

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

Mr. O'Brien convened the meeting at 7:00 p.m. and served as Chairman this evening.

Read and Acceptance of Minutes from Previous Meeting

Motion Mr. Rucho to approve the regular session meeting minutes from September 19, 2012, seconded by Mr. Kittredge, all in favor.

Motion Mr. Rucho to approve executive session #1 meeting minutes from September 19, 2012, seconded by Mr. Hadley, all in favor.

Motion Mr. Hadley to approve executive session #2 meeting minutes from September 19, 2012, seconded by Mr. Rucho. Vote on the motion – Messrs. O'Brien, Hadley and Rucho, yes; Mr. Kittredge abstains as he was not present at the meeting.

Motion Mr. Hadley to approve the regular session meeting minutes from September 26, 2012, seconded by Mr. Kittredge. Vote on the motion – Messrs. McCormick, Rucho, Hadley and Kittredge yes; Mr. O'Brien abstains as he was not present.

NEW BUSINESS

1. Concurrence on the appointment of John Hadley of Malden Street to the Open Space Implementation Committee as the designee of the Conservation Commission effective October 4, 2012 for a term to expire on June 30, 2013

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

2. Request from Cemetery Trustees to increase the FY13 Spending Limits on their Revolving Fund from \$50,000 to \$60,000

Mr. Gaumond explained that when we met last week he informed the Board that the Cemetery Trustees submitted an article for the warrant to increase the FY13 Spending Limits on their Revolving Fund from \$50,000 to \$60,000. When Town Counsel revised the warrant, we were advised that the request did not require town meeting approval and could be accomplished through a vote of the Board of Selectmen and the Finance Committee. Mr. Gaumond noted that although the Cemetery Trustees rarely get to the \$50,000 limit, by having the additional \$10,000 it will give them flexibility should they need it. In the future the limit will be amended through town meeting.

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

3. Fire Chief Richard J. Pauley, Jr., - Review and Sign Agreement for the Purchase of Ambulance 1

Fire Chief Richard Pauley, Jr. joined the Board. He provided them with the contract for the purchase of a new ambulance. The town did go out to bid for the procurement of a new ambulance, six vendors requested bid packages, one bid package was submitted. The Selectmen authorized the town to proceed with negotiations for the purchase of the ambulance. The bid came in at \$200,468.12 and town meeting previously appropriated \$220,000. All the paperwork has been reviewed by town counsel. Mr. Gaumond has a copy of the specifications and feels it will meet the needs of the town. He recommends the Board execute the contract for the purchase of the ambulance.

Mr. Hadley questioned the trade in value. Chief Pauley explained that we are trading in the actual box in the vehicle, which has 90,000 miles on it and their thought was to turn it into a forestry

type vehicle for brush fires. They will come and get the box and deliver it back to us in a manner that is road ready for our future plans. The Chief added that he was very surprised that he only had one bidder as he never had that happen in his career. He attributes that to the economy as the specifications were quite generic. Mr. Rucho asked if there was any thought to trying to put it out to bid again. Mr. Gaumond stated that if the price was not as good as we received they might have, however, we estimated our cost to be \$220,000 and because it came in under that amount it didn't seem to be needed. The Chief reported that a neighboring community put out to bid a similar vehicle with the same chassis, different body and it came in at \$190,000 and it was a company that didn't have the experience that the company who bid on our ambulance has. He is comfortable with this.

Motion Mr. O'Brien to sign the contract with Professional Vehicle Corporation for the purchase of a new ambulance, seconded by Mr. Rucho, all in favor.

Public Hearing: Consider Adopting a Criminal Offender Records Information Policy (Cori) Policy

Mr. McCormick opened the public hearing and read the following notice. Public notice is hereby given, in conformity with the requirements of the General Bylaws of the Town of West Boylston, ARTICLE XXIII - PUBLIC HEARING AND NOTICE, that the Board of Selectmen will meet on Wednesday, October 3, 2012 at 7:05 p.m. for the purpose of considering the adoption of a Criminal Offender Records Information Policy. The meeting will be held in Meeting Room #1 of town hall, 127 Hartwell Street, Suite 100, West Boylston. For additional information, or to review the proposed information, please contact the Office of the Board of Selectmen/Town Administrator at 508.835.3490. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman, September 19, 26, 2012.

Mr. Gaumond explained that the town has recently been looking at our human resources policies and procedures and one of the things we need to adopt is a Criminal Offender Records Information Policy, more commonly called a Cori Policy. The policy he is proposing is consistent with the new Mass General Laws governing the way the Cori is to be used in the hiring process.

