

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

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

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

Motion Mr. O'Brien to approve the regular session meeting minutes for the September 15, 2010 regular session, seconded by Mr. Quist, all in favor.

Motion Mr. O'Brien to approve the executive session meeting minutes for the September 15, 2010, seconded by Mr. Quist, all in favor.

Motion Mr. O'Brien to approve the regular session meeting minutes for the September 22, 2010 regular session, seconded by Mr. Quist. Vote on the motion – Messrs. McCormick, Quist, Rucho and O'Brien yes; Mr. Phillips abstains as he was not in attendance.

**Central Mass Regional Planning Commission, Brownfield Assessment Program**

Ryan Lundergan, Associate Planner with CMRPC joined the Board with David Foss Senior Project Manager with Fuss & O'Neill. CMRPC offers a Brownfields Program which takes distressed properties and puts them back into use. Fuss and O'Neill performs the environmental assessment work for MRPC who has funding which they are trying to spread out throughout the CMRPC regions. The goals of CMRPC are to do as many Brownfields as they can, balance priorities of multiple communities, promote long-term regional planning goals, petroleum and hazardous materials grants allocation and maximize real estate redevelopment value.

Phase I environmental site assessment is also known as a 21E. They also do site planning and they can use the grant money to do public outreach. They can also do area wide planning. CMRPC is looking for interested property owners and candidate sites and properties to maximize the real estate value development. They provide assessment for financing environmental services to support clean up and redevelopment and can also assist privately owned property owners.

Mr. Phillips questioned whether it has to be a town-owned site, or can the state own the site. Mr. Foss replied that it would be a gray area. Mr. Phillips asked what the soil test entails. According to Mr. Foss it has everything to do with the type of contaminant they think is there. They tend to do a conservative spectrum of tests and look at the assessments as if they are performing them for a future buyer. Mr. Phillips asked if they test for botulism. Mr. Foss advised that typically no. Mr. Rucho arrived at 7:25 p.m.

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

**1. Raymond Huntington Highway Flooding**

Mr. Westerling reported that Barry and Mindy Esteves are in attendance this evening regarding a flooding issue at their home on Raymond Huntington Highway. Back in March they sustained some flooding. The water flows through an 18-inch pipe under Raymond Huntington Highway, crosses sediment pools and I-190. The water comes through the 18-inch pipes, under Raymond Huntington Highway, through the sediment area, through two town culverts and wetland areas. LEI visited the area to give a sense of what we should look at.

Scott Charpentier of LEI has reviewed the conditions and found that a culvert crossing under Raymond Huntington Highway conveys stormwater from the Esteve property and discharges into the headwaters of the I-190 system of cross culverts which eventually flow under Laurel Street. This

results in multiple culverts taking headwater to create the upstream culvert tailwater. The water would come through DCR property and the water has to built up above the pipe. The water builds up above the inlet of the 18-inch pipe. LEI suggested that a thorough analysis of the series of culverts including record research, ground survey, individual watershed analysis and dynamic modeling of culverts in series is necessary to determine the cause of flooding and a recommend a solution. If in fact the tailwater headwater were designed so the water had to build up there is not much you can do to alleviate that because all the pipes are designed that way. He recommends a time and materials task order.

Mr. Westerling met with Mass Highway Department (MHD) out at the site and the 18" pipe under Raymond Huntington Highway was clear. The question is whose responsibility is the pipe and how do we move forward. Mr. Gaumond explained that this has been an issue we have been looking at since it was brought to our attention early this spring, and they have been working with Rep. O'Day, Senator Chandler and the MHD. The town never designated the drainage system or installed it, there are questions as to the ownership of Raymond Huntington Highway, and it is not on the town's inventory or state inventory of streets. There is a question of responsibility. Even if the entire responsibility falls on the town, there is a concern over the availability of resources as the Selectmen have committed the Chapter 90 allocation for the upcoming year. We are going to advertise for bids for Fairbank and Temple Streets Chapter 90 projects.

