

Members present: Kevin M. McCormick John W. Hadley
John J. O'Brien Michael J. Kittredge, Jr.
Christopher A. Rucho

Mr. McCormick convened the meeting at 7:00 p.m. and announced that the meeting is not being televised at this time due to technical difficulties and once that has been rectified, he will let everyone know.

Read and Acceptance of Minutes from Previous Meeting

Motion Mr. O'Brien to approve the regular session meeting minutes from August 1, 2012, seconded by Mr. Kittredge, all in favor.

Motion Mr. O'Brien to approve executive session meeting minutes from August 1, 2012, seconded by Mr. Hadley. Vote on the motion – Messrs. McCormick, O'Brien, Hadley and Rucho, yes; Mr. Kittredge abstains as he was not present at the meeting.

Review Sewer Capacity Issues with the Planning Board

Planning Board members Vincent Vignaly and Chris Olson joined the Board along with Town Counsel Jeanne McKnight and DPW Director Silvio Baruzzi. Mr. Gaumond advised that not too long ago the Board of Sewer Commissioners received correspondence from the Planning Board raising issues with regard to the sewer system. The agenda package contains copies of the letters with regard to sewer capacity issues. Mr. Vignaly explained that the Planning Board gets applications for Site Plan Reviews and for subdivisions. They send the plans to the DPW and get comments back, however, they have no idea of the big picture items regarding sewer capacity and how much is available. They are trying to get the basic information to have it at their finger tips and that is why they wrote the letters. Mr. Baruzzi displayed a map, prepared by Weston & Sampson Engineers a while ago, which shows each of the pump station locations and the approved sewer capacity. He noted that the Sterling Place Station has 6,000 gallons, Oakdale has 55,800 gallons, Shrewsbury Street is 59,000, Industrial Area, 60,000 gallons, Thomas Basin has 5,000 and Worcester Street 230,000. He added that the data is all available online and is from a Weston & Sampson presentation. The Oakdale flow goes through Thomas Basin and should someone come in with a proposal, new pumps could be installed to increase that capacity. Mr. Vignaly noted that the proposed Oakdale housing project would have produced double the 5,000. He remarked that the map was great and noted that working together makes things happen more efficiently.

Mr. Hadley questioned what the average four-bedroom house uses. He was told that it is based on 110 gallons per bedroom and with four bedrooms it would come to 440 gallons. Mr. Rucho asked the Planning Board how this information would help them. Mr. Vignaly explained that if somebody comes in to put a business on the site of the former well company in Oakdale, they will have an idea that the sewer capacity will be an issue. They approve based on input from the DPW, Police Department and Fire Department. If they do not have any knowledge of the sewer capacity, it may not get raised. Mr. Kittredge suggested making a copy of the map and giving it to the Planning Board.

Discussion ensued regarding connections. Mr. Baruzzi noted that they send out 2,000 sewer bills. Mr. McCormick believes 65% of the town is sewer. Mr. Vignaly noted another request of the Planning Board was they would like to see some idea of what lots have betterments and the response was if they have paid a betterment then they are on the sewer. Mr. Baruzzi advised that somewhere in the Master File there is a list of all the lots and he could correlate it to GIS. Ms. McKnight feels it might be helpful to the Planning Board to see if a lot paid a fee but also how many gallons the

betterment payment was based on as in evaluating a special permit or a site plan approval, they want to be aware of any proposal that would exceed those numbers. Mr. McCormick recalls each lot was assessed for one unit. Mr. Rucho commented that we could be over capacity right now if we added up all the lots not yet developed. Mr. Vignaly noted that the people who paid a betterment have rights to the sewer so we should take that into consideration. If we do need to upgrade, we would need a new agreement with Upper Blackstone and if we have to ask for more capacity we will have to work on getting a good deal for the town and planning up front is important.

