

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

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

Read and acceptance of Minutes from Previous Meeting:

Motion Mr. McCormick to approve the regular session meeting minutes of November 4, 2015, seconded by Ms. Bohnson, all in favor.

Motion Mr. McCormick to approve the regular session meeting minutes of October 7, 2015, seconded by Ms. Bohnson, all in favor

Bonnie Yasick, Treasurer Collector – Sign Bans for Town Hall

Bonnie Yasick joined the Board.

Motion Mr. McCormick to sign the Bans, seconded by Ms. Bohnson. Mr. Crowley asked about the ban number and whether the principal was the same. Ms. Yasick advised that the new Ban is \$1,765.250, the original borrowing for town hall was \$2 million. The Ban is short term at a .6% rate. Vote on the motion – all in favor. Ms. Yasick noted that we are not bonding yet because it is a very small amount, and we will combine this with the police station project. The town is able to roll a Ban over five times and this is our second renewal.

NEW BUSINESS

1. Concurrence on the appointment of Eric Mensing to the Insurance Advisory Committee as the designee of the DPW Union, effective November 20, 2015 for a term to expire on April 30, 2016

Motion Mr. Rucho to concur with the appointment, second by Mr. Crowley, all in favor.

2. Consider accepting the following Celebration Committee donations on behalf of the town: Project New Hope (Kyle Little Bench) \$282.00 and Debbie R. Cooper (Morazzini Bench & Sponsor) \$400.00

Motion Mr. Rucho to accept the donations, second by Mr. Crowley, all in favor.

Michael J. Kittredge, Interim Director of Public Works

1. Update on Marsh Hawk Way

Mr. Kittredge looked at the condition and the road and found a bunch of cracks. His recommendation is to crack seal and shim the road next spring. A couple of years down the road, he recommends we overlay it. By crack sealing, it will keep more water from coming into it. Mr. Rucho asked if there are roads in town in worse condition and asked if Mr. Kittredge if he will have a list of other streets he would like to chip seal. Mr. Kittredge intends to bring some roads forward in the spring and go out to bid next year.

2. Snow Plow Drivers

Mr. Kittredge requests the Board's approval to hire Steven Mulcahy and Bill Mulcahy as seasonal snow plow drivers to drive town vehicles at \$17.28 an hour and a CDL rate of \$18.48 effective December 1, 2015

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

Public Hearing in Accordance with Article XXIII -- Public Hearings and Notice: to Consider Amendments to Policy #K-6, Health Insurance Portability & Accountability Act Policy and the Adoption of a Procedure Manual for the Town of West Boylston - Board will consider voting to approve the updates to the policy and to adopt a HIPPA Manual

Mr. Hadley opened the public hearing and read the following notice. Public notice is hereby given, in conformity with the requirements of the General Bylaws of the Town of West Boylston, Article XXIII - Public Hearing and Notice, that the Board of Selectmen will meet on Wednesday, November 18, 2015 at 7:10 p.m. for the purpose of considering amendments to the Town's Health Insurance

Portability & Accountability Act Policy and the adoption of a Procedure Manual for the Town of West Boylston. The meeting will be held in the Selectmen's Meeting Room of Town Hall, 140 Worcester Street, West Boylston. For additional information, or to review the proposed information, please contact the Office of the Board of Selectmen/Town Administrator at 774.261.4012. All interested persons, groups, and agencies are invited to attend. John W. Hadley, Chairman advertised on November 4, 11, 2015.

Vin DiBenedetto of NFP, our health insurance consultant, joined the Board. He explained that because the town is both a FSA and we have been a participant in the retiree drug subsidy, we are covered by HIPPA. One of the things we need to do is protect against the HIPPA audits. They are now scheduled to bring these to fruition in the last part of the first quarter of 2106. In the audit they ask about security rules. They created a policy manual, fairly easy to read and it creates a wall that stops anybody from coming in and saying the town was not taking care of their protected health information. They have done risk assessment. When we get notice of the audit they will do desk audits and send in all the documentation. The town has designated a HIPPA officer and everything that has to do with HIPPA is run through that person. They do not see any large amounts of information that might be useful to somebody sitting in Albania trying to figure how to buy a Porsha.

