

Members present: Kevin M. McCormick(arrived at 7:03 p.m.) 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 August 15, 2012, seconded by Mr. Hadley, all in favor.

Motion Mr. Hadley to approve executive session #1 meeting minutes from August 15, 2012, seconded by Mr. Kittredge, all in favor.

Motion Mr. Hadley to approve executive session #2 meeting minutes from August 15, 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

**Rosemary Scrivens, Central Mass Regional Planning Commission, Economic Target Area Designation**

Rosemary Scrivens joined the Board to provide them with a background on the Mass Office of Business Development. Its mission is to help business in Massachusetts thrive. They act as a bridge to a wide variety of resources and they have regions across the state. She has five counterparts across the state. They can connect businesses with finances for bonds and loans, they help with looking for sites and they also help them with workforce training and development. In addition, they work with colleges and economic development with streamline permitting. They do business consultation with Clark University and help people tweak their business plan. They also manage the economic development center program working with job creation and retention. The tax credit is tied to the number of jobs they are creating. For every one manufacturing job there is a spinoff of three more. The program does give manufacturing a leg up and they get a higher tax credit. In order for a company to apply they have to make that investment in an ETA. The site has to be designated as an Economic Opportunity Area. It is a much simpler process than the ETA process. There has to be a new job created and retained for at least five years and it requires municipal approval of TIFs 90% of the time. In order for a company to apply to the Economic Development Incentive Program, they have to generate substantial sales outside of Massachusetts, about 25%, for a state tax credit. There is an additional incentive connected to the Economic Development Incentive Program. If a company is purchased or leased, previously abandoned, 75% vacant for 24 months they can get a 10% reduction even without the community providing a TIF.

Mr. Scrivens noted that West Boylston is considered a General ETA Area so for non-manufacturing the state TIF is 3% up to \$10,000 per job created. For manufacturing it is doubled up to 6% capped at \$20,000 per job created. She explained the way it works is the company contacts her and they are trying to understand what the numbers area. She would explain the program and introduce them to the town. There is a Letter of Intent that the company has to submit to the community and to CMRPC. Any investment made prior to the letter would not be eligible for the program. Then they submit a preliminary application in parallel they would be working with the town giving the town a sense of what their project is and they we would decide whether we would provide a TIF. They would need to provide good detail about what they would be doing and they would have to be involved with the Assessors. Once you determine it is an increase in value, you can negotiate with the company. CMRPC will assess the project to determine if they are eligible. Ultimately the project will need to go

before the EACC. There is a brief presentation and the committee decides then and there. The TIF project would have already been approved by the state. It is more about certifying it, the mechanics of the TIF and negotiating an agreement between the host and the company. It could be as little as 5 years or as high as 20 years and is based on the increase in value and could be 5-100% of those new taxes that you are exempting. The town decides that. They look at real estate and the personal property tax. Manufacturing personal property taxes are 100% exempted. Sometimes if they are a certain type of LLC they cannot get that designation. If non-manufacturing you can negotiate on personal property and all real estate.

Mr. Gaumond questioned when town meeting approval occurs. Ms. Scrivens explained that town meeting would have to approve the TIF before it goes to EACC. Ms. Scrivens noted that Special Tax Assessment is another form, which is used, but is very rare. The STA is existing taxes. She noted a company in Leominster was empty for five years, kept in good shape and a company came along to buy the building and they did it a STA. It has to be at least five years, you can go up to 20 years and the first year you give up 100%, second year 75%, third year 50% and fourth year 25%. Another reason that would be used is sometimes a project is not tippable. If they are not improving the value and you want to offer them something for it.

Mr. Hadley questioned how long does the project take after town meeting approval. Mr. Scrivens explained that the CACC meetings quarterly and their next meeting is September 26<sup>th</sup>. If there was a project right now and a company applied and you have negotiated a TIF and it went to the October town meeting you could go into the CACC meeting in December. They like to have town meeting approval about one month before.

