

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

Mr. Rucho convened the meeting at 7:00 p.m.

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

Motion Mr. Hadley to approve the regular session meeting minutes of January 18, 2014, seconded by Mr. Bohnson, all in favor.

Motion Mr. Hadley to approve the regular session meeting minutes of January 22, 2014, seconded by Mr. Bohnson, all in favor.

**In accordance with Policy L-16, Town of West Boylston Procedure for Exercising First Refusal Option on Chapter 61, 61a, 61b Land, consider request from Mahmoud A. Soheili-Arshadi**

Mahmoud A. Soheili-Arshadi joined the Board. Mr. Gaumond explained that the town is in receipt of a letter dated December 17, 2013 from Mr. Soheili-Arshadi, 125 Orleans Street in Worcester requesting to remove the 152 Prospect Street property from Chapter 61A. He displayed a diagram of the 2.2 acre parcel, which he would like to remove from 61A. He will leave the remainder of the parcel in 61A. Mr. Soheili-Arshadi advised that he purchased the land in an auction, he intends to remove 2.2 acres and will build two house lots. The remaining 26 acres will remain as they are and he will just own it.

Mr. Rucho explained that the Board's only concern is whether we will allow Mr. Soheili-Arshadi to take the land out of Chapter 61A. Mr. Soheili-Arshadi stated that if this is approved, he will perk the land and pay the roll back taxes for five years. He and his brother will live there. The first house with the barn is 1.2 acres and the other is one acre. Mr. Gaumond added that the only reason why the Board of Selectmen is involved is they have a responsibility to determine whether they would like to have an interest in the parcel. When a parcel is being proposed to be removed from chapter protection, the town can exercise a right of first refusal. The Board has a 120-day timeframe to either exercise the first refusal option, assign the first refusal option to a qualified nonprofit conservation organization or agency or decline to exercise the first refusal option. Tonight the Board will determine whether or not there is any interest in having a public hearing as the only reason why we would hold a public hearing would be if the Board has an interest in the property. According to the policy, page 2, we did notify all town boards and abutters to the property. The information was also forwarded to the Conservation Commission, Planning Board, Open Space Implementation Committee, Board of Assessors, Agricultural Commission, WB Land Trust Committee and the Historical Commission. The agenda package includes the list of abutters and a copy of the property card.

Mr. Rucho asked if the Board were to vote that they had no interest in the property, Mr. Soheili-Arshadi could go through the process with the various boards and the Building Inspector and proceed as he wishes. Mr. Gaumond advised that we received correspondence from Dr. Robert Tashjian, the Department of Conservation & Recreation, Agricultural Commission and the Open Space Implementation Committee, copies of which are included in the agenda package.

Dr. Robert Tashjian, 29 Prospect Street joined the Board. He would like to express his thoughts on this matter and thinks it is important that the Board understand the total problem. He has been a member of the Town-wide Planning Committee and family farming is an important part of the heritage of the town. Over the years the planning continued on with the Town-wide Planning Committee and in

2005 they started planning what is for the best interest in the Town of West Boylston. The initial meeting was with Congressman McGovern in December of 2005 and developed a plan and in 2008. The plan was to possibly get stimulus funds for the town and that forced him to protect the land under Chapter 11. There were forces that started here. Mr. Rucho informed Dr. Tashjian that the only question being decided tonight is whether the town should exercise its right to purchase the property or not. Dr. Tashjian stated that the town should take the 120 days as this is not a simple matter. We have carcinogenics in the water and cancer throughout Prospect Street and the land should be protected. There are nearly 30 acres and he will propose septic systems that deposit into Carols Pond. If you give the town 120 days to look into this. If the Board makes the wrong decision they should let the town know. To do this up on Lost Oak where there were five acre lots. You have to consider public health and people could die over carcinogenics in the water. He would like the 120 days to let the people know the consequences. He will do everything he can to help educate the people as there are high incidents of cancer and leukemia in our community.

