

MEETING BOARD OF SELECTMEN/SEWER COMMISSION DECEMBER 5, 2012

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

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 from November 7, 2012, seconded by Mr. Hadley, all in favor.

Motion Mr. Hadley to approve the regular session meeting minutes from November 28, 2012, seconded by Mr. O'Brien, all in favor.

Motion Mr. Hadley to approve the executive session meeting minutes from November 28, 2012, seconded by Mr. O'Brien, all in favor.

NEW BUSINESS

1. Concurrence on the appointment of Robert Dunne, 18 Scarlett Street to the Parks Commission effective December 6, 2012 for a term to expire on April 30, 2015

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

2. Consider voting to accept a memorial gift in the amount of \$175 in memory of Louise Larrabee on behalf of the Council on Aging to be deposited in the Council on Aging Gift Account

Motion Mr. Rucho to accept a memorial gift in the amount of \$175 in memory of Louise Larrabee on behalf of the Council on Aging to be deposited in the Council on Aging Gift Account, seconded by Mr. O'Brien, all in favor.

3. Consider voting accept donations in the amount of \$2,174.01 on behalf of the Library from the public which have been deposited in the Revolving Account for the Library. The donations were received from payments for lost or damaged books and materials, donations for the use of printers and copiers, money given in support of the library's annual Adopt-a-Magazine fund drive and donations given to support the general needs of the Library. A donation of \$855 was given from the proceeds of the play Peek-a-Boo Books written by Sandy Ivins and performed by local school children in celebration of the library's centennial

Motion Mr. Hadley to voting accept donations in the amount of \$2,174.01 on behalf of the Library from the public which have been deposited in the Revolving Account for the Library, seconded by Mr. Rucho, all in favor.

4. Acknowledge receipt of Municipal Calendar for 2013

Mr. Gaumond noted that every year in December he gives the members of the Board and the town a copy of the Municipal Calendar, which we continue to prepare on an annual basis.

Motion Mr. Hadley to acknowledge receipt of Municipal Calendar for 2013, seconded by Mr. O'Brien, all in favor.

5. Present performance evaluation for the Town Administrator and in accordance with his employment contract vote salary adjustment

Mr. McCormick explained that he collected the review packets from the Board members and provided them to Mr. Gaumond who in turn sent his comments back to the Board. Mr. McCormick

noted that the process went very smoothly and he felt the updated review document was easy to follow. Mr. Hadley concurred with those comments. Mr. Rucho pointed out that Mr. McCormick scored the evaluation and noted that as far as the contractual raise, it does not have any effect on what the score is as the evaluation is just to see how Mr. Gaumond is doing. Mr. McCormick replied that is correct. Mr. O'Brien added that he thinks the town is very well served to have Leon Gaumond as the Town Administrator and he thanked him for a job well done. Both Messrs. Hadley and McCormick concurred.

Motion Mr. Hadley to grant the salary adjustment to Mr. Gaumond as provided for in his employment contract, seconded by Mr. O'Brien. Mr. O'Brien questioned how much the increase was for and Mr. Gaumond advised 2.7%. Vote on the motion- all in favor.

Public Hearing: Re, Classification Hearing in Conformity with M.G.L. Chapter 40, §56 to Establish Local Property Tax Rate or Rates for Fiscal Year 2013

Mr. McCormick opened the public hearing and read the following notice. Notice is hereby given that the West Boylston Board of Selectmen will hold a public hearing on Wednesday, December 5, 2012, at 7:05 p.m. in Conference Room #1 of the municipal offices located on 127 Hartwell Street, in conformity with the provisions of Massachusetts General Laws, Chapter 40, Section 56 for the purpose of holding a Tax Classification Hearing so as to establish the local property tax rate or rates to be assessed to each of the following classes of property for fiscal year 2013, the period from July 1, 2012 through June 30, 2013: residential property, open-space property, commercial property, and industrial property. All interested persons, groups, and agencies are invited to attend and participate. Kevin M. McCormick, Chairman, Board of Selectmen, Town of West Boylston, advertised on November 21, 28, 2012.