Mr. Rucho asked what we should do next as a town, the Economic Development Task Force and the Board of Selectmen. Mr. Scrivens feels we should begin to market that we are an ETA. Mr. Gaumond advised that we have an economic development portion on our website where we try to market West Boylston as a business friendly community. Ms. Scrivens asked if businesses approach the Economic Development Task Force for business information. Mr. Gaumond explained that the committee has business cards and brochures and we started a marketing programs for the community last year. Ms. Scrivens feels that those are all good and if she gets calls into her office she will tell them that West Boylston is an ETA and they could apply to the EACC. She noted that you can pick and choose the projects you feel warrant a TIF. She asked if we had received calls from existing companies who might want to expand. Mr. Gaumond indicated that we have had those kinds of conversations. She noted that if a company calls and says they would like to stay in West Boylston and expand at their location and asks what can you do to help make that financially feasible, you could say we could provide a TIF and it would have to go through town meeting. Ms. Scrivens stated that she would be very happy to come back at any time if a company comes through and will help the town go through the process. Patrick McKeon, Planning Board representative on the Economic Development Task Force, asked if the company who is coming in and creating jobs has to own the real estate. Ms. Scrivens replied no, but they would have to do a triple net lease with the landlord and they could pass on the savings.

Mr. Gaumond thanked Ms. Scrivens, the Office of Business Development and members of the Economic Development Committee who are present this evening, Maryann Schelin, Patrick McKeon, Christopher Rucho and John Hadley. Mr. Gaumond asked Ms. Scrivens how long it will take before the town is listed by the Mass Office of Business Development. Ms. Scrivens noted that it should already list West Boylston. The Board thanked Ms. Scrivens for her assistance.

**EBS Foran Group Presentation**

Ken Lombardi with EBS Foran joined the Board. They provide insurance advisory and brokerage services and currently they are working with the town focusing on employee benefits through on-site plan administration provided through their Administrative Services Division. They have had a long term relationship with West Boylston and the Insurance Advisory Committee. This evening he would like to review our current program, the impact of the Health Care Legislation and have general discussions on health care plan considerations for FY14.

Currently West Boylston has contracted with Harvard Pilgrim Health Care and they have smaller plans with Fallon Community Health Plan and Tufts Health Plan used for seniors. It is important to understand that the town pays an insured premium rate. The rate is based on experience and underwriters use claim information to project into the future. Mr. Lombardi meets on a monthly basis with Mr. Gaumond to look at how our claims are going. Mass General Law, 32B guides health insurance plans, on eligibility, contribution rates and retiree coverage. West Boylston has 240 members in the HMO Plan and they offer an indemnity plan. They also provide a flexible spending account. Current annual premium split is 80/20 for the HMO and 60/40 for the PPO/POS. All new hires pay a higher percentage. With regard to historical activity, Mr. Lombardi actively works with the Insurance Advisory Committee and shares information with the stakeholders. The Board of Selectmen has agreed with the Insurance Advisory Committee recommended actions and adopted changes within the last two years. They did carrier consolidation beginning in 2009, and the rate renewal for 2009 went from 12.64% to 7.9%. In 2010 we made co-pay changes which reduced our increase from 6.98% to 0%. In 2012 we had a 9.5% increase. The average over the last five years has been 5%. In FY10 and 13 there was a rate hold. The Board did adopt Section 21-23, which means you have the flexibility to move to the GIC.

Mr. Lombardi explained that if the town changed to the GIC, you could save 5-7%, however, you are also required to return 25% back to the membership. They have been able to keep the rates lower than the GIC. He noted that Section 21-23 is a tool, which is available. Section 22 changes cost sharing features to match the GIC Navigator or Unicare, Section 23 move to the GIC could result in unpredictable enrollments and you have a three-year lock in. What is driving the FY14 health care plan are collective bargaining agreements, plan financial results, organization is working with wellness initiative, fiscal issues, and is the town in a financial position to afford rate increases. Mr. Lombardi concluded his presentation and the Board had no questions at this time.

