

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. and the Board held a moment of silence for Aaron Goodale who passed away. He noted that he was a good friend to the town and we will all miss him.

Read and acceptance of Minutes from Previous Meeting:

Motion Mr. McCormick to approve the regular session meeting minutes of July 8, 2015, seconded by Ms. Bohnson, all in favor.

Motion Mr. McCormick to approve the executive session meeting minutes of July 8, 2015, seconded by Ms. Bohnson, all in favor

Open Space Implementation Committee – discuss request for funding of update to Open Space & Recreation Plan

Vincent Vignaly joined the Board. He explained that the Open Space and Recreation Plan expired last November and needs updating. The last three plans were completed by volunteers, members of the Open Space and Recreation Committee, Parks Commission and Parks Facilities Committee. They requested funds in the spring and they are making the same request for the October town meeting. Mr. Hadley, who is also a member of the Open Space Implementation Committee, thinks it is important for this project to get funded. The Board agreed to put a place holder on the warrant for the funding of the plan.

Planning Board

Planning Board members Marc Frieden, Vincent Vignaly, Chris Olson, Barur Rajeshkumar and Cheryl Carlson joined the Board to discuss several items.

1. Discuss installation of signs along Shrine Ave., Carol Drive & Helen Drive

Mr. Frieden explained that when Checkerboard came before the Planning Board for a Special Permit to have a business center the Board approved the permit but wanted the exit on Shrine Ave. instead of West Boylston Street. The neighbors opposed it, because they didn't want any additional traffic going into their neighborhood and were concerned that it would generate more traffic. It is apparently an on-going problem with Central Mass Drivers Training School using the street to teach their students. The Planning Board asked them to modify their design and they did. They still wanted to exit on Shrine Ave and signage will be installed on the property. Mr. Frieden thinks a more complete solution would be a local traffic only sign on the street, however, the Planning Board does not have authority over signs on town roads. It is up to the Board of Selectmen. The applicant has offered to pay for the signs. No parking signs will also be installed on Carol, Helen and Shrine Ave.

Mr. McCormick voiced his concern with posting local traffic only signs as that would send traffic to another neighborhood. He doesn't think it is fair and to him, it is part of the world that people have driving classes. Mr. Vignaly advised that the neighbors do not want delivery trucks going through the neighborhoods. Mr. Frieden added that they are trying to accommodate the citizens who came forward. Mr. McCormick doesn't have a problem with commercial traffic. Ms. Bohnson questioned what kind of commercial traffic are we talking about. Mr. Frieden thinks it is the clients of the proposed driving school and gym and when they leave the lot have them use West Boylston Street.

Ms. Bohnson wants to make it so that the business community still wants to do business in the community. Mr. Rucho noted that from Route 12 to the driveway into the new gym and driving school there will be a sign that says local traffic only and there will be another sign at Helen Drive. The new area has 19 parking spaces with 170 spaces in the front lot for overflow. He suggested talking with the Police Chief and maybe post local through traffic only. He doesn't know if no commercial traffic means UPS cannot deliver. It was agreed to follow up with the Police Chief. Mr. Purcell noted that posting of signs is regulated by the Manual of Uniform Traffic Control Devices and if you are trying to limit commercial traffic it is determined by weight of the motor vehicle for commercial restrictions. He thinks this would need to go through the Chief of Police. Mr. Frieden advised that the Planning Board, in their permit, said that it would come before the Board of Selectmen and they would like proof that it came before the Board of Selectmen. They will go to the Police Chief first and come forward with a proposal. Mr. McCormick wants to resolve this so it does not become a future issue. Mr. Frieden mentioned that one of the comments was that if there is a sign and people do not obey it, then it could be enforced. Mr. Rucho noted that in the future someone could move into one of the neighborhood houses and they may not want the no parking sign or other signs being proposed in their front yard.