Mr. McCormick added that if Mr. Baruzzi can do the GIS mapping, we can look at who paid a betterment. We already know the capacity so it will put us in pretty good shape and as Sewer Commissioners we may have to make decisions for those who already paid and have a right to connect to sewers. Mr. Rucho would like to see numbers on what is being used and what is available. Mr. Kittredge would like to know where we stand with our limitations on the Holden/Rutland/Worcester agreement. Mr. Baruzzi advised that we have plenty of flow capacity. Mr. Vignaly is not sure if the actual flows have been looked at. Mr. Baruzzi advised that we are looking at the flows into the pump stations. Mr. Vignaly stated that they updated Title V in 1995 and they updated the flow calculations at that time. It was based on national standards. Ms. McKnight explained that the property business zoned and used at the time of assessment they were based on what the property was actually used for and Title V design code associated with that use. It was noted that Ernie's Car Wash paid a very large connection fee. Mr. McCormick pointed out the hardest thing with commercial property is you do not know what people are going to put in. Mr. Rucho would like to take out how many are using the system. Mr. Baruzzi explained that the water and sewer bill are based on the water meter and the gallons going through the pump station is a little different. Mr. Kittredge suggested just looking at the sewer bills.

Mr. McCormick announced that we are now being televised.

Mr. Vignaly pointed out Item C on page 1 of the Planning Board letter, which asked if the DPW determines that there are insufficient offsetting flows then approval for increased discharges will need to be approved in the process followed by properties outside of the Sewer District. The idea is if the DPW determines not enough capacity, then what is the process. Mr. Gaumond stated that if somebody comes in and we do not have sufficient capacity the policy the Board has says that they have to find capacity and in some way, and the burden is on the applicant or they could create capacity by upgrading pumps or building pumps or told no, we cannot do it because of the agreements we have. Ms. McKnight stated that with regard to sewer extensions, when you talk about a property they might want to do a car wash versus a small user. Properties outside the sewer district would require a sewer extension or a new subdivision in a larger parcel. In order to get a sewer extension they have to be approved by DEP. The Sewer Commission has a policy on sewer extensions, which they have a moratorium on. This was done when sewers were first put in because they did not know the capacity and did not want anything built until they knew how much room they have. Mr. Gaumond noted that we have always put the burden on the applicant to show sufficient capacity.

Mr. Vignaly asked if there had ever been a discussion around allowing a property owner, who had paid a betterment, to sell the additional capacity to the town. People who own a big field with three connections and never plan on building could sell the capacity back to the town and they would put that in the deed as that would allow them to protect their capacity and trade off those rights to the town and the property would not be built upon.

Mr. McCormick remarked - couldn't that be almost like a bidding war. To him, it should go back to the town and as far as the higher taxes, they could go to the Board of Assessors and request an abatement. Ms. McKnight explained that Provincetown has a system like that in place through

regulations. They release the sewer capacity to the town and their betterment is arranged that they no longer have to pay it at the level it was assessment. Mr. Vignaly suggested having that type of policy. Ms. McKnight offered to look into that for the town. Mr. McCormick believes they would have lost money as they could have sold the land with the capacity. Mr. Rucho is not sure who would give the land back for nothing.

Mr. Vignaly asked if there is anything in the intermunicipal agreements that the Planning Board should be aware of when reviewing a proposal. He asked if there was a summary of the agreements available. Mr. Baruzzi noted that they are public documents, which the Planning Board could have copies of. He added that the Rutland/Holden agreement is 590,000 gallons per day and when the town gets to 50% of that flow the agreement says no more sewer connections. If the Planning Board were dealing with a potential industrial development, the sewer has to be approved by Upper Blackstone. Ms. McKnight provided Mr. Vignaly with a copy of the agreement and Mr. Gaumond offered to send the Planning Board copies of the Board of Sewer Commissioners policies.