**NEW BUSINESS**

1. Concurrence on the appointment of the following Special Police Detail Assignment Officers for the period covering September 1 through June 30, 2013: Jeffrey P. O'Toole, Brendan M. O'Malley, Christopher R. Willoughby, Jeffrey R. Notaro and Michael J. Fazio, Jr.

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

2. Concurrence on the appointment of Charlene Hopkins to the Community Preservation Committee as the designee of the Conservation Commission, effective September 5, 2012 for a term to expire on June 30, 2015

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

3. Concurrence on the appointment of Kim Hopewell as the HIPAA Privacy Contact for the Town of West Boylston

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

4. Vote to accept the sums of money from Free Will Donations on behalf of the West Boylston Bandstand Committee: \$53.98, from the August 12 concert, \$157.00, from the August 19 concert and \$177.00, from the August 26 concert

Motion Mr. Kittredge to accept the funds on behalf of the West Boylston Bandstand Committee, seconded by Mr. Rucho, all in favor.

5. Review Sections B&C of Board of Selection Policies Sections B&C

Mr. Gaumond reviewed the first policy in Section B, Appointment & Removal Policies with the Board. Policy 1, Policy on Appointment Procedures for the Board of Selectmen and the Town Administrator. The Office of the Town Administrator shall be responsible for notifying the Board of Selectmen, after the administrator receives notice of a vacancy or the intention of a member thereof not to seek or accept reappointment from the appointee, the Town Clerk, or the appropriate multi-member board or committee chairperson. All notices of resignation from a multi-member board or committee shall be filed in writing with the Town Clerk in conformity with the provisions of Massachusetts General Laws, Chapter 41, § 109. The Office of the Town Administrator shall be responsible for notifying the Board of Selectmen, after the administrator receives notice of a vacancy, or the intention of an appointed official not to seek or accept reappointment from the appointee, the Town Clerk. After notifying the Board of Selectmen of a vacancy on a multi-member board or committee, or in an appointed office of the municipality, or the intention of a member of the multi-member board or committee, or an incumbent in an appointed office not to seek or accept reappointment, the Office of the Town Administrator shall seek written applications or expressions of interest from persons willing and able to serve on a multi-member board or committee, or serve in an appointed office of the municipality, for a period of not less than two (2) consecutive calendar weeks.

After receiving applications or expressions of interest for appointment to a vacancy on a multimember board of committee, or to an appointed office of the municipality, the appropriate appointing authority, either the Board of Selectmen or the Town Administrator shall interview all applicants for appointment to a vacancy on the multi-member board or committee, or to an appointed office of the municipality. Interviews by the Board of Selectmen shall be conducted in open session as part of a duly held open meeting. The Board of Selectmen may seek the advice and recommendation of the remaining members of the appropriate multi-member board or committee on which there is the vacancy, prior to making an appointment. The Town Administrator may seek the advice and recommendation of the remaining members of the appropriate multi-member board or committee on which there is the vacancy, prior to making an appointment. The Town Administrator shall notify the Board of Selectmen in open session as part of a duly held open meeting in conformity with provisions of Section 8(h) of Chapter 23 of the Acts and Resolves of 1995.

The Board of Selectmen and the Town Administrator shall appoint persons to multi-members board and committees or appointed offices of the municipality who are judged by the appointing authority to be the best candidate for appointment by virtue of merit and fitness as determined by past experience, professional or technical qualifications and education, or any combination thereof. All appointments shall be made for the benefit and the best interest of the Town of West Boylston as determined by the appointing authority.

Mr. Gaumond recommends amending Section 10 of the policy, which lists all the positions and appointed boards as it changes on a regular basis. In order for us to change this section, it requires a public hearing. He recommends removing the names of the committees and just reference

the appointment book kept in the Office of the Town Administrator.

Section 13 - The Town Administrator shall hire persons for employment opportunities or compensated appointed offices of the municipality who are judged by the Town Administrator to be the best candidate for employment by virtue of merit and fitness as determined by training, past experience professional or technical qualification, and education, or any combination thereof. All appointments shall be made for the benefit and the best interest of the Town of West Boylston as determined by the Town Administrator.

