

Members present: John W. Hadley Christopher A. Rucho
Kevin M. McCormick Siobhan M. Bohnson
Members absent: Patrick J. Crowley

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

Read and acceptance of Minutes from Previous Meeting:

Motion Ms. Bohnson to approve the regular session meeting minutes of July 22, 2015, seconded by Mr. McCormick, all in favor.

Barur Rajeshkumar, Candidate for Full Member to the Zoning Board of Appeals

Mr. Rajeshkumar joined the Board. He is currently an Associate Member of the Zoning Board of Appeals and he thinks he is a good choice for a full member because he is a knowledgeable person. He is an active member who is willing to work for the ZBA and the community. As an associate he sat on the Board several times. Ms. Bohnson asked what his job entails. Mr. Rajeshkumar explained that he is a scientist and a lab manager. Ms. Bohnson asked what he likes about being part of the Board. He explained that it is a challenging board and they need a knowledgeable person of the current issues. He can spend time and energy for the board and he has the time to devote.

Motion Mr. McCormick to appoint Barur Rajeshkumar to fill full member vacancy on the Zoning Board of Appeals, seconded by Ms. Bohnson, all in favor.

Daniel Cronin, Candidate for Associate Member to the Zoning Board of Appeals

Mr. Cronin joined the Board. He previously applied the last time a full member position was open. He would like to be considered for the associate position. He runs his own carpet installation business in the construction industry. He knows about construction, can read blue prints and maps and has been going over the bylaws of the town. Ms. Bohnson asked if he felt he had time to give to the Board. Mr. Cronin is semi-retired and has more time than he needs. Currently two associate member positions are available.

Motion Mr. McCormick to appoint Mr. Cronin to the Zoning Board of Appeals as an associate member, seconded by Mr. Rucho, all in favor.

OLD BUSINESS

1. Discuss amending Sign Bylaw at fall town meeting and consider voting to send it to the Planning Board for a public hearing.

Mr. McCormick explained that our bylaws allow for electronic signs to change every minute, our sign on The Common changes every 30 seconds and you don't have enough time when stopped at the light to see more than one message. When the Board met with the Planning Board, the Planning Board proposed changing the message every 10 seconds. Mr. McCormick would like to repeal the language to allow the owner of the sign to change the message at whenever speed they feel appropriate. This would be for all electronic signs in the town.

Motion Mr. McCormick to repeal the language in the sign bylaw pertaining to how often an electronic sign could change and send it to the Planning Board for public hearing, seconded by Ms. Bohnson, all in favor.

2. Update on Wayne's Weaponry from Building Inspector & Police Chief

Mr. Purcell reports that we have a draft memo from the Building Inspector relative to his reporting to the property today to investigate a complaint about hearing some shots and a protocol to use going forward. He spoke with the Police Chief about responding to any future complaint and the information was sent to town counsel. It is in draft form. Mr. Hadley read the protocol to be followed in case of notice of a potential violation of the Order is received. "All complaints moving forward will be directed to the WBPB (508) 835-6030, WBPB will track the complaints, the Police Chief will make a determination based on the complaints on how to further investigate the cause of the noise, if the WBPB confirms a violation of the Zoning Order, further action by the Department of Inspectional Services will take place to enforce the Order, any other violation, within their jurisdiction, will be addressed by the WBPB."

George Bilotta stated that he thinks himself and others are confused based upon the meeting held here two weeks ago. There seems to be a lot of confusion in terms of what is to be enforced. It doesn't seem to be clear in terms of what is being enforced. Two weeks ago they were told that a Cease and Desist has been issued and then they found through The Banner that it had not been issued and now there is a question as to what is in the Cease and Desist Order. He understands, through Chris Lund's office that it really is not a Cease and Desist and shooting can continue in a variety of ways. According to the existing zoning in a residential area there is to be no noise in a residential area generated by a gun because it is unusual noise in a residential area. He thinks there is a lot of confusion and questions what has been issued to Wayne's Weaponry and is he allowed to shoot at all.

Mr. Purcell commented on the discussion which went on two weeks ago. He and the Building Inspector were not totally sure about the timing. He recalls saying run the draft Order by Town Counsel and we discussed it. Mr. Purcell was under the impression that the Order was issued and he was waiting for Town Counsel to get back with an opinion. As it turned out, we regrouped and the Building Inspector hand delivered the Order, which was six hours later than the expected cease would have been. The memo tonight is the result of a conversation he had with the Building Inspector. To make sure that this thing doesn't happen again, when we put a document out that has not gone out, we will now put a watermark on the document saying 'draft'. He stated no excuses, that was the reason for the confusion and he apologized to the Board.

