

**MEETING      BOARD OF SELECTMEN/SEWER COMMISSION      DECEMBER 14, 2011**

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

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

**Capital Investment Board**

Ray Bricault and Chris Berglund, members of the Capital Investment Board and the Finance Committee, joined the Board to discuss their undertaking of a review of the town's capital needs. Mr. Bricault explained that the last time they met with the Board there were questions about how we go about purchasing some of the smaller dollar items, which did not fall into the capital category. They are now taking a look at the replacement time lines and an assessment of all of those assets. One of the biggest issues is the major capital needs. With items coming off the town's borrowing they plan to develop a plan to recommend how we would approach capital assets with time lines and needs. To date they have been meeting with department heads trying to get a look at all our assets. They are trying to assess a set of guidelines on how they are going to approach this. They would like the Board's input on any projects they feel should be included in the analysis and anything they would like to be into the process. Mr. Phillips asked if they posed the same question to the department heads. Mr. Bricault indicated that they were asked 15 questions with potential revenue sources, privatizing and regionalizing. It is an ongoing process he is trying to wrap it up by the end of the month. The CIB and Finance Committee have teams of two look at town hall, DPW, library and public safety. They will match the information up to the capital list they have of projects coming in. In January they will look at the funding mechanism. The goal is to try to smooth the capital process and not to have peaks and highs and low. They will compile a draft findings report and come back to the Board in late January or February and finalize the report in late February. Mr. Phillips requested a preliminary list so the Board does not have to repeat those items already on the list. Mr. Gaumond will give the Board what the capital plan is now. Mr. Bricault is also looking for specific ideas the Board has on the evaluation process and what should be getting priority, not so much specific projects, but rather what aspects of projects they deem more important than others.

Mr. Gaumond explained that since we established the capital process in 2004 it has modified itself and grew each year now we have a plan that includes anything over \$5,000. Now we create a capital article. What is missing is the areas of roads and sidewalks none of that is built into the capital plan for the town he does not have the building issue in his plan. Another area of concern is the sewer infrastructure like pump stations, sewer equipment and IT. He has not even considered stormwater management and the new regulations they came up with. Mr. Bricault advised that the plan does not include sewers as it is a free standing enterprise. Mr. Gaumond feels we should be interested in the long term of the sewer system. Mr. Bricault would like to contain the scope of the project. Mr. Bricault would like comments, preferences and priorities as soon as possible as the process will step up in January.

**OLD BUSINESS**

**1. Renewal of Business Licenses For 2012**

Mr. McCormick recused himself. All departments have indicated that the businesses are in compliance. We do have one small outstanding bill for property located at 257 West Boylston Street.

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Mr. Gaumond recommends the Board approve all the licenses for 2012. Mr. Rucho questioned whether this also includes any outstanding sewer bills. Mr. Gaumond advised that it includes sewer.

Motion Mr. Rucho to approve the business licenses for 2012, seconded by Mr. O'Brien, all in favor.

**2. Renewal of Alcoholic Beverage Licenses For 2012**

Mr. Gaumond reports that all the departments have indicated that the businesses are in compliance. All establishments have submitted the required paperwork with the exception of Reservoir Package Store, who will not be renewing their license. Mr. Phillips noted an issue the Planning Board had. Mr. Gaumond advised that the Planning Board raised an issue with the parking of cars on the paper street between Gerardo's and West Boylston Seafood. That situation is involved in a land court case between the two parties.

Motion Mr. O'Brien to approve all the establishments who submitted renewal paperwork for alcoholic beverage licenses, seconded by Mr. Quist, all in favor.

Mr. Gaumond informed the Board of one issue with regard to the license issued to Pinecroft. They are requesting the conditions on their beer and wine license be revised and the no entertainment license be removed and hours of service be extended. Due to the fact that when the license was granted a public hearing was held, Mr. Gaumond asked the Board if they would like to schedule another public hearing or just have a meeting with the applicant to discuss his request. He noted that the Board did give an entertainment license on the lot next door. He is looking for entertainment inside the building. Mr. Phillips thinks we should hold a public hearing to grant the abutters the same opportunity they had in the past. Mr. McCormick returned to the meeting.

