, seconded by Mr. Rucho, all in favor.

<b>PEG PROGRAM CO-ORD:</b>	Charles Greenough (1 yr.)
<b>TOWN COUNSEL:</b>	Leonard Kopelman (1 yr.)
<b>TOWN COMMON &amp; BANDSTAND</b>	
<b>USE ADVISORY CMTE.:</b>	M. Patricia Barrie and John F. McCormick (1 yr.)
<b>ASST. BUILDING INSPECTOR:</b>	Richard Breagy (1 yr.)
<b>WIRING INSPECTOR:</b>	Michael J. Capone (1 yr.)
<b>ASSISTANT WIRING INSP.:</b>	Dennis E. Smith (1 yr.)
<b>PLUMBING/GAS INSP:</b>	Todd Raymond (1 yr.)
<b>ASSIST. PLUMBING INSP.:</b>	George W. Mioglionico (1 yr.)
<b>PARKS FACILITIES CMTE.:</b>	James O'Day, John Owanisian, Patrick Crowley, Christopher Rucho (BOS Rep), John O'Brien (BOS Rep.), Tim Duplin, and Patrick Inderwish (2 yr.)
<b>TOWN SCHOLARSHIP CMTE.</b>	Joyce Kujala, Kim Hopewell, Bernard Dow, John Swalec, and Ann Marie Richardson (3 yr.)
<b>SOLID WASTE ADV. TEAM</b>	Elise Wellington, Julianne deRivera, Janet Vignaly, Judith

Doherty and Craig Gonyea (3 yr.)  
**SHARED SERVICES COMMITTEE** James A. Ryan, Cheryl Carlson, Allen Phillips BOS,  
Michael Fishbein (2 yr.)  
**NAMING COMMITTEE** Roger Hall, Charles Hudson, M. Patricia Barrie and Robert  
O'Connell (5 yr.)  
**AGRICULTURAL CMSN.** Frank Perla (3 yr.)

Motion Mr. Phillips to concur with the above appointments, seconded by Mr. Rucho, all in favor. Mr. Phillips recused himself.

**ASST. HAZARDOUS WASTE****CO-ORDINATOR:**

Allen R. Phillips (1 yr.)

**GOVERNMENT REP. TO****C.M.E.M.S.C.:**

Christian Koppetsch (1 yr.)

**AMBULANCE REP TO****CMEMSC:**

Charles Borowy (1 yr.)

**ASSIST EMERGENCY MGMT.****DIRECTOR.:**

Allen R. Phillips ( 1 yr.)

**CERT COORDINATOR:**

Matthew Schircliff (1 yr.)

Motion Mr. Rucho to concur with the above appointments, seconded by Mr. O'Brien; vote on the motion - Messrs. McCormick, Quist, Rucho and O'Brien yes. Mr. Phillips recused himself.

**Public Hearing To Consider Sewer Fees And Final Betterments**

Mr. McCormick opened the public hearing and read the following notice. 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, April 7, 2010 at 7:15 p.m. for the purpose of considering amending sewer rates and determining the final sewer betterment. The meeting will be held in Conference Room #1 of Town Hall, 127 Hartwell Street, West Boylston. For additional information, or to review the proposed changes, please contact the Office of the Town Administrator/Board of Selectmen at 508.835.3490. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman, advertised on March 24, 31, 2010.

Motion Mr. Phillips to continue the public hearing until April 21<sup>st</sup> at 7:15 p.m. in order to review all the information, seconded by Mr. Quist, all in favor.

**Girl Scout Troop 983**

Erica Ivins, Rose Pellegrini, Emileigh Puccetti, Hailie Garcia, Abey Brunzell, Diane Peterson, Erin Downer and Emily Conway, members of Girl Scout Troop 983, joined the Board to report on their Sidewalk Walkability Survey. They are working on their citizenship badge and believe they need to take an active role in trying to make their community a better place. Being involved in playing sports, meeting friends at the playground, visiting the library or attending church services they found that what unites all of these places is our sidewalks. They often use the sidewalks and during the month of March they conducted a Walkability Survey. What they found was the sidewalks were in questionable condition. As West Boylston is a Heart Smart Community and sidewalks encourage more physical activity, walking is better for the environment as it cuts down pollution and saves fossil fuel. Good sidewalks would encourage people to simply slow down, move at a more leisurely pace and linger long enough to enjoy the lovely gardens on the Town Common. As a solution they think fund raising efforts could be spurred if a grant could be obtained that provided a foundation of funding. It

will take time and effort, however, quality walkways will reconnect the town and its citizens and together we can do amazing things.