Mr. Bilotta asked in terms of what was sent, what is he able to do. His understanding of the zoning is that no noise can be generated that is unusual in the neighborhood, and shooting of weapons is an unusual noise. He asked if it is clear to Wayne's Weaponry that he cannot shoot, invite people to shoot, or have his family members shoot guns. Mr. Rucho noted that the letter we thought went out said he had two weeks to comply and the new letter said it is effective immediately. Mr. Purcell agreed. Mr. Rucho added that the first letter talks about outdoor commercial recreational use in a single-residence zone. Mr. Purcell is of the understanding the letter from Attorney Angelini pointed out some title questions and the idea of an outdoor use being grandfathered was not valid because the shooting was taking place on an abutting property and voided the grandfathering. The building inspector followed up on what about family members shooting on their own property without any visitors on the property and what of the town-owned property where the police shoot. Those are still open questions to us.

Mr. Bilotta asked if counsel has been involved as it is clear in the zoning laws that noise generated by guns is unusual noise in a residential area and that the same rules and regulations that guide a commercial gun range are the same that guide having a private gun range. You cannot have either in a residential area according to the town's bylaws. It is clear to him and their attorney that you cannot fire a gun it is a noise ordinance. This has been going on since 1993. He has a packet from the internet where two groups who have been using Wayne's Weaponry back to 2009, whether there was

a fee involved or not, it is irrelevant. He added that Wayne's Weaponry told the building inspector that the range is only used by his friends and now we have all the documentation from all kinds of people who have been using this as well for the courses. There is a distrust. After the meeting with the previous Town Administrator back in February. They went on a wild goose chase as far as Federal Law and this group did homework and pulled the waiver. This material was given to Mr. Gaumond and the building inspector the beginning of April. He has an email from Mr. Gaumond that discussed this and it was dismissed. It appears that our building inspector, our zoning enforcement officer does not understand the zoning laws and it leaves us uneasy. He asked what does it say in the paper given to Wayne.

Ms. Bohannon asked if the noise continued. Mr. Bilotta reports that it went from last meeting, continued on Friday morning off and on until today, nothing on Saturday, Sunday or Tuesday. Patrick McGreal stated that his wife was one of the people who called. Mr. Rucho noted that the letter says the Order does not preclude the owner or the owner's family from discharging guns. We are at a disadvantage to answer questions. Mr. McCormick added that we do not have a noise ordinance, it was previously brought to town meeting and voted down.

Louis Pepi, Section 3 home occupations business in a residential district. His property was not changed to commercial, it is still residential. He still has the right to shoot on his property, 500 feet from an occupied house and 150 feet from a paved road. He asked if we are we going to ban hunting in town. Mr. Rucho asked if the building inspector was asked to be here. Mr. Purcell stated that he was not asked by him.

Dr. Steven Davis read The Banner update online and the paragraph was Chris Lund further investigates and a sentence of very nice zoning type jargon that was the jargon contained in the letter from their attorney to him. He thinks he changed his mind and investigated only when the letter came from their lawyer and if somebody is asked to be here they should be here.

Mr. Purcell offered a characterization. In other public operations, police department or people looking for volunteers, how many times have you heard people going on television asking for help. Help you gave, however long it took, we accepted that help and it resulted in an Order. This is still very much in process. As long as I am here we will not stonewall you. We may give you an answer you do not want to hear. We do not deal with these things every day either. He would like people to be a little more civil. He would like this to be a dialog instead of a confrontation from here forward. Mr. Hadley added that we will ask the building inspector, police chief and town counsel in at the next meeting. Mr. Rucho doesn't think there should be much more discussed without the building inspector present.

Dr. Davis asked now all complaints will be routed to the police because with all due respect we have been delaying with this for six months and people who were not aware of the law. His wife and daughter called two or three Fridays ago and were dismissed being told what do you expect from a range. Dr. Davis asked where do we stand right now? Mr. Purcell explained that it is still open ended question for us on family using their premises. That is still an open question and we will follow up with town counsel and Mr. Lund first thing in the morning. The commercial outdoor recreational activity is prohibited per the Order in terms of land use. Mr. Bilotta states we have been told to email or call Mr. Purcell's office should we continue to call you, or the police? Mr. Purcell, asked him to email him.