Mr. Rucho questioned whether a Cori check is done for all new hires. Mr. Gaumond explained that the Cori check can only be done for positions dealing with public safety, safety sensitive positions, access to children, the disabled, elderly or dealing with money. They did greatly reduce the capacity by which a community can access Cori information. There is no public comment on this item.

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

Motion Mr. O'Brien to adopt the Criminal Offender Records Information Policy as presented, seconded by Mr. Kittredge, all in favor.

Public Hearing: Consider Updates to the Board's Policy on Appointment Procedures for the Board of Selectmen and the Town Administrator

Mr. McCormick opened the public hearing and read the following notice. Public notice is hereby given, in conformity with the requirements of the General Bylaws of the Town of West Boylston, ARTICLE XXIII - PUBLIC HEARING AND NOTICE, that the Board of Selectmen will meet on Wednesday, October 3, 2012 at 7:15 p.m. for the purpose of considering amending their Policy on Appointment Procedures for the Board of Selectmen and the Town Administrator. The meeting will be held in Meeting Room #1 of the Municipal Office Building, 127 Hartwell Street, West Boylston. For additional information, or to review the proposed information, please contact the Office of the Board of Selectmen/Town Administrator at 508.835.3490. All interested persons, groups, and agencies are invited to attend. Kevin M. McCormick, Chairman, September 19, 26, 2012.

The purpose of this hearing is to approve amendments to the Board's Policy on Appointment Procedures for the Board of Selectmen and the Town Administrator, which the Board reviewed last month and pointed out areas of the policy, which needed to be updated. All the changes were previously noted by the Board. There is no one present to speak on this policy.

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

Motion Mr. Hadley to approve the Policy on Appointment Procedures for the Board of Selectmen and the Town Administrator as amended, seconded by Mr. Kittredge, all in favor.

Silvio Baruzzi, Update On Upper Blackstone & EPA Issue

DPW Director Silvio Baruzzi joined the Board and introduced Karla Sangrey, Director of the Upper Blackstone Water Pollution District. Ms. Sangrey is in attendance this evening to inform the Board of the impact the NPDES permitting will have on the Upper Blackstone Water Pollution Abatement District (UBWPAD) and ultimately result in sewer rate increases for West Boylston. She proceeded to show a power point presentation. Since 2004 UPWPAD has spent \$188 million to upgrade and expand their facility. Compliance with the new NPDES permitting will require additional rate increases. Phosphorus and nitrogen concentrations in effluent have been reduced by over 70% and 50% respectively. The facility upgrades they have made resulted in a safer facility and helped them be a better neighbor. They have successfully limited their nitrogen and wintertime phosphorus limits and have done more to reduce nitrogen load to Narragansett Bay than any other point source. Nonpoint sources are the primary contributors of nitrogen and phosphorus in the Blackstone River. No other facility in New England has to meet such stringent limits on both nutrients and an additional \$200 million would be required to consistently meet the limits at design flow. The receiving waters will see no measurable benefit from the reduced limits and the proposed limits are not sustainable. They will result in 20% increase in power consumption, 50% increase in sludge production, four-fold increase in ash production, five additional 8,000 gallon tanker truck deliveries daily and 14% increase in NOx production.

Mr. Kittredge pointed out that the City of Worcester is fighting this. Ms. Sangrey stated that there is a sense that Region 1 of the EPA is hard on the UPWPAD and there are other parties out there. Mr. Hadley suggested enlisting the assistance of our legislators. Ms. Sangrey noted that they have been in contact with Congressman McGovern's Office for assistance and they have been helpful. She thinks we need political pressure solution to get some leverage on this. Mr. Rucho questioned whether Upper Blackstone had been ordered to make the changes yet. Ms. Sangrey stated that it may be eminent as they are exhausting their legal options and the Order is anticipated to give them five years to comply.

Mr. Gaumond pointed out that one of the areas of concerns is instances of phosphorus and he questioned what some of the sources that might be contributing to that. Ms. Sangrey mentioned that Upper Blackstone uses a lot less phosphorus than it used to. A lot of phosphorus is a product of human waste. Non-point source is fertilizer and a number of states have bans on what kinds of fertilizer can be purchased. Mr. Gaumond asked if there is something the Town of West Boylston can do through the Board of Sewer Commission to help in this matter or is this just for information. Mr. Baruzzi would like a couple members of the Sewer Commission to take the tour of the facility which is scheduled for the 17th of October. Ms. Sangrey stated that they are definitely talking about the political part of this and they have a website you can weigh in on and let your representatives know. Mr. Hadley suggested letters to our legislators including Congressman McGovern and our senators. Mr. Gaumond will put something together for the Board to sign. Ms. Sangrey thanked the Board for meeting with her.