Mr. McCormick informed the scouts that in 2008 the town compiled a Master Plan for our sidewalks. A committee of five members was formed and they walked every sidewalk in town and took photographs. Everyone agreed that our sidewalks are in poor shape. He provided the scouts with a copy of the Sidewalk Master Plan. Mr. McCormick suggested getting the committee going again and through Mr. Westerling who is the DPW Director, we will get started on some improvements. He offered to invite the girl scouts back in for input. Mr. Phillips suggested using the Walkability Survey as one of the documents for the sidewalk committee.

### **John K. Westerling, Director Of Public Works**

#### **1. Request for Departmental Transfer in the amount of \$5,000 from Salaries and Wages to Purchased Services**

Mr. Westerling is requesting the transfer to cover fleet maintenance costs due to the road conditions we had this winter. He has ample funds in his Salaries and Wage line item to cover this.

Motion Mr. Phillips to approve the transfer, seconded by Mr. Quist, all in favor.

#### **2. Consider extending closure of River Road**

Last fall we closed River Road through April 1, 2010 due to the condition of the roadway and the town's inability to perform the repair work, which is estimated at \$1.5 million. As the road is still in need of major repairs, Mr. Westerling would like permission to extend the closure for another six months.

Mr. Phillips questioned whether Mr. Westerling had spoken with the Fire and Police Chiefs. Mr. Westerling indicated that last year neither had any concerns with access to woodlands or inter-community access. Mr. McCormick suggested that at some point we might want to look at gating the road similar to what we did on Pleasant Street. Mr. Westerling noted that a public hearing would be required to forward with that.

Motion Mr. Phillips to extend the closure of River Road until October 1, 2010, seconded by Mr. Rucho. Both Mr. Phillips and Mr. Rucho recommend initiating the process to permanently close the road. Mr. Westerling noted that if a gate were installed it would need to be opened one day a year. Vote on the motion – all in favor.

#### **3. Inflow/Infiltration Sewer Problem**

Mr. Westerling provided the Board his recommendations on dealing with our current inflow/infiltration sewer problem. He was approached by Weston & Sampson Services regarding the flows from the Woodland Street Pump Station. During the month of March they have increased from an average of 14 million gallons per month to 21 million gallons with the heavy rains we had. On two separate occasions prior to the storm Mr. Westerling went out with Mr. Pruneau and opened man holes. They found low flow on both occasions and after the rain on March 12<sup>th</sup> there was very heavy flow. They suspect the majority of the flow is from illegal connections into the system. Mr. Westerling noted that the Sewer Commission's connection regulations are very clear on connections. The regulations give the DPW the ability to inspect connects to insure no one has an illegal connection.

Mr. Phillips would like to initiate the process of surveying homes to ensure there are no illegal connections and to take appropriate steps to get the flow down as our costs are based on flows. Mr. McCormick questioned whether we should hire someone for the inspections. Mr. Westerling indicated

that he does not have the staff to perform this function, however, Weston and Sampson has trained people we could hire or we could get students in from WPI. Another option is to hire a firm all set up. Mr. O'Brien questioned whether there is any other way to measure this other than to go in and inspect the house. Mr. Westerling could perform a smoke test between mid-night and 6:00 a.m. to look at late night flows and then we could narrow down neighborhoods that may have connections that should not be there. We could also look at Board of Health records on areas of high ground water and look at night time flows. Mr. McCormick noted that we have a lot of water coming in from Holden and questioned whether it is metered. Mr. Westerling advised that we do not. They pay a proportionate share based on the number of connections. Mr. McCormick suggested metering that flow. Mr. Westerling did look at two man holes in the Pinecroft area and looked at night time flows. If they have high flows they would alert the Town of Holden to look into to, and we could also look into metering the flows from Holden. Mr. Phillips questioned whether that would be a less expensive first option rather than going door to door. Mr. Westerling feels the first step would be to look at the man holes for night time flows.

Mr. Rucho questioned what Mr. Westerling would do if we were going to door to door. Mr. Westerling would look at the pipes in the basement and there should not be any connections into those pipes. We would look for sump pumps with discharge lines connecting into the sewer line. Mr. Rucho questioned the penalty. Mr. Westerling noted that the Sewer Regulations have substantial penalties. Mr. O'Brien agrees that the issue needs to be fixed and people have to be educated. He has a concern with the house inspections and would rather use that as the second option we use. Mr. Westerling explained that once we find neighborhoods with night time flow the only step is going door to door. We can rule out the fact that our pipes are failing. He feels the most cost effective approach is house to house survey with somebody sworn in by the town and trained. Mr. Rucho feels a good start is with education and if anyone has an illegal connection they could contact Mr. Westerling to let him know that it will be disconnected. Mr. Westerling is amenable to a grace or amnesty period. Weston & Sampson has been hired by the City of Newton to inspect every house.