Tim O'Brien of Rivington has evidence of Wayne being a business. He has copies of their website and on Facebook. It has a pair of dollar signs after their hours of operation. It says currently closed, the range, but they say that the shop is open. Last time they were here they were promised the Building Inspector and the Police Chief, why are they not here. Mr. Hadley advised that we asked for a

report and they gave us a report. At the next meeting they will be here. Mr. O'Brien complimented Wayne stating that it has been a very quiet week. He added that the bombs were legitimately exploding targets. He has called the 911 State Police and local police and there would be a log of his calls and there has to be some review of that to notice where a problem is pecculating. He doesn't agree with Mr. Purcell's request to ratchet it back as there is nothing wrong with passion. Mr. Hadley stated that we are all trying to work together to get this resolved. Mr. Rucho added that whatever happens we agree that the police chief and building inspector should be here. We cannot answer these question.

David Femia noted that it was a special permit issued by the Zoning Board of Appeals back in 1993 and suggested pulling the decision to see what they are allowed to do. Mr. McCormick advised that he received a permit for a gun store, not a range, just to sell and repair guns. Ms. Bohannon does not think this is something that will be answered overnight. We are trying to do our due diligence. We have been talking to our attorney and the building inspector and in some ways it seems like we have made progress. We appreciate the information you have brought forward to us.

Mr. McGreal would like a proposed time line to meet milestones and the current directive is any noise complaint will go through Jim Purcell's office and they will be investigated appropriately, but currently there should be no shooting unless it is family. Mr. Purcell will call town counsel tomorrow. Mr. Rucho added that if there is an issue at midnight, if you are hearing bombs and guns, call the police department. Sean Hackett asked what will happen after the 30-day appeal period., Mr. Hadley intends to clarify that with our town counsel.

A woman from Malden Street stated that she has a concern about calling the police regarding this. She relayed a story of a discussion with a business owner who was walking on a rail trail with someone and they were almost injured by scrape metal from Wayne's Weaponry. They called the police and they said we know, what do you want us to do about it. She asked if there is a log of these complaints and have you reviewed them. Mr. Hadley stated that the Chief of Police will be here. She added that the reason why tone is important is because he worked for the town for so many years it is being brushed down the road. We all want to see the town flourish and that will not happen if there is cronyism and favoritism.

Mr. McCormick stated that he has known Wayne his entire life. He and I have lived in West Boylston their entire life. The cronyism remark is a bunch of bologna. I have no cronyism and there is no cronyism with me. The woman stated that it is a perception that is fueling tone. Mr. Rucho if the phone call you talk about is the case, we can find that out, that is unacceptable if that answer was given. The woman will get the date and time. Mr. O'Brien added that the last time there was the bomb explosion he called 911 and he went to Wayne's. Wayne gave him a tour, apologize and said the gentleman who did it gained access to the range without him knowing. He added that the fact that people can gain access to the range is an additional concern. There was another group leaving and they said it was somebody else.

3. Update from Police Chief on the use of jake brakes and installation of signs for the Checkerboard Business Center

Mr. Purcell read the following email provided by the Chief of Police. 'I would support the posting of several No Parking signs on Shrine Avenue in the area where the new business will be located. I don't believe that it will be necessary to post Helen Dr. not the entire street. In the future if a problem arises we can deal with it accordingly. Excessive signs detract from the appearance of the neighborhood. The posting of Local Traffic/No Commercial traffic on Shrine Avenue does not seem appropriate to me. I have asked the driving schools in the area to vary their routes so as to not have a significant impact on the same neighborhoods and they have always obliged. The final issue is the

posting of "No Jake Brakes". I believe that the Code of Mass. Regulations would not permit the posting of these signs on Rt. 110 as it is a State Highway. The enforcement of these types of regulations is very hard to accomplish. I would prefer to assign Officers to monitor the speed in these areas and slow the traffic down. I have recently purchased additional solar/long lasting heavy duty battery powered speed control signs and will begin placing them in the specific areas that were noted in the Boards meeting minutes. I would appreciate it if you could pass this information on to the Board Members. If there are any questions, please feel free to contact me. Respectfully, Chief Minnich.'

Barur Rajeshkumar, member of the Planning Board, feels that if they post signs for "No Jake Brakes" it could have a \$200 fine. He added that they happen during the night time.

Motion Mr. McCormick to post the signs per the Police Chief's recommendation, seconded by Ms. Bohnson, all in favor.