2. Discuss amending Sign Bylaw at fall town meeting

Mr. Frieden explained that the Planning Board would like to amend the sign bylaw to adjust the timing on the electronic sign. Currently the bylaw is at 60 seconds, we are using 30 seconds and they are proposing 10 seconds. They studied other signs and feel that it is a reasonable number. Mr. Olson noted that this regulation is not specific to the sign on The Common but would impact any other electronic signs in town. Mr. Rucho asked how we would enforce this. It was noted that streaming is not allowed in West Boylston. Mr. Rajeshkumar thinks that if it changes too quickly it could be a distraction. Ms. Bohnson asked if other towns have so much detail in their sign bylaw. Ms. Carlson reports that other towns are from 5-7 seconds. The Selectmen questioned why we need to have it included in the sign bylaw. Mr. Vignaly explained that when we drafted the sign bylaw, which was mostly done by former Planning Board member Karen Paré, we tried to use the most current ones with electronic signs. There is research that says it is a distraction factor and there is some evidence that shows that. When we were at town meeting the last time the people didn't want graphics, just words. They re-did the entire sign bylaw and they would like to change from 60 to 10 seconds. Within the bylaw it speaks to light intensity as well. Mr. Frieden added that there is also the issue if everybody had the signs it would be flashing signs close together like Vegas. Mr. Vignaly stated that the Planning Board is trying to put something in to protect the character of the town. Mr. Purcell advised that this requires a 2/3rds vote of town meeting and if you start with 10 seconds you can always go lower, not higher. Mr. Vignaly received input from the Building Inspector and he is fine with ten seconds. It was agreed to discuss this at the next meeting and send it to the Planning Board for a public hearing.

3. Discuss PILOT with College of the Holy Cross

Mr. Vignaly reports that when the College came in with their proposal they came in and the Planning Board reviewed everything. Everything is moving ahead and they talked to them about the fact that they were taking a taxable property off the tax rolls as a non-profit. They said they would be willing to talk with the Planning Board about some ideas to consider a mechanism for them to assist the community. They suggested a scholarship for a West Boylston student, use of the facility for school or town retreats or coordinate students projects. Maybe there is some way to build a resource with the college. They are under construction now and they have mechanisms to keep in touch with the Planning Board. It encourages them to speak with the Planning Board. Mr. McCormick suggested a

couple of members of the Board and a couple of Planning Board members should sit down with them for a discussion if they want to be friendly to the town. Mr. Vignaly noted that it is not the Planning Board's position. They said they would like to talk with one group in the town and not be approached by different groups. Mr. Purcell will coordinate a meeting. Mr. Rucho thinks they should the items listed anyway and we should look bigger than that.

4. Discuss request for sign posting and/or noise regulation for use of engine compression brakes on various streets

A few residents inquired about posting jake break signs on Maple Streets. Mr. Vignaly explained that the truck drivers do not have to use them they can use their regular breaks and they would like to prohibit the use of jake brakes between 9 p.m. and 5:00 a.m. and the existing noise bylaw of the state allows you to post a sign and it could be enforced by the Chief of Police. The Planning Board found out about it and wanted to hand it off. Mr. Hadley noted that the problem is the vehicles do not know the direction to the industrial area. Mr. McCormick explained that they are used at the bottoms of streets with a hill. Mr. Vignaly reports that it started with Maple, Yorktown, Lancaster and Laurel Streets. Mr. McCormick would not have a problem with an evening posting. Ms. Bohnson asked how often complaints come in. Mr. Vignaly has about a half dozen complaints. Mr. Rajeshkumar stated that some of the residents complained to the Planning Board and didn't know if something could be done about it. Mr. Vignaly feels that it is more of a courtesy thing. We will ask the Police Chief to look at this.

5. Discuss coordination of large-size plan data base

Mr. Frieden explained that the Affordable Housing Trust was discussing getting their plans organized and the Planning Board would be on board with that. Mr. Hadley advised that the Affordable Housing Trust is in discussions with somebody now. Mr. Vignaly stated that the Planning Board has a lot of old files and he thinks it would be a good idea to pull all that stuff together in a data base so you will have them when you need them. They would like to have that happen and he suggested perhaps this is a project Holy Cross could help with. Mr. Hadley offered to have the Affordable Housing Trust get back to the Planning Board. Mr. Vignaly has a call into some of the communities who have done this through the Bay State Roads Program. Mr. Rucho thinks it is a good idea although is concerned that it will be costly. Mr. Vignaly would like to do some research on the cost. The Planning Board now requests documents in electronic format and there is money in the CPA under open space, which could be used for this type of project. The Selectmen thanked the Planning board for coming in.

