

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. Quist to approve the regular session meeting minutes from February 15, 2012, seconded by Mr. McCormick, all in favor on the motion.

Motion Mr. Quist to approve the executive session meeting minutes from February 29, 2012, seconded by Mr. Rucho. Vote on the motion – Messrs. Phillips, Rucho, McCormick and Quist yes; Mr. O'Brien abstains as he was not present for the meeting.

John Fitch, Manager, Municipal Lighting Plant Request for Warrant Article

John Fitch, Manager of the Municipal Lighting Plant joined the Board. He explained that he and the Commissioners were discussing how they are going to finance the replacement of their aging substation electrical apparatus on Temple Street behind the landfill. One of the options available is an article on town meeting warrant to allow them to borrow through a bond. Because they have several projects coming up and they are trying to replace all the equipment in the 38 year old substation, they would prefer not spending all their reserves. The equipment is at the end of its useful life and doing the project now makes the most sense. We share the substation with the Town of Boylston, who will be sharing half the cost of about a \$4 million dollar project. Boylston will also have an article on their town meeting warrant. This will be financed over 15-20 years. Mr. Fitch has been issued a permit by the Building Department and the required electrical permits. He will also work with the Conservation Commission. They are going out to bid on the major pieces of equipment which will cost a maximum of \$2 million.

Mr. Rucho asked if the rate payers will pay this back through their tax bill. Mr. Fitch does not anticipate any increase in the electrical rates to pay for this. Mr. Rucho asked if the warrant article fails what would happen. Mr. Fitch indicated that they would pay cash for this one project only on its own, however, they have other projects they also would like to do. Their first choice is request a bond, second is a co-op through Boylston and West Boylston and the third is spend their own cash out of their capital accounts.

Motion Mr. McCormick to include the request as an article on the town meeting warrant, seconded by Mr. Quist, all in favor.

Mr. Fitch offered to set up a site visit should any members of Board wish to tour the facility. Mr. Gaumond suggested he touch base with the Finance Committee as they are meeting in the Council on Aging area this evening. Mr. Phillips noted that as a rate payer the first thing that comes to his mind when you say we do not expect to raise the fees means you are going to and he would like to Mr. Fitch to say yes, if they are going to raise them.

Silvio Baruzzi, DPW Director

1. In accordance with Massachusetts General Laws, Chapter 44, Section 31D, consider voting to authorize the over expenditure of the FY12 Snow and Ice

Mr. Gaumond explained that the Board does not typically take this vote in March. It is typically taken in October and while we have not expended a consideration amount on the personnel side, we

have used a considerable amount of supplies. Historically we overexpend this line item by a couple of hundred thousand dollars. This year we will not be at that level. Mr. Phillips requested an explanation of how the budget was developed. Mr. Gaumond explained that Mass General Law allows towns to deficient spend snow and ice provided they budget what they budgeted the previous year for that line item. Prior to his arrival, that line item was level funded each year. Over the last few years we have had increases for personnel and the cost for materials remains unchanged from the numbers the previous Town Administrator used. Items such as gas have impacted the budget. He thinks this a good year for us and we will not have a large deficit.

Mr. Phillips asked the amount, which they would like to over expend. Mr. Gaumond explained that when he first arrived the Board set a limit, however, the law says you either allow or not. He recommends we allow with no cap and going forward he would recommend the Board take this vote annually in October. Mr. Baruzzi advised that the lime item is budgeted at \$106,438.

Motion Mr. McCormick to allow in accordance with Massachusetts General Laws, Chapter 44, Section 31D, the over expenditure of the FY12 Snow and Ice, seconded by Mr. O'Brien, all in favor.

2. Other Budget Issues

Mr. Gaumond explained that the DPW budget has been expended. Historically at the end of the fiscal year, we would move money from Salary and Wages to Purchased Services. This year we are not able to do this because of the way we are using Snow and Ice costs. In the past when the crew went out during the day we charged it to Snow and Ice and our Finance Director informed us that we should not be doing it that way. We already had town meeting and we knew we would end up with a deficit. Fleet maintenance problem are ongoing and one of our cruisers lost a transmission. In addition, the cost of gas has had an impact on the budget. They are requesting a \$5,000 from the Reserve Fund to DPW Supplies. Mr. Gaumond added that this will not solve the problem and he intends to transfer funds within the budget at the May town meeting. Mr. Baruzzi has issued a moratorium on all other expenditures at the DPW.