**3. Maple/Temple Streets & Worcester/Temple Street design discussion**

Earlier this week Mr. Gaumond received word from Mr. Baruzzi that the asphalt plants were scheduled to close on Friday and we were prepared to move forward with the modification of the design. Mr. Baruzzi explained that the design is very close to where it was. We did improve both areas coming onto Route 140 going south. Mr. O'Brien thanked Mr. Baruzzi for jumping on this as it would have been a major problem once snow arrives. Mr. Rucho thinks it will definitely make a difference. He asked if what we did was the original plan that was approved. Mr. Baruzzi advised that LEI will be in to meet with the Board in January.

Motion Mr. McCormick to expend the money from Chapter 90 for this project, seconded by Mr. Quist. It was noted that the funds will be up to \$27,000. Vote on the motion – all in favor.

**4. Marsh Hawk Way Chapter 90 Project discussion**

Reid Bagley joined the Board for this discussion. Mr. Phillips explained that about six months ago Mr. Bagley was in to speak with the Board concerning flooding on his property located on Marsh Hawk Way and the island in the middle of the road. At that time the Board approved the use of \$15,000 to alleviate the issue. Since then Mr. Bagley received a letter stating that the improvement would not happen right now. Mr. Phillips went out to the site and noted that there is free standing water on his property and the island is a mess since the snowstorm. Mr. Bagley provided the Board with photographs and explained that the way the cul-de-sac is designed the lowest point is at his driveway and just to the right of the driveway the water drains down the driveway and floods his entire side yard and his back door is inaccessible. The sewer grinder pump is covered and when it rains in the winter time the issue is ice. Every night there is a freeze and thaw. He would like to move forward and

not go through another winter and spring with this situation. In heavy rains he did have his basement flood and with the freezing and thawing he has huge cracks in his driveway.

Mr. O'Brien asked how long the situation has been like this. Mr. Bagley advised since 2008. In the spring when the rain starts was when he noticed. The DPW foreman suggested curbing, however, that would just move it to the neighbor's property. Mr. Baruzzi advised that the issue is we are in the middle of December and the project requires trenching the pavement and putting in fixtures. The thought was we were going to rent a piece of equipment to do two or three projects together because there are a lot of drainage problems in town. Mr. McCormick suggested making a little swale with some stone to make the water run off and then next spring we could do the project. Mr. Baruzzi plans to install a catch basin at the low point and piping. Mr. Phillips asked Mr. Baruzzi what could be done before winter to alleviate the problem. Mr. Reid suggested putting the drainage in and fill the trench temporarily as there is not high traffic in the area and put the paving off until spring. Mr. Baruzzi has not yet ordered in the material and we would be digging in frost. In addition, if they do not do anything else and have a full crew it could be completed in a few days once they get all the material. Mr. Phillips would like to make an attempt to do something.

Mr. Rucho questioned the cost. Mr. Gaumond explained the problem we have is we have over-expended Chapter 90 and that was our issue. We were going to try to save money and do several projects at one time. Our engineer has estimated the project to cost \$19,750. He added that Mr. Bagley is not the only person who received a letter. Letters were sent out for projects on Newton and Henry Streets and Campground Road. We could spend next year's Chapter 90 money just on drainage issues. We need to start thinking of how we will address these outside of Chapter 90 funds. Mr. Baruzzi feels we all need to remember that Chapter 90 is our one source of money to replace the stream break on Worcester Street, which will not be an inexpensive fix. Mr. Rucho noted that the other people with drainage issues could also come in before the Board. Mr. Gaumond added that the Selectmen voted numbers up to a certain number for the Marsh Hawk Way, Newton, Campground Road, Henry and Franklin Streets projects. The money in Chapter 90 to cover this is \$15,000 for this project. The full plans from LEI says \$19,750. He asked Mr. Baruzzi if this is something we can do without the full project. Mr. Baruzzi will get some numbers on the materials needed and will delay the paving until after the next allotment of Chapter 90.

Mr. Rucho asked if we have money for the Temple/Worcester Street project we just voted. Mr. Gaumond explained that he sent the letters out because he has limited funds. We thought we had the money when the projects were voted, however, the Route 140 project came in slightly higher. Mr. McCormick suggested diverting the water some how and maybe piping through the back yard on top of the ground and then revisit in the spring. Mr. Gaumond will follow up with Mr. Baruzzi this week to come up with a quick fix and report back to the Board on where we stand.

