

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.

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

Motion Mr. Rucho to approve the regular session meeting minutes from October 3, 2012, seconded by Mr. Hadley, all in favor.

**Presentation of Robert Halloran Dedication Sign to the Board of Selectmen**

Mr. Gaumond noted that one of the first applicants who went through the Naming Committee is coming to its conclusion. He presented the Board with the Robert J. Halloran Basketball Court sign, which also includes the town's logo, "*Small Town, Big Heart.*" The application went to the Naming committee and was approved by the Board of Selectmen and town meeting. He asked the Board to present the sign to the Halloran family and the sign will be installed within the next couple of weeks by Connor Sign. The Board presented to sign to Mr. Halloran who thanked his oldest daughter Susan who felt her Dad was deserving of the award. He also thanked Mr. Gaumond, the Naming Committee and the townspeople who voted this wonderful recognition. He added that there is an old saying that behind every successful man is a surprised mother-in-law and it should be that behind every successful man is an understanding wife, which is what he has. He asked the parks to build him a basketball court and he would start a basketball league. The first year 84 signed up and the next year he had 120 participants. The only night they didn't play was Tuesday as that was golf night. He was the only parent involved with the summer league and he did it for seven years. Then his job changed and John Mckeen did it for two years and then it fell apart. His personal reward was the friendships which they made with the kids and the parents. He is happy the Board of Selectmen decided to do this while he was alive and he thanked them for the recognition. He concluded by stated that he could not be happier.

**Jim Kaufman, 11 Marsh Hawk Way**

Mr. Kaufman joined the Board. He reports that back in April of 2011 he notified Mr. Gaumond about another situation on his street. During that time he noticed a small indentation on the road, about two to three feet and it kept growing. In May he called DPW Director Silvio Baruzzi who came out and looked at it and on May 4 he met with the Board of Selectmen and we talked about the drainage easement. He has lived in West Boylston for just over two years and he likes the town. He enjoys the town and his proud to be part of the town. In September he realized a sink hole was forming near the walkway on his property. He notified Mr. Baruzzi and he came out and took a look at it in September. It began to get wider and deeper. On February 28 he notified Mr. Baruzzi as they could still see the sink hole was getting bigger. He shared photographs of the area with the Board. He asked again in March of 2012 to have Mr. Baruzzi come and look at the property and during that time he was told they needed to wait as they needed to purchase some asphalt, they were going to do it, however, there was still a question on why the sink hole was forming on his property. His theory is water is running along the sewer system and because the house is lower and is getting all the water. The area is now 20x10 feet. Mike Coveney of the Water Department came out and checked his property at the street and found no leak. Mr. Kaufman spoke with Jeff at the pool company who advised that a few years ago he had a property with water running down a hill and coming into their cellar.

Someone from the Worcester DPW told him that if it was water you would see the grass getting dark green where the water was running and that is exactly what you see in these photos, is that the grass is dark in the area. After that in May he placed another call to Mr. Baruzzi and Mr. Kaufman expressed his concern. He stated that he can wait just so long and now it is 18 months. On May 4 he met with Mr. Baruzzi again and they could find no evidence of it. He received a letter from Mr. Baruzzi which stated that after they fixed the area near the Bagley house, they investigated the depression in the road in front of Mr. Kaufman's house and there was no evidence of any leaks. Michael Kittredge, foreman at the DPW, feels that the settling problem was caused by improper compaction along the sewer trench and this is occurring all over town in the sewered areas. He does not see any connection, as the sewer line runs the length of the street and Mr. Kauffman's connection is on the other side of the driveway, which now has formed another sink hole. There is a second hole on the other side of his driveway and a large crack going across the street and where they repaired there is a large sink hole and if you drive over it is like driving over a step. Now he has three sink holes and he has been talking with Mr. Gaumond a lot expressing his frustrations.