Mr. Gaumond reminded the Board to notify the office if they intend to attend the tour on October 17th.

Report on portapotty issue at Parks (MK)

Mr. Gaumond explained that Mr. Kittredge requested this agenda item. He had a discussion today with Mr. Kittredge, Parks Commission Chairman Steve Blake, and DPW Director Baruzzi and he thinks they are all on the same page moving forward. There was a lack of communication due to erroneous telephone numbers. Mr. Kittredge added that it was a nice meeting and everyone was in agreement. The issue began with a portapotty that was tipped over for four days before it was taken care of and now we have the contact information for the vendor.

Mr. Gaumond announced that DPW Director Silvio Baruzzi has resigned and he will be leaving his position in December. He thanked him for his tenure in the Town and wished him the best of luck. The Board thanked Mr. Baruzzi for his service.

Mr. Rucho questioned the process they will follow to fill the position. Mr. Gaumond explained that he will immediately look at updating the job description and job posting. He will start the process immediately and welcomes involvement from the Board of Selectmen. Mr. Rucho noted that we went through a big process when we hired Mr. Baruzzi and we decided he would be the guy to hire to figure how we should structure the department and he was going to help us with that. Before we start this again he asked if we are any closer to knowing a better way to run the department. Mr. Gaumond stated that we are not that close and he was not anticipating that Mr. Baruzzi would be leaving so early in his tenure. He thinks it is important that we have somebody in place by December 1 because we have a lot of business to take care of. It is position that runs a public utility system and is a major department in town. Mr. Kittredge asked if it would be helpful if a couple members of the Board meet with Mr. Gaumond on this. He does not know which way it should go either as Mr. Baruzzi was going to give us a sewer analysis as to whether we should bring sewer in house or stay with Weston & Sampson.

Mr. Gaumond did speak with the Finance Director about this issue and Mr. Daley offered to work with him on this. He will outline the plan at the next meeting. Mr. Daley had some good suggestions on this and will put together a cost benefit analysis for the town. Mr. Rucho noted that prior to hiring Mr. Baruzzi we had a public meeting and he would like to look back at those comments. Mr. Hadley thinks it is a good idea for two members of the Board to sit with Mr. Gaumond. Mr. Rucho suggested doing this at a public meeting. Mr. Gaumond reminded the Board that his goal is for somebody to be in place by December 1. Mr. Rucho doesn't want to make a mistake. Mr. McCormick doesn't think Mr. Baruzzi was a mistake, however, he didn't finish the task. Mr. Gaumond reminded the Board that we have a Special Act which created a DPW. Mr. Rucho feels we should look back at the minutes of that public input meeting. He added that we did give Weston & Sampson a one-year contract so that we could look at this. Mr. McCormick noted that following the public information meeting, the Board of Selectmen determined that the way it was set up was the best way to run the department. Mr. Rucho agrees although the Board also hoped to change the structure down the road. Mr. McCormick stated that the only hope he had with Mr. Baruzzi was to determine whether we should hire our own people to oversee the sewers or continue with Weston & Sampson and that was the only thing Mr. Baruzzi was supposed to do. Mr. Rucho suggested hiring an interim person as he would like the opportunity to look at the sewer function information. Mr. McCormick stated that whether we get the information in the next three months it is irrelevant to the Mr. Baruzzi position. Mr. Rucho recalled the meeting to discuss how the department should be structured and he thought we would get input from Mr. Baruzzi on how we should go forward.

Mr. Gaumond reminded the Board that the Town Administrator is the one who will decide as he is the appointing authority and he is happy to have input from the Board of Selectmen. Mr. McCormick reminded everyone that the last time we went through this discussion about the correct person it went on for a long time and we went ahead and hired the position of DPW Director, the same position we previously had. Mr. Gaumond intends to go forward with another appointment and the term of the contract for not more than three years. Mr. Hadley suggested maybe hiring a working foreman. Mr. Gaumond explained that the position creates the budget and runs a public utility. If the Board would like to have a full discussion we could have a full discussion, abolish the Special Act and start from scratch. We need somebody in this winter and we have Chapter 90 projects that need to be done and somebody has to prepare the budget. He needs to move forward with the hire even if it is on an interim basis. Mr. McCormick suggested having the members give Mr. Gaumond their opinion as we only have 8 weeks before Mr. Baruzzi departs. He did note that the down side with an interim is you may not get a good qualified person to apply for a short term job and this is one of the most important departments in the town. Mr. Hadley would like an interim and he would like to be involved. Mr. O'Brien is concern if we if we do get a person who would be an interim and then we have the Town Administrator doing both jobs. He also does not think Mr. Baruzzi has been a failure. The Board will have a full discussion at the October 17 meeting.