Regional Tax Assessor Harald Scheid joined the Board noting that he is in his 10th classification hearing. He added that he is pleased to be here and enjoyed his tenure with West Boylston. This year he provided the Board with a packet of information on the tax classification hearing process. The first page outlines the steps which need to be taken in setting the tax rate. This year we are looking to raise about \$14,666,746 in property tax revenues. Our past history has had a single tax rate for all classifications of property. Some larger communities with a larger commercial/industrial base have a split rate. However, it probably does not make a lot of sense in West Boylston as we have a small commercial/industrial base. It would take a large shift to yield a benefit to the residents, however, it is the Selectmen's decision to make as to whether we adopt a uniform rate or split the rate. The last page of the handout provides tax rate options.

The new rate is going to be \$17.45, up from \$16.81 and values have been reduced slightly. The Board of Assessors is recommending we adopt a CIP factor of one. Mr. Hadley stated that he would be in favor of a single tax rate to be competitive. Mr. Rucho questioned what the impact would be to businesses if we were to lower residential by 1%. Mr. Scheid explained that a 4% increase in commercial and industrial would give us a rate of \$17.22 for residents and \$18.32 for businesses.

There is no one present to speak on this topic.

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

Motion Mr. Hadley to do a CIP factor of one, seconded by Mr. Rucho, all in favor.

Mr. Scheid introduced Sally Mitchell who has been working in the Board of Selectmen's office for the past three years.

Public Hearing: Re, Request From Oli's, 339 West Boylston Street, for an All Alcoholic Beverage Pouring License

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Mr. McCormick recused himself. Mr. O'Brien opened the public hearing and read the following notice. The Board of Selectmen of the Town of West Boylston will hold a public hearing on the application for a change of license type from Oli's Italian Eatery, LLC, 339 West Boylston Street from Wine & Malt to All Alcohol. The public hearing will be held on Wednesday, December 5, 2012 at 7:15 p.m. in Conference Room #1 of the Municipal Office Building, 127 Hartwell Street, Suite 100, West Boylston. All interested persons, groups, and agencies are invited to attend. John J. O'Brien, Vice Chairman, advertised on November 23, 2012.

Jon Oliveri, owner and manager of Oli's Italian Eatery joined the board. He explained that he has been open for about a year and a half and he has a need for a full alcohol license. Mr. Gaumond advised that as is customary, all boards and departments in town have been contacted and report that they have no issue with this request. Mr. Oliveri explained that one year ago he asked for a full liquor license and the problem they had was lack of space. He intends to put in a portable bar as you walk in. For the past year he held a beer and wine license. There is no one present to speak on the request.

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

Motion Mr. Hadley to grant the request from Oli's Italian Eatery for an All Alcohol Pouring License, seconded by Mr. Rucho, all in favor. Mr. McCormick returned to the meeting.

John Schlicte, Chairman, Cable TV Advisory Committee

John Schlicte joined the Board. His committee has submitted to the Board of Selectmen a letter of recommendation for the cable TV contract renewal with Charter Communications. The current membership of the committee include Dale Keirstead, Jason Kunst, Richard Simmarano and himself. They invited contract related input from the different departments, held a public hearing and gave a report at the October town meeting. In addition, they have been meeting and conducting negotiation sessions with Tom Cohan of Charter. Renewing a contract with Charter gives residents another option for TV reception besides direct TV, a satellite dish network or use of a digital-to-analog converter box and antenna. The contract is a non-exclusive provider and should any other cable service send out some interest at this point it does not seem that any other providers are interested. They had over 260 people respond to the cable services survey. People appreciated the public hearing and Mr. Schlicte noted that Mr. Hadley gave up his time to attend the hearing.

