

Members present: Kevin M. McCormick Michael J. Kittredge, Jr.
Christopher A. Rucho Siobhan M. Bohnson
John W. Hadley

Mr. McCormick convened the meeting at 7:02 p.m.

Read and Acceptance of Minutes from Previous Meeting

Motion Mr. Hadley to approve the regular session meeting minutes from August 21, 2013, seconded by Ms. Bohnson, all in favor.

Motion Mr. Hadley to approve the executive session meeting minutes from August 21, 2013, seconded by Ms. Bohnson, all in favor.

NEW BUSINESS

1. Concurrence on the appointment of James A. McNamara and John T. McNally of Lancaster as special police officers effective September 1, 2013 for a term to expire on July 30, 2014

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

2. Request for Departmental Transfer for the Police Department in the amount of \$5,000 from Police Salaries to Police Training

Motion Mr. Kittredge to approve the transfer, seconded by Mr. Hadley, all in favor. It was noted that when the budget was prepared the funds for training were inadvertently included in the salary line item.

3. Consider accepting the following donations for the Bandstand Committee on behalf of the town \$157.00 – free will donations from August 18th concert and \$178.26 – free will donations from August 25th concert

Motion Ms. Bohnson to accept the donations on behalf of the town, seconded by Mr. Kittredge, all in favor.

Wachusett Wine & Spirits – Update on Project and Request for Pledge of License

Applicant Charles Faucher and Paul Sushchyk, attorney for the applicant, joined the Board. Attorney Sushchyk explained that the last time they appeared before the Board was on the request to transfer the license and change the location. They have gone ahead and received their financing commitment from Bay State Bank and they would like to pledge the license for the construction of the premises at 21 Franklin Street. They completed the Site Plan Review process, which was approved by the Planning Board and they are ready to proceed. The approval would be the pledge of the license for the first mortgage of \$700,000 and the second is construction financing of \$560,000. Wachusett Wine & Spirits is part of the financing agreement.

Mr. Hadley asked when they intend to break ground. Mr. Sushchyk advised that as soon as the Alcoholic Beverages Control Commission grants its approval they will break ground. Mr. Faucher added that he would like to get the project done as soon as possible as it has taken a lot longer than anticipated. Mr. Hadley feels the project is great for the town. Ms. Bohnson asked how long they anticipate the project taking from breaking ground to completion. Mr. Sushchyk is being told nine months. Mr. Faucher added that there is a lot of site work on the property and once the building is up and the steel is up he was told that it will go quickly. He noted that the process has been longer than they expected. Mr. Rucho asked if they had any issues with any town boards. Mr. Sushchyk reports

that everybody has been wonderful, cooperative and really helpful. Nancy Lucier answered every question he had, Mark Brodeur has been wonderful to work with, and the Planning Board went very smoothly, it just took time. The Bank had to do a re-visit after the Site Plan was approved.

Motion Mr. Hadley to approve the request to pledge the license for Wachusett Wine and Spirits, seconded by Mr. Kittredge, all in favor. Both gentlemen indicated that they would keep the Board informed of their progress.

NEW BUSINESS (cont.)

4. Consider re-appointing Leon A. Gaumond, Jr., to the position of Town Administrator effective November 8, 2013 for a term to expire on November 7, 2016

Motion Mr. Kittredge to approve the reappointment, seconded by Mr. Hadley. Mr. Rucho asked if the Board intended to enter into executive session for this agenda item as he had some questions. Mr. McCormick informed him that the Board decided not to go into executive session at the last meeting. Vote on the motion – Messrs. McCormick, Hadley, Kittredge and Ms. Bohnson yes; Mr. Rucho no.

5. Consider voting to approve employment agreement between the Town of West Boylston and Town Administrator Leon A. Gaumond, Jr. effective November 8, 2013 for a term to expire on November 7, 2016

Motion Mr. Kittredge to approve the reappointment, seconded by Mr. Hadley. Mr. Rucho indicated that he will not be voting in the affirmative on this agenda item for the same reasons as he asked if the Board intended to enter into executive session as he had some questions. Vote on the motion – Messrs. McCormick, Hadley, Kittredge and Ms. Bohnson yes; Mr. Rucho no.