Motion Mr. Phillips to have Mr. Westerling come forward with a proposal, which includes an amnesty provision, seconded by Mr. Rucho, all in favor.

Mr. Gaumond advised that yesterday he met with Mr. Phillips and Mr. Westerling. They are looking at development a list of capital improvements to our infrastructure and Mr. Westerling has an engineering proposal for our Chapter 90 funds. He announced that the Town of West Boylston will be receiving \$228,787 in FY11 Chapter 90 funds. Mr. Westerling has been working with LEI Engineering on a prioritized list of projects which are Chapter 90 fund eligible. He will be back before the Board at the next meeting with that list, which includes two new sidewalks.

### **Public Hearing To Consider Fees For Brush Dump Permits**

Mr. McCormick opened the public hearing and read the following notice. Mr. McCormick opened the public hearing and read the following notice. 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, April 7, 2010 at 7:45 p.m. for the purpose of considering adopting fees for using the brush dump. The meeting will be held in Conference Room #1 of Town Hall, 127 Hartwell Street, West Boylston. For additional information, or to review the proposed changes, please contact the Office of the Town Administrator/Board of Selectmen at 508.835.3490. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman, advertised on March 24, 31, 2010.

The Board briefly discussed this at their meeting in February. Mr. Gaumond explained that Saturday overtime was eliminated in the last budget for brush collection, and the site has been open during the week. Some communities have adopted fees for the use of a brush dump. We had a brief survey on our website regarding the operation of the brush dump. The results of the questions included 21% answering keep it the way it is, open during the work week at no charge to residents; 14.5% replied open it on the weekends and establish a brush dump fee to cover the costs of operations; 39% replied to periodically open the dump on the weekends for a fee and other times open during the work week for no fee; 3% replied eliminate the brush dump entirely and 22.5% replied none of these choices seem right. Mr. Gaumond is willing to accommodate whatever the Board would like to do, and will amend the budget accordingly.

Mr. Rucho pointed out the fact that only 62 residents replied and questioned the dollar amount we are trying to raise to cover the operation. According to Mr. Westerling, in FY11, two men and six hours of overtime for every Saturday and two openings in November amounts to \$3,810. We currently give stickers out to town residents. Mr. Rucho suggested selling stickers rather than somebody collecting a certain amount per load at the site. Mr. Westerling is unsure of how many stickers are out there as once you get a sticker it is good for life. Mr. McCormick noted that we currently have a vacancy on the DPW and if we decide not to replace that slot with a full-time slot we would have half of that salary to cover things such as the brush dump. People have spoken to him about the brush dump and people are very upset about the possibility of being charged a fee and it not being open on the weekend. He would like to fund this as in the next year or two things should begin to improve.

Mr. Gaumond does not disagree. Although this was one of the most challenging years we have had, our pay-as-you-throw program, health insurance contribution rate changes and the new local option taxes have helped somewhat. Mr. Rucho recommends purchasing stickers for \$10 on an annual basis. He has heard a lot of people say they prefer it open on the weekends. He also noted that the town has fees on a number of things.

Ken Boucher of Linden Lane in the audience this evening, expressed his opinion that the residents should not have to pay anything to go to the brush dump, as everything we once had is gone. He has lived in West Boylston since 1963 and it is not fair. He suggested running it the way we did the landfill, Tuesday through Saturday.

Mr. O'Brien noted that only 200 stickers had been given out since 2005. Mr. McCormick is not sure the numbers are accurate as there are 2,400 households in West Boylston. Mr. Rucho again pointed out that only 62 residents responded to the survey. Mr. Westerling reported that the traffic at the brush dump in both the spring and fall seasons is constant. He recommends a combination of a few Saturdays and Mondays to get the figure down to \$1,900, which he thinks he could find within his budget. Mr. Phillips feels that weekends are a must and voiced his concern that with a fee people may create fire hazards in their back yards. Mr. Rucho stated that the same argument was used when we discussed purchasing trash bags and we would have trash everywhere. Mr. Phillip feels that just because we can, we do not have to put a fee on it.