Mr. Schlicte stated that the Committee recommends the Board renew with Charter. They suggest we renew the current contract with changes or additions jointly agreed upon. They suggest deleting section 7.7, Institution Network and add 13.9 Access Channel Origination which would provide updated fiber optic connections and equipment to allow live recording and broadcasting from town hall, PEG office at the Light Plant and PEG site at the high school. Town Counsel appears to support this position and suggests that if we do so to consider any additional sites. Mr. Schlicte gave the Board a complete update to the contract proposal which includes town counsels recommendations.

The second change is in the grant funding for the PEG grant from \$33,000 to \$50,000. This is a one-time payment, which would increase the cost to the subscriber from 34 cents to 40 cents. The Selectmen have the option of a flat fee or a percentage. If we were to change to the Charter suggested 2.5% it would reduce the cost for the basic subscriber from the current \$1.06 to 53 cents. The average subscriber would pay \$2.03 and higher use subscribers paying more. The request for the increase in PEG amounts came from Charles Greenough. The average Charter PEG fee is about 3%. Town Counsel supports this, but supports a 10-year contract as there may be changes in legislation that would make the cable provider less responsible.

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Discussion ensued around the PEG grant money. Mr. Rucho questioned the town currently being at \$33,000 and going to \$50,000. Mr. Schlicte explained that it is one time deal, Mr. Greenough suggested the \$50,000, and it is in line with what other communities are getting. Mr. Rucho noted that if we were to go with a 10-year contract Mr. Greenough would like \$100,000 in PEG funds. Mr. Schlicte explained that it is up to the Board of Selectmen whether we go with a 5 or 10 year contract. If technology changes dramatically we maybe won't be able to make changes in the contract but if legislation is passed that might change that. They aren't really giving us the money, it is built into the franchise fee. The town of Grafton had 3-4% and had FIOS come in and they offered them 5% and Charter matched that. Mr. Rucho noted that it increases the residents' fee.

Mr. Hadley questioned where the fiber optic line is coming in from. Mr. Schlicte explained that it comes in from the hub connection available at town hall, the PEG office, the light plant and the high school. Town Counsel has said if you are doing this now if you want some other sites take those under consideration and make that recommendation now that they may be included. As part of the evaluation, Rich Simmarano and Tom Cohen visited the police/fire station and the DPW. Mr. Rucho asked about the Library. Mr. Schlicte explained that this is the update of the fiber optics so that PEG can broadcast live and in the contract they suggest six months to get this done.

The third item is training Charter would provide. Charter would provide a total of 40 hours to select and install equipment and provide technical assistance. They would also provide training for up to 3 town or school access personnel. In total it is 40 hours. Mr. Schlicte stated that he thinks having Charter provide a benefit to the town is why the Committee suggest continuing with them. Mr. Rucho noted that the contract has nothing to do with the price residents pay. Mr. Schlicte concurred as we have no control over what Charter decides to charge. There is a fee included in each bill regarding the franchise support.

Charter did report that in 2011 they only recorded one complaint. In the 216 survey responses we received, it does not support that. Charter's position is they are complying with the Mass regulations as they exist. Improving the way in which customer complaints are acknowledged was something else we asked Charter to work on. Charter declined that suggestion. If you call them repeated about an issue they try to resolve it if two or more times the customer has to ask that it be escalated to the next level at Charter. At the back of each bill is the number of the Department of Telecommunications, 1-800-392-6066 and they will acknowledge the complaint and it will be logged in and resolved. Most of the issues they had were extremely small and resolved in one day. We could put an ad on cable saying if you have a complaint you could call that number. In addition, they declined our request to offer another pricing tier and consider increasing discounts to seniors and possibly veterans. Currently they offer 10% for seniors only on their basic which amounts to \$1.50. Charter tried to say they would reserve the right to eliminate any discount upon a 30 day notice. We asked that they consider stating or clarifying acceptable levels of TV transmission quality as it pertains to direct cable to TV reception as well as cable to cable box to TV reception. We do know that the majority of the cable boxes are refurbished units. Charter declined this.

