

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

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

Read and Acceptance of Minutes from Previous Meeting

Motion Mr. Phillips to approve the regular session meeting minutes for the June 2, 2010 regular session, seconded by Mr. O'Brien, all in favor.

Motion Mr. Phillips to approve the executive session meeting minutes for the June 2, 2010 executive session, seconded by Mr. Rucho, all in favor.

Motion Mr. O'Brien to approve the regular session meeting minutes for the May 19, 2010 regular session, seconded by Mr. Rucho. Vote on the motion – Messrs. McCormick, Quist, Rucho and O'Brien yes; Mr. Phillips abstains as he was not present at the meeting.

NEW BUSINESS

1. Request to amend Entertainment License issued to Cheoy Lee's Galley II, 45 Sterling Street

Mr. McCormick recused himself. Helen Yang, owner of Cheoy Lee's joined the Board. She currently holds an Entertainment License which allows for Karaoke. She would also like to amend her current license to allow for regular bands with five or under performers. Initially she requested this cover both inside and outside performances, however, she is now requesting inside only. Mr. O'Brien questioned the hours. Ms. Yang is requesting permission for seven days a week from 7:30 p.m. to 11:00 p.m. All departments have replied that the business is in compliance with them. The Police Chief questioned the hours of operation for the outside band, and the processes we would need to follow to rescind the license should we receive noise complaints from the neighbors. It was noted that should there be a complaint the Selectmen would hold a public hearing to consider the revocation of the license. Mr. Gaumond advised that any restrictions the Board would like include would be typed on the license.

Motion Mr. Rucho to grant the amendment to the Entertainment License for Cheoy Lee's Galley II to allow for indoor band performances with five or under performers between the hours of 7:30 p.m. and 11:00 p.m. seven days a week, seconded by Mr. Quist, all in favor.

2. Request for Transient Vendor and Common Victualler License from Kona Ice

Shawn Smith, owner of Kona Ice joined the Board. He is requesting permission to sell items during the Summer Concerts on the Common 2010 series. Mr. Rucho pointed out that in the application paperwork Mr. Smith has indicated he would like to sell his items at school or sports events. He noted that a lot of these are fund raisers. Mr. Smith stated that he has a lot of business innovative fund raising ideas. Mr. Rucho questioned whether this permit would allow Mr. Smith to show up at any of these events. Mr. Gaumond explained that the license is to sell for the Summer Concert Series on The Common and as the Selectmen are in charge of The Common, their approval is required. Mr. Smith also has a State Hawkers and Peddler's, which will allow him to drive throughout town and sell from his vehicle.

Mr. Smith initially wanted to sell at the parks, however, the Parks Commission is still reviewing his request and has not yet given approval. He is in compliance with all departments, however, he has yet to be inspected by the Board of Health. Mr. Smith explained that he wanted to get

approval from the Selectmen before going to the Board of Health. Mr. Gaumond noted that the Selectmen could grant approval contingent upon Board of Health approval.

Mr. O'Brien asked Mr. Smith about his previous background and what other towns he has worked in. Mr. Smith has been working for one month in the City of Worcester and has also worked on two fundraisers in Worcester.

Motion Mr. Rucho to grant permission to Kona Ice to sell their items on the Town Common during the Summer Concert Series contingent upon being approved by the Board of Health, seconded by Mr. Quist, all in favor.

Public Hearing, (Cont.)Re: Application For A Class II License From Chris Goodnow Auto Sales, LLC, 174 West Boylston Street

Mr. McCormick returned to the meeting and reconvened the public hearing, which was opened on May 19, 2010 and read the following notice. In accordance with M.G.L. Chapter 140, Section 58, the Board of Selectmen of the Town of West Boylston will hold a public hearing for the purpose of considering granting a Class II License to Chris Goodnow Auto Sales, LLC, 174 West Boylston Street. The hearing will be held on Wednesday, May 19, 2010 at 7:15 p.m. in the Selectmen's Room of the Municipal Office Building, 127 Hartwell Street, Suite 100, West Boylston. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman, advertised on May 12, 2010.