Mr. Gaumond recommends sending the issue to the Transportation Committee. However, if the Board wishes, we could engage LEI. He also recommends having Town Counsel review the issue to make sure we are using town funds properly and he questions who is responsible for the remedy. Until we find out who is responsible, Mr. Rucho questions why we would send it to the Transportation Committee. He asked when we get a listing of all the roads, did anyone ever look and question why Raymond Huntington Highway was not included. Mr. Westerling advised that it is listed on their list of designated roads as an unaccepted town road and we do not get any Chapter 90 funds for it. It does not appear on our Chapter 90 by Mass DOT as a town road. Mr. Rucho feels it should have brought up a red flag for the town.

Mr. Westerling feels the solution is not easy to ballpark. If we were allowed to put additional water under Raymond Huntington Highway it would affect all of the piping under I-190 and we would be required to get MDOT approval to change the pipe under I-190 and Laurel Street which would have grave implications downstream. Mr. Gaumond thinks MHD should have a seat at the table in this discussion and noted that the water will have nowhere to go and it will still back up.

Mr. Westerling pointed out the fact that when Raymond Huntington Highway was built and the pipes were designed the upland was vacant and there were no homes there. The other day when we had a lot of water there was no water issue there. Mr. Rucho questioned whether the area which floods the most is the Esteves' property. Mr. Westerling reported that it is DCR and the Esteves as the driveway is DCR land. Mr. Philips asked time and materials how much? Mr. Westerling's response - they have to survey, establish records and do modeling. They can say there is no way to get additional water under Raymond Huntington Highway. If they find there is a way, to put in additional water it could be hundreds of thousands of dollars.

Mr. Philips stated that there is no more the town can do until somebody takes ownership. Mr. Esteves thanked everybody for working on this. He added that it has been flooding every three or four years and his concern is it flooding the leach field and getting into the well system. His second concern is you cannot get an ambulance or the police down to the house. This has been since March and we still do not even know who owns the road yet. The water is five to six feet away from the well, he has lived there since 1991, and the first time it flooded was 1992. On their side there is one 18-inch culvert and everywhere else there are two, 24-inch culverts.

Mr. Gaumond noted that if it determined that it is our road, it will be brought forward and looked at by the proper officials. Mr. Phillips agrees with Mr. Rucho. He feels it is a charge of the Board of Selectmen as they are the Road Commissioners not the Transportation Committee. Mr. Gaumond explained that the Selectmen established the Transportation Committee to make recommendations on the use of our Chapter 90 funds. Mr. O'Brien asked if you have been working with our state representatives since early spring what have we determined? Mr. Gaumond advised that Mass Highway Department points the finger at the Town of West Boylston. Mr. McCormick commented that the finger pointing by Mass Highway is not abnormal when dealing with this type of a situation. We had a flooding situation with property owners along Route 12 which was due to the beavers. It was flooded for years and Route 12 was clearly a state highway. Mr. O'Brien would like a ball park price.

Mr. Rucho questioned who installed the pipe. Mr. Westerling advised that it was MHD, twin 24-inch culverts under 190, sedimentation pool goes into twin 24", and maybe that is why there are twin pipes.

Mr. Esteves questioned what will happen next. Ms. Esteves noted that Mass DOT walked the area and from what she understood Mass DOT brought documents that they do not own the road. In June she met with Mass DOT, John Westerling, Mr. Gaumond and Mr. McCormick. According to Mr. Westerling, the engineer from Mass DOT suggested that in the 1970's they would have built it on behalf of the town and then it was given to the town; however, the town never took a town meeting vote to accept it. It is listed on their list as unaccepted.

Ms. Esteves added that no one went back to the state and said that the town does not own it. It is October and no one says who owns the road and at the meeting no one went against what Mass DOT said. Mr. Phillips indicated that it will take time to research this. Mr. Esteves stated that the town has been maintaining this for 20 years. Mr. Westerling agrees that the town does plow the road as we do with other private road due to the fact that it is a public safety issue. He thinks Town Counsel's opinion needs to come into play. Mr. Rucho questioned what has been done since the meeting in June to determine who owns the land. Mr. Westerling has worked with LEI to determine the problem and solution and work with cleaning the pipes. Mr. Gaumond has spoken with Town Counsel and explained our concerns, however, we have not researched this. Mr. Rucho is frustrated that we have not gotten any further.