Charter proposed deletion of current contract obligation as it relates to other providers. The Committee declined if another provider came in they would be given some special consideration and Town Counsel also objected to that language. Charter proposed reducing their performance bond to \$10,000. The Committee proposes \$25,000 and town counsel agrees. Charter proposed changing the current contract obligation for underground drops, which we did not agree with. They also wanted to amend 7.7 by deleting institutional drops. Town Counsel has indicated that this is negotiable and if the town believes that other local origination sites could or should be provided by Charter this is the time to ask for them. Charter would like to reduce current senior discount and allow cancelation of any

senior discount upon 30 day notice to the town. Counsel has not seen the reservation of right to eliminate discount program language in any other contracts and recommends it being removed. Charter proposed a reduction in current contract obligation of interest on amounts determined to be due the town by virtue of an audit. Both the Committee and Town Counsel are opposed to this request. Charter proposed a change to eliminate 'and expanded basic service' from the current contract. The Committee objects to that as expanded is \$60 per month and is currently provided to the Library and the Council on Aging and basic, which is what we will be switched over to, is only \$15 per month. Charter also proposes to eliminate the current contract language 'to assist the town should it move its town offices or PEG studios.' Mr. Schlichte thinks this should remain in the contract. Counsel feels this is negotiable and would encourage the Committee and the Selectmen to press if they feel they are important. Charter proposes to add language that any recordings remain the sole property of West Boylston to broadcast or otherwise disseminate if they so choose. Mr. Schlichte would like to avoid any problem with anybody restricting the way that we use it. Charter has requested that a report be given to them of the previous year. They want to know how we spend the money. Charter proposes reducing use of the mobile production van from six to four times, and the times could be carried over to another year. Town Counsel has included a new Section 14.5 on liquidated damages or enforcement penalties, which is a benefit to the town and Mr. Schlichte agrees with. They would also like to include Section 15.13 to 15.15, which have been agreed upon by Charter and the Committee.

Mr. Schlichte noted that the recent comments by Town Counsel may require additional meetings and he is willing to meet with the Board and current committee members. He hopes the town votes to renew the contract with Charter. On behalf of the town, Mr. Gaumond thanked Mr. Schlichte and the committee for the work they have done. He added that he has worked with a lot of committees in his tenure and he really thinks they have done yoman's work in getting this recommendation.

Mr. Schlichte thanked both Mr. Gaumond and Mrs. Lucier for their support. He added that the Cable TV Advisory Committee does not have a future date to meet at this time and they wish the Board of Selectmen well in getting the contract worked out with Town Counsel. They would like input back on the things they have asked about and they tried to include things in the best interest of the town. You have a contract that does provide a lot of good things. Cable gets to set their rates and they want their customers to be satisfied. They will, as an advisory committee, advise the residents on how to handle complaints as in all of 2011 Charter reported that they only had one legitimate complaint and you have some avenues to get things resolved. He added that he is available for questions.

Mr. Rucho asked if it is the committee's recommendation to go with the ten years. Mr. Schlichte stated that they did not consider the ten years. Charter is willing to do that. The basis for five is we have a five-year contract now and technology may change and we may want to make changes in the contract. They are giving us the fees we are paying ourselves. In other communities you can go to the internet and watch meetings and they also have the ability to fast forward through a meeting. If we get \$50,000, we are paying the money.

Mr. Rucho just saw on the news where the cable companies are going to start scrambling the televisions in your houses with the exception of those that have boxes. Mr. Schlichte stated that they need to deal with the contract that exists now and if they do that they will likely lose more customers. The Committee cannot deal with prices, however, they did ask for a different level of tiers.

Mr. Schlichte stated that there are issues we do not have control over and Town Counsel would be most knowledgeable on this. Mr. Rucho asked if we decided not to do a contract with Charter, would they turn everything off. Mr. Schlichte explained that if you do not renew the contract it just continues and you would not get the PEG funds or the live feeds. He recommends the Board review the contract with things they agreed upon and updating the PEG access points. The Board thanked Mr.