Chris Goodnow joined the Board. He explained that the Zoning Board of Appeals granted him a special permit with two conditions, both of which have been met. He went back to his engineer to take care of those two issues. Next week he will be meeting with the Planning Board. Mr. Phillips called attention to a letter from the Building Inspector which says the property is covered under the Cohen Bill and will require approvals from DCR and the Conservation Commission. Mr. Goodnow stated that the ZBA read that and found it does not apply. Mr. Phillips does not believe they can do that. Mr. Goodnow noted that he sent a letter to the ZBA advising that the business would be conducted outside the Cohen Bill area and that was brought up to the ZBA.

Mr. McCormick recalled there being a little problem on the property and The Conservation Commission wrote a letter in 2004 stating that it was not involved. He is not sure the Building Inspector had that letter. Mr. Phillips is confused. If the Building Inspector's opinion was an issue, why didn't Mr. Goodnow get a letter from the Conservation Commission. Mr. McCormick suggested granting the license and Mr. Goodnow can proceed with DCR. Mr. McCormick's understanding is that they were going to the DCR. Mr. Phillips asked was that done? Mr. Goodnow indicated that he has not gone to the DCR. Mr. Rucho noted that the letter also indicates that Mr. Goodnow needs to go to the Planning Board. Mr. Goodnow advised that he will meet with the Planning Board next week, he has gone through the process and nothing triggers site plan review. Mr. Rucho feels that is the ZBA's opinion, however, the zoning enforcement officer indicates it is an issue. Mr. Phillips would like to ensure everything has been done prior to the Board of Selectmen taking action on the request for a Class II License. He thinks Mr. Goodnow should have a letter from the Conservation Commission and go through the Planning Board process as well. Mr. Rucho does not feel the Selectmen are asking anything unusual as it has been our process. Mr. McCormick suggested granting the license subject to those items. Mr. Phillips voiced concern that the Board would be going backwards. Typically somebody comes before the Selectmen and they not have had an opportunity to get to one board, however, this request didn't go through the DCR, Conservation Commission and the Planning Board and the ZBA made all the decisions. The process should come before the Board after those have been resolved. Mr. McCormick noted that the ZBA said Mr. Goodnow does not have to do any of that. Mr.

Rucho feels the letter is quite clear. Mr. Goodnow stated that the Building Inspector told him he had to go to the ZBA. Mr. Phillips is happy if we get a letter from the Conservation Commission and the Planning Board, however, he is not comfortable acting on the request without those two steps.

Mr. O'Brien noted that when the ZBA approved the project there was a 20-day appeal period. Mr. Phillips believes it is a breakdown in the system and he is not blaming Mr. Goodnow. Mr. Rucho feels the letter he received from the Building Inspector gives Mr. Goodnow a step by step process. Mr. Gaumond noted that the decision of the ZBA had conditions dealing with parking spaces, the dumpster, security lighting, recording of the variance and the petitioner shall meet all town and state regulations and comply with all permitting as required by town agencies. He does not think Mr. Goodnow has the ability to do this without seeing DCR and the Planning Board. Mr. Phillips believes the Conservation Commission should issue a letter relative to the buffer zone issue. Mr. Rucho feels the ZBA approval is only step one, and prior to the Selectmen acting, there needs to be input from the Conservation Commission, Planning Board and the DCR relative to the Cohen Bill. Mr. Phillips suggested continuing the hearing and asked Mr. Goodnow about his time frame. Mr. Goodnow indicated that he is out of business on the 23rd of June.

Motion Mr. Phillips to continue the hearing until July 7 to give Mr. Goodnow sufficient time to meet with the Planning Board and the Conservation Commission, seconded by Mr. Rucho. Mr. Quist questioned whether this request is in line with the town's Master Plan. Mr. McCormick replied probably not. However, it is a lot which has been empty for 59 years. Vote on the motion – all in favor.

NEW BUSINESS (cont.)

3. Request for Reserve Fund Transfer from the Planning Board in the amount of \$350

Vincent Vignaly, Chairman of the Planning Board, joined the Board. He explained that on June 11 sent the Planning Board a letter asking for support in their appeal of the ZBA's decision on the Hanioti Properties, 328 West Boylston Street, future site of Dairy Queen. The Planning Board has voted to appeal the decision in land court, which is the only option open to them. The ZBA decision is in opposition to the town's bylaws and town meeting and the Planning Board has yet to receive any official request for any changes to the sign bylaws. The Planning Board believes the bylaws should be followed by all people in the Town of West Boylston and it is a fairness issue. The sign is twice the maximum size allowed for the property. It is a variance, which is different than a special permit.