6. Review Bid Opening Results for the Building Demolition Project

Mr. Gaumond reports that the bids for the demolition project for the town pool and the Mixer Building were opened on August 29th. The structure of the bid was for the pool with the Mixer Building as an alternate. The low bidder was Regional Industrial Services of Bellingham, which was \$75,690.00 for the pool, \$217,637 for Mixer, a total of \$293,327. There were two other bids who had lower prices for the pool. They were Jay Mor Enterprises, Inc. at \$44,900.00 and Associated Building Wreckers at \$40,788.00. Depending on what the Board wishes to do, we could delay the award until the time that the Board is comfortable. Based on the total, Regional Industrial Services is the low bidder. Mr. Hadley asked if they were the low bidder the last time and Mr. Gaumond indicated that they were. Mr. Hadley asked if we could accept their \$217,637 bid for Mixer and go with Associated Building Wreckers at \$40,788.00 for the pool. Mr. Gaumond explained that the Board could just award the pool and go out to bid again for Mixer because it was an alternate. Mr. Gaumond's recommendation would be to bring forward a warrant article for the October town meeting for \$300,000 with the understanding that the Board would be looking to fund both projects. Then the Board could authorize him to enter into negotiations with Regional Industrial Services.

Mr. McCormick questioned what prices the Board would bring forward to town meeting as the low bid. Mr. Gaumond thinks the Board should bring forward the two projects bid on by Regional Industrial Services. Mr. Hadley noted that the last time the same company bid \$285,000 for the same project. Mr. Rucho thought the reason for going out to bid again was to get two separate bids for the projects as last time it was bid out as one bid for both projects. Mr. Gaumond will check with town counsel to see if we can award the bid to the lowest bidder for each project. This item will be tabled until the next meeting so that we can get that questioned answered.

Parks Facilities Committee

Patrick Crowley, John Owanisian and Gary Flynn, members of the Parks Facilities Committee, joined the Board. Mr. Crowley gave a power point presentation which began with their mission statement. It is the mission of the Parks Facilities Committee to assess and develop a plan to address the infrastructure needs for the Town of West Boylston in accordance with the open space and recreation section (Chapter 7) of the Master Plan of 2005 in the areas of pool and summer recreation program facilities, land acquisition for the development of additional fields (soccer, baseball, softball and football), the town's track and stadium area, the town's courts (basketball and tennis), and any other parks facilities needs as they may arise. The Parks Facility Committee will carry out this mission by working in conjunction with the West Boylston Parks Commission and other town boards, Commissions and Committees as necessary. They were responsible for the construction of the new tennis and basketball courts. The Committee knows what it takes to complete a project. The summer house was not part of the tennis and basketball court project but ended up being an added bonus. The also displayed the new retaining walls with integrated drainage, walkway and to football field and smaller wall for seating for little league games.

Phase II of their plan is to develop a Master Plan to address the long-term needs of Goodale Park and the surrounding town property. They intend to issue an RFP which will not exceed \$50,000 and will give us multiple options. Currently the track is not properly constructed and has inadequate drainage. The DPW spends \$12,000 a year on the track. They also plan to address substandard lighting and inadequate seating for the football field in addition to the press box storage, storage shed and the pine grove area.

Mr. Crowley explained that their intention is to come back to the Board to ask the town to fund the project through a debt override at the next town meeting in the spring. They are also requesting that the \$50,000 be included on the warrant for the October town meeting. Mr. Hadley asked if CPA money could be used for this. Mr. Crowley advised that they have not made an application to the CPC for this project as they would ask that this be a raise and appropriate article. They intend to request \$50,000 for the RFP at the October town meeting and in the spring they will come back with a request for a debt override to do the project. At this point they do not know how much the debt exclusion would be as they do not know the biggest issues.