Mr. Gaumond noted that we are talking about a pipe designed by the Commonwealth of Massachusetts, and now there is a problem, and it is the Town of West Boylston's problem. He suggested maybe raising the driveway as we have heard it floods four or five times over 20 years. He added that there are plenty of places in the town with flooding problems we are trying to deal with. The area flooding is a driveway which is DCR property, that the Esteve's have an easement over. Mr. Rucho asked if DCR was called to a meeting since April. Mr. Gaumond replied not by him. Ms. Esteves noted that the area with the leach field is not DCR property it is theirs and he does not believe raising the driveway would be the solution.

Motion Mr. Phillips for the Town Administrator to work with Town Counsel to determine the ownership of Raymond Huntington Highway and report back to the Board at the October 20 meeting, seconded by Mr. Rucho.

Mr. McCormick is concerned over the attitude you get from the state on these types of projects. Mr. Phillips noted that if this has been our road for the past 40 years, then where is our Chapter 90 money. Mr. Rucho asked Mr. Westerling why a flag was not raised when the listing indicated that Raymond Huntington Highway is unaccepted. Mr. Westerling noted that it has the same status as Routes 12 and 110. Route 140 is a town-owned road because we accepted. Huntington Highway is a

private road we plow in the interest of public safety and we have plenty of private streets we plow and some we do not plow because they are too dangerous.

Ms. Esteves advised that Raymond Huntington Highway is in West Boylston and it turns into Legg Road in Sterling. She questions what Sterling has it classified as. Mr. Gaumond noted that it would not matter as they may have accepted it. Mr. Quist asked if their mail is delivered by the postal service. Ms. Esteves advised that they have a box; however, the Mercurios reside on the street and they do have mail delivery.

Vote on the motion – all in favor.

## 2. Review Policy on Emergency Plan for Ice Control & Snow Removal

Mr. Westerling reported that he just placed his first order for salt and the good news is that last year the price was \$64.14 per ton and this year it is \$48.56 per ton, which would be a \$24,000 savings over last. With the exception of one, the plows are ready to go. They are bringing in salt and the advertisement for plow drivers has gone out. The last item which needs to be reviewed prior to the beginning of the winter season is the Emergency Plan for Ice Control & Snow Removal, which always comes before the Board. Mr. Westerling added that this year no changes are needed for the Plan.

Motion Mr. Phillips to concur with the Emergency Plan for Ice Control & Snow Removal as written, seconded by Mr. Quist.

Mr. Rucho questioned the after-hours procedures for sanding and salting. The process is should the police officers find the road conditions poor, they alert the Dispatch Center who places a call to Mr. Westerling. It is either town-wide or spotty. Mr. Westerling stated that he does not come out and review the conditions. He relies on the Police Department as they are driving the streets and driving around the town checking the bad spots and all the hills in the higher elevation. Mr. Westerling noted that the Police Department has the list in their memory banks.

Vote on the motion – all in favor.

## 3. Chapter 90 Project Update

The bids for the Fairbanks Street project were just opened. The construction estimate was \$500,000 and the bid came in at \$247,000. LEI has reviewed the bid from A.F. Amorello and Sons, Inc. out of Worcester and they have checked their references. The contractor is ready to go and Mr. Westerling recommends the Board vote to enter into a contract with A.F. Amorello and Sons, Inc. out of Worcester for the reconstruction of Fairbanks Street from Route 110 to the power lines.

The Bernardin drainage project is ready to go out to bid. It was estimated at \$20,000 and came in at \$100,000, however, it has not yet been bid out. Campground Road drainage is ready to go and the estimate for that project is \$20,000. The Prospect Street wall is ready to begin as soon as the weather cooperates.

Motion Mr. Rucho for the Board to enter into a contract with A.F. Amorello and Sons, Inc. out of Worcester for the reconstruction of Fairbanks Street from Route 110 to the power lines, seconded by Mr. Phillips, all in favor.

Mr. Westerling noted that the contractor plans to begin the work this fall by getting the drainage in and bringing it up to base coat of pavement. There are two man holes in the street. He added that it is not a real issue if we do not get the job finished this year. The Prospect Street wall will be rebuilt with the existing stones which will keep with the character of the neighborhood.

Motion Mr. Phillips to move forward with the Prospect and Campground Road projects, seconded by Mr. Rucho, all in favor.