Mr. Rucho agrees with the driving school as they are in every neighborhood and we cannot installed signs to stop that. As far as the no jake brake signs at Shrewsbury/Hartwell and Maple Streets, we will discuss that with the Chief at the next meeting. Mr. Rajeshkumar estimates received complaints for ten people and noted that the truck drivers could use their regular brakes.

4. Update on Malden Street

Mr. Hadley reports that on Monday night Mrs. Lucier attended the Conservation Commission meeting with Ken Hodgson, our on-call engineer. The Commission agreed that a Notice of Intent would not be required for the project. The Commission offered to hold a special meeting to keep the project moving along. Mr. Purcell reports that he just received the engineering proposal for the Malden Street project. In the interest of time, he asked the Board to authorize him to award and executive the engineering contract for the Malden Street project with LEI for a contract price of \$60,000, 10% of the construction estimate.

Motion Mr. McCormick to authorize the Town Administrator to sign the contract, seconded by Ms. Bohnson, all in favor.

Lori Burns questioned the area of the project. Mr. Purcell explained that is not clear the sequencing of the construction activities as is yet to be confirmed. The area that gets the most traffic is from Goodale to Crescent and Crescent to Pine Arden. The construction costs are substantially higher than the 2" of overlay we might be looking at for the balance of Malden Street. We know where the worst part is. He would say do Crescent/Malden as soon as humanly possible and then overlay on the other areas. It might not be likely we get it all completed.

NEW BUSINESS

1. Concurrence on the appointment of Lauren Espe to the Cultural Council effective August 6, 2015 for a term to expire on April 30, 2018

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

2. Consider approving the hiring of Christopher Herrstrom as fractional-time dispatch effective August 28, 2015 at Step 2 of Grade 4, \$16.78

Motion Mr. McCormick to approve the hiring, seconded by Mr. Rucho, all in favor.

3. Consider accepting the following bandstand donations on behalf of the town: Free Will donations from July 19 concert - \$138.00, Sponsor donation Lester's Refrigeration \$250.00, and Free Will donations from July 26th concert - \$126.73

Motion Mr. Rucho to accept the donations, seconded by Mr. McCormick, all in favor.

4. Consider executing contract for Affordable Housing Consultant

Mr. Purcell reports that the previous Town Administrator issued an RFP, received two responses, interviewed both companies and Mr. Heaton, the current consultant, withdrew leaving the Community Opportunities Group. They provided the town with a draft contract, which was reviewed by counsel, amendments were made and the amended contract was sent to Community Opportunities who accepted the contract with two minor changes. There is a cap of \$20,000 per year. The Affordable Housing Trust has a meeting next week. Mr. Purcell requested the Board make the contract award to Community Opportunities Group.

Mr. Rucho questioned whether we should go back out to bid to see if more people would be interested. Mr. Purcell stated that he would not call Community Opportunities a default candidate. There was a time when we were thinking of splitting the business between Mr. Heaton and Community Opportunities because Community developed a program to monitor compliance and there is a concern about a project or two out there and Mr. Heaton would do the troubleshooting he has been doing. As it turns out, prior to the contract award, Mr. Heaton pulled out. Mr. Hadley, who serves on the Affordable Housing Trust, was involved in the interviews and feels Community Opportunities did a great job.

Motion Ms. Bohnson to accept the recommendation and award the contract to Community Housing Opportunities Group, seconded by Mr. McCormick, all in favor.

5. Update on Department of Public Works by Town Administrator and Interim Director of Public Works Michael J. Kittredge, III

Michael Kittredge, Interim Director of Public Works, reports on the department's activities. Roadside mowing at intersections and line of sight problems takes first priority, all others continue as staff is available. Catch basin repairs and rebuilding are on going. Clean up after the storms with sweeper, pot hole repairs continue, some with hot mix and others with cold patch. They mowed Century Drive, 140 landfill and Raymond Huntington Dive for the third time. They had an issue with trash being dumped at the end of Century Drive, Prescott Street and Worcester Street, it is sporadic and we lose time on that. The new catch basin truck has been out there and the new fueling management system is up and running. Before installation they filled all the cracked, primed and painted and installed signs before they could finish the project. Everything is working well, they were down three and a half days, spent about \$400 on fuel on those days. Parks activities include ongoing mowing, hedge trimming, trash, prepping fields with spiker and hand rake and maintenance at Price Park. They dug test pits for the parks expansion project and raked, loamed and seeded afterwards. They are keeping up with the mowing as best they can. He noted that Glenn Parker has been taking care of town hall. They have completed eight of 20 parks repair items listed as safety concerns. Other will take funding and he will attested the Parks Commission meeting on the 10th. The office has been a challenged. They finished up the end of FY15. He added that Keri has done a great job. She coded and issued the keys for the new fueling system. He thanked Karen Paré, Nancy Lucier and Leslie Guertin for their held on the end of the year. He added that a lot had to get done in a short time. Final monthly fuel bills were issued the best we could figure out. Sewer quarterly bills were issued, issued one drain layer license. He has been in contact with Weston & Sampson regarding the Woodland pump station site. We had a sewer break and have had an issue with odor. They tried to fix it with belts and will put off an apron repair until after that. The electrician is coming in to try to get started on the ventilation