Jeff Marsh, 158 Prospect Street, abutter to the property stated that they would like to have the Board exercise the 120 and investigate a little further. The property has a 19<sup>th</sup> Century barn, post and beam barn and removal of that may dislodge possible rodents and bats living in the cupola. There is also a lot of surface water that runs off Lost Oak and the surrounding properties through this property down to the pond below this land and it may not be suitable for a septic system especially during the spring run off. If the Board approves this, they request the barn be saved. Ms. Bohnson asked how long they have lived at that location Mr. Marsh indicated that he has lived there for 7 years and owns 1.5 acres. Above him the Grundbergs live and they own 5 acres. He added that they do have a lot of water especially when the snow melts there is a lot of water coming off the hill. He also questioned whether the Board should wait to vote until the rest of the Boards comments on the request.

Ms. Bohnson asked what would happen if this Board approves the request, the property is taken out of Chapter and if the land does not perk. Mr. Gaumond explained that the removal of the chapter land will trigger the Board of Assessors to figure the roll back taxes for five years.

Dr. Tashjian again voiced his concerns again with carcinogenics in the water and he feels we need to get the federal government involved as the Board has nothing to lose except federal support. Mr. Soheili-Arshadi commented that Dr. Tashjian is upset because he lost the land. After this process he will work with the Board of Health and other departments and if they feel it will be a danger to anything they will stop him and he will pay the roll back taxes. He does not think the 120 days is fair to him.

Motion Ms. Bohnson to approve the request as presented and to remove 152 Prospect Street from Chapter 61A, seconded by Mr. Hadley.

Mr. Marsh asked about the responses from the Department of Conservation and Recreation and the Conservation Commission. Mr. Gaumond advised that DCR was notified per the policy and they didn't request anything. They did say that the portion of the land, parcel 18, is not under a DCR restriction. The restriction begins at the parcel line for parcel 19. The Agricultural Commission has no objection although they would rather not lose any agricultural property, given the size of this piece, they have no objections. Mr. Gaumond also has comments from Open Space. They had questions and it was dated yesterday from Vincent Vignaly, Chairman. He was writing to clarify the position of the Open Space Implementation Committee relative to this property and the general content of his conversations with Dr. Tashjian as Chair of that committee. The 120 days is intended to provide time for the town to determine this information. The committee discussions were such that the cost to the town was a significant consideration and if that is lowered, the interest in protecting the property would be more feasible. The statement made at their meeting was that once the land is developed, it

can't go back to being Open Space. For this reason, he believes that the committee would decide, (since the committee has not met since January 30 to vote on this), to request that the Selectmen invoke the Right of First Refusal and proceed to determine the true legal facts. Mr. Gaumond pointed out that this email is slightly different from the previous email which indicated that the committee held a special meeting on January 30, 2014 to discuss the potential acquisition of the property at 152 Prospect Street where the town has the right of first refusal before the land is taken out of Chapter 61A protection and they voted that it does not wish to execute the right of first refusal. Mr. Marsh asked about responses from the West Boylston Land Trust or the Historical Commission. Mr. Gaumond explained that he did receive correspondence from George Bernardin of the Worcester Area Land Trust as there is no West Boylston Land Trust. Mr. Bernardin did investigate whether the Trust might be able to take the initiative to acquire the property and was told by DCR that they would not be able to have trails on the property so the Trust decided not to pursue the land any further.

Mr. Hadley, who also serves on the Open Space Committee, reports that Mr. Bernardin was at their meeting, and he said they didn't have the money to do that. He also pointed out that Mr. Soheili-Arshadi will have to go before the Conservation Commission for his project. Dr. Tashjian informed the Board that they are making a major decision for the town and they have to realize the qualifications on these committees. There will be consequences and he would like to take the 120 days to inform the townspeople. Mr. Soheili-Arshadi explained that it was a public auction and everybody had an opportunity to purchase the property. Mr. Marsh is concerned that the landowner is supposed to notify the abutters and he should have been notified back in December. He does not feel they followed town procedures. Mr. Gaumond explained that the request this evening does not have to do with the sale of the property. The policy is triggered when the parcel owners wants to remove the property from chapter. It was noted that 1.2 of the 2.2 acres is already out and he could build a house on it now.

Vote on the motion – all in favor.