Schlichte for all his work. Mr. Rucho would like to add fiberoptics to a few more buildings. Mr. Schlichte explained that on that point it says it is the PEG origination site, which means it is a site from which recordings can be made and broadcasted at the same time. He is aware that the town pays Charter for a lot of other bills such as internet and phones.

Public Hearing: Re, Request From Taty's Specialty Restaurant, 26 West Boylston Street, for a Wine & Malt Beverage Pouring License

Mr. Hadley recused himself and Mr. McCormick stated that he would not recuse himself because if he did we would not have enough members to vote. Due to that he invoked the Rule of Necessity as Mr. Kittredge is out and we do not know when he will be back. In this type of situation, the Rule allows the person with a lesser conflict to participate in the public hearing. Mr. McCormick turned the hearing over to Mr. O'Brien to conduct.

Mr. O'Brien opened the public hearing and read the following notice. The Board of Selectmen of the Town of West Boylston will hold a public hearing on the application for a Wine and Malt Beverages Only Pouring Liquor License from Taty's Specialty Restaurant, 26 West Boylston Street. The public hearing will be held on Wednesday, December 5, 2012 at 7:30 p.m. in Conference Room #1 of the Municipal Office Building, 127 Hartwell Street, Suite 100 West Boylston. All interested persons, groups, and agencies are invited to attend. John J. O'Brien, Vice Chairman, advertised on November 23, 2012.

Charles Habib, owner of Taty's Specialty Restaurant, joined the Board and announced that he is planning on opening up his new business on Monday. They have done some renovations at the location and he feels that by having a Wine and Malt License it will increase business. The food is Mediterranean and Brazilian, which goes well with wine. Mr. Rucho stated that he thought it was going to be a sandwich shop. Mr. Habib explained that it will be American, Mediterranean, and Brazilian cuisine with sandwiches. They will have an Italian section with a lot of pastas and three different cuisines. The previous owner had bring your own beverage for a sandwich shop. They will also offer take out, delivery and have seating for 24. Mr. Gaumond advised that the various boards and departments have been noticed and there are no objections, however, the Building Inspector and the Fire Department would like to schedule a joint inspection as soon as possible and the owner needs to provide documentation of a current fire sprinkler test and a fire alarm test.

Mr. Gaumond asked Mr. Habib if this was his first venture in selling alcoholic beverages and whether he was familiar with TIPS certification so the employees will know how to sell. Mr. Habib advised that they had one overseas. He understands you have to check a license, not allow people to drink outside and he is willing to attend a class. There is no one present to comment on this request.

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

Motion Mr. Rucho to grant a Wine & Malt pouring license to Taty's Specialty Restaurant, seconded by Mr. McCormick, all in favor.

Fire Chief Richard J. Pauley, Jr.

1. Review & Acceptance of New Ambulance/EMS Policies

Chief Pauley joined the Board. Mr. Gaumond noted that he sent the Board a memo on the updated policies together with copies of the policies. The Chief explained that in accordance with a request from the Commonwealth of Massachusetts, Department of Public Health, Office of Emergency Medical Services, over the last year his department did a complete review and rewrite of its existing ambulance/EMS policies. This evening the Board of Selectmen will vote to accept receipt of the policies and procedures. Each year our ambulance license is required to be renewed and as part of that

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process last year they asked us to look at our policies. This has been a six-month undertaking which began with revisiting existing policies. They were brought in front of the paramedics because a lot of this deals with Advanced Life Support. The Chief stated that he is proud of the document which should take care of us for the next several years. There are no questions from the Board at this time.

Motion Mr. O'Brien to accept the policies, seconded by Mr. Hadley, all in favor.

