

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.

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

Motion Mr. McCormick to approve the regular session meeting minutes from December 7, 2011, seconded by Mr. Quist, all in favor

Motion Mr. O'Brien to approve the executive session meeting minutes from December 7, 2011, seconded by Mr. Quist, all in favor.

Motion Mr. O'Brien to approve the regular session meeting minutes from December 14, 2011, seconded by Mr. Rucho, all in favor

Motion Mr. O'Brien to approve the executive session meeting minutes from December 14, 2011, seconded by Mr. McCormick, all in favor.

**NEW BUSINESS**

1. Concurrence on the appointment of Jody Barnard, 115 North Main Street to the Cultural Council, effective January 4, 2012 for a term to expire on April 30, 2015

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

2. Concurrence on the appointment of Gary Flynn, 416 Prospect Street to the Parks Commission effective January 4, 2012 for a term to expire on April 30, 2014

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

3. Concurrence on the appointment of Leon A. Gaumond, Jr., as custodian for care, custody, management and control of 400 Lancaster Street, 114-032

Motion Mr. McCormick to concur with the appointment of Leon A. Gaumond, Jr., as custodian for care, custody, management and control of 400 Lancaster Street, 114-032, seconded by Mr. Quist, all in favor.

Mr. Gaumond explained that this allows for somebody to represent the town at the auction to approve or reject the offer. He will work with both the Treasurer/Tax Collector and our tax title attorney on this and he will seek direction from the Board relative to a price range.

4. Consider supporting the School pursue a grant opportunity through the Community Innovation Challenge Grant program

Mr. Gaumond explained that the West Boylston Public Schools and the West Boylston School Committee are considering applying for a grant to obtain funding from the Community Innovation Challenge Grant program for the purpose of hiring a consultant to explore options for the town to deliver vocational education services to West Boylston students. The program requires affirmative votes from both the School Committee and the Board of Selectmen. He noted that the Board signed a similar sheet when we applied for the regional housing consultant. This grant will allow the School Committee to hire a consultant to perform a feasibility study.

Motion Mr. McCormick to authorize the School Committee to go forward and applying for a grant to obtain funding from the Community Innovation Challenge Grant program for the purpose of hiring a consultant to explore options for the town to deliver vocational education services to West Boylston students, seconded by Mr. O'Brien, all in favor.

**Public Hearing: Application for an All Alcoholic Pouring Liquor License From Oli's Italian Eatery, LLC, 339 West Boylston Street**

Mr. McCormick recused himself. Mr. Phillips 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 an All Alcoholic Pouring Liquor License from Oli's Italian Eatery, LLC, 339 West Boylston Street. The public hearing will be held on Wednesday, January 4, 2012 at 7:05 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. Allen R. Phillips, Chairman, advertised December 22, 2011.

Jon Oliveri, manager and owner, joined the Board. He explained that he has been operating for 4-1/2 months serving beer and wine, and a lot of people have inquired about full alcohol. He intends to have a service bar, not a bar itself and service will be available to people sitting at tables. The establishment is in compliance with all town departments. The package does contain a letter from abutter Paul Lenkarski. Mr. Lenkarski indicates that he is not opposed to the full pouring license, however, they would be opposed to Oli's establishing a bar in the restaurant as they find there is a serious parking issue now and by creating a bar it could possibly create more of a parking issue. He adds that Oli's has created a wonderful restaurant and he wishes them well. Mr. Gaumond advised that Mr. Lenkarski's letter is the only public comment we received on this application from the abutters. No one present wishes to comments on this request.

Mr. Gaumond inquired as to whether everyone has been TIPS certified. Mr. Oliveri indicated that all servers are certified.

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

Motion Mr. Rucho to approve the request for an All Alcoholic Pouring Liquor License from Oli's Italian Eatery, LLC, 339 West Boylston Street, seconded by Mr. O'Brien, all in favor. Mr. McCormick returned to the meeting.