### **Executive Session**

Motion Ms. Bohnson at 7:40 p.m. for the Board to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30a, Section 21, Part 6 to consider the purchase, exchange, lease or value of real property, the Tivnan Drive Solar Project, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, seconded by Mr. Hadley. The Chairman declared that holding this discussion in open meeting may have a detrimental effect on the negotiating position of the public body. Roll call vote: Mr. Hadley yes, Mr. Rucho yes, Ms. Bohnson yes. The Selectboard will reconvene in open session.

Motion Mr. Hadley to adjourn executive session and reconvene in open session at 7:55 p.m., seconded by Ms. Bohnson. Roll call vote: Mr. Hadley yes, Mr. Rucho yes, Ms. Bohnson yes.

The Board reconvened at 7:55 p.m.

### **OLD BUSINESS**

#### **1. Consider signing lease with Borrego SPV**

Mr. Gaumond states that in the agenda package is the full lease agreement that has been successfully negotiated by the Town Administrator and Town Counsel with Borrego Solar. It authorizes Borrego to begin the process of planning a solar field on the property across the street from the jail on Tivnan Drive. Over the last several years we have gone out to bid for the use of that land for

some municipal purpose. Last year the Board authorized him to begin negotiating with Borrego Solar. Moving forward we will need town meeting approval for the PILOT agreement. We will begin that process from there. The lease will trigger close to \$100,000 a year for the first year and it will then increase on a percentage basis each year going forward from there.

Motion Ms. Bohnson to authorize the Board of Selectmen to sign the lease agreement with Borrego Solar for the construction and operation of a solar field on town-owned property on Paul X. Tivnan Drive, seconded by Mr. Hadley.

Ms. Bohnson stated that people need to understand that this is not money we can put into the current budget as it will be a few years before we can do that. She is also very excited that we have been able to come up with an agreement. Vote on the motion- all in favor.

**2. Consider signing Proposal from Eagle Environmental for Radon Mitigation System**

Mr. Rucho questioned whether the person who provided the proposal is aware that we are going to be building rooms down stairs. Mr. Gaumond advised that when he and Mr. Hadley met with the individual they did discuss that. Mr. Hadley explained that the radon system actually goes in the corner of the building and he will drill four holes. Mr. Gaumond added that there will be walls, but they may not go all the way up to the rafters as it will be for file storage. He feels it is a fair question and he would not have a problem putting this vote off until the next meeting. Mr. Hadley noted that it is a one-day project.

**3. Town Administrator Evaluation**

This item will be tabled until the next meeting

**NEW BUSINESS**

**1. Announce Goals for 2014**

The goals established by the Board of Selectmen are as follows: build a new police station, strengthen relationship with the Housing Authority, explore options for a senior center, improve business relations to attract new businesses and to support existing ones and explore financial management options.

Mr. Hadley pointed out that the goals are in no particular order. The seniors voiced their concern that they were dropped down to the third goal, but they are in no order.

Motion Ms. Bohnson to accept the goals as presented, seconded by Mr. Hadley, all in favor.

**2. Consider Request from the Fire Department for a Departmental Transfer in the amount of \$5,000 from Salaries to Purchased Services**

Mr. Gaumond explained that earlier this year the antenna on Lawrence Street needed a major repair for safety concerns. The Fire Chief asked Mr. Gaumond about the best way to approach this and Mr. Gaumond suggested he cover the repairs and we would do a budget fix at a later date. The bill was in excess of \$10,000 and the Chief is only asking for \$5,000 to be transferred. He feels he will be fine taking that amount out of his salary line item.

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

**3. Consider accepting donations in the amount of \$500 from the West Boylston Firemen's Association for the Memorial Day/Celebrations Account on behalf of the town**