Mr. DiBenedetto explained that the updates to the manual and the policy were done by town counsel, Kopelman and Paige. He is a specialist in compliance. The whole purpose is to build a wall and as long as we train the people we will be protected. We will never be able to stop people from not following the rules. Ms. Bohnson asked about the strike outs on the policy done by Kopelman and Paige as they did not include a reason. Mr. DiBenedetto noted that if you look at page 22 they replace the word employee with individual. If you look under Section 2 they cut from 30 days to ten days of receipt of request for access. He has no problem with the changes and the basics are still there. It is the town's protocol from somebody trying to sell information. During the audit the Town Administrator is the person responsible and the HIPPA officer makes sure we keep up with the training, which is scheduled every three years. It is a protection for the town and the enforcement is the state Attorney General. There is no one present to speak on this item.

Motion Mr. McCormick to close the public hearing, seconded by Mr. Rucho, all in favor.

Motion Mr. McCormick to accept the amendments to Policy #K-6 and the updates to the HIPPA Manual, seconded by Ms. Bohnson, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. Citizen input on Board goals for next year is welcome. Please send to jpurcell@westboylston-ma.gov

SELECTMEN REPORTS

Mr. McCormick states that last night we had a successful vote for a new police station and he appreciates everybody coming out to vote.

Ms. Bohnson reports that negotiations with the teachers have started and she has been attending those meetings.

Mr. Crowley reports that the town will be getting \$54,000, a 29.7% match to our CPA tax.

Mr. Hadley thanked everyone for coming out to vote for the new police station. As The Chairman of the Board of Selectmen and FISP we will do our best to get the building built as quickly as possible.

FUTURE AGENDA ITEMS

Mr. McCormick would like to limit the number of meetings the Board holds during the month of December.

Mr. Crowley congratulated the football team for making it to the Super Bowl. Girl's soccer made districts this year and most of the sports teams had a very good year.

Mr. Rucho wants to make sure that the recent emails on Wayne's Weaponry get forwarded to the Building Inspector and the Police Chief.

INTERIM TOWN ADMINISTRATOR'S REPORT

There is no report for this evening.

Motion Mr. Rucho at 7:30 for the Board to recess until the speakers for the next agenda item are available, seconded by Ms. Bohnson, all in favor.

The Board reconvened at 7:40 p.m.

David Eckhardt – Update on ESCO Project & Maintenance Request For Proposals

David Eckhardt, PE, 109 Hillside Village Drive, joined the Board. He advised that he has a chemical engineering degree from RPI, a business degree from Babson, is a member of the Conservation Commission, Earth Removal Board, Capital Investment Board and Finance Committee. He would like to discuss two ESCO related issues that need to be addressed further with policy direction from the Board of Selectmen

Our current contract with ABM has certain guarantees. The town is responsible to document a maintenance program to insure the equipment is properly maintained and functioning. He spoke with Mr. Purcell about possibly using an on-call engineer to develop bid documents so we could bid maintenance work for all town buildings and prepare a RFP. The second issue is we have an \$80,000 bid from ABM that could be the best we will get, but we feel competition would be a good thing. The bid will suggest a FY17 period with the option of starting on the first day of any month. We have revolving funds that could pay for the bid documents and FY16 maintenance work. He asked the Board to set policy and concur with the approach. They will provide updates as information comes to them and a recommendation when we have bids in hand. He is prepared to answer questions and report back.