Mr. Kaufman cannot do anything with his property until he finds the reason for the water coming into it. He has offered to spend \$2,000 of his own funds to help repair the property. He contacted the Congressman in the area and he never returned any of his phone calls and then he talked with Rep. O'Day. During the conversation one of the things he didn't realize is this is something that has happened through the town. Rep. O'Day is looking into the state to see what they can do and Mr. Kaufman found that the town had a lawsuit against the state at one time and the town lost. He doesn't think that the citizens should have to pay for all the costs of somebody doing a terrible job. Those who made the mistake in the past should have to pay for it. If you go down Newton and Goodale Streets those areas have the same problem he does. He spoke with Mr. Baruzzi about putting together a subcommittee and he would be happy to be a part of that. Rep. O'Day also offered to be a part of a subcommittee. Mr. Baruzzi informed Mr. Kaufman that he has the same problem in his area of town and feels there may be other people who would be interested in trying to resolve the problem. The letter says that the issues are in the sewered areas in town. He is here to ask for the Board's help to find the reason why the water is running down into his property. He paid \$500,000 for his home and pays \$8,000 in real estate taxes and his house is not worth anything. He has a beautiful home on five acres of land. He doesn't allow his grandchildren to play in the front yard because of the sink hole and he needs the Board's help on this.

Mr. Hadley asked when they dug the first sink hole out and repaired it, did you see anything. Mr. Kaufman explained that he had asked to be notified when they were going to cut it so he could see where it was going. He was told that the easement was five feet on both sides of the property and then he found that the easement was on the neighbor's property not his. The work was done when he was not there. According to Mr. Baruzzi he looked at it and said there was nothing. It is a sink hole in the road about ten feet in front of his property. It has to be dug where the water is coming into his property as it could be coming from a location two miles down the road. Mr. Hadley asked what has Mr. Baruzzi said about it. Mr. Gaumond explained that we did cut the road and could not find evidence of water coming in. We do not know if the cause is the compaction. There is a Transportation Committee for the town and this item is going to be on the next agenda. He intends to invite Mr. Kaufman to that meeting. Mr. Kaufman started that he is not here to find fault, it is his town and he is happy to help out. He wants to be able to do the right thing and he thinks the right thing is for the town to help him with a situation he didn't create nor did they when the sewer system was put in.

Mr. McCormick noted that this sounds similar to the issue the town had with the flooding at the Paré property on Franklin Street. We found that the water pipe going over to The Manor Restaurant

was broken. The individuals back yard was being flooded by the broken pipe, and because of the sewer line the water ended up in their back yard. And it took a long time to find the problem. He suggested going back to the Water Department and have them research it as it could be a neighbor's pipe and the water follows the line. He went to Mr. Kaufman's house today to look at the problem. He feels the problem could be the same thing we had on Franklin Street as the water followed their pipe as it looks for the easiest way to go. Mr. Kaufman noted that the gentleman at the pool store said the same thing. He added that Mike had somebody come with him and they measured from the fire hydrant to the end of the street and from the hydrant up to the cul de sac there is nothing within his property. If you look where the turn off is it is five feet down right near the tree and the grass hides it. You have to walk back and forth and if you walk you can feel a step down and that is why he knows it is about 20 feet long. When you walk you can feel the step down and now the walkway is starting to crack and it will collapse. The water is coming down the pipe and the lowest point is at the walkway. Mr. McCormick remembers the town installing clay in the backyard of the house on Franklin Street because clay will stop the water, however, nothing seems to work and it took a long time to find the issue. Mr. Kaufman noted that Mr. Baruzzi mentioned a dam but we need to find where it is coming from.