Jim Marinelli of Meadowbrook stated that he feels the brush dump is a huge asset for small property owners who have no place to put brush, and people will not be as good about cleaning up if they have no place to put brush. His concern is sometimes he has to borrow a truck and he would have an issue with tying the vehicle to the sticker. He noted that the town is still dealing with the Asian Longhorned Beetle and the hanging limbs from the brush storm. To him it is a great asset and should be open for \$3,800.

Marc Frieden would like it opened on the weekend and asked if it has to be an overtime day or could it be used as a trade off for a Monday. Mr. McCormick noted that it is a union issue. Mr. Frieden

asked if it could be tied into the burning permits. Ken Boucher noted that you pay a fee for everything and it even cost \$10 for a burial permit.

Mr. Quist asked about composting at the recycling area. Mr. Westerling explained that his material gets composted and it is used by the DPW for spring time repairs. The DPW offers composting bins and we have information on composting for residents. Mr. Rucho feels that whatever we do, we have to look into the stickers we are giving out. Mr. Westerling explained that they do not ask people to put the stickers on their vehicles. One side of the yard waste site is for leave and grass drop off and the other is for chipping. They do not have the ability to look at the stickers, however, they use it when they feel a commercial load is coming in. The stickers have your license number on them. Mr. Frieden asked if it could be part of the new hazardous waste collection site. Mr. Gaumond noted that the facility if run for a fee. Mr. Frieden suggested a neighborhood truck for people.

No other comments.

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

Motion Mr. Phillips to do away with the current sticker system and if it is questionable ask to see a license for proof of residency, seconded by Mr. O'Brien, all in favor.

Motion Mr. Phillips to open the brush dump on Mondays during July, August and September and on Saturdays during May, June and twice in October and November, seconded by Mr. Rucho. Mr. Rucho would like to see a count on the July, August and September days. Mr. Gaumond suggested addressing that in the performance measurement reports. Vote on the motion – all in favor.

Motion Mr. Phillips not to charge a fee for using the brush dump, seconded by Mr. O'Brien, all in favor.

## **OLD BUSINESS**

### **1. Discussion on Public Ways Bylaw**

Mr. Gaumond explained that over the past couple of years we have been working on modifying the town's bylaws. When the Board previously discussed amendments to the Public Ways and Properties Bylaw, the requested comments from other departments in the town. The agenda package contains correspondence from the Planning Board and DPW Director John Westerling.

The first recommendation from the Planning Board is to add snow blowers in Section 1 as an allowed vehicle. Mr. Phillips believes this is a good idea.

Motion Mr. Phillips to add snow blowers to Section 1, seconded by Mr. O'Brien, all in favor.

Section 2 currently reads, 'no person shall place or suffer to remain, within the limits of any street, or upon any sidewalks so as in any matter to obstruct the travel thereon, any vehicle, wood, coal, manure, gravel, stone building material, barrels, boxes, merchandise, rubbish, snow ice or obstruction whatsoever.' The Planning Board questions whether the intent of the section is to require homeowners and business to clear the town sidewalks of snow and ice. Mr. Gaumond stated that the answer is no. When previously discussed the intention was no one can deposit snow onto the sidewalk or into the street. Mr. Rucho suggested including 'and/or allow'. Mr. Gaumond advised that we have had issues with people violating the bylaw by placing construction materials on the sidewalks. It was agreed to leave the language as is for Section 2.

Section 6 deals with repair of private roads. The Planning Board's comment is they understand this section provides a mechanism to repair private roads when a majority of the abutters petition the Selectmen for the repairs. However, they question whether roadways within condominium developments should be excluded as they have Homeowners Agreements that allow for the maintenance of the jointly owned roadways. They recommend Afra Terrace, Angell Brook Drive,



Jasmine Drive and Hillside Village Drive be deleted from Section 6f. Mr. McCormick previously made those comments and he pointed out that the residents pay a monthly fee to repair those roads. He does not believe the town should be involved as they already have an organization in place. Mr. Westerling agrees with the Planning Board. The Planning Board also recommends the addition of a 'Section 6g. Roadways under the control of a Condominium Homeowners Association or any private road controlled by a Homeowners Association Agreement shall not be covered by Section 6 of this bylaw.'

Motion Mr. Rucho to concur with the Planning Board's recommendation to delete Afra Terrace, Angell Brook Drive, Jasmine Drive and Hillside Village Drive from Section 6f and add Section 6g. Roadways under the control of a Condominium Homeowners Association or any private road controlled by a Homeowners Association Agreement shall not be covered by Section 6 of this bylaw, seconded by Mr. Phillips all in favor.