Ms. Bohnson questioned why they wouldn't go after the CPC for the funds rather than town meeting. Mr. Crowley noted that it could be used for the project as it has three components, which include 10% for historic preservation, 10% for open space and 10% for affordable housing and the other 70% can be used for any of the three pools of money. Ms. Bohnson asked if he had the balances in those funds. Mr. Crowley indicated that the 70% account has \$125,000 to \$150,000. Ms. Bohnson explained that we are going to ask the voters to approve funds for a town hall and a lot has to do with timing as she is concerned about what we are asking townspeople to pay. Mr. Crowley stressed that the issue they are asking the Board to do is to support the \$50,000 for the RFP and to look at the expiring debt and ask the town to borrow the money. We will have \$379,000 of debt coming off the books during FY17 through FY19. The Parks Facilities Committee feels we should reinvest some of the expiring debt in the parks facilities. Ms. Bohnson pointed out that we have to share the wealth.

Mr. McCormick is not against getting a Master Plan, however, he needs time to think about this and get a sense of where we are. Mr. Crowley noted that the Committee does not want to do a study if the Board of Selectmen is not going to want to present to the town what the recommendations are. Mr. McCormick feels there may not be a stomach to do this next spring, however, it may be a little later. Mr. Rucho reminded Mr. Crowley that the Board is trying to purchase the Three River Building with the debt coming off the books. Mr. Crowley believes the debt coming off in FY15 and FY16 covers the

Three Rivers Building. Mr. Gaumond feels that Mr. Crowley is probably correct about the debt coming off, however, he is probably wrong in the fact that the Board of Selectmen cannot bind future boards.

Mr. Crowley reinforced that the Committee would like to spend the \$50,000 on getting the Master Plan and he wants the Board of Selectmen to know that they will be coming back to ask for more money. Mr. Owanisian does not think it is realistic to bind anybody in the spring. When they come back they will have some alternatives and would like a strong consideration from the Board of Selectmen to support this as they want to build on the tennis and basketball court projects. Mr. Rucho thinks we should all understand that it will cost a lot more than the tennis and basketball courts. The \$50,000 is going to tell us that a lot of work needs to be done and they can still play football and they can still run on the track. He has concerns about spending millions of dollars on the parks right now when we need a town hall, senior center and many other things. Mr. McCormick stated that he is not against getting the plan, however, he would be happy if they would try to have it funded through the CPC. Mr. Crowley noted that the CPC has a meeting on the 9th and that is his back-up plan. Mr. McCormick is not in favor of doing anything more than the Master Plan and he would like them to apply for CPC funds.

Motion Mr. Kittredge to support up to \$50,000 to do a Master Plan for the parks provided that the Parks Facilities Committee first apply to the CPC for funding, seconded by Ms. Bohnson, all in favor.

Mr. Crowley stated that if the plan is approved and it is done they plan to come back in May and ask for a debt exclusion.

Request for Motel Operation Permit from Douglas George for Reservoir Motor Lodge, 90 Sterling Street

Douglas George applicant for Motel Operation Permit joined the Board. Mr. McCormick informed Mr. George that town counsel has offered the Board guidance on the application. He read the following statement from counsel, 'As you know, DM Hospitality is currently operating the motel pursuant to a court order allowing its Motion to Stay pending appeal. As a result, unless the Court order is revoked or DM Hospitality otherwise waives its right to continue to operate the motel during the pendency of the appeal and withdraws its appeal, it is my opinion that the Board cannot act on the application. If the Board were to grant the application and DM Hospitality does not waive its right to operate or the Appeals Court overturns the revocation, we could have a situation where 2 separate entities are authorized to operate a motel at the same licensed premises.'

Mr. George explained that he is going to be in court next week to have Kirit Malavaya evicted and when he is evicted he has no right to operate a motel. Mr. George would like a conditional license subject to his eviction. Mr. Hadley does not want to do anything until we get something from the court. Mr. George stated that the removal will happen within one month as Mr. Malavaya has no basis for staying on the property. They have to get him legally evicted. Mr. McCormick agrees with Mr. Hadley as he would like to see something from the court and the town's attorney. Mr. George added that the conditional license would not be any good until Mr. Malavaya is removed from the property.