system, secured bids for fuel under the state bid.

Mr. Hadley asked about the new fueling system. Mr. Kittredge explained that some are keyed to employees and others to the department. He checks the fuel levels every day. Mr. Hadley asked about past due invoices. Mr. Kittredge thinks they found most of them as far as they know. Mr. Rucho asked now that Mr. Kittredge is the interim Director, who does the work he used to do as Foreman. Mr. Kittredge reports that they posted an interim position in house, people have applied for the interim Forman position and the interim Operator position. They will place an ad for a season public works employees. The Board thanked Mr. Kittredge for his work

INTERIM TOWN ADMINISTRATOR'S REPORT

Mr. Purcell reports that the project for asbestos removal at the public safety headquarters is close to being out on the street. Mrs. Lucier has been working with Chief Welsh and town counsel on the bid specifications. The windows and the abatement will be two projects.

Mrs. Lucier informed the Board that following the FISP meeting she outreached to Finance Director Michael Daley and obtained the information on the borrowings and debt costs for both projects separately and combined. She also forwarded the power point presentation done for town hall to FISP members Ray Bricault and Pat Crowley so they could update the slides. The timeline for the special election was also forwarded to the FISP committee.

SELECTMAN REPORTS

Mr. Hadley reports that the Conservation Commission met with the Mass. Department of Transportation and they will be working on three projects in our town. The first is on Route 12 from the railroad bridge on Route 12 to the former site of Bob's Hot Dogs. It will include a new sidewalk across the causeway and the installation of drainage at no cost to the town. The Water Department will replace the water mains. They will also do a drainage project from the Boylston line on 140 to the backside of Hartwell Street and repave that portion of the road. The third project runs from Thomas Street on Route 140 to 180 Beaman Street. With each project they will try to keep water away from the reservoir and they are federally funded. The MWRA will install a small shed near the causeway on their land and will contain water quality monitoring equipment. A public hearing on the project is scheduled for Monday night at town hall beginning at 6:30 p.m.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. August 6, 2015, 7:00 p.m., Q&A Session by the Building Inspector on the 40B Village at Oakdale Project in Meeting Room #120 of Town Hall

2. August 19, 2015, 7:05 p.m., joint meeting with Board of Selectmen and Cemetery Trustees to fill a vacancy on the Cemetery Trustees

FUTURE AGENDA ITEMS

Mr. McCormick would like an update on the Board's goal to improve the DPW. Funds were approved at town meeting to hire a consultant and he would like an update on that project. Mr. Purcell reports that he had been very close to bringing someone on for this project and that person has since backed out. He will check with other sources. Mr. McCormick asked what the plan is for hiring a permanent Director of the DPW. Mr. Purcell explained that they are both very much related. He had a vision that the consultant would come in, audit the department, speak with the Board of Selectmen and then recruit accordingly. Mr. McCormick thought the idea of the study was to have a consultant tell the Board if we are structured the correct way and it would be a fresh set of eyes examining what we have.

He thinks we need to start the advertising process now for the permanent Director. Mr. Rucho feels we need the consultant to tell us what we need for the position and it may be that the Director needs different qualifications. Mr. Purcell thought we would hire our permanent Town Administrator and he would have the consultant's report to go forward with and hire a permanent Director.

With no further business to come before the Board, motion Mr. McCormick at 8:45 p.m. to adjourn, seconded by Ms. Bohnson, all in favor.

Respectfully submitted,

Approved: August 19, 2015

Nancy E. Lucier, Municipal Assistant

John W. Hadley, Chairman

Kevin M. McCormick, Vice Chairman

Siobhan M. Bohnson, Clerk

Christopher A. Rucho, Selectman