NEW BUSINESS

4. Board discussion regarding the ZBA

Mr. McCormick stated that he attended two meetings of the Zoning Board of Appeals and it is irrelevant what the issues were that happened and he does not have any say because it is not his job to make those decisions. He went to listen and see how things ran. He reports that it was totally disjointed in how the meeting went, not so much the first meeting went fine. When the hearing ended everybody got up and walked out the door and he thought everybody was leaving. The second half of the meeting things seemed to go find and then it fell apart at the end. He was disappointed with how the whole process went, not anyone one person, the whole Board. He has serious concerns whether they are able to function as a Board any further. The Board of Selectmen appoints then and he will listen to everyone's points.

Mr. Hadley stated that he attended the same meeting. The ZBA couldn't agree on anything and at the meeting before one of the members resigned. It is a big problem and something needs to be done. Mr. Rucho stated that this is not the first time we have had this issue and it began one year ago. He agrees we need to do something and he was at the meeting. He doesn't think the members knew what they voted on and no one of the ZBA knew what was going on. He feels we have to do something, however, people are not knocking down the doors to be on the ZBA. Mr. Kittredge asked if there is a recommendation.

Mr. McCormick world like to ask the current members to he ZBA to all resign by November 9 and we will start to advertise immediately for new members. Everybody can reapply, although they do not have to reapply and we will interview and seat a ZBA to function and operate and do the job they need to do. It is not an easy job and has to be done with some sort of control. If the members do not resign then we will schedule a public hearing and make a determination on whether we think they should be replaced. Mr. Kittredge asked if there are any more meetings scheduled for the ZBA Mr. McCormick is not sure if anything is pending. Mr. Gaumond is not aware of any pending cases. If something comes in during the time frame the ZBA can still act on it. Mr. Rucho saw an email from another member who was going to resign and at that meeting the Chairman thanked her for her years

of service. Mr. Gaumond stated that to the best of his knowledge that person has not resigned. She indicated she was going to submit a letter of resignation before this meeting and it was Ms. Isgro.

Mr. Gaumond explained that the ZBA consists of 5 full-time members and 3 associate members. When Mr. Colangelo resigned, the associate member sat in as a full member. Mr. Rucho noted that we have not had any new members for quite a few years and he also questioned what would happen if we do not get the five members. Mr. O'Brien feels this is the right step, however, he did note that we have a lot of good people on the Board who have spent a lot of time on this. He thinks it is a shame it has to come to this. He thought we could give them a last warning, however, he now thinks it is just a dysfunctional board right now. Mr. McCormick noted that we are not picking on any one person. Mr. Rucho remarked that one year ago there were issues with minutes, we gave them a couple more instances, and they didn't get along when he went to their meeting.

Motion Mr. Hadley to ask the members to resign as of November 9th and post the vacancies, seconded by Mr. Rucho. Mr. Gaumond suggested requesting resignations to the Board prior to some date to be effective on November 9th. Mr. Hadley agrees with the amendment, which is seconded by Mr. Rucho. Mr. Rucho questioned what would happen if they do not resign. Mr. Gaumond explained that you can only remove a member of the ZBA through a public hearing. He would have to look at how that notice would be crafted. Vote on the amended motion – all in favor.

Motion Mr. Kittredge to authorize the Town Administrator to work with town counsel to begin the removal process for anyone who does not submit a resignation letter by October 15th with a resignation to be effective on November 9, seconded by Mr. Rucho. Mr. Gaumond will notify the members via email and draft a formal letter to come from the full Board. Vote on the motion - all in favor.

Mr. Gaumond presented the Board with an email from Karen Footner regarding the ongoing issues with the ZBA and requesting the Chairman of the ZBA be reprimanded or removed. Mr. Gaumond noted that the issue is now moot considering the Board just asked for all the members of the ZBA to resign.

Mr. Rucho questioned if they all resign by the 15th and they have outstanding meeting minutes, what happens. Mr. Gaumond explained that there is nothing that says that they cannot meet to approve the minutes.

5. Grant report

Mr. Gaumond explained that he was asked to prepare Grant Reports to the Board of Selectmen to be included in the agenda package. He will continue to submit these if the Board would like it. Mr. McCormick suggested every six months give the Board a report. Mr. Gaumond further explained that any time he applies for a grant he tells the Board. He will continue preparing the reports two times a year. Mr. Rucho thinks one of the concerns in the past was people asked about grants. The Board would like to continue to receive the reports in their information package.