Mr. McCormick clarified that the maintenance would be to maintain the new equipment they installed to insure we maintain it and it does not break down. Mr. Eckhardt added that we may use ABM or another person, as long as the maintenance is documented. Mr. McCormick asked who would oversee all of that. Mr. Eckhardt states it would be a policy decision by the Board. His job is to produce price alternatives. Mr. Rucho thought Mr. Eckhardt's job on the project had concluded. Mr. Eckhardt explained that his job was during Phase I of the project. When Mr. Gaumond left, he and Mr. Purcell worked together to identify the missing pieces and bring them to the Board. This work must be done to insure the guaranty. Mr. Rucho asked if Mr. Eckhardt is getting paid. Mr. Eckhardt explained that he volunteers and expects to give the town 100 hours of his time every year. He will help us through the two steps. Mr. Rucho feels we need to go out to bid and we discussed having a facility

manager. Mr. Eckhardt states that should the Board hire that position he will hand this body of work off to them.

Mr. Crowley does not believe we will get the savings guaranties because of the price of oil. He asked if we are in jeopardy because we have not had the maintenance piece in place. Mr. Eckhardt explained that it is annual maintenance, checking bearings, replacing files and he would be concerned if we get past May and do not have anything in place. Mr. Hadley thought the project came with a one year warranty. Mr. Eckhardt explained that it did and at the last town meeting we set up a revolving fund with \$50,000 to \$60,000, the proceeds from the gas company rebates, which could be used to pay for maintenance and provide engineering oversight. He added that the town administrator is the chief procurement officer and our vision is we will quote it for a full fiscal year, fund it through the FY17 budget, and ask for a monthly fee between now and June 30th.

Mr. Purcell does not feel unsafe under the present circumstances. We had considered placing an article on the October town meeting. ABM did submit a maintenance proposal very early, and we found our existing maintenance agreements were significantly less expensive than ABM's with similar scope. He would like to test the market on maintenance prices, and the Board's approval to proceed and come back. We will be putting together an RFP to have maintenance on all the equipment put in.

Mr. McCormick noted that the Board did discuss the hiring of a facility manager and planned to speak to the school about hiring a person to oversee the maintenance contract and vendor. Mr. Crowley's only concern is ABM coming in and saying we didn't do something so they won't give us the guaranteed savings. Mr. Eckhardt states that we have a user's manual on everything. He will get comments from ABM before finalizing the documents. Mr. Rucho would like something from ABM stating that we are still covered within a time frame. Mr. Eckhardt will dot the I's and cross the T's.

Mr. Rucho asked after we spend the money for the engineer to write the RFP, will we be using the revolving fund again. Mr. Eckhardt states that his understanding is the revolving account is to pay for engineering verification and maintenance through June 30, 2016. We will have bids to show us what the cost per year will be. Mr. Crowley added that the revolving account was set up for the \$50,000 gas company rebates. Mr. Rucho asked how the \$80,000 for the maintenance will be paid. Mr. Purcell advised that it will be included in the FY17 operational budget.

Motion Mr. McCormick to issue a RFP for maintenance and it will be brought back to the Board, seconded by Ms. Bohnson, all in favor.

Mr. Eckhardt explained part 2. Phase 1 of the ESCO project was to do things that could be paid from out of savings. We had a \$3 million dollar project that did a lot of good things and the school department can't say enough good things about things that were done. ABM has now given us a proposal of \$625,000 to do control work in the class rooms. Prior to this all the control systems were pneumatic. The problem with this technology is the tubing gets tired and fails, and then you have to dig through the walls to get to it. They are working on the scope for a Phase 2 ESCO Project in concert with Roger Pontbriand, Superintendent Schaper, and James Pedone from the School Committee who will join the team. The next step will be to determine if this will qualify for an ESCO Project and does ABM qualify, or do we need to requalify. Those questions will be answered by town counsel. We will also work on identifying additional savings. The current HVAC project has verified that this seems to be the right scope of work. They would like to bring this forward for a possible project at the May town meeting. This is work that appears to be badly needed and the right day to start the project is the Monday after school gets out. It would be in the best interest of the school and the town to do it next year. Mr. McCormick noted that the new town hall was never included. Mr. Eckhardt states that whoever the chosen contract is, they could add this building on. There was a general impression that this had modern facilities. The new police station, the engineer should write the provision into the bid