Mr. Vignaly informed the Board that the Planning Board sent a letter to the ZBA relative to the Goodnow Special Permit in which they requested a limited length to the lease. Although the proposed location has little demand right now, if things change we may have other businesses interested in this site. The ZBA did not wish to take that into consideration when they made the decision. Mr. Vignaly explained that the standard for a variance is hardship. It is a very hard standard and typically not supported upon appeal. The Town of Holden would allow a 30-square foot sign, ours are 40-square feet. He does not think anybody driving by will not know it is a Dairy Queen and they will lose business. The Planning Board believes a sign larger than what is allowed by the bylaw is excessive. In order to appeal this, they would like permission to have Town Counsel representation.

Mr. Phillips asked if there was anyone in the audience from the ZBA. Charles Witkus stated that he is not representing the ZBA, however, he is just in attendance. He noted that the sign is square with Dairy Queen and something about fries and a menu of some sort. He feels there was no hardship and the ZBA should not have given it to them. Dairy Queen said there was a swamp in back and the lot was too small. Mr. Witkus feels Hanioti Properties knew what they were buying in the first place. He tried to eliminate this by bringing it up at the ZBA and asking the ZBA to reconsider and they did not want to reconsider.

Mr. McCormick, who was in attendance at that ZBA meeting reported that the ZBA did make a motion to reconsider and they vote not to change their vote. There was a discussion and then they re-voted and it was unanimous to keep it the same way. Patricia Halpin, Planning Board member, was also at the ZBA meeting and she noted that there was discussion taking place, but the vote was not to reconsider. Mr. McCormick noted they made a motion to reconsider and Ms. Linda Isgro seconded the motion. Mr. Rucho pointed out the fact that on the day of the hearing everybody voted to give them the bigger sign. Mr. Witkus voted no at the hearing. Mr. McCormick questioned who was at the hearing to oppose the issue. Mr. Witkus advised that it was only the lawyers who own Dairy Queen and no one else. Mr. O'Brien would not say none of those neighbors were interested in the project as there have been several hearings they did attend and parking was discussed. They have commented on the project, however, the size of the sign was not brought up then. Mr. Rucho recalls hearing on the reconsideration that if the sign was not allowed, it would be hard to see the sign as it was set off from the road. Although the Planning Board was not at the public hearing, they did send a letter to the ZBA for the public hearing and it outlined the reasons why the variance should not be approved.

Mr. O'Brien noted that this came to the ZBA in the normal course of their business. If there is a disagreement between the Planning Board and the ZBA, the ZBA is the rule on these things. Mr. Gaumond feels that is the purpose of the ZBA, which is to issue Special Permits and Variances. Mr. O'Brien asked if the ZBA has any legal responsibility to take into consideration the Planning Board's disagreement with this as they are there to make these types of decisions. Mr. Gaumond noted that the statute gives the ZBA certain powers to make these types of determinations. Mr. O'Brien reported that it was a 4-1 vote, whether you think it is horrible or great. They followed proper protocol and the worst thing we can do is use taxpayers money to pit one board against another. He added that to spend town money to appeal is irresponsible.

Mr. Vignaly advised that the Planning Board sent a letter to the first hearing and Planning Board member Patricia Halpin attended the second meeting. This is also the only legal process the Planning Board has. Mr. Phillips disagrees with the decision of the ZBA, however, the Selectmen took a stand some time ago not to use town funds for one board to go against another board. The ZBA is charged with making the decision, right or wrong. He cannot see spending town funds for one department against another department, and if there was another way to do it he would feel differently.

Mr. Rucho commented you say it is against what the towns people want, however, the bylaws says you can go to the ZBA. Mr. Vignaly replied no, state law allows you to get a variance and the ZBA issues the Variance. The Planning Board is not questioning that they did not prove the standards or meet the hardship standards. In general it is a tough standard and if it was a Special Permit they would not question the decision. The bylaws have been in place for 15-20 years and the Business Association was involved in the writing of the sign bylaw. Mr. Rucho stated that every business on Route 12 has the right to go to the ZBA for a bigger sign. Mr. Vignaly replied, we would never take away that options. Mr. Rucho questioned who is going to win, as we would get bills from both boards and what is the win? Mr. Vignaly feels the issues are the principal and town bylaws. From this type of appeal Hanioti gets the benefit so they would have to defend it. This would pay for town counsel to prepare and submit the documents for the Planning Board. He does not see this going to court and the Planning Board would request representation from the town and Hanioti would do their defense.