Mr. Rucho asked if the front yard was wet. Mr. Kauffman advised that it is not, and there are no puddles as it is five feet down so you cannot see it. He checked his sprinkler system and there is nothing wrong with that. It is gravity and he saw it in early April, then in September he walked the yard and the grass is separating away from the walkway. Mr. Gaumond will continue to work with our town engineer and the Water District to see if they can keep working on this issue. He will also let them know that Mr. Kaufman came in to meet with the Board. If the Board agrees, on behalf of the Board, Mr. Gaumond will ask the Water District to conduct further investigations into this area to determine what kind of pressing problems are causing the problem for Mr. Kaufman. The Board agreed with that approach.

Mr. McCormick noted that the issue on Franklin Street was so bad that the home owner had pumps in her cellar as the water was getting into the cellar. Mr. Kaufman asked what they did with the soil once the problem was found. Mr. McCormick advised that the soil went back to normal. They didn't have a sink hole in their yard, however, their entire back yard was flooded. Mr. Kaufman question whether once this problem is found would he have to dig it out. Mr. Gaumond suggested waiting to see what the engineers suggest and he will let him know when the next meeting of the Transportation Committee will be. He will also give him a copy of the letter he sends to the Water District.

## **NEW BUSINESS**

### **1. Vote to sign Police Union Contract**

The agenda contains a copy of the final signed contract with the police union and originals are in the Board's signature file. The contract covers the period for July 1, 2012 through June 30, 2015.

Motion Mr. Rucho to accept the contract with the police union, seconded by Mr. Kittredge, all in favor. Mr. Kittredge recused himself.

### **2. Vote to sign Teamsters Contract**

The agenda contains a copy of the final signed contract with the Teamsters and originals are in the Board's signature file. The contract covers the period for July 1, 2012 through June 30, 2015.

Motion Mr. Rucho to accept the contract with the Teamsters, seconded by Mr. Hadley, all in favor. Mr. Kittredge returned to the meeting.

Mr. Rucho questioned what is left for outstanding contracts. Mr. Gaumond advised that the town only has two collective bargaining agreements, and the school has their contract.

3. Concurrence on the appointment of Elizabeth Schaper to the Town Scholarship Committee, effective October 18, 2012 for a term to expire on April 30, 2013

Motion Mr. O'Brien to concur with the appointment, seconded by Mr. Kittredge. Mr. Rucho questioned whether the appointee needed to be a town resident. Mr. Gaumond explained that the slot is for a school representative and the Town Administrator is able to appoint people who are not even citizens if it is in the best interest of the town. He added that he previously appointed an individual to the Open Space Implementation Committee who was not a registered voter because he was not a citizen of the USA. Mr. Rucho commented that it is good to have the position filled as the committee wanted it filled for some time now. Vote on the motion – all in favor.

4. Concurrence on the appointment of John Curran, Jr., 194 Maple Street to the Council on Aging effective October 18, 2012 for a term to expire on April 30, 2015

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

5. Concurrence on the appointment of Norma Chanis, 42 Prescott Street to the Solid Waste Advisory Committee effective October 18, 2012 for a term to expire on April 30, 2015

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

6. Concurrence on the appointment of the following Oakham Police Officers as Special Officers for detail assignments effective October 18, 2012 for a term to expire on June 30, 2013: Albert Bourget, John Songy, Francis Marderosian, Douglas Blood and Michael Murphy

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

7. Vote to appointment of Barbara Deschenes as Deputy Clerk effective October 18, 2012 for a term to expire on August 15, 2015