Mr. Quist inquired as to whether fuel is bid out. Mr. Baruzzi advised that it is an annual bid and it is based on an index out of Worcester, which is so many cents a gallon over that index. Mr. Rucho questioned the current Reserve Fund Balance. Mr. Gaumond explained that we have a balance of \$16,000, this request is for \$5,000, which leaves a balance of \$11,000. He intends to replenish the fund at the May town meeting.

Motion Mr. McCormick to approve the request for a Reserve Fund Transfer in the amount of \$5,000 for DPW Supplies, seconded by Mr. Quist, all in favor.

3. Sewer Abatement Request for Autowright, 280 West Boylston Street

Mr. Gaumond noted that this request goes back a few months and both he and Mr. Baruzzi have spent a lot of time researching this issue. Town Counsel is recommending that since we have used 330 gallons per day as the basis to calculate betterment units to charge non-residential property, that is the number we should be using for this request. As the amount of water used computes to less than one betterment, the abatement should be granted.

Motion Mr. McCormick to grant the abatement request to Autowright in the amount of \$3,825.05, seconded by Mr. O'Brien, all in favor.

NEW BUSINESS

1. Drawing for Adopt an Island winners

Mr. Gaumond explained that we have two requests to adopt the islands available in town and

should there be any remaining islands, in accordance with the Board's policy, we will post them on our website and hold a second drawing in May. He previously advertised the program with blogs, articles and information posted on the website. The following islands are available: Hosmer @ Laurel Streets, Malden @ Goodale Streets, Woodland @ Prospect Streets (Gleason Memorial Square), Kings Mountain @ Yorktown Road, Worcester Street @ Route 12 and Church Street @ Route 12.

Mr. Gaumond proceeded with the drawing. The first adoptee is Allen Phillips who offered to adopt the island at Worcester Street @ Route 12 and the second adoptee is Finders and Keepers who offered to adopt Church Street @ Route 12.

2. Accident Report

At a recent Selectmen's meeting the Board requested Mr. Gaumond prepare an accident report detailing motor vehicle accidents over the last four years. He provided the Board with the report and backup information on each incident. Mr. Rucho remembers both the Fire Chief and the Police Chief mentioning that their departments have strict policies when somebody is in an accident. Mr. Gaumond noted that in the package, under Appendix B, he included the Board's Policy on Reporting Requirements for Accidents Involving Town-owned Vehicles, the Fire Department Motor Vehicle Accident Reporting Policy and a copy of an email from Chief Minnich with the Police Department's Traffic Accident Policy. Under their rules, 12.7, officers who are involved in an accident with a department vehicle, or when a vehicle is disabled and has been damaged, shall not move the vehicle except in an emergency. The commanding Officer or his or her designee shall immediately go to the scene and make an investigation and report all particulars to the Chief of Police forthwith. The Office involved shall promptly submit a written report in accordance with the department regulations.

The Selectmen's Policy on Reporting Requirements for Accidents Involving Town-owned Vehicles reads as follows. Should any employee of the Town be involved in a motor vehicle accident with a town-owned vehicle they must immediately report the accident to their department head and complete a Property Loss Notification Form, which is to be forwarded to the town's insurance carrier, together with an Accident Report. The department head shall ensure that the Town Administrator is notified of the accident and copies of the Property Loss Notification Form and Accident Report are to be forwarded to the Office of the Board of Selectmen/Town Administrator. Should the employee involved in the motor vehicle accident with a town-owned vehicle be a department head, he/she must immediately report the accident to the Town Administrator who will email members of the Board of Selectmen to advise them of the situation.

The Fire Department Policy is even longer and is similar. It states that whenever a department apparatus or vehicle is involved in a motor vehicle accident the driver shall immediately notify the Communication Center and advise the dispatcher that the vehicle has been involved in a motor vehicle accident and the vehicle will be taken out of service until the necessary investigation is completed. The Fire Chief will be notified immediately and if available his designee will respond to the scene. The Fire Chief will promptly notify the Town Administrator and notify the town's insurance provider of all motor vehicles in the manner prescribed by the provider.

Mr. Rucho asked if a person is involved in multiple accidents is there any difference as in both the Fire Department and the DPW we have had people in multiple accidents. Mr. Gaumond noted that we do not have a policy addressing that, however, if we felt there was a need we could.

