

Members present: Kevin McCormick Christopher A. Rucho
Steven Quist John O'Brien
Members absent: 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 of August 4, 2010, seconded by Mr. Quist, all in favor.

Motion Mr. O'Brien to approve the executive session #1 meeting minutes of August 4, 2010, seconded by Mr. Quist, all in favor.

Motion Mr. O'Brien to approve the executive session #2 meeting minutes of August 4, 2010, seconded by Mr. Quist, all in favor.

Motion Mr. O'Brien to approve the regular session meeting minutes for the August 17, 2010 regular session, seconded by Mr. Quist, all in favor

Vote to Sign Goodale Park Project Ban

Motion Mr. Quist for the Board to sign the Bond Anticipation Notes for the Goodale Park Basketball and Tennis Court Project, seconded by Mr. O'Brien, all in favor.

Historical Commission – Presentation of Proposed Demolition Delay Bylaw

Beverly Goodale, Chair of the Historical Commission joined the Board with member Barbara Deschenes. They presented the Board with a Demolition Delay Bylaw, which they would like included on the warrant for the October 18 Semi-Annual Town Meeting. Ms. Goodale explained that a Demolition Delay Bylaw can be an effective tool in helping the Commission save and record properties of historical significance, and noted that the Jacob Winn Barn is now an addition to the Bigelow Tavern property. The bylaw gives the Historical Commission a chance to record the property for the town.

Ms. Deschenes noted that the bylaw was developed by taking bits and pieces from bylaws already adopted by other communities. It has also been reviewed by the Building Inspector and members of the Planning Board and is not designed to totally discourage people from demolishing a building, but rather it provides other alternatives. It will cover less than one percent of the total properties in town as most homes do not fall into the category. Only structures that are 50 years old and are listed on the National Register of Historical Places, or are located within an area listed on the Nation Register, or have a pending application for such a listing, or are eligible for such a listing or are included in the historic inventory prepared by the Commission. The goal is to preserve the building through relocation, purchase, rehabilitation or restoration.

Mr. Rucho recalled the bylaw coming before the town last year and questioned the changes made since that time. Ms. Deschenes reported that when the Historical Commission held its public hearing the changes which were proposed were not incorporated into the previous version. There were concerns from the Building Inspector that there were no fines for violations.

Ms. Deschenes added that they are currently working on the Newton Street area and that would be included in the historic inventory. Mr. Rucho feels there could be more properties included in the inventory once the Commission has completed their inventory. Mr. O'Brien asked Ms. Deschenes to walk him through the process. She explained that if you have a barn you want to demolish and it is not a danger to anybody the Commission would ask that you try to seek another person who would be

willing to relocate the barn and for up to one year the owner makes a reasonable effort to locate a purchaser to preserve, rehabilitate or restore the barn. Mr. Rucho noted that the bylaw did not exist when the Jacob Winn Barn was relocated. Ms. Goodale explained that DCR owned the barn and they approached the Historical Commission and the Commission was able to arrange to have the state sign off and the barn was relocated. There was nothing wrong with the barn it was they just didn't want it any more. If no one comes forward after one year, you could remove the structure. This would give the Historical Commission the ability to photograph and document the pieces of property.

Mr. McCormick pointed out Section 2.63 which says 'has been determined by vote of the Commission to be a significant building after a finding by the Commission.' He voiced his concern and used as an example when he purchased the Sona Motel. The Commission could have told him that they didn't want the motel demolished because it was historic. He does not understand what the Commission's determination of historic is. Ms. Deschenes replied that it has to be of national or state history. Mr. McCormick is uneasy with the fact that the Commission can vote to say the building is part of the inventory, you have purchased it and are now sitting with a building and will not be able to tear it down for one year and he has to try to find somebody who wants the building. Ms. Deschenes stressed that it would have to be on the National Register of Historic Places or be a pending application. The procedure would be that the Building Inspector would notify the Historical Commission within seven days of receiving the application for a demolition permit for a building at least fifty years. Within twenty days the Commission shall hold a public hearing to make a determination if the building is architecturally or historically significant. It will be a seven-member vote and a public hearing.

Mr. McCormick noted that the former drive-in theater had town history. Ms. Goodale added that they were able to photograph the Giobellina property. Their hope is common sense will prevail and the idea is to stop a significant piece of property from being demolished. The historic register is for significant pieces of property, and the homeowners would be notified and it would be a record of the town. Mr. McCormick's concern is that this bylaw would stop someone from doing something with their property. Ms. Goodale feels that maybe it needs to be looked into, and if it were something special maybe it could be incorporated into part of the building. It is to see if something can be saved.

Mr. Quist applauds the work of the Commission and asked if the list of historical properties is on the web site. Ms. Goodale reported that most of the list was done by the Hydro Quebec Survey in the middle 80's and the others were in the early 70's. Mr. Quist suggested posting the list on the website so that people could check it. Ms. Goodale advised that some are on the state's website. She added that the Maddock's House was signed off on because it really had nothing of significance left to it. She also noted that right now the Building Inspector contacts the Historical Commission if he gets an demolition request so that they can take photos, and they will try to get it done as quickly as possible.