**Silvio Baruzzi, Director of Public Works**

1.Scott Charpentier of LEI

Mr. Rucho questioned Mr. Charpentier on the Worcester/Maple Street intersection project. He asked since it has been fixed, how did it get to what it was for you to fix it. Mr. Charpentier explained that he went through a design tour of the town, reviewing problem roads such as Fairbanks Street and Route 140. They completed a survey of Route 140 and obtained property boundary information. Then they had a discussion with the DPW Director and asked if there was any desire to t-up the intersection to calm the traffic. The decision was to t-up the intersection, they did that and modified the geometries resulting in improvements leaving Worcester and Maple Streets when taking a right turn. Prior to these improvements, with the existing lines, a tractor trailer would have to go over the double line to make that turn. By t-ing it up it slowed the pattern and improved the radius of the curve. In addition, by widening the driveway to the sewer plant it opened up the pavement going onto Worcester Street. Mr. Rucho questioned whether what they did helped the trucks coming down Maple Street taking a right turn onto Route 140. Mr. Charpentier indicated that the modification did help trucks make that turn. Mr. Rucho questioned whether they considered cutting into the grassy area on Maple Street to make it a turning lane. Mr. Charpentier advised that the grassy area did not belong to the town and the decision was made not to do any land takings. The intersections are now back to within two feet of where they were before the modifications. Mr. Phillips questioned if the road was build exactly the way the plan laid it out. Mr. Charpentier stated that it looks like it was different than the plans. Mr. Phillips noted that there were a number of accidents at that intersection since it was modified and if it

was not built according to the plan and the town went back and fixed it, who is financially responsible for those costs. Mr. Charpentier indicated that he did some calculations and they responded rapidly when they heard about the accidents. The additional costs associated was money used for loam, seed and length of berm that was lost. On Worcester Street the cost was probably less than \$1,000 and on Maple Street it was under \$3,000, a .8% of the contract value. They pulled pavement out and put it back and we also lost one tack tile square located in front of the pump station.

Mr. Gaumond offered to work with Mr. Baruzzi and Mr. Charpentier to get a financial report on the project for the Board.

Mr. O'Brien questioned what the typically sign off process is and if it was not built to specification, should somebody be certifying that the work is being done according to the specifications. Mr. Charpentier advised that LEI does that as part of their final inspection and construction goes 90% according to the plans. Some things may get modified a little bit. Mr. O'Brien expressed his appreciation on the quick response to fixing the intersection. Mr. Rucho also appreciates that it was fixed, however, he noticed it to be an issue when it was pegged out and two days after it was completed there were tire tracks on the new grassy area. He does not think people are driving fast at those intersections.

## 2. Update on Marsh Hawk Way Drainage Remedy

Mr. Baruzzi reports that we have the structure in and the drain is in. They have not finished all the work up there. They patched the road and Mr. Baruzzi still needs to speak with Mr. Kauffman, the abutter, about some concerns he has. The drainage issue has been 95% resolved. It is still puddling in the road and they will take care of that in the spring. The cost to complete the work was very low as they were able to use structures they had from Goodale Street.

## 3. Consider voting the installation of A R1-1 Stop Sign and painted 12" wide stop line at the Woodland Street traffic island and a W1-10 Warning Sign on Prospect Street on utility Pole #113

Mr. Gaumond explained that there is a proposal to build a medical building at the triangle at the intersection of Woodland and Prospect Streets. The proposal went before the Planning Board and their engineer made the recommendation, which was forwarded to the Police Chief and DPW Director for approval and now comes to the Board of Selectmen, who serve as the road commissioners, to vote on. If the Board agrees, we will notify the Planning Board and take the necessary steps to have the signs installed. This will make the intersection a three-way stop. Mr. Phillips recommends moving the stop line at the stop sign on Woodland going more towards Prospect Street as people pull into the road to see around the bushes to view traffic coming up Prospect Street. He suggested making it a four-way stop. Mr. Quist feels that a four-way stop at that location will back traffic up on Prospect Street in front of Pinecroft Dairy. The Board asked Mr. Baruzzi to look at that.

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

4. The Board's signature file has a grant application for a Community Innovation Grant. The Federal Government is going to be releasing new stormwater regulations. Because we do not know what the new requirements are, they could have an adverse impact on communities across the country. On Tuesday morning Mr. Gaumond attended a meeting at the Spencer town hall with a number of other communities to discuss this grant opportunity. Mr. Baruzzi has reviewed the materials from the meeting and feels this is something we may benefit from participating in this grant. Mr. Gaumond recommends the Board sign the application this evening for the town to participate as it will cover such things as monitoring, inspections, community outreach and education. Mr. Baruzzi advised that every

small town will be required to do the same thing. Mr. Gaumond noted that one of the policies they are talking about developing is a policy on sump pump connections to the sewers. He thinks there are components we will benefit from and we also have a relationship with DCR who has offered assistance to the town on their stormwater management. January 15<sup>th</sup> is the deadline for this application.

Mr. McCormick asked if either of these two grants will ultimately cost the town money. Mr. Gaumond advised that the stormwater management will cost us money. Mr. McCormick noted that in the past he got in trouble because he voted to approve a grant and then it ended up costing the town money. He referenced the school project that we approved initially and then it cost us \$1 million for the windows. Mr. Gaumond stated that he cannot speak to the school grant. He does not necessarily know that the stormwater management will be funded 100% through the Commonwealth of Massachusetts. Mr. McCormick wants to insure that later on we are not on the hook for a high cost project. Mr. Rucho feels that with or without this we still need to move forward. Mr. Gaumond feels we still need to do so but there are things like mapping or developing an RFP. Mr. Phillips pointed out that there are grants all the time that come up and he suggested applying for a mapping grant through the state. Mr. Baruzzi would be glad to take a look at them. Mr. Phillips will get the information on the state program for Mr. Baruzzi.