2. Review and approve Massachusetts Fire District 8 Mutual Aid Agreement

The Chief explained that the town has been a member of the Mid State Mutual Aid Association for over 50 years and he noted that West Boylston was one of the Charter Members. Since that time the state has broken the state into various fire districts. We are in District 8, which includes everything north of Worcester to the New Hampshire line, and they are looking to get current signatures from the town on our two Mutual Aid Agreements.

Motion Mr. Hadley for the Board to approve the Massachusetts Fire District 8 Mutual Aid Agreement, seconded by Mr. O'Brien, all in favor.

3. Review & approve Massachusetts Fire Districts 7 & 8 Regional Mutual Aid Agreements

Motion Mr. O'Brien for the Board to approve the Massachusetts Fire Districts 7 & 8 Regional Mutual Aid Agreement, seconded by Mr. Rucho, all in favor.

The Chief updated the Board on the replacement of the Public Safety Roof Project. Last year the town authorized the funding and we went out through the RFP process. He stated that he is pleased to report that over the last two months the roof has not leaked. He thanked the Board and the town for their support in making that happen. Mr. Gaumond added that he will have a final report with costs some time soon.

Mr. O'Brien asked the Chief to comment on the support our town's Fire Department provided to the City of Leominster during its recent fire. The Chief explained that the incident occurred a couple of Saturdays ago in their downtown area. Every department has a set of run cards and in Leominster they went through nine alarms and exhausted the alarm cards. We sent Engine 1 to South Leominster and we were there 6-1/2 to 7 hours and staffed the station. This is the first time we have gone to Leominster in 35 years.

SEWER COMMISSION BUSINESS

Sewer Abatement Requests

1. Robert Fahlbeck, 25 Valley Forge Circle

Mr. Fahlbeck joined the Board. Mr. Gaumond reported that prior to Mr. Barruzzi's departure he handed him four sewer abatement requests. With regard to this request, the agenda contains information from the Water District, Sewer Commission policies, and the DPW Director's recommendation. He does not recommend approval of the request. Looking at the usage, the Director noted that the usage seems to have gone up during the summer months of July and August. We bill from the Water District readings so we contacted Superintendent Michael Coveney who reported back that the water usage was correct. We have a Policy on Sewer Use Charges for Properties with Second Meters. Both Mr. Baruzzi and Mr. Coveney suggested to Mr. Fahlbeck that he check for leaks in his system and if the readings are correct he should consider installing a second meter.

Mr. Hadley noted that the paperwork indicated that he had a leaking toilet. Mr. Fahlbeck stated that he did not know the toilet was leaking and once known, he replaced both toilets. He added that

this is his second abatement request. He previously put in an abatement and was told that no one had it and then he received another bill when he never received a response to his first request. Mr. Gaumond stated that Mr. Fahlbeck is correct. He did come to our office to ask for a progress report and neither he or Mr. Baruzzi had any record of that.

Mr. McCormick questioned the water readings. Mr. Gaumond explained that there was a 6,000 increase from the August to the November billing. Mr. McCormick noted that the usage does appear that it increases in the summer and goes down in the winter because of the pool. Mr. Hadley added that a leaky toilet would use a lot of water. Mr. Fahlbeck noted that the pool has been there for eight years, which he does not drain, and the sewer was put in during 2010. Mr. Rucho asked if there was an increase in the sewer charges at this time. Mr. Gaumond advised that we only bill to what the Water District has already billed. He asked Mr. Fahlbeck if he had applied for a water abatement. Mr. Fahlbeck stated that they know he has a pool and the water that goes into the pool does not go through the sewer system. He questions how you can charge 100% knowing the person has a pool and there is a certain period in the summer you are charged for that water. Mr. McCormick noted that from August 1 to November 1 of 2010 he used 14,210 gallons and in the same time period in 2012 it increased by 10,000 gallons and the pool was not emptied or drained. He questioned how the usage could have increased by that much and how they could figure out what the abatement amount should be. Mr. Fahlbeck advised that they did have a water break on the street and he didn't know if they were trying to make up for that. Mr. Rucho informed Mr. Fahlbeck that he is asking the wrong group why his usage increased and the Sewer Commissioners have no proof why we should grant an abatement.