3. Grant Report

A couple of years ago the Board requested a grant report update twice a year. This report details all the grants we have applied for and/or received in the last six months. Mr. Gaumond is

working on applying for local technical assistance grants with a number of other towns for cooperative economic growth and he is working with the Town of Spencer on this. Mr. Rucho reviewed the report, which looks like we received everything that we applied for. He wonders if we should apply for more grants because we are not being told no, or are there not enough grants available. Mr. Gaumond feels the issue is there are not a lot of opportunities to apply for grants. We have been successful with technical assistant grants and community innovation challenge grants. He noted that we apply for as many things that we can that we are aware of. Mr. Phillips would like to know about any school grants. Mr. Gaumond has a request into the school and will follow up with them. Mr. Phillips would also like to know about any grants the Municipal Light Plant, Water District and Library get. Mr. Gaumond advised that the Library didn't have anything for this reporting period, however, they are in the process of applying for one, which will appear on the next report.

4. Discussion on liquor license fees

Mr. Gaumond informed the Board that the Building Inspector will be coming forward with a request to modify his fees and we have a note in the file for the next time we look at fees to see if there was a desire to amend the liquor license fees which have not been amended since 2000. If the Board would be interested, we could post a double hearing. Prior to scheduling a hearing, Mr. Phillips would rather do a study on the fees for comparable communities.

5. Reservoir Motor Lodge Incidents

The Board's agenda package includes reports from the Police Department regarding two incidents at the Reservoir Motor Lodge which are in violation of the Board's Motel Regulations. Mr. Phillips recommends holding a disciplinary hearing at the first meeting in April. He has reviewed the materials and believes there was a violation of 9 of the sections listed in our Motel Regulations. Mr. Gaumond will work with town counsel and the police chief on developing the list and provide it to each of the members of the Board. Mr. Gaumond noted that in May of 2008 we had our last hearing to consider revocation of this license due to violations of the Motel Regulations. They have been before the Board since then because they did not pay their taxes, however, that was not in violation of the policy. The Board agreed to hold a special meeting on April 3rd with this as the only item. Mr. Phillips requested that Police Department be present at the hearing.

6. Request for Reserve Fund Transfer in the amount of \$7,000 for Veteran's Benefits

Mr. Gaumond explained that when we prepare the Veterans' Benefits budget we base our figure on the number of claims we anticipate. Over the last couple of months we have had a number of new claims brought forward. The good news is the town is reimbursed 75%, however, the downside is we are not allowed to deficit spend this line item. The original request was for \$28,000, which Mr. Gaumond lowered to \$7,000. He plans to do a budget fix for this line item at town meeting. However, he is now changing that figure to \$10,000, which is about the monthly average payment.

Mr. O'Brien questioned what types of claims these are. Mr. Gaumond explained that when you are a veteran you get certain types of benefits such as housing and cost of living adjustments for impoverished veterans and there are also window benefits if you died in the line of duty. This covers everything from food to clothing and he thinks this would be a good discussion to have with the Veterans' Agent. He feels it might be a good education for citizens. Mr. Gaumond informed the Board that our current Agent, Neil Norum has announced his interest in retiring from the position so we have posted it in-house. It is a stipend position and we will look at all options including regional efforts as well as share an agent with another community.

Motion Mr. McCormick to approve the request for Reserve Fund Transfer in the amount of \$10,000 for Veteran's Benefits, seconded by Mr. Rucho, all in favor.

7. Consider voting to accept \$500 from the Harold N. Keith Post 204 Am. Legion on behalf of the 8. Celebrations Committee

Motion Mr. Rucho to accept the \$500 from the Harold N. Keith Post 204 Am. Legion on behalf of the Celebrations Committee, seconded by Mr. McCormick, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. Announce that the Board of Library Commissioners granted the Town of West Boylston a waiver of the FY2012 Municipal Appropriation Requirement

2. March 12, 6-7:30; ALB Eradication Update at Cooperative Eradication Program Office, 151 West Boylston Drive, Worcester – Mr. Gaumond will be attending this meeting with Mr. Baruzzi.

3. March 31, 11-2; 2nd Annual Wellness Fair at the Middle/High School – we held a fair last year and received positive feedback.