Mr. Gaumond reviewed Policy B-2, Policy on Non-Reappointment and /or Removal of Appointed Officials for the Board of Selectmen and the Town Administrator. Should the Board of Selectmen or the Town Administrator intend not to reappoint an official seeking reappointment to an office, a written notice shall be required at least fourteen (14) days before the expiration of the appointment date. Upon request, the Board of Selectmen or the Town Administrator may arrange a meeting with the official. Should it be necessary to immediately remove an appointed official, which may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while in the position, or other substantial reasons deemed appropriate by the Town Administrator, or the Board of Selectmen, the action could take place pending a public hearing. Where not inconsistent with Massachusetts General Laws, any appointed official who is a member of a multimember board, committee or commission may be removed by the appointing authority after a public hearing for failure to attend more than three consecutive meetings (unexcused), or more than 50% of the meetings over a twelve (12) month period. Failure to attend, if not adequately explained to the satisfaction of the appointing authority, shall be considered cause for removal. An unexcused absence is defined as failure to notify the Chairman of the board or committee prior to the absence.

Mr. Rucho questioned how Mr. Gaumond monitors this and do committees tell him about absences. Mr. Gaumond explained that if he received a complaint from a Board who is unable to conduct certain business he would hold a hearing and remove somebody. Mr. Rucho asked what happens if a committee does not report it. Mr. Gaumond added then he would not take action. This was done to make sure boards and committees could do business and he relies on them to report to him. He would give the person an opportunity to explain why they do not attend the meetings.

Section C of the Policy Book, C-1 Complaint Management and Response. All citizen questions and complaints are to be answered promptly. Those needing prompt attention by the Board should be referred to the Chairman for inclusion in the next meeting agenda. The Town Administrator will ensure that all citizen complaints are answered promptly. Citizens who wish to submit a suggestion, complaint or compliment need to complete the Town of West Boylston's General Suggestion/Complaint/Compliment Form, a copy of which is attached. Messages may also be left in the Suggestion Box, which is located outside of the Selectmen's Meeting Room.

Policy C-2, Policy on Citizen Requests. An individual citizen or group of citizens may request an appointment before the Board by contacting the Town Administrator or the Board of Selectmen's Office, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Citizens are encouraged to have written materials submitted for the Board's agenda package.

Mr. Gaumond will bring forward the next set of policies in the next month. Mr. McCormick would like to schedule a public hearing to change Section 10 of Policy B-1.

6. Consider voting to authorize acceptance of state funding for Mass Works grant application

One of the requirements for applying for the MassWorks sidewalk grant is that the Board of Selectmen needs to vote to accept the state funding for the project if offered and authorize the Town Administrator to sign the paperwork.

Motion Mr. Kittredge to accept state funding if offered to the Town of West Boylston through the MassWorks Infrastructure Program and to authorize Town Administrator Leon A. Gaumond, Jr. to sign the application letter, seconded by Mr. McCormick, all in favor

7. 2012-2013 Wellness Program Topics

This is the 5<sup>th</sup> year of the Wellness Program. Mr. Gaumond does a monthly blog where the topic is outlined and he works with the Wellness Committee to develop the monthly topics. The topics for next year are: September, Preventing Falls; October, Preparing for Flu Season; November, Nutrition; December Depression Awareness; January, Diabetes; February, Heart Month; March, Asthma; April, Poison Prevention & Prescription Drugs; May, Ticks & Mosquitoes; June, Summer safety/Water safety; July, Heat Exhaustion & Heat Stroke; and August Tobacco Education.

Motion Mr. McCormick to concur with the Wellness Program Topics for 2012-2013, seconded by Mr. Kittredge, all in favor.