Mr. Gaumond advised that the Sewer Commission has a Policy on Abatements and a Policy on Second Meters and this Commission has never granted an abatement for people who fill up their pools and water their lawns. In addition, this needs to begin with the Water District as perhaps their meter is wrong and they could report back to the Sewer Commission, who could grant an abatement based on what they have. Right now we have no information to justify an abatement. Mr. Gaumond suggested tabling the abatement until Mr. Fahlbeck goes to see the Water District to find out what is going on. Mr. Fahlbeck indicated that the Water District intends to go to his house and check his water meter. Mr. Rucho commented that what he has always hears is that if the meter is broken you would use less water.

Motion Mr. O'Brien to take this under advisement and have Mr. Fahlbeck go back to the Water Department, seconded by Mr. Hadley, all in favor.

2. David Aquafresca, 23 Longview Street

Mr. Gaumond noted that in the paperwork Mr. Aquafresca objects to the fact that the sewer bill is based on the water and his water, 22,000 gallons was used to fill the swimming pool. As the town's policies does not allow for abatements to be used in this instance, Mr. Gaumond recommends the Sewer Commission deny the request. Mr. Rucho asked if the Water District does something for people who want to fill their pool and it is a one-time event. Mr. McCormick advised that the District used to do that, however, they have eliminated that practice. Also, in the Sewer Abatement Policy pools and lawns do not count. Mr. Hadley noted that it is cheaper to fill the pool with town water rather than having a truck come in and fill it.

Motion Mr. Rucho to deny the request for an abatement from David Aquafresca, 23 Longview Street, seconded by Mr. Hadley, all in favor.

3. Boylston Uncatena, LLC James M. Ciociolo, 235 West Boylston Street

Mr. Ciociolo requested this item be carried over so that he can attend the meeting.

4. James Kent, 31 Almanac Way

This is another request for an abatement due to filling a swimming pool with 27,000 gallons of water which did not go through the town's sewer system. Mr. Rucho questioned whether somebody is telling people to fill their pool and then go file an abatement. He suggested next summer one of the blogs should if you fill your pool your water bill will not be abated. Mr. Hadley suggested having some information on that when you pull your building permit for the pool.

Motion Mr. Rucho to deny the request for abatement from James Kent, 31 Almanac Way, seconded by Mr. Hadley, all in favor.

NEW BUSINESS (cont.)

6. Consider voting to grant the Fire Chief his contractual increase as warranted in his employment contract with the Town following his performance review

Mr. Gaumond explained that he conducted a performance evaluation of the Fire Chief and it is his belief that the Chief has satisfactorily met the requirements of his position and in some cases exceeded expectations as it related to budgetary and financial administration, supervision/leadership, personnel administration, staff development-training, employee and labor relations, policy execution and interaction with the Town Administrator. He recommends the Board vote to grant the Fire Chief the contractual increases as warranted in his employment contract with the town.

Motion Mr. O'Brien to grant the Fire Chief his contractual increase as warranted in his employment contract with the Town following his performance review, seconded by Mr. McCormick.

Mr. Rucho asked if this is the same as the Town Administrator's review and does the Board need to vote this. Mr. Gaumond advised that the Board has to vote the raise. Mr. McCormick noted that the language states that he gets the raise if he has a successful evaluation. Mr. Rucho noted that the evaluation is not in the agenda.

Vote on the motion – Messrs. McCormick and O'Brien yes; Messrs. Rucho and Hadley no. Mr. Hadley commented about the Chief's future employment.