## **NEW BUSINESS**

### **1. Town Administrator's Performance Measurement Report**

Annually in the month of November or December, the Town Administrator presents the Board with his Performance Measurement Report. He commends the Board for being willing participants and he thanked the department heads for their reports. We track information from the library, building, fire, police, Council on Aging and utility bills. The last page includes utility costs since 2007. The information allows the Board to set goals and objectives for various departments on an annual basis. He will post this information on the Town Administrator's page of our website. No Board questions.

### **2. Consider voting to take a position on MMA resolutions for the MMA Annual Meeting**

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Mr. Gaumond reported on the three resolutions being presented. The first is a resolution on the Transportation Finance Crisis and asks for a reinvestment of funds by the federal and state government to improve the nation's transportation infrastructure. The second is on opposing unfunded mandates and the third is a resolution calling on the US Government to embrace a strong fiscal and economic partnership with cities and towns. It reminds our federal officials to consider the plight of local communities when making decisions in Washington. If the Board wishes to take a position on any of the resolutions Mr. Gaumond would be happy to bring them forward.

Motion Mr. McCormick for the Board to take a supportive position on all three resolutions, seconded by Mr. Rucho, all in favor.

3. Concurrence on the appointment of Richard Ellbeg to the as the fire first responder representative to CMEMSC effective December 14, 2011 for a term to expire on April 30, 2012

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

4. Provide recommendations on goals for the DPW Director

Mr. Baruzzi is about to complete his first six months on the job. He asked if the Board had any goals they would like him to work on. Mr. Rucho would like to be able to pay sewer bills on line. Mr. Gaumond also suggested working on the Sewer O&M Contract, assist the Town Administrator and the Board of Selectmen with union negotiations and resolve on-going sewer issues with the Town of Holden. Mr. Phillips would like to include having him work on our on-call engineer contract if our contract with LEI expires this year. Mr. Gaumond offered to check and report back to the Board. The Board indicated their approval of the goals.

5. Vote to accept a gift from the Webster First Federal Credit Union in the amount of \$200 on behalf of the Council on Aging to be used for Wellness Programs

Motion Mr. McCormick to accept a gift from the Webster First Federal Credit Union in the amount of \$200 on behalf of the Council on Aging to be used for Wellness Programs, seconded by Mr. Rucho, all in favor.

6. Consider voting to adopt M.G.L. c. 32B §§21-23

At the Board's request, Mr. Gaumond invited Ken Lombardi of EBS Foran to join us for the meeting. At the Board's last meeting a request was made to put on an agenda item to adopt MGL Chapter 32B Sections 21-23. Within the last few months the state legislature adopted municipal health insurance reforms which would grant municipalities the ability to make plan design changes to health insurance or join the GIC. In order to accomplish this the cities and towns needs to adopt MGL 32B. Each individual city and town has to do an analysis to compare their plan to the Tufts Navigator Plan. If you vote this it would allow you to go down the road at the same time. It is something that will probably be adopted by all the municipalities in Massachusetts. He provided the Board with a copy of the time line they need to follow. Mr. Gaumond stated that there are three reasons why we would be looking at this now. They are we are entering into contract negotiations, Mr. Lombardi has provided a time line and if you were going to follow this takes about 119 days and our insurance comes up for renegotiation in February for July 1, and the Board of Selectmen filed a petition years ago to allow municipalities to be able to join the GIC.

Mr. Lombardi noted it is a time consuming process should the Board decide to issue a proposal the number of days bring us to May 1. The regulations require that the employee needs to know those design changes by May 1. The law says if the Town, through the Board of Selectmen, approves 21,