Interim Town Administrator's Report

1. Update on Malden Street

Mr. Purcell reports that it has been a busy couple of week. He and Mrs. Lucier met with the engineer on Malden Street to see where the project stands. The report that the former DPW Director submitted to the Board on the state of Chapter 90 funds was fairly accurate. Some of those projects need to be managed forward. We have three drainage projects ready to go and are at the 95% stage and will be this construction season. The suggestion of this Board was to get the town's engineering firm to take on this task. We spoke with Ken Hodgson today and he had informed Mr. Sylvia that he couldn't get to the Malden Street project until August. We made it clear to him that if he couldn't do it

immediately that we would need to find a firm who could. The company has a branch in Connecticut and they may have staff capacity to get started on this right away. Mr. Purcell wants to talk about the Board's expectation in terms of scope. He asked if they anticipate any road widening for the project as that would require an expansive method and need surface demolition. Life would be much simpler if we used the current pavement width and we will do our best to get something done this construction season. It is the top public works priority. Mr. McCormick doesn't think we need to have the street widened. The Board does not believe it needs to be widened. We will tell Mr. Hodgson to use the existing layout and it will make things go much faster.

Motion Mr. McCormick to leave Malden Street the same layout it is and just fix it to make it driveable. George Bilotta, resident of Malden Street, would like one curve looked at and maybe widen that section. Mr. Rucho suggested having the engineer tell us if there is a safety issue. Mr. Purcell explained that the road layout is different thing. If we are going to alter the layout we would need rights of entry and easements and town meeting vote to approve money for the easements and you have a longer time line. Mr. Hadley stated that we do not want to widen the street unless the engineer says it is a safety issue. Mr. Rucho thinks the curve needs to be looked at because once it is paved people will be driving faster. Seconded on the motion Ms. Bohnson, all in favor.

2.Update on Sewer System O&M & Capital Projects

Mr. Purcell met with Tom Frost of Weston & Sampson to discuss capital projects. We have a list of 8 or 9 things that need to be taken care of. He has authorized the replacement of pump #1 at Worcester Street pump station, the repair of pump #2 at the Oakdale pump station and two volutes at the Woodland Street pump station that are cracked. The repair on the Worcester Street pump station is a minimum six weeks and we are fast tracking that process. The engineering company has attested that there is an inherent weakness. The Woodland Street site needs repairs as well. We need to restage some equipment on the site. The goal is to get that done before the end of September. We have 12-20 sewer man holes that have to be repaired. Some have been marked up already. He has authorized the bid solicitation to get those done. We have over \$1 million in the operational maintenance account.

3,Consider executing contract for treated road salt with Cargill, Inc. Deicing Technology

Motion Ms. Bohnson to sign the contract, seconded by Mr. Rucho, all in favor. It was noted that the contract is for a minimum of 1,350 tons of treated salt and allocates the town up to 2,250 tons, if needed.

4. Consider Sewer Abatement for 57 Goodale Street.

The applicant filled his swimming pool without getting prior permission and their sewer bill reflected the cost of filling the pool. The Board has a policy, which they said they were unaware of. The bill is for \$183.82 and he is asking to waive the entire bill. It was agreed to hold off taking any action until more information is provided.

5. On-call Engineering Contract

Mr. Purcell had a conversation with our consulting engineer and was made aware of the fact that their contract would expire in a couple of days. The contract does have an option for a fourth year and he requested the Board's approval to exercise that option and authorize him to sign the contract.

Motion Mr. McCormick to exercise the one-year option and authorize Mr. Purcell to sign the contract on behalf of the town, seconded by Ms. Bohnson, all in favor.