Mr. Gaumond noted that if the Board would like to have a conversation with the Fire Chief and the Chief with the Board he will not stand in the way. Chief Pauley joined the Board. Mr. Hadley stated we know you applied for another job, what is the future. Chief Pauley replied that he has been given a conditional offer of employment and is still working on that and that is where we stand right now. Mr. McCormick added that it is irrelevant whether you leave or don't leave it is in his contract that he has done a decent job he should get the raise. Mr. Gaumond added that the contract will be renewed on July 1. Mr. McCormick stated that this should have been voted on last July and he has done and is still doing his job. Mr. O'Brien added that if he had a contract and it called for certain obligations both ways, his objection is to meet the performance valuation which he has. Our obligation is to grant the increase. It is your perfect right to look for another job that benefits you. Chief Pauley added that he has never taken a raise away from anybody who may have been looking for another job. Mr. O'Brien thinks it is a dangerous precedent because we will be negotiating with the Police Chief and the Town Administration.

Motion Mr. O'Brien to reconsider the vote, seconded by Mr. McCormick. Vote on the motion – Messrs. McCormick and O'Brien yes; Messrs. Rucho and Hadley no.

7. In accordance with Massachusetts General Laws, Chapter 44, Section 31D, consider voting to authorize the over expenditure of the FY13 Snow and Ice

Mr. Gaumond explained that each year we bring forward a recommendation to the Board that

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they vote to allow the department to overexpend. He provided the Board with a copy of what they voted last year

Motion Mr. O'Brien that in accordance with Massachusetts General Laws, Chapter 44, Section 31D, to authorize the over expenditure of the FY13 Snow and Ice, seconded by Mr. Hadley, all in favor.

8. Consider awarding contract for the DPW Garage Door Replacement Project to Raynor Overhead Door Company

Mr. Gaumond reports that we had received funding from the town to replace the doors, we went out to bid and received two bids, one from Raynor Overhead Door in the amount of \$21,800 and the other from Overhead Door Company in the amount of \$34,300. Director Baruzzi recommends the project be awarded to Raynor Overhead Door and Mr. Gaumond agrees.

Motion Mr. O'Brien to award the awarding contract for the DPW Garage Door Replacement Project to Raynor Overhead Door Company, seconded by Mr. Hadley, all in favor.

9. Report from the Facilities Implementation & Strategic Planning Committee (FISP)

Mr. Gaumond reports that the FISP Committee met last week to review and discuss the two bids they received on the RFP for the purchase of land and buildings for future municipal use. We received a proposal from Bethlehem Baptist Church and one from Flagg RV. The Board voted 7-1 to recommend to the Board of Selectmen to make the Flagg property the preferred property and authorize the representatives from FISP, Mr. Hadley, Mr. O'Brien and Mr. Peterson, to begin having conversations with the owners of the Flagg property. It now goes back to the Board of Selectmen to make the final determination and vote to accept the recommendation.

Mr. Rucho stated that his vote was to move to see what they would do in negotiations. His vote is to move to the next step and see what we get. Mr. Hadley agrees that we need to see what the price of the property would be.

Motion Mr. Hadley to accept the recommendation of the FISP Committee and authorize the representatives from FISP, Mr. Hadley, Mr. O'Brien and Mr. Peterson, to begin having conversations with the owners of the Flagg property, seconded by Mr. Rucho, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. December 7th, 2:00 p.m. Business Tour of The Mill Restaurant

2. December 13th Christmas Party at Wachusett Country Club for the seniors - anyone who is interested needs to see Marcia who has all the information and tickets are \$5.

SELECTMEN'S REPORTS

There are no reports this evening.

FUTURE AGENDA ITEMS

Mr. Hadley would like to schedule review of the Sign Bylaw Updates which are being worked on by the Planning Board for a future board meeting. Mr. Gaumond recommends holding those discussions prior to the Planning Board's public hearing.

Mr. O'Brien would like to send letters of congratulations to the West Boylston High School Football Team on their Super Bowl win. Mr. Rucho would like the letter signed by every member of the Board and noted that the last time this happened was in 1988.

MEETING BOARD OF SELECTMEN/SEWER COMMISSION DECEMBER 5, 2012

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

Respectfully submitted,

Approved: December 19, 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