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it authorizes the insurance authority, the Town Administrator's office, to issue a proposal to the union. The proposal allows the movement of certain co-pays. It is very specific on what the town can do. It is co-pays and in addition the legislation creates a savings. The town has to revert 25% of the savings back to the membership. The premium reduction helps pick up some of those cost savings features. The union employees who participate in the Insurance Advisory Committee have worked collaboratively in the past. This gives you a beginning and an end date. Should there be an impasse, the regulations require that the plan is approved and then there is a panel set up. We are just talking the plan and co-pay features. Section 23 is the GIC. Mr. Lombardi does not think we will have enough savings to be able to go with the GIC. Initial estimates show that the town will have an 8% health crease increase, which is \$250,000. Every 1% is \$40,000. Mr. Rucho noted that if the Board goes this route it does not say we are going to the GIC. Right now we have a good relationship with our Insurance Advisory Committee. Mr. O'Brien asked if the Board accepts this, what are the next two or three steps. Mr. Lombardi explained that the first step is notify the union representatives two days before a vote. Once voted the Board of Selectmen instructs the insurance authority, the Town Administrator's office, to prepare a proposal taking current co-pays and comparing them to the Navigator Plan. That information is presented to the Insurance Advisory Committee and then you form a Public Employee Committee. Then there is a ten-day window for information exchange, then a thirty day negotiating phase on ideas on how to create a mitigation fund with the savings. Then the municipal health insurance panel decides on how to create the savings. By the time we are done the municipal health insurance panel will validate the information. Each step requires a couple days notice and the time line shows what needs to be done and whose responsibility it is.

Mr. McCormick asked if we accept this tonight, do nothing, and start negotiations, everything else does not apply. That process you start at any time. We could go back and talk to everybody through collective bargaining and if it does not work out then we could go through that route. Mr. Lombardi advised that you cannot reach agreement the Board has this tool. On June 30, 2012 we have to report the value of our current plan versus the benchmark plan design. We may achieve desired results under the budget. The legislature needs to know we did not take advantage. Mr. Phillips asked if anybody here would like to ask question.

Mr. Jack McCormick asked how does this affect retirees. Mr. Lombardi explained that once you reach 65 and over you are transferred to Medicare. Right now those plans have minimum co-pays and on those medicare supplemental plans there will be movement in those co-pays as well. Not significant on both active and non-active. This is strictly co-pays. The contribution rates will not change. Mr. Gaumond added that you cannot use this law to change contribution rates. Mr. McCormick stated that it was a big hit to the retirees when the contribution changes were increased. Mr. Lombardi advised that a number of communities have adopted this but done nothing with it yet.

Jay Dugan, President of the Police Union, joined the Board and stated you say we have always negotiated in good faith, why are we not trying to negotiate with the unions and hold off on this vote in lieu of adopting this law. It does not sound like we are negotiating in good faith. Mr. Gaumond explained that we can negotiate with individual unions and be very successful, but the Board of Selectmen does not negotiate with every union. We now have the ability to make those changes. We intend to negotiate in good faith and this allows us to do the right thing if push comes to shove. Mr. Dugan asked about the 25% savings and how does it get equally divided up. Mr. Lombardi explained that the money is placed in a mitigation fund and it is a pre-approved agreement with the unions on how the money will be spent. In other communities they spread the savings equally over 200 people. His recommendation is set it aside for people who have inordinate amount of claims. It is based on how membership want to spend it.

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Mr. Dugan asked if this have to go to town meeting? Mr. Phillips advised just the Board of Selectmen, not town meeting. Mr. Dugan asked once accepted, can it be rescinded? Mr. Lombardi explained if the Board adopts this we issue a proposal and the money is spent. The town cannot go through the change process again unless they go through a mitigation process again. This guarantees the membership gets some of the savings back and there is a lot of flexibility to accept it. Mr. Dugan noted that it was said that a lot of communities are accepting this. He spoke with unions who have not and questions how many have. Mr. Lombardi thinks just about every community within a few months will and they are looking to find out who has. He has Holden and Wakefield. Mr. Dugan noted that the majority of the commonwealth has not and from a negotiations stand point we have not even been approached by the town to work with the union. He asked if the Board looked into MIIA or explored other options before voting to accept this as law because once you accept you own it. Mr. Phillips added you own it, however, it doesn't mean you have to do anything with it. Mr. Dugan thinks we are rushing into it before exploring our options.

Mr. McCormick would rather have everyone know and the teachers have already been informed that we plan to accept this. Mr. Lombardi noted that the Insurance Advisory Committee meets pretty consistently and West Boylston does not do anything in a vacuum. We are looking at sending out an RFP and this is not the only thing under consideration. We have to follow the process for reporting purposes. We have to report to the Office of Accounting and Finance. Mr. Gaumond added that there are other options available and by adopting this it does not close any option. Mr. Dugan stated that is not being negotiated with the union, it is we accept this law and if things do not go well. In the history of West Boylston we have always negotiated in good faith and standing. Mr. Phillips does not see this is going to change anything it is a tool in the tool box and it does not make any sense for us to join the GIC.