Mr. McCormick's concern is that he intends to demolish a building over 50 years old he would first have to have a public hearing. Ms. Deschenes noted that the Historical Commission would make the determination and the Building Inspector would notify them. Mr. Rucho added that under this bylaw every house 50 years or more goes to the Historical Commission. Ms. Goodale stated that the Building Inspector has been good and the Historical Commission has been signing off on demolition permits. They are not trying to do anything to somebody who intends to fix something up, it is only if they intend to get rid of something of some historical significance.

Motion Mr. Quist to include the Demolition Delay Bylaw on the October 18, 2010 town meeting warrant, seconded by Mr. O'Brien, all in favor.

Agricultural Commission, Presentation of Proposed Right to Farm Bylaw

Eric Palumbo, Chair of the Agricultural Commission and Patricia Pepi, member of the Commission joined the Board to request the inclusion of a Right-to-Farm Bylaw on the October town meeting. The bylaw restates state laws regarding agricultural land and its uses. It is not a new law. It will say that the town is a farm-friendly community, and it may earn some points in seeking grants. Land conservation is an investment in a community. She provided the Board with a Quick Facts about the Right to Farm Bylaw handout.

Mr. O'Brien asked if someone lives in a residential area, will the bylaw allow your neighbor to raise livestock. Ms. Palumbo's response was this bylaw will not change that. It just re-states what is already law.

Motion Mr. Rucho to include the Right to Farm Bylaw on the October 18, 2010 town meeting warrant, seconded by Mr. Quist, all in favor.

Goodnow Public Hearing (cont) - Class II License

Mr. McCormick reconvened the public hearing and reported that Mr. Goodnow has withdrawn his request for the license.

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

Planning Board, Presentation of Proposed Amendments to Zoning Bylaws

Planning Board Chairman, Vincent Vignaly joined the Board. The Planning Board hopes to get a Cluster Zoning Bylaw on the warrant for the October 18, 2010 town meeting and the process is to request the Board of Selectmen to send the bylaw back to the Planning Board to have its public hearing. The bylaw has been a recommendation of the town's Master Plan for ten years and it is also in the Open Space and Recreation Plan. It makes building less expensive for the developer by keeping all the development closer to the road and providing a buffer area around the back land. The Planning Board has its public hearing scheduled for September 8. If a developer had a preliminary subdivision plan with five lots and five houses, the bylaw would allow the five houses to be a little closer together with less frontage and a requirement that 50% of the property to be protected open space. It also has a 50-foot setback and benefits the developer as there is less paving and no increase in density.

Motion Mr. Rucho to include the Cluster Zoning Bylaw on the October 18, 2010 town meeting warrant, seconded by Mr. Quist, all in favor.

Motion Mr. O'Brien to refer the bylaw back to the Planning Board for its public hearing, seconded by Mr. Rucho, all in favor.

OLD BUSINESS

1. Sign Statement of Support of the Guard and Reserve

Motion Mr. Rucho for the Board to sign the Statement of Support of the Guard and Reserve, seconded by Mr. O'Brien, all in favor.

2. Sub-Committee Report on Update of Mission & Vision Statements

Mr. Quist noted that Mr. Gaumond polled the citizens in town for their input on updating the town's Vision and Mission Statements. He and Mr. O'Brien reviewed those suggestions and modified the Mission Statement. Mr. O'Brien reported that after reviewing the submittals both he and Mr. Quist determined that the Vision Statement did not need any updating. They made some brief changes to the Mission Statement; however, they would like to table this item until the September 15th meeting in order to complete the update.

NEW BUSINESS

1. Concurrence on the appointment of John K. Westerling as the DPW Director effective July 1, 2010 for a term to expire on June 30, 2012

Motion Mr. O'Brien to concur with the appointment, seconded by Mr. Quist. Vote on the motion – Messrs. McCormick, Quist and O'Brien yes; Mr. Rucho no.

2. Concurrence on the appointment of John K. Westerling as the Tree Warden effective July 1, 2010 for term to expire on June 30, 2012

Motion Mr. O'Brien to concur with the appointment, seconded by Mr. Quist, all in favor.

3. Concurrence on the appointment of George Chase, 10 Osgood Ave, to the Sustainability Committee, effective September 1, 2010 for a term to expire on April 30, 2012

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

4. Concurrence on the appointment of Brad Dunn, 70 Malden Street to the Municipal Buildings Committee, effective September 1, 2010 for a term to expire on April 30, 2013

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

5. Concurrence on the appointment of Marc Trudeau, 16 Lynwood Lane to the Municipal Buildings Committee, effective September 1, 2010 for a term to expire on April 30, 2013

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

6. Concurrence on the appointment of Richard Simmarano, 98 Shrewsbury Street to the Town-wide Planning Committee, effective September 1, 2010 for a term to expire on June 30, 2011

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

7. Municipal Relief Package- mutual aid language (AP)

As this is an item requested by Mr. Phillips, this will be tabled until the next meeting.

8. Goal #1: Acceptance of Town's Economic Development/Marketing Plan

This item will be on the September 15 agenda.