Mr. McCormick reported that a week ago he met with Mr. Westerling, Mr. Gaumond and the people from SMOC regarding the Franklin Street housing project and the water coming off of the

property to see if there is something we could do where lower Franklin and Worcester Street meet. They have \$10,000, which they would like to invest to solve the water issue. The town suggested the installation of two catch basins on both sides of the road. When they went out to bid the bids came in at \$16,500 and \$19,500. Mr. McCormick would like to authorize up to \$10,000 of Chapter 90 funds to remedy the puddling problem and get it completed before the winter.

Mr. Westerling was asked to look at the site. At the same time, Mr. Chase, of the Conservation Commission informed Mr. Westerling that the developer wanted to have a meeting. The developer was not required to do any off-site improvements in the agreements from Boston. With our recent rains, the pond on the property held the water, however, the water was running off the driveway down Franklin onto Worcester Streets and both streets in addition to Mr. Heminway's property were under water. Mr. Westerling does not know if the installation of the two catch basins will solve all the problems, however, it will take care of the puddle. The developer believes it will take care of the overflow. With the two catch basins at least the water will have a place to run out to. Mr. Westerling noted that they developer has already done all the engineering and they will be investing \$10,000 into the improvements. Mr. McCormick added that the town owns the cement structures for the project.

Motion Mr. Phillips to authorize up to \$10,000 in Chapter 90 funds and the use of the cement structure for the project which includes two catch basins and 18" pipe and an investment of \$10,000 by the project developer, seconded by Mr. Quist, all in favor.

## **NEW BUSINESS**

### **1. Future of the Mixter Building (KM)**

Mr. McCormick would like to schedule a public meeting after the first of the year to solicit comments from the residents and get a sense of what they would like done with the Mixter Building. He also suggested having CMRPC come in and perform a 21E prior to that meeting. Mr. Phillips would like to include Tivnan Drive and all the town's public lands for discussion on that night.

### **2. Vote to accept \$6,618.07 in donations from the public on behalf of the Beaman Memorial Public Library**

Motion Mr. Rucho to accept \$6,618.07 in donations from the public on behalf of the Beaman Memorial Public Library, seconded by Mr. Phillips, all in favor.

### **3. Vote to accept \$1,000 grant from Common Pathways on behalf of the Town of West Boylston's Wellness Neighborhood Conversations**

Mr. Gaumond explained that we are working with a group called Common Pathways. He and Mrs. Lucier met with the Director of the program and they pledged \$1,000 to the town for Wellness Neighborhood Conversations. There is a potential for an additional \$5,000 more to support our efforts.

Motion Mr. Rucho for the Board to accept the \$1,000 grant from Common Pathways on behalf of the Town of West Boylston's Wellness Neighborhood Conversations, seconded by Mr. Phillips, all in favor. Library Director Louise Howland advised that the library is beginning a community series of conversations and it would be nice to add this. Vote on the motion- all in favor.

### **4. Assignment of motions for October 18 Semi-Annual Town Meeting.**

Mr. Quist will read the motions for Articles 1, 6, 11, 16, and 20; Mr. McCormick will read the motions for Articles 2, 8, 12, and 17; Mr. O'Brien will read the motions for Articles 3, 9, 13, and 18; Mr. Rucho will read the motions for Articles 5, 10, 15 and 19.

## **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. Thursday, October 7, 7:00 p.m., Municipal Buildings Advisory Committee Meeting

2. Monday, October 18, 7:00 p.m., Semi-Annual Town Meeting at Middle/High School
3. First order of business at town meeting will be the selection of a Temporary Town Moderator - anyone interested in serving as Temporary Town Moderator should outreach to the Town Clerk.
4. Mr. Gaumond presented the Board with a Certificate of Support for the Guard and Reserve from the Chairman of the National committee for Employer Support of the Guard and Reserve.

**FUTURE AGENDA ITEMS**

Mr. Phillips would like to revisit 'live' broadcasting of Selectmen's meetings.

With no further business to come before the Board, motion Mr. Phillips at 8:38 p.m. to adjourn, seconded by Mr. Quist, all in favor.

Respectfully submitted,

Approved: October 20, 2010

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Nancy E. Lucier

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Kevin M. McCormick, Chairman

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Allen R. Phillips, Vice Chairman

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Steven J. Quist, Clerk

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Christopher A. Rucho, Selectman

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John J. O'Brien, Selectman