Silvio Baruzzi, DPW Director

1. Acknowledge article regarding the court upholding the Upper Blackstone Abatement District order

In the Board's agenda package there is an article, which appeared in the Worcester newspaper, together with a copy of a letter from the City of Worcester regarding the impact to the City of Worcester. Mr. Baruzzi advised that he tried to lay out the numbers in his email, and the good news is there are some steps that need to happen. Upper Blackstone is in the process of deciding whether to appeal the ruling or not. If the EPA wins, it forces the Upper Blackstone to make improvements. They would like to take several years to do this, and if they do that, it would take effect in 2016 and the increase would not fully take effect for a few years. We may want to consider raising the rates so we are in a position where we have done some of the capital improvements we need. The good news is West Boylston's portion of our sewer operating budget is 15 to 16% and that doubled only increases the budget 15-16%.

Mr. Hadley asked if this is the second law suit. Mr. Baruzzi advised that this has been in the courts since 2008. Ms. McKnight explained that this case was in the Federal First Circuit Appeals Court. They already lost in District Court in Boston. They have a right to file with the Superior Court and they could say no to that request. She feels it is a long shot even to apply. The Board does not need to take any action today as this is for public information.

2. Sewer Connection Fee discussion

Mr. Gaumond stated that one of the things that he and Mr. Baruzzi have been talking about is the fact that now that we have finalized our betterments, we do not have a sewer connection fee provision in place, and we feel there might be a need to do that. As an issue of fairness we have been talking about establishing a process or a procedure that the Board of Sewer Commissioners can vote. Tonight we are not looking for Board action, but would like some direction. He provided the Board with two sample Special Acts; one from Provincetown and one from Charlton.

Ms. McKnight further explained that there are two approaches the town could take in setting up a viable fee that withstands challenge. One quantifies some of the chokepoints in the system and the improvements needed once it is fully calculated what the flow will be. If there are bills to maximize capacity there is a basis for the town to say we cannot let you connect as we have limited capacity in our system or intermunicipal agreements. The only way we will say yes is if you pay so much and we

can address these barriers. Or, we could use the method Tighe and Bond used. They assess those who are building to a higher capacity than they paid for or any extensions so they pay per gallon and they call that the buy in cost. She recommends we back it up with a Special Act. It is a buy in program, a simple program that does not have to be a complicated calculation. The money has to be used for sewer purposes, such as pump station repairs or capital costs through the Upper Blackstone. You analyze the data and chokepoints in the system and the applicant would have to pay the fee. Mr. Baruzzi explained that currently we do not have the ability to charge people to hook up. Mr. Rucho asked what if it is a new piece of land and they did not pay a betterment. Mr. Gaumond advised that it would be considered an extension. Mr. Rucho noted that you had to pay the \$3,800 if you had sewer go by your house. If they were bettered for one house and they were going to put up more units, we could then charge them for all the units. Ms. McKnight advised that when it comes to the houses that have not yet connected there are not that many of them and the Board of Health has allowed some houses that need pumps to defer connecting. Mr. Hadley questioned how we bettered the street, one connection to each property? Ms. McKnight explained that if there was enough frontage for two lots the owner was assessed for two lots and they put in a stub. Mr. Gaumond believes there were stubs at every lot. Mr. Baruzzi added that there were stubs installed at vacant lots. Mr. Rucho asked if someone had double frontage, were they charged twice. Mr. Kittredge shared that he fell into that category and they were not charged twice.

Mr. McCormick believes the Board needs to start working on a policy for a Special Act and he believes #4 on the Tighe and Bond materials would be the fairest one. Ms. McKnight spoke with Mr. Gaumond, and because a Special Act takes a long time, we could develop a fee that is based on anticipated costs as an interim approach and we need to develop the data to back that up. Everyone agrees that we will begin the process. The first step is a draft Special Act which could be included on the October town meeting warrant.

Motion Mr. Rucho to ask the Town Administrator, Town Counsel and Mr. Baruzzi to begin the process of drafting a Special Act for the October Town Meeting and develop an interim policy on a fee for new connections, seconded by Mr. Kittredge, all in favor.