Mr. Rucho noted that one of our goals is economic development. We have a business that comes into town and they went through the correct process. Mr. Vignaly noted that the Planning Board appealed a decision of the ZBA in 2004. Mr. McCormick noted that the Selectmen denied the Planning Board the money and the ZBA said we did do it wrong and it was overturned. We ended up giving the money in the end. Mr. Vignaly noted that the Planning Board filed on their own and the

applicant knew he was not going to win so he went away. Mr. Philips asked if it would benefit anybody if the Selectmen, ZBA and Planning Board all met. Mr. McCormick does not think the Selectmen should get involved. Mr. Vignaly noted that there is a 20-day appeal period. They would have to file by June 24. This will not slow the construction window down and they have been through Site Plan Review. The issue is fairness to all the other town residents.

Mr. Gaumond spoke with Town Counsel and the other party in the appeal is the ZBA and the applicant. The ZBA could passively defend and the applicant could bear the cost. There are several judges that may require the ZBA counsel to appear at the hearing.

Ms. Halpin explained that the vote was 3-1 to reconsider at the ZBA meeting. We did attempt to have a conversation and ask them to reconsider. Struggling with precedent setting, what tools does the Planning Board have to enforce the rules for a poor application on a decision by the ZBA and the ZBA is an appointed Board. We are an elected Board, sworn to support the laws the people vote in, and do not want to bring an appeal. It is not fun to be the grown up and say no. Under what conditions will we be able to challenge decision by the appointed ZBA? Mr. McCormick stated if there had been 15 people at the sign public hearing and they were all complaining then we could say maybe it was not a good decision as the townspeople do not want the sign. The only person who was against was Mr. Witkus. When the ZBA denied Franklin Manor a bigger sign and then they wanted a gazebo it was denied because the abutters were there. If they passed it then the Selectmen would say it should be appealed because people were there and they did not want it. The standard is if no one is complaining then no one cares. Mr. Phillips does not look at elected versus appointed boards as a measure of judgment. He agrees the sign will be ugly, but the only way it should be overturned is if they are doing something outside the scope of their job. He would not give the ZBA money to take the Planning Board to court. Mr. Vignaly stated we try to apply documented standards and we believe the ZBA standard were insufficient and inadequate. It should be a standard based on the law. Mr. Rucho feels they are playing by the rules as it says you can go to the ZBA and get a bigger sign.

Motion Mr. Rucho to support the Planning Board's use of Town Counsel, seconded by Mr. O'Brien. Vote on the motion – all members opposed.

The second issue is a Reserve Fund Transfer for funds to cover the Planning Board filing the appeal. Mr. McCormick questioned what happens if the Board approves the funding and it goes to court.

Motion Mr. Phillips to approve the request for transfer from the Reserve Fund in the amount of \$350, seconded by Mr. O'Brien. Vote on the motion- all opposed.

For Mr. Phillips it is not the money it is pitting one board against another board. Mr. Vignaly suggested looking at who is doing what and appoint appropriately. Mr. Rucho would like to review the bylaws pertaining to businesses and include the Economic Development Task Force in the discussion. Ms. Halpin voiced concern that the ZBA does not have an established meeting date. She suggested they establish a set schedule and the applicants fit into their schedule as she feels the Planning Board is always scrambling at the last minute to comment on applications before the ZBA. Mr. Rucho noted that at the meeting the Chairman of the ZBA did think the timing was an issue and he is open to re-adjusting the meeting schedule. Ms. Halpin feels something has to be done and she wants it in the minutes of the records. She would like notices on Channel 11 and the web site as well. Mr. Phillips asked the time frame the ZBA has to follow on an application. Mr. Gaumond is aware that they need to file with the Town Clerk, however, he is not sure what the time frame is. Mr. Phillips asked if the ZBA is complying with filing deadlines. Mr. Gaumond's response, if they are not, the Town Clerk has not yet told him. Mr. McCormick noted that on the Hanioti decision, the Chairman of the ZBA said he did not file with the Town Clerk because Mr. Witkus asked for a reconsideration. Mr.

Phillips questioned the timing on the Goodnow decision filing. Mr. Rucho feels Mr. Chevalier is trying to improve and get things out timely. Mr. Gaumond will remind everyone about timely filings.