Mr. McCormick commented that for the last three years Mr. Malavaya was not supposed to be there and nothing is happening. Mr. Rucho added that aside from all of this, the lawsuit could be over and we have emails from various departments including the Treasurer/Tax Collector regarding deficiencies at that location and he feels Mr. George could go for months without having a license because there is a lot of work that needs to be done. Mr. George advised that the bank has a check for the outstanding taxes which are due. Mr. Rucho does not think the main issue is getting the license and Mr. George stated that he cannot do anything without a license. Both Mr. McCormick and Mr. Rucho

suggested he could start working on the property without having a license.

Mr. Gaumond advised the Board that Mr. George had a conversation with him in the past and informed him that this action was going to be taken. Our attorney is also aware of what is going on and he made his recommendation on this license request. He feels Mr. George could apply as soon as the court ruled in his favor. Mr. George asked what happens to the people who are living there now and would they need to move out. Mr. Gaumond informed him that the answer to that question is yes. The only reason it is open now is the court allowed them to stay open during the appeal. They may say we cannot throw the people out or that they should have been adequately prepared to leave the motel. Mr. George feels that if the Board grants him a conditional license there won't be two licenses open at the same time.

Mr. McCormick read the following response from the Inspector of Building with regard to the license request. 'The Building Department is not in favor of this change at all. Just because there is a new person sitting behind the license doesn't mean there is any change to the property. The conditions at this place are abhorrent. It is the opinion of this department that all rooms should be vacated, carpets removed, furniture and bedding removed and all items destroyed. All cabinets, sinks, toilets, tubs, AC Units and smoke detectors should all be replaced. Walls painted, doors painted and repaired and all hardware replaced with lever type door operating devices. All of the windows and window screens need to be replaced. While I do not believe the Building Department has the authority, we also think the BOH should look into the possibility of condemning the property and we will stand in support of that action. Mr. George was also informed of the fact that he owns \$35,658.18 in real estate taxes, \$21,133.76 in sewer charges and \$166.37 in sewer charges.' Mr. McCormick informed Mr. George that he has a lot of work to do.

Motion Mr. Hadley to deny the request for a Motel Operation Permit from Douglas George for Reservoir Motor Lodge, seconded by Ms. Bohnson, all in favor.

NEW BUSINESS

7.Goal #3 - Consider proposal from the Collins Center to analyze the management structure options for the sewer department

One of the goals the Board established was to look at the sewer management structure. I the Board's agenda package is a proposal from the Collins Center. Mr. Gaumond would be willing to incorporate this into the sewer budget to pay for this. Mr. Hadley asked whether we had studied our options before. Mr. Gaumond explained that when the sewer system was first established it was studied by the MMA group, which detailed options available and the Board of Selectmen took the option of having the Board of Selectmen serve as the Board of Sewer Commissions. It was during the building of the system and it was probably the most viable option. The Board directed him to look at other options now that we are in the 10-15th year of the sewer department. Mr. Gaumond previously gave the board this study. Mr. Hadley asked if the study said having the Board of Selectmen serve as the Sewer Commission was the best approach. Mr. Gaumond believes it was the third option. Mr. Rucho does not see the need to spend \$5,000 for what the other study already told. We already know the way we are running it is by using an outside company, and he questioned if they are going to answer that question for us.

Mr. Gaumond explained that it is whether or not the Board of Selectmen has the time, capacity and knowledge to serve as the Sewer Commission. Mr. McCormick explained that it is either the Board of Selectmen remain the Sewer Commission or we have an appointed or elected Board of Sewer Commissioners. Mr. Rucho suggested we contact other similar towns and ask how they run their

sewer system. Mr. Hadley suggested revisiting this. It was agreed to table this item at this time and bring it back up after the first of year as we do not have any sewer issues at this time.