Mr. Rucho asked if we had many people who have connected into the system and were not charged because we do not have the fee in place. Mr. Gaumond advised no we have not.

NEW BUSINESS

1. Vote to accept the sum of \$250 from the Cultural Council for the Bandstand Committee on behalf of the town

Motion Mr. Kittredge to accept the sum of \$250 from the Cultural Council for the Bandstand Committee on behalf of the town, seconded by Mr. Rucho, all in favor.

2. Concurrence on the appointment of Gary Flynn, 416 Prospect Street to the Parks Facilities Committee as a representative of the Parks Commission, effective August 16, 2012 for a term to expire on April 30, 2014

Motion Mr. Kittredge to concur with the appointment, seconded by Mr. Rucho. Mr. Rucho questioned whether someone had resigned. Mr. Gaumond explained that there was one vacancy on the Parks Facilities Committee, which has two slots for Parks Commission representatives. Vote on the motion – all in favor.

3. Request for departmental transfer in the amount of \$2,500 from Unemployment Compensation to Unemployment Purchased Services

Mr. Gaumond explained that when the original budget was prepared we should have separated out these funds because last year we brought on a consultant to perform this function and the way we budgeted this, it does not allow us to pay the consultant out of this line item. In the future, this will be a separate line item within the Unemployment Budget. It does not involve new funds.

Motion Mr. Rucho to approve the request, seconded by Mr. Kittredge, all in favor.

3. Review and approve Schedule for October 15, 2012 town meeting

Motion Mr. Kittredge to approve the schedule, seconded by Mr. O'Brien, all in favor.

4. Consider voting to enter into contract negotiations with Borrego Solar for solar project on Tivnan Drive

Mr. Gaumond explained that a few weeks ago the Board interviewed responders to the Tivnan Drive RFP, both solar projects. SPG Solar proposed a PILOT arrangement of \$20,000 a year to the town, lease of land at \$1.00 a year and \$0.0595 on the electricity price. PILOT and electricity price to escalate over the term of the agreement. Borrego Solar proposed that the PILOT would be subject to the personal property taxes or PILOT to be negotiated to the town, lease of land at \$100,000 a year and \$.055 on electricity price. The lease and electricity price would escalate over the term of the agreement.

Mr. Gaumond recommends that if the Board wishes to enter into an agreement for this property that the Board make a motion to authorize the Town Administrator to enter into negotiations with Borrego Solar. He noted that both were found to be responsive bidders. He added that Municipal Light Plant Manager, Jonathan Fitch is planning on working with Borrego as their plan seems to be most beneficial on the light plant side as well.

Mr. Hadley stated that he attended the meeting when they met with the Municipal Light Plant and Borrego Solar was very professional. He added that SPG Solar never showed up at the meeting. Mr. McCormick voiced his concern over committing the land for 20 years. He would like to take the \$100,000 a year and earmark it to be for municipal building construction projects so it does not just come in and go out the door. He feels it would be nice to know it would be going towards our municipal buildings as that is the most important thing the town has to do.

Motion Mr. Kittredge to accept the recommendation of the Town Administrator and enter into contract negotiations with Borrego Solar, seconded by Mr. Rucho, all in favor.

Mr. Rucho noted that town meeting would have to vote on this and he asked if Borrego Solar was going to use all of the land. Mr. Gaumond reports that yesterday he received a telephone call from Borrego asking if they could begin the walk the property to begin preliminary surveys. He added that at some point when we go to town meeting we would have to vote on dedicating a portion of the land for recreational opportunities and vote the leasing of the land by Borrego. He added that Borrego is aware of that step as it was included in the RFP. They will be using 20 of the 34 acres on the site.