4. Review and approve June Reappointments of the Board of Selectmen

Motion Mr. Phillips to reappoint Gregory Zakarian and Christopher J. Berglund to three-year reappointments to the Finance Committee, seconded by Mr. Quist, all in favor.

5. Concurrence on June Reappointments of the Town Administrator

Motion Mr. Phillips to concur with the following Town Administrator reappointments:

Animal Control Officer: Charles Witkus (1 yr.); **Assist. Animal Control Officer:** Steven Jones (1 yr.)

Permanent Sergeants: Thomas M. Balvin, Francis G. Glynn, Matthew Saunders and Anthony Papandrea (3 yrs.)

Permanent Patrolmen: Marcello Tavano, David R. Richardson, James J. Dugan, David P. Pupecki, Richard Petit, and James B. Bartlett (3 yrs.)

Finance Director: Michael Daley (1 yr.); **Town Accountant:** Leslie Guertin (1 yr.) **Treasurer/Tax Collector:** Bonnie Yasick (3 yrs)

Town-Wide Planning Committee: Robert J. Tashjian, Michael Fishbein and Susan Meola (3 yrs.)

Open Space Implementation Cmte.: Robert Tashjian, Barbara Wyatt, Jim Edmondson, Vincent Vignaly Pl Bd, and Raymond DeSanti (1 yr.)

Cable Tv Ad. Cmte.: Jason Kunst and Frank Jansen (3 yr.)

Local Housing Ptnrshp.: Patricia Halpin, Pl. Bd., Susan Meola, Michelle Harris and Sandra Menard (1 yr.)

Cmty Preservation Cmte: George Bernardin (3 yrs)

Seconded by Mr. Quist, all in favor.

6. Concurrence on the appointment of Special Police Officers for the term covering July 1, 2010 through June 30, 2011

Motion Mr. Phillips to concur with the list as requested by the Police Chief, seconded by Mr. Rucho, all in favor.

7. Concurrence on the appointment of John Owanisian as the Finance Committee's representative to the Town-wide Planning Committee effective June 2, 2010 for a term to expire on June 30, 2013

Motion Mr. Philips to concur with the appointment, seconded by Mr. Quist, all in favor.

8. Announce Vacancies on Town Boards and Committees

Mr. Gaumond announced the following vacancies which exist on town boards: Board of Health one vacancy, Town Common/Bandstand Use Advisory Cmte. one vacancy, Town-Wide Planning Committee one vacancy, Open Space Implementation Cmte. one vacancy, Cable TV Advisory Committee two vacancies, Local Housing Partnership two vacancies, Transportation Cmte. one vacancy, Community Preservation Cmte. one vacancy, Affordable Housing Trust two vacancies, Shared Services Committee two vacancies, Naming Committee one vacancy, Agricultural Cmsn. one vacancy, Sustainability Cmte. four vacancies, Personnel Board three vacancies, By-Laws Committee one vacancy, Zoning Board of Appeals one vacancy for Associate Member, and Finance Committee one vacancy.

9. On behalf of the Council on Aging vote to accept donations in the amount of \$285.00 donated in memory of Marjorie Hjelm, former Chairperson of the Council on Aging Board

Motion Mr. Phillips to accept the donations in the amount of \$285.00 donated in memory of Marjorie Hjelm, former Chairperson of the Council on Aging Board to the Council on Aging, seconded by Mr. Rucho, all in favor.

10. On behalf of the Celebrations Committee, vote to accept donation in the amount of \$223 from the Harold N. Keith Post #204

Motion Mr. Phillips to accept donation in the amount of \$223 from the Harold N. Keith Post #204 on behalf of the Celebrations Committee, seconded by Mr. Rucho, all in favor.

11. On behalf of the Bandstand Committee vote to accept donation in the amount of \$250 from A&E Realty Co., Inc.

Motion Mr. Phillips to accept donation in the amount of \$250 from A&E Realty Co., Inc. on behalf of the Bandstand Committee, seconded by Mr. Rucho, all in favor.

12. Review request from Franklin Street Housing Project to set an office trailer on site for the duration of the project

In accordance with Section 1.4C of the Zoning Bylaws, 'The Board of Selectmen may permit a non-conforming temporary building or use incidental to the development of a neighborhood; such permit to be issued for an initial period of not more than one year, and for renewal periods of not more than one year'. The Franklin Street Housing Project would like to set up an office trailer on the site for the duration of the project and the Building Inspector forwarded their request to the Selectmen for consideration.