NEW BUSINESS

1. Concurrence on the appointment of Cheryl Carlson to the Earth Removal Board as the Planning Board's designee effective July 23, 2015 for a term to expire on June 30, 2016

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

2. Concurrence on the appointment of Cheryl Carlson to the Community Preservation Cmte. as the Planning Board's designee effective July 23, 2015 for a term to expire on June 30, 2016

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

3. Concurrence on the appointment of Vincent Vignaly to the Open Space Implementation Cmte. as the Planning Board's designee effective July 23, 2015 for a term to expire on June 30, 2016

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

4. Concurrence on the appointment of Gary Flynn to the Open Space Implementation Cmte. as the Parks Commission's designee effective July 23, 2015 for a term to expire on June 30, 2016

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

5. Concurrence on the appointment of Christopher Olson to the Town-wide Planning Committee as the Planning Board's designee effective July 23, 2015 for a term to expire on June 30, 2016

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

6. Concurrence on the appointment of Barur Rajeshkumar to the Transportation Committee as the Planning Board's designee effective July 23, 2015 for a term to expire on June 30, 2016

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

7. Concurrence on the appointment of Barur Rajeshkumar to the Economic Development Task Force as the Planning Board's designee effective July 23, 2015 for a term to expire on June 30, 2016

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

8. Consider the appointment of Marc Frieden to the Affordable Housing Task Force effective July 23, 2015 for a term to expire on June 30, 2016

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

9. Consider approving the following election appointments as recommended by the Town Clerk: Registrar: Barbara Handy (1 yrs.), Election Warden: Neil Norum (1 yr.), Deputy Warden: Margaret Farwell (1 yr.), Election Clerk: Beverly Scott (1 yr.), Deputy Clerk: Barbara Deschenes (1 yr.) and Elections Constable: Gerald Condon (1 yr)

Motion Mr. McCormick to concur with the appointments, seconded by Ms. Bohnson, all in favor.

favor.

10. Consider accepting the following bandstand donations on behalf of the town: Free Will donations from July 5 concert - \$152.00, Sponsor donation Finders/Keepers \$250.00, Free Will donations from July 12th concert - \$158.00 and Mr. & Mrs. Vincent Vignaly & family \$200

Motion Ms. Bohnson to accept the donations, seconded by M. Rucho, all in favor.

11. Board input on Goals for the Fire Chief are welcomed

Ms. Bohnson asked when Mr. Purcell would like them submitted by and he responded, as soon as possible.

12. Update on Light Department proposal for Solar Project at former landfill

Ms. Bohnson reports that the Light Department has withdrawn their proposal. We were in negotiations with them and they have decided to go with another project which will work better for them. She thanked them for working with the town on this.

13. Consider approving process for licensing of Collection Bins in town

Mrs. Lucier explained that the application form has been updated and all companies will be required to apply for a permit for their collection bin in addition to getting a License to be a Dealer in Second Hand Articles. Mr. Hadley thinks the process is a good start and clean everything up.

Motion Ms. Bohnson to approve the process for licensing of collection bins in town, seconded by Mr. Rucho, all in favor.

14. Update on Liquor License Quotas

At a previous meeting the Board questioned the town's quotas. Section 12 licenses are pouring licenses and Section 15 licenses non-pouring licenses. Currently we are allowed 14 Section 12 full pouring license and we issue 7 and we are allowed 5 Section 12 beer and wine pouring licenses and we issue 4. With Section 15 licenses, we are allowed 2 full package store licenses and we issue 2 and we are allowed 5 beer and wine package stores and we issue 1.