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

8. Update on paying sewer bills online

At the last meeting of the Board there were three items the Selectmen wanted an update on. Going forward, he will provide the Board updates on our progress every two weeks in their Information Packages. Mr. Rucho previously asked where we stood on being able to receive payments via electronic transfer online. Mr. Gaumond reports that Mr. Baruzzi has been in communication with UniBank and Continental Software. Continental produces a software module which would communicate with Unibank and would cost the town about \$1,000 plus an annual maintenance fee. UniBank believes this would be a time saving exercise for the department. We have also been speaking with the MLP who currently use this system and they do find it necessary to manually keep track of these types of payments as there is a lag-time dependent on the type of payment being made. They find it necessary to pay close attention to the details of the payments and the department is concerned that it could increase the workload. The MLP gets 50 payments a month through this method out of the 2,700 bills. He did speak with the Treasurer/Collector and she reports that we get about 200 tax bills each quarter. It is definitely more convenient for patrons and it could save the town mailing costs if we send a significant portion of our bills out electronically. He spoke with our IT Consultant, Karen Paré and she informed him of some issues that we should look out. Now that town meeting is over Mr. Gaumond intends to work with Ms. Paré, Ms. Yasick and Mr. Baruzzi to talk about this issue. The next step would be if the Sewer Commission would like to implement the system, we would need to purchase the software and install the program. We will also need to train to the software and do some

beta-testing with the staff to ensure that payments are properly accounted for. He believes this can be accomplished in three months.

Mr. Rucho would like to move forward on this as currently everything is accepted on line including, school, excise and water. He was told that 1,100 people are signed up for the program. Mr. Gaumond did ask about the usership and we have 7% in real estate and 8% in motor vehicle. It could be a time saver and Ms. Yasick is a huge believer because it saves her office time and the software program allows us to manually import and export into the reporting software.

Mr. McCormick questioned whether we should try to get everything into one system. He also pays his bills online. Mr. Gaumond explained that this system will allow someone to go onto the sewer district website, create an account and login and pay on the town's website. Mr. Rucho pointed out that if you pay online there is no delay with a payment being received as opposed to paying through your bank and there is a delay in the payment being received. There is no charge to pay online unless you are paying by credit card and then there is a small fee assessed.

Mr. Kittredge asked if 7-10% of the people are going to use it, is it worth the cost? Mr. Gaumond believes it is as it is only in the beginning stages and according to Ms. Yasick it has expanded over the years. The 2,500 bills also include businesses. Mr. McCormick would like to have it all on one page to make it easier. He also suggested having Mr. Rucho involved in the discussion so he will have the ability to express his concerns.

#### 9. Update on DPW Building Ventilation Project & Garage Doors

Mr. Gaumond reports that the town appropriated \$70,000 to replace the ventilation system. He and Mr. Baruzzi agreed to delay the implementation of the project at the request of the Finance Committee and the Capital Investment Board, until the fall to see what progress the municipal building project had made. Mr. Baruzzi found that the building will need three-phase power for the variable speed drive which is need for the project and that electrical work will cost about \$25,000. We received a revised quote for the system, which is similar to the unit used at our public safety building. It is a tube system that plugs into the back of the vehicles. While doing this we are also considering upgrading the electric panels to set up the emergency generators we acquired for \$15 through a surplus equipment list and will be used to power the ventilation system, interior lights and fuel pumps in case of a grave emergency. We are speaking with an electrical contractor on its feasibility, should have answers in a couple of weeks and will begin the procurement process.

In the next week we will be sending requests for bids for the replacement of the garage doors and associated electrical work. The town appropriated \$40,000 for this project which we will hopefully be completed in a month to six weeks. Mr. Gaumond intends to send the Board a written report every two weeks in their Information Package until the projects are complete.

#### 10. Update on Edwards School Window & Door project

Mr. Gaumond noted that Mr. Rucho asked about this project and he asked the School Superintendent for an update, which is in the agenda package. If the Board has any questions, he encouraged them to send them to him and he would forward them to the Superintendent. Mr. Rucho announced that the project is nearing completion so that the public would be aware. At the time of the update, which was October 5, it was close to completion.