Public Hearing: Consider Adopting a Social Media Policy

Mr. McCormick opened the public hearing and Mr. Gaumond 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, August 15, 2012 at 8:15 p.m. for the purpose of considering adopting a Social Media Policy. The meeting will be held at 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 M. McCormick, Chairman, advertised August 1, 8, 2012.

Mr. Gaumond explained that we recently commissioned the Collins Center to look at our personnel policies and determine what areas of deficiencies there may be. We received correspondence from Town Counsel that communities should start adopting Social media Policies. It addresses how the town and employees will use social media as a communication policies. This was a policy drafted by Kopelman and Paige. Mr. Gaumond stated that he is not a big proponent of the town using social media. We have a web site, which is the primary tool the town uses to get information out to the public. Our Recreation Department has started to use Facebook to advertise recreation programs and the Library may advertise on Facebook. This is a very restrictive Social Media Policy, which will give us more protections, if these are used. He intends to do a blog before the end of the week on this.

The draft policy states that the official posting for the Town will be done by the Town Administrator or their designee. All employees should be reminded that personal use of social media is strictly prohibited during work hours. Some departments will have the option of allowing employees to put employee participation in any social media activities in their departments. One of the big concerns is in the area of public records. As with emails and anything on the town website, there has to be a mechanism to keep those records. Training will be critical. We need to make certain declarations. The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Item 11 covers Town social media content and comments which shall not be allowed for posting. Mr. Gaumond does not intend to pay somebody to monitor this and that is why training is going to be necessary. Section 4 is very important as it deals with Employee Guidelines For Use Of Social Media Sites. It tells employees of the town when you are approved, this is the conduct and the way we anticipate you will act. It deals with Copyright Law and Protected Information. This is a very tight policy.

Mr. Gaumond noted that if this policy were to be adopted by the Board this evening, he would begin a public training program with all of our municipal employees so that everybody is aware of what is to be expected. Last year the Board discussed the possibility of the town having a Facebook Page. He has begun the process of the town having a Twitter account. Something like the ice storm of 2008 is why we would have a Twitter account. There are lots of communities starting to establish themselves with a Twitter and Facebook presence. He does think the time is probably ripe to begin looking into this and the policy gives adequate protections. Mr. Kittredge questioned whether this would really help us that much. Mr. Gaumond stated that if you asked him this ten or fifteen years ago if we needed a web page now he cannot image a town not having a town website. Communication has changed dramatically and this is a new communication tool. Mr. Kittredge noted that Mr. Gaumond has a lot of jobs and now he is going to take on this which requires anything people want to put on has to go through the Town Administrator. He is thinking of the Town Administrator. Mr. Gaumond noted that it is a fair point, however, he thinks the requests to put something on will not be as onerous as 24-7.

Mr. Rucho noted that the Recreation Programs are all on Facebook and going by this policy, they would all need to be approved by the Town Administrator. Mr. Gaumond agreed that the official posting will be done by the Town Administrator or his designee. He would sit with whoever would be doing the posting for the Library or the Recreation Program and make sure they understand the regulations. Mr. Rucho asked if after that discussion the Town Administrator is out of it. Mr. Gaumond replied yes. With regards to Twitter, Mr. Rucho noted that a lot more people have it on their phone and they would get the message on their phone immediately. Wherever you are you can send it out and the posting is immediate.

Marc Frieden doesn't think this should replace posting meetings on the bulletin board as he feels the town website is a central depository. He is concerned about scattering information. Mr. Gaumond pointed out Section 4, #15 of the policy, and this does not replace the Open Meeting Law as Mass General Law would not allow that.

Motion Mr. Rucho to close the public hearing, seconded by Mr. O'Brien, all in favor.

Motion Mr. O'Brien to adopt the policy as presented, seconded by Mr. Rucho, all in favor.