documents with specification. Mr. McCormick would like to include town hall, Mr. Eckhardt suggested taking a look at it. Mr. Crowley questioned whether the new controls will see enough savings. Mr. Eckhardt reports that AMB opines that if there are above minimum savings that it could be done as an ESCO. The town would have to contribute to the project. ABM likes to do 15-year financing. Mr. Crowley pointed out that if we are going to go forward with this at town meeting, it would be easier to get it under an ESCO project so we do not have to go for funding. Mr. Eckhardt commented that this is why we are asking Town Counsel for an opinion. He will get additional information, and make a presentation soon enough to get this on the town meeting warrant. We need to know the cost benefit and the legal opinion so we can make a decision on what is the best. Mr. Purcell has sent this to town counsel for advice. Mr. Rucho noted that if we are going to hire a facility person maybe he should tell us if this is the way to go. Mr. Eckhardt replies, the control systems are old, worn out and need to be replaced. Mr. Rucho thought all the controls were done. It was agreed to take this up at a future meeting. The Board thanked Mr. Eckhardt.

Planning Board – Discussion Regarding Sign Bylaw Amendment

Marc Frieden, Planning Board Chairman joined the Board. He explained that there was some confusion as to why the amendment to the sign bylaw did not get on the town meeting warrant. The Planning Board received comments from the Building Inspector who proposed additional changes he thought were needed. All the changes are still not finalized and that is the reason they were not ready for town meeting. The Planning Board met with the Board of Selectmen and suggested ten seconds for electronic signs to change. After the meeting the Board of Selectmen voted to eliminate the language on timing. The Planning Board recommended ten second as we could always reduce from that number. If we presented a lower number, we couldn't go up. Mr. Purcell added that on town meeting floor any zoning proposed can be amended to be less restrictive, you cannot amend it so that it is more restrictive. They were going to remain with ten seconds to make sure they could reduce it on town meeting floor.

Mr. McCormick explained that this was his idea. He was upset that the request was not on the warrant. The Board was unaware of other changes being proposed by the Building Inspector and the Planning Board never notified the Board of Selectmen that it wouldn't be included because you had other things you wanted to change. Mr. McCormick voiced his concern that it was sent to the Planning Board for a public hearing and they didn't have one. Mr. Frieden noted that the Planning Board was waiting until they had all the changes to hold the public hearing. Planning Board member Vincent Vignaly noted that the Planning Board presented to the Board of Selectmen a bylaw change to allow electronic signs to change every ten seconds. They left with the understanding that it would be every ten seconds. Then the Board of Selectmen said they would like it to be zero. The Planning Board looked into it and didn't know if they could increase it at town meeting and would it be more or less restrictive. That is what they were discussing. The time frame didn't allow the Planning Board to have a public hearing before town meeting. He added that they are going to hold a public hearing on the ten seconds because it could be amended on town meeting floor. They will see what happens at the public hearing.

Ms. Bohnson asked if the public hearing date has been set. Mr. Frieden advised that it has to be within six months before the town meeting date. Ms. Bohnson added that if you didn't have time before for the public hearing was it just the timing? To her it seems like the Planning Board avoided it and she asked if they will definitely have enough time to hold a hearing and get it on the warrant for May. After the public hearing, would you be open to changing it to zero. She would like it to go to town meeting with zero. Mr. Frieden would like to present it at ten at the public hearing if they get a

lot of push back, it could go to zero and if they feel like it would not get voted , they will go with what they think will get passed. Mr. Vignaly added that there are also other things they are working on. He cautioned at starting at zero as we would not be able to make changes and then the whole thing gets thrown out. If everyone comes to the public hearing and they are fine with zero seconds, that is what they will probably go with. The public notice will be we want to change the timing for electronic signs. The Planning Board will not make its decision until they have the public hearing.