#### 11. Review performance evaluation form for Town Administrator evaluation

Mr. O'Brien explained that last spring the Board had a discussion about whether we should change the form used for the performance review of the Town Administrator. He reviewed about 20

forms, which were all different and he likes the town of Pembroke as it is very easy to use, clear and consistent and with some slight adjustments he feels it would work for the Board. Mr. Rucho stated that he kind of liked the town of Charlton and he thinks the other thing we need to look at is some of the questions we have. He used as an example, the rating of the Town Administrator on his task of Chairman of the Town-wide Planning Committee. He questions how you would rate that on a 1-5 scale. It doesn't say he does a good job it only says he serves on the committee. Mr. Gaumond agrees that the odd part is there is no weighted mechanism. There is no difference in rating between that and developing the budget for the town as each is considered to be equal. He thinks the Pembroke form hits on all the important topics and kind of considers them as equal but on a larger scale. There is also a section on Town Administrator notes with an agree or disagree. He suggested changing it to say Town Administrator's comments, if any. Mr. Gaumond thinks the Pembroke form does a better job of encapsulating what we do. He recommends incorporating the goals and objectives in that as it gives the Board a way of tracking what it is they are asking the Town Administrator to do and to develop a work plan. Mr. McCormick would like to use the same process we have used in the past, ratings of 1-5 and he will put together a composite of all the ratings. Mr. Gaumond stated that he is more interested in the verbal comments rather than the numbers. He noted that if his department heads are doing what he asks of them he gives them a 3 it is not a 5. Mr. Rucho stated that has always been his issue as in the task of Chairman of the Townwide Planning Committee, he does not know how Mr. Gaumond could get more than a 3 as he is meeting what is expected. Mr. Gaumond agreed, however, should there be a year when the Master Plan is approved, it may be a higher rating.

Mr. O'Brien will update the form and have it ready for the next meeting.

#### 12. Airing of board and committee meetings

Mr. Gaumond explained that within the last week or two he had a conversation about airing board and committee meetings. The agenda package includes a memo for the Board's consideration. One of the things we are looking for us to make an effort to have more of our board and committee meetings aired on our public access channel and we are recruiting more people to be trained. He thinks it is time that we start asking boards and committees to be on Channel 11 and he thinks some of them could be the Zoning Board of Appeals, Planning Board, Parks Commission, Board of Health and the Facilities Implementation and Strategic Planning Committee. The memo will go to all boards, elected and appointed and it asks if they have any interest in being televised we will work with the Municipal Assistant on scheduling those boards to have their meetings in Room #1, which is equipped to televise the meetings. Then we need to get a good amount of people trained to cover the meetings.

Mr. Rucho has no problem advising committees we may be putting them in this room and taping them. His concern is why we need to ask them, as under the Open Meeting Law, we go into a meeting and record a meeting. He has no problem he wants to tell committees this is what we want to do and he is not sure why we have to ask them what if they say no. He added that the Open Meeting Law is clear, you do not need to say yes or no and you can video or audio any meeting as long as you advise the Chairman and the Chairman would have to announce it. Mr. Gaumond feels the reason the Board should ask if out of courtesy as these are all volunteers and it puts a burden on Municipal Assistant Nancy Lucier to only schedule people in meeting room #1. His recommendation is we owe boards and committees the courtesy and he does not believe you can require that elected boards hold their meetings in Room #1 and be recorded. They are elected as is the Board of Selectmen. We have long history of having the Selectmen's meetings recorded. He thinks it should be done as a request rather than an order. If you want to direct the Municipal Assistant to schedule all board and committee meetings in room #1 so they will be on television we will work to the best of our ability to comply.