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

Ms. Bohnson explained that there have been inquiries about what was going on at Wayne's Weaponry. As she reads the information, we had information from Kopelman and Paige and that was sent to Mr. Gaumond back in February of 2015 and the zoning use and range information was sent to the Board. Building Inspector Chris Lund has been working on it. The agenda contains a July 16th letter sent to Almstrom Realty Trust. There was research done by the town and, according to the letter, he has been cited and told he is in violation and has two weeks to do something about it and the letter states that if he wants to pursue a Variance for the use to follow the application process. Mr. Rucho pointed out that the Police Chief and Kopelman and Page agree we have no authority to limit this. It says the state police have jurisdiction. Mr. McCormick added that it looks like the Kopelman and Paige letter says the town has no authority to regulate the noise and the building inspector looked into the zoning and on the 16th of July he ordered him to close based on applicable codes in the Zoning Bylaws, 4.3(c)4. The letter goes on to say that a record search of the Worcester Registry of Deeds revealed no Use Variance recorded for the firearms range present on the property. Its use is not customarily incidental to the primary use of the property, therefore, with the authority granted by the Town of West

Boylston Zoning Bylaw 6.1, he is hereby ordering him, the trustee of record for the property, to stop the violation within two weeks. He has until July 30th or go to the ZBA for a Use Variance. If he violates that, we would go through another process with fines.

Mr. McCormick noted that most of the Board of Selectmen didn't know there was an issue. He hears the shooting at his house. To him, it sounds like the issue is solved. Mr. Purcell added that he did ask Mr. Lund to take the extra step of talking to town counsel to affirm this is the path he is taking with respect to the use. He doesn't think it is the last we will hear of this as he has the right to appeal to the ZBA for a Variance. He could seek a temporary injunction through the courts while this is being processed. Ms. Bohannon asked if we had any response to Mr. Lund from Mr. Almstrom. Mr. Purcell advised that Mr. Lund made a call to Mr. Almstrom to let him know he was issuing the order. Mr. Rucho stated that it seems like it is solved.

Tom O'Brien, 3 Rivington Drive voiced his frustration of the issue and had people done their job when the ZBA gave their ruling in 1993 that limited the special permit to just having a sales and repair of guns business this would not have been an issue. With somebody in the past, there is a problem with accountability. He tried to find out why a road was closed and no matter who he called they told him to call somebody else.

Mr. McCormick explained to Mr. O'Brien that the Board was told by town counsel and the Police Chief that they had no jurisdiction over this and now it is solved because it is not in compliance with the Zoning Bylaw. Mr. O'Brien asked why it was not used for 22 years. Mr. Hadley advised that this has never come before the Board of Selectmen. Mr. O'Brien stated that a lot of the neighbors have been under the assumption that when rules are made they are followed. It is a residential zone and a residential bylaw that is being violated. Mr. Rucho stated that none of us can fix what happened in 1993. We can say that he has 8 days to close. Mr. McCormick noted that he has been on the Board for 14 years and no one has ever said a word about Wayne's Weaponry. He had no idea that in 1993 there were any rules on this. He doesn't know what the Board's enforcement would be, whether it be fines or take him to court. It is never a quick process and we will pursue now that we understand there is a problem. Mr. O'Brien asked is that the way bylaws are. Mr. McCormick explained that we had a motel in town and we withdrew their license four years ago and it took us four years in court and legal costs to close it. He is not familiar with all the rules on how this will be enforced. Mr. O'Brien asked if the people involved would be invited to a subsequent meeting and have the building inspector present. There has been a ten years endurance with something that should not have happened from the beginning. Mr. Purcell added that we are here right now and we will take responsibility. Mr. Hadley added that all we can do is move forward. Mr. Rucho noted that he has been given two weeks and he can pursue a Variance through a meeting with the ZBA. It would be a public hearing and all residents within 300-feet would be notified. He has been on the Board for ten years and this is the first time he ever heard this was an issue. No one has ever said it was a problem. The building inspector sent out a letter and he doesn't think there is anything more we can do tonight. Mr. O'Brien stated that none of us were here in 1993. He is frustrated with the issue he is trying to get it. Loree Burns asked what they should do if they hear a shot, who do they call? She was told to call the Town Administrator and the Building Inspector, Chris Lund, the enforcement officer for the town. Mr. Purcell encouraged people to sign the sign in sheet to be notified of future meetings. Mr. Rucho requested this as an agenda item for the next week so we will know what is going on. We will ask the Police Chief and the Building Inspector for a status. Everyone not in the 300-foot area will be notified by email.