8. Vote to authorize the installation of the Robert J. Halloran Basketball Courts sign

Mr. Gaumond noted that the sign was very nicely done and they are waiting for the go ahead as the town has to agree to the location and the sign design. Mr. Kittredge asked to be notified when the sign will be installed. Mr. McCormick questioned why the Board of Selectmen would vote on this and not the Parks Commission. Mr. Gaumond advised that the Parks Commission will be meeting Monday night and this is also on their agenda. Mr. Hadley asked about including the town's log, 'small town, big heart,' on the sign. Mr. Gaumond offered to look into that.

Motion Mr. Rucho to authorize the installation of the sign, seconded by Mr. Kittredge, all in favor.

9. Update on repairs to Gazebo

Mr. Gaumond advised that the Building Inspector coordinated the work on the Gazebo, which was expanded to include the handicap ramp. The project came in under budget and \$7,500 was returned to the town and will be available for Free Cash. We will continue to move forward with improvements to town facilities. The Building Inspector would like to do some improvements to the summer house area. He thanked the Building Inspector and the work crew for the work they did on the Gazebo. Mr. Kittredge remarked that they did a good job. Mr. Rucho noted that town meeting appropriated \$20,000, and the total cost of the project was \$12,447.

10. Mass School Building Authority — Edwards Project

Mr. Gaumond explained that the MSBA sent us an email that they received the funding agreement, however, one of the things they kicked it back for was the document counsel prepared stated that the Board of Selectmen was the authorized signatory for the town and the Project Funding Agreement only had one signature line, which was signed off on by the Chairman. They are now requiring a Certificate of Vote giving the Chairman of the Board of Selectmen authorization to sign the Project Funding Agreement on behalf of the Board for the Major Edwards Project.

Motion Mr. Rucho to authorize Kevin M. McCormick, Chairman of the Board of Selectmen, to sign the Project Funding Agreement on behalf of the Board for the Major Edwards Elementary School Green Repair Program project, seconded by Mr. McCormick, all in favor.

**11. 16 Heritage Lane**

Mr. Gaumond noted that at around 4:30 this afternoon he received email correspondence from Town Counsel. The owner of the unit at 16 Heritage Lane obtain a mortgage in excess of the reduced value of the unit without the approval of the town or DHCD, which was a requirement of the Deed Rider. CitiMortgage informed the town that it was going to foreclose on the unit. We recently reached an agreement with CitiMortgage that they will at the foreclosure sale, sell the unit to an income-eligible purchaser at a reduced price or buy the unit itself and then sell it to an income eligible purchaser despite the fact that the CitiMortgage's mortgage exceeds the reduced purchase price. They sent us an agreement that needs to be signed. The Board's agenda package includes a copy of the agreement signed by DHCD and CitiMortgage. Mr. Gaumond recommends the Board authorize the Chairman to execute the document which protects our interest in retaining the unit as a subsidized unit.

Motion Mr. Kittredge to agree to the agreement as presented by the Town Administrator and authorize the Chairman of the Board to execute the paperwork, seconded by Mr. Hadley, all in favor. Mr. Gaumond noted that he also copies members of the Affordable Housing Trust on the email.

**MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. September 10, 9-3:30, 4<sup>th</sup> Annual Regionalization Conference at Holy Cross — Mr. Gaumond will attend this on behalf of the town.

2. September 14, 7:45 a.m., Worcester County Selectmen's Association Meeting, Shrewsbury Town Hall

3. MMA Legislative Breakfast Meetings for Fall: September 21 — Worthington Town Hall, Rockport Shalin Liu Performance Center and Attleboro City Hall; October 12 — Williamstown, Williams Inn, Wareham A.D. Makepeace, Hudson Town Hall; October 19 — Fitchburg State University, Billerica Town Hall, Charlton Town Hall — Mr. Gaumond will be attending the session being held in Charlton on October 19. He noted that they are free and offer a good opportunity to talk directly to the legislators about things that are important to local government.

4. On September 27 at 7:00 p.m. the Cable TV Advisory Committee will be holding a public hearing to review the Cable TV provider survey results, now available online, to discuss ideas being considered for contract negotiations and they welcome any ideas or questions the Board of Selectmen may have for the committee. The public is invited to attend and participate.