Mr. Phillips questioned the size of the trailer. Mr. Gaumond feels it is the typical size of a construction trailers. Mr. O'Brien reported that the trailer is on site today. Mr. Phillips wants to make sure that the trailer is in good condition because it is located in a residential area. Mr. O'Brien asked if the neighbors are aware of this agenda item. He would like to continue this item to give the neighbors an opportunity to comment on this. Mr. McCormick noted that every construction site in the world has a construction trailer. Mr. Philips would be amenable to leaving the trailer on site and have the neighbors come in. Mr. McCormick feels that even if they have an objection, they need a construction trailer to build the project. Mr. Phillips feels the issue is the look of it.

Motion Mr. Rucho to allow the trailer to stay on site for two weeks and we will re-visit it in two weeks, seconded by Mr. Phillips, all in favor.

13. Intradepartmental Transfer request from the Fire Department in the amount of \$5,000 from Salaries and Wages to Fire Supplies

Mr. Phillips recuses himself.

The request is for \$3,700 to restock our use of drugs and medications from the past year, which was an unanticipated expense as in the past these items were supplied to the department at no cost. Clinton Hospital has since changed its policy on the issue to recover their expenses and, \$1,300 is for needed ambulance supplies.

Motion Mr. Quist to approve the transfer of \$5,000 from Salaries and Wages to Fire Supplies, seconded by Mr. O'Brien, all in favor. Mr. Phillips returned to the meeting.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. June 24, 2010, 7:00 p.m. Regional Dispatch Meeting at Rutland Public Library, 280 Main Street

John Westerling, Director Of Public Works

1. Request for intradepartmental transfer from Salaries and Wages to Supplies in the amount of \$15,000

Mr. Westerling is requesting an end of the year budget adjustment. He has funds remaining in his salaries and wages line item to offset his other costs. Road maintenance was budgeted for \$4,000 and we spent \$20,000 this year and tree removal was overspent due to dead or dying trees. Mr. Phillips questioned whether the trees were emergency cuts. Mr. Westerling indicated that they were and he has a list of dead or dying town trees which he is working on. Mr. Phillips asked if this year road repairs were higher than normal. Mr. Westerling noted that they had been and Malden Street suffered from bad frost heaves due to three-feet of frost.

Motion Mr. Phillips to approve the end of the year budget adjustment for the DPW for \$15,000 from Salaries and Wages to Supplies, seconded by Mr. Rucho, all in favor.

2. Report on Curbside Collection of Municipal Solid Waste & Recyclables Contract

At the Board's request, Mr. Westerling went back to the two low bidders and the existing carrier and asked them to re-evaluate options 1, 2, and 3. Option 1, maintain status quo, weekly collection of municipal solid waste and biweekly collection of recyclable materials alternating paper one week and comingled the next; Option 2, weekly collection of municipal solid waste and collection of single stream in containers provided by the homeowners; Option 3, weekly collection of municipal solid waste and weekly collection of single stream recycling in 95 gallon totters provided by the contract. The low bidder was our current contractor, Allied Waste, at \$221,000, which will be a \$27,000 savings. There is a market risk if the market for recycling goes down, the hauler comes back to the community. Both Allied Waste and Harvey have said they are willing to accept the market risk for single stream recycling, no fuel adjustment charges and no additional costs above our current costs. Mr. Westerling spoke with Grafton Recycling Coordinator and their residents love it.

Mr. Westerling recommends the Board enter into negotiations with Allied Waste, Inc. for the curbside collection of our municipal solid waste and recycling for a period of five years with an option of a five-year extension using Option 2, which includes weekly single-stream recycling.

Mr. Phillips asked about Option 3 which includes the contractor providing the totters. Mr. Westerling noted that from a fiscal point of view, that option would eliminate our savings and we have an unknown cost coming up in December as our Wheelabrator contract expires at that time and we may have additional costs. Mr. Westerling will pursue other totters in the future or purchase stickers. He added that there are no changes in what can be recycled each week. Mr. Rucho stated that he only gets positive feedback about Allied Waste. Mr. Westerling commented that they are very helpful.

Mr. Gaumond thanked the Board for asking Mr. Westerling to go back and request pricing on single-stream recycling.