Andy Cowan, 27 Rivington Drive thanked the Board for dealing with this after notified of the zoning issue. Mr. Rucho thanked the building inspector for dealing with this.

George Bilotta, 173 Malden Street stated that this has become a very emotional issue for many

residents. He has been here 15 years, the first ten you would hear it and in the last five years the intensity and loudness has increased. He called the Police Chief, Town Clerk and Building Inspector. In February they were talking about federal law and it doesn't fall under that because there is no License and there was a great deal of ignorance when we started to dig in 1993. There was a Variance that was not known in February when the material went to the town attorney. What has happened is it seems they were constantly stonewalled and thought they were following the process. For every person here there are at least three times more, afraid of retribution, They had a meeting and decided they needed an attorney. Mike Angelini was hired. They resented that they had to pay an attorney for this. Mr. Rucho asked, why didn't you come to the Board of Selectmen. Mr. Bilotta stated that he was told to work through the Building Inspector and Police Chief. They tried to negotiate with Wayne's Weaponry and after the letter came out they said they should send a courtesy letter to the Board of Selectmen. That is what has happen. He will put out an email to the membership. Mr. Rucho stated do not be surprised if this gentleman reads the letter and hires an attorney. On August 5th we will have an update. Mr. McCormick asked in the future, if you are dealing with any town officials and you are not getting anywhere, you always come to the Board of Selectmen and we will try to solve the problem. Ms. Bohnson wants people to understand she was invited to come to the meeting. When Mr. Gaumond was here we had a meeting and thought things were answered as we were going by the Kopelman and Paige information. It has been put on our agenda and we will support it. Mr. Purcell commented that their resourcefulness caused people to look at this from a different angle.

Mr. Rucho wishes the Board could have done something and they didn't have to hire an attorney. Mr. Hadley thanked everyone for coming and the Board will have an update on August 5th.

16. Consider stipend for Municipal Assistant Nancy Lucier

Mr. McCormick and Mr. Rucho worked on this.

Motion Mr. McCormick to give Mrs. Lucier a stipend of \$1,000 a week when she worked without having an interim Town Administrator and \$500 a week until a permanent Town Administrator is hired, seconded by Mr. Rucho, all in favor.

On the request for the sewer abatement, Mr. Rucho has come up with the average sewer bill and recommends the Board vote to abate the bill by \$97.00

Motion Mr. Rucho to grant an abatement in the amount of \$97.00 for 57 Goodale Street, seconded by Mr. McCormick, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. Announce that Jon Meindersma has resigned from the Zoning Board of Appeals and the vacancy for a full member will be posted until the August 5 meeting of the Board of Selectmen

2. July 29, 2015 FISP Meeting, 7:00 p.m.

FUTURE AGENDA ITEMS

Mr. Rucho requested an update on the issue with the DPW. He asked if any boards who deal with the DPW have been told who to contact. Mr. Purcell explained that people can call the office and phone calls will be handled by the working foreman or administrative assistant. Emails are being handled by the current employees. He will have a more complete report at the August 5th meeting. Mr. Purcell noted that emails initially were being routed to him and now they are going to the administrative assistant and the working foreman. Mr. Rucho commented that it is because the current DPW Director has resigned. Mr. Purcell replied, correct.

Ms. Bohnson would like an update from the Town Administrator Search Committee Mr. Rucho met with the committee last evening and they will start interviewing on August 1 and hope to have something to the Board by the end of August. Ms. Bohnson is fine with the update.

With no further business to come before the Board, motion Mr. McCormick at 9:05 p.m. to adjourn, seconded by Ms. Bohnson all in favor.

The Board reconvened at 9:05 p.m.

Mr. McCormick reports that he was presented with an American Flag from Linda and Amy Shusta, cousins of Aaron Goodale, to be flown at Goodale Park in honor of Aaron. The Board thanked the Shusta family for their gift.

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

Respectfully submitted,

Approved: August 5, 2015

Nancy E. Lucier, Municipal Assistant

John W. Hadley, Chairman

Kevin M. McCormick, Vice Chairman

Siobhan M. Bohnson, Clerk

Christopher A. Rucho, Selectman