Mr. Rucho noted that should negotiations start falling apart, we are required to give a two day notice and start the process. Mr. Phillips added that the Board is doing this in good faith and listening to employee concerns rather than doing this behind employees' backs. Mr. McCormick also advised that the Board has had the ability to join the GIC for years and we never used it.

Motion Mr. McCormick to adopt MGL Chapter 32B, 21A, seconded by Mr. O'Brien. Because this is a very confusing topic, Mr. O'Brien would like to post as much information as possible on the website. Mr. Gaumond suggested putting together some fact sheets and posting them on the Town Administrator's page. Vote on the motion, all in favor.

**MEETINGS, ANNOUNCEMENTS & INVITATIONS**

1. February 13, 2012, 7:00 p.m. – Community Meeting on Sign Bylaw

Mr. Gaumond explained that this past year when we had our business tours and local business meetings, one of the issues mentioned was our sign bylaw. The Selectmen have requesting a meeting to discuss the bylaw so that recommendations can be forwarded to the Planning Board for town meeting. Both Mr. Rucho and Mr. McCormick indicated that they would attend the meeting.

Motion Mr. O'Brien at 8:33 p.m. to enter into executive session under the provisions of Massachusetts General Laws Chapter 30a, Section 21, Parts 3 and 6 to consider the purchase, exchange, lease or value of real estate and to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the negotiating position of the public body and the chair so declares. Mr. Phillips declared that having this discussion in open session may have a detrimental effect on the negotiating position of the public body and the Board will reconvene in open session. Motion seconded by Mr. Rucho. Roll call vote: Mr. Quist yes, Mr. McCormick yes, Mr. O'Brien yes, Mr.

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Rucho yes, Mr. Phillips yes. Bruce Peterson and Marcia Cairns, members of the Municipal Buildings Committee, will join the Board in executive session.

Motion Mr. McCormick at 9:50 p.m. to come out of executive session and return to open session, seconded by Mr. Quist. Roll call vote: Mr. Quist yes, Mr. McCormick yes, Mr. O'Brien yes, Mr. Rucho yes, Mr. Phillips yes.

The Board reconvened in open session.

**Bethlehem Baptist Church**

It was announced that during the executive session the Board voted not to continue negotiations on the property owned by the Bethlehem Baptist Church. Mr. Rucho stated in regards to that what the Municipal Buildings Advisory Committee did, it was months ago, we asked the Board of Selectmen if they wanted us to move forward with a Request for Proposals. The Committee worked hard and our main concern was to save money and then the goal was to reduce the asking price which was reduced by over \$600,000. The committee brought it in front of the Board tonight and they have decided now not to go forward with the project. The Municipal Buildings Advisory Committee did what the Board of Selectmen asked them to do. Mr. Phillips noted that the Committee did work hard on this. Mr. McCormick added that the Committee did work very hard and he appreciates that, however, just to save a dollar does not sit well with him. It is not the proper building, not the right size and that is why he voted to terminate. It had nothing to do with not liking the location, it is not big enough and just to buy something because you can buy it he does not agree with. Mr. O'Brien thinks the Committee worked hard and thinks it is an appropriate item to look at. He does not like the location, the overhead electrical wires and the entrance and exit onto Route 110. He thinks we can do better. Mr. Rucho stated that in the future it is a lesson learned but all this information has not changed. The size and location, everything was the same and the appropriate thing would have been for the Board of Selectmen not to vote to go forward with the project. The only thing that changed was we reduced the asking price.

With no further business to come before the Board, motion Mr. McCormick at 9:50 p.m. to adjourn, seconded by Mr. O'Brien, all in favor.

Respectfully submitted,

Approved: January 4, 2012

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Nancy E. Lucier, Municipal Assistant

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Allen R. Phillips, Chairman

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John J. O'Brien, Vice Chairman

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Christopher A. Rucho, Clerk

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Steven J. Quist, Selectman

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Kevin M. McCormick, Selectman