5. Mr. McCormick noted that on September 14 the Beaman Memorial Public Library will be holding a Centennial Celebration with a gala dinner at Wachusett Country Club. Tickets may be purchased in advance of the event at the Library.

**SELECTMEN'S REPORTS****1. Report on last ZBA Meeting (KM)**

Mr. McCormick reports that a week and a half ago he attended a meeting of the Zoning Board of Appeals and found the discussion to be very interesting. He also feels the issues they deal with would be of interest to the town. Because they are an appointment of the Board of Selectmen, he would like to send them a letter asking them to schedule their meetings in Room #1 so that they could be televised. Mr. Rucho pointed out that televising more board and committee meetings has been something this Board has wanted to do for some time now. Mr. McCormick asked the Board if this is something they agreed with. Mr. Rucho questioned how the Board would go about this. Mr. Gaumond explained that since the Selectmen about the ZBA, they could make that request.

Motion Mr. Rucho to send a letter to the ZBA, to be signed by all members of the Board, asking them to schedule all future meetings in Meeting Room #1 so that they could be televised seconded by Mr. Hadley, all in favor.

**FUTURE AGENDA ITEMS**

Mr. Rucho stated that he was not in attendance at the Board meeting when the Cable Committee came in to discuss taping more meetings and asked how that conversation went. Mr. Gaumond advised that the answer is we can, however, we only have a limited number of volunteers. For coverage of the Board of Selectmen meetings, we only have two people. We need people who are willing to learn how to use the equipment and are willing to come in on a volunteer basis. He thinks there was general agreement with the cable people that whenever possible they would cover meetings. Mr. Rucho about the paid staff person. Mr. Gaumond advised that their job is to advise on purchases and they have a small stipend from Charter Communications. The Cable Committee didn't feel that was a good use of that persons time. We also share that person with the Town of Boylston.

Mr. Rucho remarked that about six months ago he asked about paying sewer bills online. He would like an update at the next meeting. Mr. Gaumond stated that he would have an update at the next meeting.

Mr. Hadley asked if part of the negotiations with Charter Communications could be having them provide somebody from Charter to cover the meetings. Mr. Gaumond explained that five years ago we asked for a dollar figure to help us with consulting work for that committee as everyone is a volunteer. He added that Charlie Greenough has been the go to guy for quite some time. It is possible that we could look to expand that as part of our negotiations and perhaps we could provide a stipend. Mr. Gaumond noted that in his last town, the high school students did all the recording and most communities provide a stipend for people to give up their evening and come in to record a meeting.

Mr. Hadley would like an update on what is going on with the second package store license the Board issue. Mr. Gaumond explained that the license is good until the end of the calendar year when the Board of Selectmen will vote to reissue those licenses.

Mr. Kittredge noted that when he covered the cable cameras as a volunteer he started out with a commitment of twice a month, which then increased to three and then four. If anyone is interested in volunteering for camera coverage they should contact Charlie Greenough.

Mr. Kittredge questioned the status of the asbestos abatement removal project at the Mixer Building. Mr. Gaumond is awaiting a final report which he hopes to have shortly as it project was completed two weeks ago.

Motion Mr. McCormick at 8:30 p.m. to go into executive session under the provisions of Massachusetts General Laws Chapter 30A, Section 21(a), Parts 3 and 6 to discuss strategy with respect to collective bargaining with the police and teamsters unions and to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and the chair so declares, seconded by Mr. Rucho. Mr. O'Brien declared that having this discussion in open session may have a detrimental effect on the negotiating position of the public body. Roll call vote: Mr. Kittredge yes, Mr. Hadley yes, Mr. McCormick yes, Mr. O'Brien yes, Mr. Rucho yes.

Motion Mr. McCormick to come out of executive session at 9:10 p.m., seconded by Mr. Rucho. Roll call vote: Mr. Hadley yes, Mr. McCormick yes, Mr. O'Brien yes, Mr. Rucho yes.



With no further business to come before the Board, motion Mr. McCormick at 9:10 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Respectfully submitted,

Approved: September 19, 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