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

4. Update from John Scannell, Regional Director, DCR on the Wachusett Watershed Regional Recycling Center

Mr. Gaumond read Mr. Scannell's report into the record. 'When we met in August 2013 for my twice annual update on the Wachusett Watershed Regional Recycling Center, we agreed that we would change our meeting schedule to once annually and that I would provide a written update on the Center in six months. Operations at the center have been routine over the last six months. Collection so bulk, recyclable and re-usable items continue on Tuesday morning and Wednesday afternoon each week staffed by a group of Wachusett Earthday dedicated volunteers. In addition, collections also occur on the third Saturday of each month. Special collections of household hazardous products were held on the third Saturday of September and November. In addition a free document shredding day was held at the Recycle Center on the third Saturday of October. Use of the Center continues to slowly increase over the year, but wait time for users remains at acceptable levels due to the hard-working volunteers. The Wachusett Watershed Regional Recycling Center building for recycling and reuse opened early in the year, but was formerly dedicated in November. This 6000 square foot building was constructed through the DCR Partnership Matching Funds Grant with half the \$300,000 cost contributed by Wachusett Earthday individual donors as matching funds. More than 600 citizens donated to the match. The building and reuse center is now in full operation. Plans continue for improvements in the collection systems and on the site. It is hoped that additional paving on the entrance driveway and parking area will occur in 2014. This will improve plowing conditions in the winter and dust in the summer months. If there are any questions, please feel free to contact me. Sincerely John M. Scannell Regional Director.'

5. Consider going out to bid for town counsel services

Mr. Gaumond explained that if the Board votes to go out to bid he will craft an RFP. Mr. Rucho noted that the Board discussed this at a past meeting and there was no objection at that time. Mr. Hadley agrees we should get some fresh ideas. Ms. Bohnson understands that at one point we did have different counsels representing the town. Mr. Gaumond advised that he could appoint a special counsel to work on other projects. Ms. Bohnson believes if we could save some money it might be good to split out different functions such as labor counsel. Mr. Gaumond added that Kopelman and Paige has been here during his tenure and they have the ability to do general counsel and have experts in all the other areas on staff. Everything is billed by the hour and they only get paid when we outreach to them. They charge one rate, which has not increased during his tenure.

Motion Mr. Hadley to go out to bid for town counsel services, seconded by Ms. Bohnson, all in favor.

6. Financial Management Services

Mr. Gaumond previously wrote to the Board to inform them that the contract with FAA will expire at the end of this fiscal year. The agenda package includes the RFP we used the last time. Michael Daley, of FAA, our Finance Director, intends to retire and it gives the town some options. We could go out to bid however, when we have gone out to bid for these services we have not received any competitive bids. We could go out to bid for a six-month term to transition to another option or we could prepare a job description and advertisement to hire a full-time Town Accountant. He appreciates any feedback the Board is willing to offer.

Ms. Bohnson feels we need to do something sooner rather than later to avoid having an issue in June. Mr. Gaumond intends to leave the line item as is in his budget. If the Board would like to do this as a short term commitment he would begin a conversation with Mr. Daley. Mr. Hadley questioned the

cost of hiring a full-time Town Accountant with benefits. Mr. Gaumond explained that we currently have the position in our Wage and Classification Plan and he always felt that the amount of money we pay FAA would be comparable to what we would pay for a Town Accountant's salary with benefits. He thinks it is likely it will cost us less. Mr. Hadley asked if one person could do the job. Mr. Gaumond explained that most communities have just one Town Accountant. Leslie Guertin has been in that role for the town for as long as he has been here and in the past she has had help. She has been running the office for the last seven or eight years and he thinks she could do it by herself but would need some help from somebody.

Mr. Rucho feels that if the town goes out to bid we may not have a lot of options. Mr. Gaumond stated that even if FAA said they would do this for another three years he still would go out to bid. He would like to know the Board's thoughts on this. Mr. Rucho suggested tabling this for two weeks to get feedback from the entire Board.

#### 7. Review correspondence from Central Mass Regional Planning Commission regarding latest round of District Local Technical Assistance Grants

Mr. Gaumond noted that in recent years we have been relative successful with these grants one of which funded our Community Housing Specialist. If there is something the Board feels we should spend some time on we could.

#### 8. Acknowledgement of Audit Report

Annually, Mr. Gaumond is obligated to bring forward the Management Letter. We had another very successful audit report and he commended everyone for their cooperation. Copies of the reports were left in the Board's mail slots. The items that the auditors recommend include follow through on Study Activity Fund changes, create a central procurement file and improve controls over school vendor disbursements as some of the department head signatures do not appear on invoices.

### **Town Administrator's Update On Goals For 2014**

Mr. Gaumond made a power point presentation of the goals established by the Board and the plan to meet the goal.