6. Consider request from Town Clerk for Salary Increase for Election Workers

Mr. Gaumond explained that the Town Clerk is unable to be at the meeting this evening, however, she asked him to present the request to the Board. Under Mass General Laws Chapter 54 §22 election offices shall receive such compensation as the city council or selectmen respectively may determine. The workers have not had an increase for a number of years and she has done a comparison of wages of 23 towns. She would like to increase the hourly rate by 25¢ and for those people who work the election it would be an increase from \$8.00 to \$8.25, a total increase of \$150.00, and she has sufficient funds in her budget line to cover this request.

Motion Mr. Hadley to approve the request from the Town Clerk for salary increase for election workers, seconded by Mr. Rucho. Mr. Rucho would like to know if the Town Clerk hires police officers or constables to cover the elections. Mr. Kittredge advised that they have both. Vote on the motion - all in favor.

7. Housing Production Plan

We have a draft of the Housing Production Plan and the Planning Board will have a public hearing on the plan on October 10. The changes highlighted were the ones Mr. Gaumond suggested. The Board can submit comments to the Planning Board for the October 10 public hearing.

8. Assign motions for October 15, 2012 town meeting

Mr. Gaumond advised that we recently went through a refunding of our debt when the Municipal Light Plant borrowed funds for their substation project. We went through Standard and Pools and in their analysis they found the town was a small but stable residential community with a strong financial position supported primarily with property taxes couples with good management policies and practices. They noted that the town has a low overall net debt burden, albeit with higher pension and other postemployment liabilities. In 2010 Mr. Gaumond pledged that he was committed to seeing an improvement to the town's bond rating and he is pleased to announce that due to this good news the town will make some adjustments to the debt interest line item by decreasing that appropriation under the annual budget fix article freeing up funds for other budget fixes. By the time we get to town meeting we may have a change in the budget fix article and some of the other articles may be passed over.

The Board assigned motions as follows. Mr. Kittredge will read the motions for articles 1, 8, 13 and 18; Mr. Hadley will read the motions for articles 2, 9, and 14; Mr. McCormick will read the motions for articles 3, 10 and 15; Mr. O'Brien will read the motions for articles 4, 11 and 16; Mr. Rucho will read the motions for articles 7, 12 and 17; the Community Preservation Committee will read the motions for articles 5 and 6.

Mr. Gaumond will prepare town meeting agenda packages for the Board. Mr. Hadley asked Mr. Gaumond to make a presentation under Article 1 for the Facilities Improvement and Strategic Planning Committee to bring everyone up to date on what they are working on.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. October 10, 7:00 p.m. – Planning Board public hearing on the Housing Production Plan
2. October 11, 7:00 p.m. – Regional Municipal Meeting at Shrewsbury town hall
3. October 15, 6:00 p.m. – special meeting of Board of Selectmen in middle/high school cafeteria. Mr. Rucho asked if the meeting time could be changed to 6:30. Mr. Gaumond recommends leaving the time as is because we may need to discuss changes to articles and the solar project.
4. October 15, 7:00 p.m. – Semi-Annual Town Meeting
5. October 17, 1-4:15 p.m., Upper Blackstone Water Pollution Abatement District River Tour
6. November 16, 8:30-10:30 a.m., CMRPC's Legislative Affairs Committee will hold a CMRPC Fall
7. Legislative Breakfast to discuss local mandates with State Auditor Suzanne Bump

SELECTMEN'S REPORTS

Mr. McCormick reports that three members of the Board attended the Library Gala at the Country Club and they did a very good job. Mr. Kittredge remarked that Mr. McCormick did a terrific job speaking at the engagement. Mr. Rucho added that it was a good evening.

FUTURE AGENDA ITEMS

Mr. Rucho would like an update on the window and door project at the school. He has heard that they had some major problems with the project. He would also like an update on paying sewer bills online. He has done some research on this and found that 1,100 or 1,200 people have signed up to pay online.

Mr. O'Brien noted that earlier this year he was asked to review forms for the Town Administrator's annual review. He has a recommendation and will it to everybody. It will be included on the next agenda.

Mr. Hadley would like to have the Police Chief in to discuss stop sign locations in town as he would like to look at making improvements.

Mr. Kittredge would like an update on the ventilation and overhead doors at the DPW building.

With no further business to come before the Board, motion Mr. Kittredge at 8:55 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: October 17, 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