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

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

10. Vote to sign Professional Services Agreement by and between the Town of West Boylston and Sterling and Mark E. Brodeur effective August 1, 2010 for a term to expire on July 31, 2013

Motion Mr. Rucho to sign the Professional Services Agreement by and between the Town of West Boylston and Sterling and Mark E. Brodeur effective August 1, 2010 for a term to expire on July 31, 2013, seconded by Mr. O'Brien, all in favor.

11. Concurrence on the appointment of Mark Brodeur, Shrewsbury, Massachusetts as the Building Inspector/Zoning Enforcement Officer effective August 1, 2010 for a term to expire on July 31, 2013

Motion Mr. O'Brien to concur with the appointment, seconded by Mr. Rucho, all in favor.

12. Vote to accept \$111.75 in free will donations from the August 8 Concert on the Common on behalf of the Bandstand Committee

Motion Mr. Quist to accept \$111.75 in free will donations from the August 8 Concert on the Common on behalf of the Bandstand Committee, seconded by Mr. Rucho, all in favor.

13. Consider request from the City of Lowell to file a home rule petition to enable the town to act on behalf of its taxpayers in instituting plan design changes or join the GIC plan

This item will be tabled until the September 15th meeting.

14. Consider signing United Nations Day Proclamation 2010: Engaging Americans in Achieving the Millennium Development Goals

Motion Mr. Rucho to sign the Proclamation, seconded by Mr. Quist, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. Announce School Committee Vacancy and any citizens who want to be considered for appointment should send a letter of interest and a brief resume to Superintendent of Schools Thomas Kane by September 10, 2010. The School Committee and the Board of Selectmen will meet jointly before the end of September to interview the applicants and choose a replacement

2. What's New in Municipal Law Seminars are being held on September 24th at the Log Cabin Banquet and Meeting House in Holyoke and on October 1, 2010 at the Lantana in Randolph

3. September 2, 2010 – 9:00-3:30, Regionalization Conference at Holy Cross in Worcester

4. Meeting with School Committee to fill vacancy on School Committee – suggested dates, September 14 and 16.

As the 14th is the Primary, that date will not work and Mr. O'Brien is unavailable for the 16th. The Board offered the 21st.

Parks Facilities Committee

Patrick Crowley and John Owanisian joined the Board. With regard to the Goodale Park Basketball and Tennis Court Project, Mr. Crowley reported that they do not have sufficient funds to include the installation of the new lights. They have \$30,000 in contingencies and thus far they have \$9,500 from the sale of banners. He is unable to commit to using those funds as they do not know about any change orders. He requested the Board endorse the article on town meeting floor and put an article on the warrant for not to exceed \$70,000 for the purchase of the light poles.

Mr. McCormick understands the need for the lights, however, in his opinion it is hard to support doing anything right now without the benefit of knowing what is available for funding. Mr. Crowley asked the Board to include the article on the warrant to let the town decide. Mr. McCormick prefers waiting until he has information on funding as he will not support taking funds from the Stabilization Fund.

Mr. Crowley feels there are other sources of funds such as the Capital Investment Board, which could be used. He asked for a commitment from the Selectmen to include the article on the warrant. Mr. McCormick recommends the Committee submit the article and the Board will review the request when it reviews all the other requests at which time it will depend on available funds. Mr. Crowley asked if the money is available, is the Board more likely than not to include it on the warrant. Mr. Rucho questioned whether the Committee would have a firmer number by the meeting on the 22nd. Mr. Crowley thinks he will have \$20,000 available for the lights, however, due to fact that the project is not going to be substantially completed by town meeting, he would like the article to read not to

exceed \$70,000. Mr. Rucho agrees that it would be nice to start and finish the project. The Committee was informed of the special meeting on September 22 to review and close the warrant.

Public Hearing, Re: Consider Adopting Recycle Product Procurement Policy, L-17 in Selectmen's Policy Book

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, September 1, 2010 at 8:00 p.m. for the purpose of considering adopting a Recycle Product Procurement Policy. The meeting will be held in the Municipal Office Building, 127 Hartwell Street, West Boylston. For additional information, or to review the proposed information, please contact the Office of the Board of Selectmen/Town Administrator at 508.835.3490. All interested persons, groups, and agencies are invited to attend. Kevin McCormick, Chairman, advertised on August 18, 25, 2010.

Although Mr. O'Brien agrees with the intent of the policy, he feels education is the best approach. He would prefer to have that discussion with the Town Administrator as he thinks it should be best practice as the Town Administrator should be focusing on doing other things.

Motion Mr. O'Brien to continue the hearing until September 15th at 8:00, seconded by Mr. Quist, all in favor.

FUTURE AGENDA ITEMS

Mr. McCormick would like to include a discussion on Town Squares.

Mr. Quist would like an update from the Municipal Building Advisory Committee.

With no further business to come before the Board, motion Mr. Rucho at 8:15 p.m. to adjourn, seconded by Mr. Quist, all in favor.

Respectfully submitted,

Approved: September 15, 2010

Nancy E. Lucier

Kevin M. McCormick, Chairman

Steven J. Quist, Clerk

Christopher A. Rucho, Selectman

John J. O'Brien, Selectman