8. Review request to alter Purchase & Sales Agreement for the Three Rivers Building

At the last FISP meeting Mr. Gaumond presented a request from the owner of the Three Rivers Building to change the closing date from the middle of December to November 30th as they have tenants whose leases will expire and the seller does not want to deal with pro-rating rent for the partial month. The second item is there is a refrigerator which belongs to one of the tenants, which they would like to delete from the list and the third item was all pool equipment including filter, motor and Hoyer lift. The seller would like to remove those items prior to the Purchase and Sales Agreement.

Mr. Kittredge considers the pool equipment part of the building and he would like to keep it as part of the deal. Mr. Hadley agrees and he has no problem moving the date up.

Motion Mr. Rucho to change the date from December 17th to November 30th, seconded by Mr. Hadley, all in favor.

Mr. Rucho has no problem allowing the renter of the building who owns the refrigerator to keep it.

Motion Mr. Rucho to allow the renter who owns the refrigerator to keep it, seconded by Mr. Hadley, all in favor.

Motion Mr. Rucho that the pool equipment is not personal property, it is part of the building and he would say no to allowing them to remove the pool equipment from the building, seconded by Mr. Hadley, all in favor.

9. Consider requesting the Town Administrator to lower the revenue estimate for next year by the difference between the rental costs and the new operational costs

Motion Mr. Kittredge to request the Town Administrator to lower the revenue estimate for next year by the difference between the rental costs and the new operational costs, seconded by Mr. Hadley.

Discussion ensued with Mr. Rucho reporting that Bruce Peterson said that when we rented 127 Hartwell Street we didn't ask the townspeople we found the money within the budget. If we never rented, this money would have been used. We have been able to survive the last 6 years without that \$100,000 in the budget so he doesn't think we need it. Mr. Gaumond stated that when he and Mr. Daley finalize the revenue estimates he will back out the difference between the rental and operation costs for the Three Rivers Building, which is roughly \$33,000. Mr. McCormick would like to know how much it would be every taxpayer. Ms. Bohannon noted that people think when they hear this that they are going to see their tax bills reduced by dollars. Mr. Rucho would rather not spend the money just because it is available. Mr. Gaumond estimated that savings to be your tax bill multiplied by .00015%. Mr. McCormick thinks we owe it to the people because we told them we would.

Vote on the motion – all in favor.

FUTURE AGENDA ITEMS

Mr. Hadley has been approached by a resident who would like to come in and meet with the Board on the Sidewalk Maintenance bylaw being proposed for the October town meeting. Mr. Gaumond advised that the discussion has been scheduled for our next meeting. Mr. Rucho questioned whether we are going to advertise this as a public forum. He was of the understanding that this was going to go to town meeting for discussion. He also suggested having Mr. Gaumond send out a blog and have a public forum if we are going to let one resident come and speak we should advertise it as a public forum. Mr. Gaumond noted that if somebody wishes to have an appointment with the Board of

Selectmen it is the Board's decision. Mr. McCormick noted that it is a request from one person to come in and speak and other people may show up.

Mr. McCormick thanked Mr. Gaumond for offering to the town no raise in the first year of his new three-year contract and modest raises in the two years after that.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. September 9th, 6:00 – Board Meeting Prior to Special Town Meeting at the Middle-High School
2. September 9th, 7:00 – Special Town Meeting at the Middle-High School
3. September 17th, 12-8 p.m. – Special Election for New Town Hall

BOARD REPORTS

Mr. Rucho thanked all the residents who came to the informational meetings for the purchase of the Three Rivers Building. He estimates that 200 people in total attended the ten meetings and asked a lot of good questions. He thanked the residents and the Facilities Implementation and Strategic Planning Committee for all the hard work they have done for town meeting. Mr. McCormick congratulated Mr. Hadley for his leadership on the FISP Committee.

With no further business to come before the Board, motion Mr. Kittredge at 8:30 p.m. to adjourn, seconded by Mr. Rucho, all in favor.

Respectfully submitted,

Approved: September 4, 2013

Nancy E. Lucier, Municipal Assistant

Kevin M. McCormick, Chairman

Christopher A. Rucho, Clerk

John W. Hadley, Selectman

Michael J. Kittredge, Jr.

Siobhan M. Bohnson, Selectman