Public Hearing: Consider Adopting a Gateway Sign Policy for Gateway Adoption Program

Mr. McCormick opened the public hearing and Mr. Gaumond 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, August 15, 2012 at 8:30 p.m. for the purpose of considering adopting a Gateway Sign Policy. The meeting will be held at 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 M. McCormick, Chairman, advertised August 1, 8, 2012.

The Board's agenda package contains a draft policy for our gateway signs. Mr. Gaumond explained that one of the things the Economic Development Task Force had been looking at was a sign adoption policy similar to the island adoption program. The sign adoption policy would allow for sponsorship of the sign. There would be a contribution made and deposited to the revolving fund the Board of Selectmen agreed to create to fund the Economic Development Task Force initiatives. The signs will be 4x3 and will be sponsored by area businesses, community groups or individuals at a cost of \$500 for six months. Sponsors will have their name advertised by an attached sign roughly 2.5 x 1.5 feet. In December and in May we would announce the locations that would be available for adoption. Mr. Gaumond noted that the way the policy is written it is the Board of Selectmen who would do this, however, it could be the Economic Development Task Force. At the very end there is a draft agreement which has to be signed attesting that you have read and concur with the policy. Mr. Hadley noted that we are asking the sponsor to keep up the area around the sign with a planting and mulch. He hopes to use the funds raised from the sponsorship to purchase additional gateway signs. Mr. Rucho feels the policy could be changed to have Economic Development Task Force announce the locations. Mr. McCormick suggested saying the Board of Selectmen or their designee, which could be the Economic Development Task Force. Mr. Rucho noted that the Economic Development Task Force could draw the sponsor and it could then be announced by the Board of Selectmen. Mr. Rucho advised that the Committee hopes to begin construction on the second sign in September. Mr. Gaumond added that they have established a plan on which gateways will get the signs and the next location is North Main Street coming into West Boylston. Public comment was welcomed.

Marc Frieden asked if you could trade off labor for money, such as having the Boy Scouts maintain the sign. Mr. Gaumond explained that the money taken in will be used to fund additional signs and a labor trade off would not accomplish that.

Motion Mr. Kittredge to close the public hearing, seconded by Mr. O'Brien, all in favor.

Motion Mr. O'Brien to approve the policy with the changes noted, seconded by Mr. Hadley, all in favor. Mr. Gaumond thanked the members of the Economic Development Task Force for their work on this.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. August 29, 2012 - 7:00 Facilities Implementation & Strategic Planning Committee Meeting
2. September 11, 2012 – 7-9 p.m., Public Meeting on CMRPC Central 13 Prioritization Project
3. Announce that the town has received a grant in the amount of \$5,000 from MIIA to purchase a Work Zone Safety Trailer for our DPW – Mr. Gaumond noted that in the event of an emergency, the unit will be fully equipped with barrels, cones and brooms.

FUTURE AGENDA ITEMS

No one has anything this evening.

Motion Mr. O'Brien at 8:55 p.m. to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30a, Section 21(A), Part 3 to discuss strategy with respect to collective bargaining with the Police and Teamsters if an open meeting may have a detrimental effect on the negotiating position of the public body and the chair so declares, seconded by Mr. Rucho. Roll call vote: Mr. Kittredge yes, Mr. Hadley yes, Mr. McCormick yes, Mr. O'Brien yes. The Board will not reconvene in open session. The Chair declared that having the discussion in an open meeting may have a detrimental effect on the negotiating position of the Board.

Motion Mr. Hadley to come out of executive session at 9:35 p.m., seconded by Mr. O'Brien. Roll call vote: Mr. Hadley yes, Mr. McCormick yes, Mr. O'Brien yes, Mr. Rucho yes.

With no further business to come before the Board, motion Mr. Hadley at 9:35 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: September 5, 2012

Nancy E. Lucier, Municipal Assistant

Kevin M. McCormick, Chairman

John J. O'Brien, Vice Chairman

Christopher A. Rucho, Clerk

John W. Hadley, Selectman

Michael J. Kittredge, Jr., Selectman