Motion Mr. McCormick to send in the grant application, seconded by Mr. O'Brien, all in favor.

Mr. Rucho asked how the snow budget was doing. Mr. Baruzzi advised that they were called out 3 times over the weekend for spot sanding.

#### **NEW BUSINESS (cont.)**

5. Consider voting to release the following executive session meeting minutes: November 2, 16 & December 14, 2011

Mr. Gaumond explained that should the Board vote to release these executive session meeting minutes, which have already been approved, they would need to redact one of the items included in the December 14<sup>th</sup> session dealing with contract negotiations.

Motion Mr. McCormick to release the executive session meeting minutes of November 2 and 16 and the December 14, 2011 session redacting the discussion related to contract negotiations, seconded by Mr. Rucho, all in favor.

6. Announce that the town now has available one full alcoholic beverage package store liquor license and the deadline by which interested parties may apply

Mr. Gaumond explained that the town now has one full alcoholic beverage package store liquor license available. Due to the interest in this license, Mr. Gaumond recommends the Board hold a separate meeting and hold all the public hearings that evening. He offered February 6 or 8 as dates to meet. The Board agreed to the 8<sup>th</sup>. It was also agreed to accept applications until January 23<sup>rd</sup>. We have outreached to other towns and this process was followed by one other community. The Board will establish criteria as to which application is in the best interest of the town. Bruce Peterson, who is in the audience this evening, asked if the Board would grant the license on the 8<sup>th</sup>. Mr. Phillip does not know if it will be granted that evening or put off until the next meeting. He also recommends four hearings per hour and if we have more than six applications, we will begin at 6:00 p.m. Tom Dufault, 66 Brintnal Drive in Rutland, who is in the audience this evening, stated that he is one of the applicants for the license and he wanted to bring it to the attention of the Board that state law requires them to take action within 30 days on his application. Mr. Phillips pointed out that the Board has not yet announced that the license is available and he thinks it is 30 days from that. We will accept these as tentative dates for now and check with Town Counsel for concurrence on our tentative schedule.

7. Consider request from Town of Erving in support of House Bill No. 00200

The Town of Erving would like the Board to support them in their support of House Bill No. 00200 filed by Representative Koczero of New Bedford. The proposed legislation would have one presidential elector be chosen from each Congressional district and two Presidential electors chosen at large. Mr. O'Brien questioned whether this is within the scope of the Board of Selectmen and before he would support that he thinks more research is needed. There is no motion on the request.

8. Notification of Reach the Beach Relay Road Race scheduled for May 18<sup>th</sup> and 19<sup>th</sup>, 2012

As we get closer to the event, we will remind people of the race.

### **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. January 23, 7:00 p.m. meeting with the School Committee
2. February 13, 7:00 p.m. meeting on Sign Bylaw Amendments

### **FUTURE AGENDA ITEMS**

Mr. Phillips would like to have the debris located on the Woodland Street pump station cleaned up. It is unsightly and is along the driveway and building.

Mr. McCormick would like to include a discussion of the Flag Policy on an upcoming agenda and in particular who is responsible for raising and lowering of the flag. Mr. Gaumond reminded the Board that we had a discussion about appointing a flag marshal.

Motion Mr. O'Brien at 8:11 p.m. to enter into executive session under the provisions of Massachusetts General Laws Chapter 30a, Section 21, Part 3 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 made that declaration and stated that the Board will not reconvene in open session. Motion seconded by Mr. Rucho. Roll call vote: Mr. Quist yes, Mr. McCormick yes, Mr. O'Brien yes, Mr. Rucho yes, Mr. Phillips yes.

Motion Mr. O'Brien at 9:05 p.m. to come out of executive session, seconded by Mr. Quist. Roll call vote: Mr. Quist yes, Mr. McCormick yes, Mr. O'Brien yes, Mr. Rucho yes, Mr. Phillips yes.

With no further business to come before the Board, motion Mr. Quist at 9:05 p.m. to adjourn, seconded by Mr. O'Brien, all in favor.

Respectfully submitted,

Approved: January 18, 2012

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Nancy E. Lucier, Municipal Assistant

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Allen R. Phillips, Chairman

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Steven J. Quist, Selectman

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John J. O'Brien, Vice Chairman

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Kevin M. McCormick, Selectman

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Christopher A. Rucho, Clerk