Motion Mr. Phillips to begin contract negotiations with Allied Waste on Option #2, weekly collection of municipal solid waste and collection of single stream in containers provided by the homeowners, for a five year contract with a five-year extension, seconded by Mr. Rucho. Mr. Rucho asked Mr. Westerling if he could ask for stickers when he negotiates the final contract. As the Board will not meet again until July 7 and the current contract expires on June 30, Mr. Westerling asked Michael Szezpian of Allied Waste, who is in attendance this evening, if this would be an issue. Ms. Szezpian indicated that he would be comfortable waiting. Mr. Phillips also noted that he has heard a lot of good comments about Allied Waste. Mr. Rucho thanked Mr. Szezpian. Mr. Westerling will begin an educational campaign to get the word out that beginning July 1, we will have single-stream recycling in West Boylston. Vote on the motion - all in favor.

3. Discussion on Poison Ivy Control

Following up on the Board's concern relative to poison ivy, Mr. Westerling reported that in order to spray herbicides for poison ivy control, we need to have an employee with a Pesticide Application License. At this time, there is no one on staff with that license. In order to obtain the license you are required to take a test and there is a refresher course offered by the University of Massachusetts for those who do not have a thorough understanding of chemistry. Mr. Westerling does have someone on staff who is interested and noted that there are some downsides to doing this including equipment, training and insurance liability. In the interim, they use the boon flail mower to address this. Mr. Quist originally brought this concern up and suggested Mr. Westerling go to the Prospect Street area. Mr. Rucho noted that Mixter has an issue, however, it might be private property. Mr. Westerling advised that the poison ivy is growing from private property into public property. Mr. Westerling will address the situation this week.

Mr. O'Brien requested an update on the crumbling stone wall on Prospect Street. Mr. Westerling had three different contractors review the project, all of whom were familiar with building walls. One estimate was over \$100,000. He plans to go back to LEI and ask them to evaluate the project. We were looking at keeping the natural stone, however, with the wide range of prices, we may look at an interlocking block wall.

Mr. Phillips questioned when we clean the catch basins as during the recent rain storm, the DPW had those types of call outs. Mr. Westerling explained that the unit could have been full or materials could have been washed on top. On a routine basis we go to low lying areas to clean out the tops. He lost a man at the DPW who was the catch basin cleaner. In discussion with the Town Administrator we talked about bringing on somebody to free up Mr. Osterberg to do those things. Mr. Phillips thinks it should be going to the DPW liaison group. Mr. Westerling agrees. Mr. Phillips wants to use the correct process and questions what is the fix for an area consistently flooding. Mr. Westerling noted that Prospect and Newton and Franklin and Temple have issues. The Franklin Temple area does not have a catch basin. It needs a new catch basin to the left of the street and the flow to the right of the street goes towards Honey Farms. He feels the flow might be exasperated by the new housing development. The issue with Newton and Prospect is leaves clogging the top. Mr. Phillips asked about the yellow fabric materials. Mr. Westerling explained that it is a filter fabric used during construction areas with expected run off.

Mr. Phillips asked Mr. Westerling to look into this and report back to the Board with his recommendations. He also wants to look at the need for a new catch basin on Temple Street. Mr. Westerling advised that we look at that area, however, there are many utilities in that area.

Mr. Rucho noted that the tennis and basketball courts were closed due to test borings being done. Mr. Westerling reports that they have been officially reopened until the commencement of construction which is scheduled for mid-to end of July.

FUTURE AGENDA ITEMS

Mr. Quist would like to develop some systems for applications and disbursements of notices and minutes amongst the boards. Mr. McCormick believes the ZBA indicated that they were going to begin working on that. Mr. Rucho does not think anyone did anything wrong on that and they agreed to get information out earlier.

Mr. Rucho would like to schedule a meeting with the ZBA to review the bylaws. Mr. Quist wants to make sure the Selectmen follow through on that. He would like a joint meeting to be held early in the fall to include the Planning Board, ZBA and Economic Development Task Force.

Mr. Phillips questioned whether the Attorney General approved the change of our election date. Mr. Gaumond advised that the change was approved and our election will be in June for 2010.

Mr. Phillips asked if we are close to the annual surplus auction. Ms. Lucier reported that the deadline for items is June 25th and it will be a July 7 agenda item.

With no further business to come before the Board, motion Mr. Phillips at 9:15 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: July 7, 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