Section 8 – the Planning Board recommends adding language after 'The Director of Public Works shall review the completed permit request form and the proposed work for compliance with the Town's regulations entitled Driveway Location Rules and Regulations and all standards' to read, 'including Department of Environmental Protection Stormwater Regulations'. Mr. Westerling stated that he does not wish to get into enforcing DEP rules on a driveway permit. He noted that our regulations contain general language. Mr. McCormick recommends including 'West Boylston'.

Motion Mr. Phillips to amend Section 8 by including 'West Boylston's Driveway Location Rules and Regulations, seconded by Mr. Rucho, all in favor.

Section 10 – the Planning Board recommends amending this by inserting 'along public ways' in the first sentence so that it reads, 'The Board of Selectmen may make parking rules and regulations relative to the parking of vehicles along public ways and the establishment'. Mr. Westerling recommends leaving it open and not limiting this to along public ways.

Motion Mr. Phillips to leave the language as is in Section 10, seconded by Mr. O'Brien, all in favor.

The Board agreed to leave all the other section of the bylaw the same.

Motion Mr. Phillips to update the Public Ways and Properties Bylaw with the Planning Board's suggestions and include it on the warrant for the May town meeting, seconded by Mr. Quist, all in favor. Mr. Gaumond will send the updated bylaw to the Planning Board.

Mr. Phillips questioned whether the town had a regulation prohibiting leaf blowing of sand into the roads. He questioned whether it would be considered a public safety issue. Mr. Westerling indicated that we had nothing. Mr. McCormick feels that if we had that as a regulation the town would have to cease its street sweeping operation because he observed that scenario this morning with our street sweeper. Mr. Rucho believes the Police Chief would have the authority to do something if things are being put into the street as it would be a public safety issue. Mr. Westerling believes Section 2 will cover that.

### **Mindy Esteves, Citizen Soldier Tax Abatement**

Mr. Gaumond received correspondence from Ms. Esteves a few weeks ago regarding the Town of Spencer passing a Home Rule Petition allowing for citizen soldiers to receive property tax abatements. A request came from the Veterans' Agent asking whether or not this would apply to West Boylston. This would require a town meeting vote to request our legislators to vote this. Mr. McCormick stated that he would support this and it seems like a nice thing to do. Mr. Gaumond explained the process is set up and controlled by the Board of Assessors. The only action required by the Selectmen is to request the Town Administrator prepare an article with similar language to include

**MEETING      BOARD OF SELECTMEN/SEWER COMMISSION      APRIL 7, 2010**

on the warrant. He recommends retroactive to FY2011. Mr. O'Brien feels this is an excellent idea and questioned whether this would be somebody with a regular full-time job. Ms. Esteves advised that it is only open to Mass National Guard or Reservists in a foreign country. It would not apply to anyone serving within the country.

Motion Mr. Phillips to have Mr. Gaumond prepare a warrant article for the May town meeting to adopt a policy on the Citizen Soldier Tax Abatement, seconded by Mr. Rucho. Mr. Rucho suggested planning for town meeting questions. Ms. Esteves has been in contact with Rep. O'Day's office, and they are researching this to have answers to questions as other communities have adopted this. Mr. Phillips asked Ms. Esteves if she would speak to the article at town meeting and answer questions. Mr. Gaumond did note that because is not a ten-taxpayer petition, and the Board is requesting the article, that would not be required. Mr. Phillips thinks the explanation should come from Ms. Esteves. Ms. Esteves indicated that she is fine with addressing town meeting; however, there is no way to tell how it would impact people or the numbers as that information is protected because of the privacy acts. Mr. McCormick does not think it will be a problem. Ms. Esteves noted that the Spencer Board of Assessors is recommending the percentage, which could be up to 100%, and the final decision is made by the Board of Selectmen. The Board of Assessors reports to the Board of Selectmen in Spencer. Mr. Gaumond suggested the preparation of an annual report from the Board of Assessors to the Board of Selectmen on the percentage. Vote on the motion – all in favor.

**2. Policy C-1 – Policy on Complaint Management & Response for the Board of Selectmen and the Town Administrator**

When we adopted the Policy and Procedure Book, Mr. Phillips asked to have this policy carried over. This is the last section to be completed. The question was on the first paragraph. The paragraph reads as follows, 'All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen will be answered promptly by the Chairman, after consulting with the Board, if necessary, or at the discretion of the Chairman.' Mr. Phillips recommends deleting the language 'if necessary, or at the discretion of the Chairman'. Mr. Gaumond feels the only down side would be someone asks something of the Chairman of the Board that he can answer.