It was noted by Mr. Rucho that the School Committee will be conducting their budget public hearing next Wednesday night.

SELECTMEN'S REPORTS

Mr. McCormick report on the SPG Solar Project Roundtable, which he attended. The group is looking at Century Drive by Fedex. It has rough terrain and would be ideal for the project. In the end they will have to go to the Planning Board and Zoning Board of Appeals. They intend to have it up and built by the end of the year. Mr. Gaumond noted that Regional Assessor Harald Scheid is working on twelve solar projects and it will be up to the Board of Selectmen to negotiate a payment-in-lieu-of-taxes agreement with them on the property value of the project which is a 4 megawatt project.

Motion Mr. McCormick 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 DPW unions if an open meeting may have a detrimental effect on the negotiating position of the public body and the Chairman so declares, seconded by Mr. O'Brien. The Board will not reconvene in open session. Mr. Rucho would like the motion read, which appears on the posted agenda that the public was notified about.

Mr. Rucho would like to amend the motion. Motion Mr. Rucho to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30a, Section 21(A), Parts 1 and 3 to discuss a complaint or charge against a town employee and to discuss strategy with respect to collective bargaining with the Police and DPW unions if an open meeting may have a detrimental effect on the negotiating position of the public body and the Chairman so declares. There is no second on the motion to amend so the vote will be on the original motion.

Mr. Rucho questioned how this relates to the Open Meeting Law as the agenda was posted with Parts 1 and 3. He added that when he asked for this to be on the agenda the last time the Board said it was against the wrong person and now that he is asking for the correct person, why can't he get a second on the motion. Mr. O'Brien did not get an email on the subject of the complaint. Mr. Rucho pointed out that the Board did get a copy of the letter sent to the person this involves together with Town Counsel information. Mr. O'Brien stated that he did not get an email on the specific complaint and his concern is there are specific rules on what can be discussed. Mr. Rucho noted that Town Counsel has indicated that we could enter executive session on this. Mr. McCormick pointed out that

Town Counsel said you can or you cannot. Mr. Rucho agrees that Counsel say yes and then no. He does not know what the Board is trying to hide. He cannot bring this up in open session. No one asked him to give more to the Board than what we already know right now. Mr. Phillips stated that he is ready to go into executive session on the two items. Mr. Rucho questioned Mr. Phillips on why he didn't second his motion to enter into executive session and Mr. Phillips indicated that he was waiting for a Board member to second the motion.

Mr. Rucho asked if the Board wanted more information. Mr. O'Brien suggested Mr. Rucho look at Section 21(a) which has a list of rules. This individual he is told is Mr. Gaumond, however, he does not know what we are going to discuss related to him. He is uncomfortable and does not want to violate the open meeting laws. Mr. McCormick suggested that Mr. Rucho sit down and have a meeting. Mr. Phillips feels Mr. Rucho has a valid question and asked the Board what else they need from him. Mr. McCormick would like to see what we are discussing rather than just go into executive session and discuss. Although Mr. Rucho feels the letter from Town Counsel indicates what will be discussed, he would like to ask Counsel to advise us on this. Mr. Phillips would like counsel at the next meeting for executive session. Mr. Phillips will contact Town Counsel on this. Mr. O'Brien has concerns about having an executive session without violating the open meeting law. Mr. Rucho pointed out that this is something that cannot be discussed in open session. Mr. McCormick would like to know exactly what is going to be brought, every question or issue that will be raised. Mr. O'Brien needs to know from Town Counsel to make the right decision as it makes him uncomfortable that if we hold this in executive session we are violating the open meeting rules.

Roll call vote: Mr. Quist yes, Mr. McCormick yes, Mr. Rucho yes, Mr. O'Brien yes, Mr. Phillips yes.

Motion Mr. McCormick to come out of executive session at 9:15 p.m., seconded by Mr. O'Brien. Roll call vote: Mr. Quist yes, Mr. McCormick yes, Mr. Rucho yes, Mr. O'Brien yes, Mr. Phillips yes.

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

Respectfully submitted,

Approved: March 21, 2012

Nancy E. Lucier, Municipal Assistant

Allen R. Phillips, Chairman

John J. O'Brien, Vice Chairman

Christopher A. Rucho, Clerk

Kevin M. McCormick, Selectman

Steven J. Quist, Selectman