Mr. Rucho stated that he is not asking for the Board of Selectmen to make it an order. He suggests a letter saying we have been trying to get more board and committee meetings on television for years and we may assign you to meeting room #1 more often and if there is somebody available to televise the meeting you will be televised and in accordance with the Open Meeting Law you will need to advise the people in the room and give them the laws that discuss that and thank them for their cooperation. If we ask them, they can say no, but it is a violation of the Open Meeting Law if they say no. Mr. Gaumond does not know if it is feasible to do this. With this letter if a board or a committee says yes, we will try to get their meeting televised; however, if they say no, it is a different conversation. If a board or a committee responds with a no, Mr. McCormick recommends inviting them in to speak with the Board. Mr. Hadley thinks this way we make a request and if we do not get an answer then we will move on from there. He noted that most boards meet at least once a month so we will have an answer within 30 days. Mr. Gaumond advised that some committees such as the Agricultural Commission or the Naming Committee do not meet on a monthly basis; however, he does not see anybody clamoring to see those meetings televised. Mr. Rucho pointed out that there is not a line of people ready to tape these but we are looking at down the road and having these meetings online. In addition, committees and boards may act differently when they are being recorded. Mr. McCormick agrees we should ask them. Mr. Gaumond will provide a full accounting. Mr. Rucho asked about committees that say no and do not have their meetings in this building. Mr. Gaumond noted that the Library does not meet here. Mr. Rucho believes they are able to record at the library. The Board indicated no issue with the memo as written.

13. Deadline to provide notification to the Town Administrator is November 7 if you do not wish to reappoint him to a successor contract

Mr. McCormick informed the Board that they have until November 7<sup>th</sup> to notify Mr. Gaumond if they do not intend to reappoint him to a successor contract. Mr. Rucho explained the reason why this is on the agenda is because in the past one of his concerns is all the contracts are coming up he would like to see some changes in them. One of the things that happened was Mr. Baruzzi is leaving and he can leave and give the town two weeks' notice and there is no penalty. He thinks the contracts have changed in the last few years and changes were made regarding notice. If the town wants to let you go we need to have a public hearing and provide why we would like you gone. The contract is not as much for the town. Mr. McCormick pointed out that this is not a contract issue, it is a reappointment issue.

Motion Mr. Hadley to agree to reappoint the town administrator. Mr. O'Brien asked when we should extend the contract. Mr. McCormick explained that there have been times during his tenure on the Board when we have given a different position a three-year contract before their current contract expires because we wanted to retain them. Mr. Hadley questioned when the Board would begin to negotiate the contract. Mr. McCormick indicated that it would occur three to six months before it is to expire.

Motion Mr. Hadley to inform the Town Administrator that the Board would like to enter into a successor contract with him, seconded by Mr. Kittredge, all in favor.

## **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. October 19, 8:00 a.m. – MMA Legislative Breakfast in Charlton – Mr. Gaumond intends to attend on behalf of the town.

2. November 28, 6:00 p.m. – Central 13 Prioritization Project at CMRPC, Union Station, Worcester

3. Discussion regarding MMA Annual Meeting. Mr. Gaumond advised that in years past the Board has attended the annual meeting. Historically there was money in the budget to attend and spend the night on Friday, however, that was eliminated this past year. We do have funds to cover the registration costs for any Board member who wishes to attend. It comprises of a trade show with vendors and various seminars. This is also when the Governor or the Lieutenant Governor give their initial indication of the municipal aid packages for the towns.

4. Announce that we are seeking input from residents for goals and objectives for the upcoming year. In the Municipal Calendar ever October we outreach to boards and committees to get feedback on goals and objectives, which are presented to the Board for their goal setting meeting.

**FUTURE AGENDA ITEMS**

Mr. Rucho thought we were going to speak about the DPW Director position, however, he sees it has already been posted. Mr. Gaumond noted that he did provide the Board with a document on the subject, which indicated that if anybody wanted to include discussion on the agenda he would. It was agreed to include this topic on the next agenda.

It was noted that none of the Board members attended the tour of the Upper Blackstone facility which took place today.

With no further business to come before the Board, motion Mr. Hadley at 8:47 p.m. to adjourn, seconded by Mr. Kittredge, all in favor.

Respectfully submitted,

Approved: November 7, 2012

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Nancy E. Lucier, Municipal Assistant

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Kevin M. McCormick, Chairman

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John J. O'Brien, Vice Chairman

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Christopher A. Rucho, Clerk

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John W. Hadley, Selectman

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Michael J. Kittredge, Jr., Selectman