Goal #1 - Build a new Police Station: The Selectmen see the need for a new Police Station to be a critical need; both from a functional aspect as well as a safety aspect. Mr. Gaumond stated that he does not believe that by the end of this year we will have a new police station. At some point we will need to seek funds for the design of a new building.

Goal #2 - Strengthen relationship with the Housing Authority, especially to develop senior housing: The Selectmen were pleased with our conversations with the Housing Authority over the past year and hope this will continue. The Selectmen feel that the need is there for additional senior housing and hopes to work with the Housing Authority towards that goal. We will be conducting a public forum on senior housing this Saturday.

Goal #3 - Explore options for a senior center: The Selectmen recognize that the current arrangement for leasing space for a Senior Center is not the best situation. The Selectmen wish to have a community discussion on the Senior Center and to look for a new facility for their services, including regionalization as an option. The FISP committee will begin meeting with the Council on Aging to discuss strategies.

Goal #4 - Improve business relations to attract new businesses and to support existing ones: The Selectmen recognize that making the Town a stronger community for businesses benefits the entire town.

Goal #5 - Explore financial management options: The Town's contract with FAA expires this year. The Selectmen recognize that the Town needs a short-term and long-term solution to this issue.

Mr. Rucho pointed out that the goals are in no particular order.

Motion Mr. Hadley to accept the goals and the action steps to achieve the goals as presented, seconded by Ms. Bohnson, all in favor.

## **MEETINGS, INVITATIONS & ANNOUNCEMENTS**

1. Announce that the bond rating for West Boylston has been improved from AA- to AA+

Mr. Gaumond explained that S&P found that the town's local economy was very strong and that our budgetary flexibility is very strong and our budgetary performance is also very strong. They also stated that West Boylston's management conditions are, in our opinion, strong, with good financial practices under our Finance Management Assessment methodology. Mr. Gaumond was committed to seeing an improvement in the town's bond rating and he is very happy to deliver this good news.

2. February 22, 2014; 10:30 a.m. Affordable Housing Trust community discussion on affordable housing needs of the senior population. The Council on Aging, Affordable Housing Trust and Housing Authority have all been invited to this session.

3. MMA Spring Legislative Breakfast Meeting Schedule: February 28th in Tyringham, Erving and Weymouth, March 7th in Ashby, Millbury and East Bridgewater, and March 14th in Sudbury, Lawrence and Dighton. Mr. Gaumond intends to attend the March 7<sup>th</sup> session and encouraged the Board to attend one of the sessions.

## **FUTURE AGENDA ITEMS**

Mr. Bohnson reports that she has been receiving some phone calls about the conditions of the road. Mr. Gaumond noted that this has been an interesting year and he has had some good positive feedback. We had some challenges on some of the materials. Some of the suppliers of the new green salt have been strained trying to meet the demand and the timing of the storms have also been problematic. The weather conditions were so poor that he had to close town hall one day this week. He will add this to the next agenda to discuss where we are in our snow removal operation. Ms. Bohnson would like to find out about the Friday before school vacation as West Boylston was closed and most of the surrounding towns were open with a delay. Mr. Gaumond explained that the decision to close is made by the School Superintendent with the advice of the DPW Director.

Mr. Hadley would like an update on the paving program to include how they select the roads to be paved. Mr. Gaumond explained that the Board approves the Chapter 90 schedule. He will include it on the next agenda.

Mr. Rucho spoke with the Police Chief about the bylaw that requires businesses in town that buy and sell gold to hold it for 15 days before they melt it down. This is done in a lot of towns and it would give the Police Chief and Detective an opportunity to look at the items before they are melted down. Mr. Gaumond offered to work with the Chief and come up with a recommendation for a bylaw. He will report back after he speaks with the Police Chief.

## **SELECTMEN'S REPORTS**

There are no reports this evening.

**MEETING**

**BOARD OF SELECTMEN**

**FEBRURY 19, 2014**

With no further business to come before the Board, motion Ms. Bohnson at 8:50 p.m. to adjourn, seconded by Mr. Hadley, all in favor.

Respectfully submitted,

Approved: March 5, 2014

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Nancy E. Lucier, Municipal Assistant

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Christopher A. Rucho, Vice Chairman

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John W. Hadley, Clerk

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Siobhan M. Bohnson, Selectman