Motion Mr. Phillips to remove the verbiage, 'if necessary, or at the discretion of the Chairman', seconded by Mr. Quist. Mr. Gaumond suggested adding in a new sentence about policy issues. Mr. Phillips voiced concern that this will give free reign to answer for the entire board. Mr. Gaumond noted that this is a new policy for the board which was used by another town.

Motion Mr. Phillips to amend his motion by deleting the entire second sentence of the policy, seconded by Mr. Rucho, all in favor.

**NEW BUSINESS (cont.)**

**4. Acknowledge Receipt of Town Meeting Warrant Articles**

The Board's agenda package contains the list of articles received for the May 17, 2010 town meeting. Based upon the Board's action this evening, it will increase by one, the Citizen Soldier Home Rule Petition.

**5. Request for Reserve Fund Transfer for Town Clerk Budget \$800.00 and Elections Budget \$2,700.00**

The Chairman and former Vice Chairman, Mr. Pruneau met with the Town Clerk to discuss this request. Mr. McCormick noted that the funds are to cover two special elections. We receive

reimbursement money, however, it is not 100%. The cost of the food is for two, thirteen-hour elections and covers forty to forty-five workers. She has a new vendor for the food, which is less expensive and local. Mr. Philips questioned the 100% reimbursement. Mr. Gaumond explained that we expect to be reimbursed, however, it may not be in this fiscal year. If we receive this money in this fiscal year it will be returned to the Reserve Fund and if it comes in next fiscal year, it will end up as Free Cash. Mr. Rucho questioned how many hours people work before having a meal provided for them. Mr. McCormick advised that during the election, breakfast, lunch and dinner is available. The \$954 covers two elections and the state will not reimburse for food. If the transfer is not approved, the town Clerk will have a deficit by the end of the year. If the Board approves the transfer, then the Finance Committee will act on it. Mr. Rucho has an issue with the cost of food and we are cutting everything now. He agrees that food should be provided to someone working the entire day. He thinks we should look into this in the future and questioned whether it is a Town Clerk policy. Mr. Gaumond is not sure, however, he will ask the Town Clerk if it is a policy to feed the election workers.

Motion Mr. Phillips to approve the transfer, seconded by Mr. Rucho, all in favor.

6. Consider sending Welcome to West Boylston letters to new businesses from the Board of Selectmen

Mr. Quist requested this agenda item. Mr. Gaumond currently sends these letters out, however, he would defer to the Board of Selectmen. Mr. Quist would like the letters to thank new businesses for coming into town.

Motion Mr. Phillips to send letters to new businesses from the Board of Selectmen rather than the Town Administrator, seconded by Mr. Quist. Mr. McCormick noted that if the Board intends to do this, then they need to come in and sign the warrants and letters in a prompt matter. Vote on the motion all in favor.

## **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. Presentation of E-Government Award with Distinction to the Town of West Boylston

Mr. Gaumond presented the Board with the award, which will be added to the wall in their meeting room.

2. April 14<sup>th</sup>, 1:30-3:00 – at CMRPC, Worcester MA – Presentation of the newly updated Economic Development Incentive Program

Mr. Gaumond will be attending this Program and has invited the Economic Development Task Force as well.

3. Reminder that Saturday, April 10<sup>th</sup> is the Annual Appointment Coffee from 9:30-11:00 in the Council on Aging area.

It is an opportunity to thank the appointees of the town and we will be discussing the updates to the Open Meeting Law.

## **FUTURE AGENDA ITEMS**

No one has any items this evening.

Motion Mr. Phillips 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. Quist yes, Mr. Phillips yes, Mr. McCormick yes, Mr. O'Brien yes, Mr. Rucho yes.

Motion Mr. Quist at 10:40 p.m. for the Board to come of executive session, seconded by Mr. Rucho.  
Roll call vote: Mr. Quist yes, Mr. McCormick yes, Mr. O'Brien yes, Mr. Rucho yes.

With no further business to come before the Board, motion Mr. Rucho at 10:45 p.m. to adjourn, seconded by Mr. O'Brien, all in favor.

Respectfully submitted,

Approved: April 21, 2010

---

Nancy E. Lucier

---

Kevin M. McCormick, Chairman

---

Allen R. Phillips, Vice Chairman

---

Steven J. Quist, Clerk

---

Christopher A. Rucho, Selectman

---

John J. O'Brien, Selectman