Mr. Purcell states that, Chapter 40, Section 5 provides that any number of parties have standing to initiate a proposed zoning bylaw change. Section 5 speaks to the public hearing, The Planning Board has 65 days from receipt of the request to have a public hearing. The Planning Board is obligated to make a report on any proposed zoning changes and they have 21 days from the conclusion of the public hearing to make that recommendation. The public hearing has to be held more than 21 days before town meeting. Mr. McCormick notes that the Planning Board had 86 days to do all of that. Mr. Purcell added that the Planning Board is obligated to recommend yes or no. Mr. Purcell recommends the Board vote this at the beginning of February. Mr. Crowley asked if the Board of Selectmen asks for zero, no time limit, that is what the public hearing has to be held on? Mr. Purcell advises yes,. Mr. Crowley asked when the public hearing happens people could say we want ten seconds and the Planning Board can come forward and make any recommendation they want. Mr. Purcell thinks going in with ten gives flexibility. Mr. Vignaly advised that if you look at the Planning Board minutes since September they have been trying to address this. He added that these were questions they were trying to address and they were not trying to stonewall. This is one of the changes, which would be added to the other changes to avoid three different public hearings. Mr. Rucho asked when we voted to send the request to the Planning Board, they have 65 days? Mr. Purcell explained that the Attorney General's office looks at all bylaw changes and reviews the process. They are sticklers for procedures. It was agreed to table this until the end of December for a vote. Mr. Vignaly noted that the intention was so the Planning Board could look at all proposed changes and they will send them to the Board of Selectmen for the Board to refer them back to the Planning Board.

Town Admin Search Cmte. Selection (previous committee 5 members, Psnl. Bd., Fin Com. Dept. Head, 2 residents.

The previous committee consisted of Maryjane Baer (Psnl. Board), Raymond Bricault (Fin. Com), Louise Howland (Dept. Head), residents James Ryan and Matt Colangelo. Louise Howland is unable to continue and Police Chief Dennis Minnich has offered to serve as the department head on the committee. James Ryan and Matt Colangelo are unable to continue. Resident applicants were received from David Femia, Larry Chism, Susan Spellane and Barur Rajeshkumar.

Ms. Baer joined the Board to discuss the process the previous Search Committee followed. It was a good process and they vetted the candidates. In the process they did vet the candidates and to not be able to get somebody passed was frustrating. She asked what will be different this time so we can get the town a new Town Administrator. Ms. Bohnson asked do you have anything to suggest? Ms. Baer would like specific feedback as to why the previous round was not successful. They did pass background history, they did dig deep, and looked what was appropriate and what was not. She was surprised that the Board of Selectmen didn't spend more time with the candidates they presented.

Mr. McCormick suggested having a private meeting to discuss this. Mr. Bricault added that the reality was they did review in great detail, the candidates were all qualified, and that all five members found none of the candidates viable. Mr. McCormick disagrees, he feels the Board spent enough time and read their information. He thinks some of them they spent too much time with. He added that perhaps he didn't make it clear enough when he met with the committee on what we need. He will sit

down with them again. Ms. Baer feels the town is in a very unique spot. Mr. McCormick advised that he worked with the previous two Town Administrators and they were totally different people. Ms. Bohnson likes the idea of sitting down and talking about the candidates. After that perhaps the committee should come back to the Board of Selectmen and say this is what we heard you are looking for. Then, if there are questions the Board could clarify. She also thinks that would be helpful for the Board to agree on what we are looking for. Ms. Baer explained that after they met they sat down and came up with questions. She would like to know what was not right about the other candidates. Mr. Bricault added that the feedback was not that different. Ms. Baer feels the candidates need to expect there will be a process and she doesn't want to lose anybody. She needs to find out what was not there. Mr. Bricault asked about time line expectations. Mr. Hadley suggested mid to end of January. Mr. Bricault offered to serve. He requested that once the candidates are handed to the Board he would like to know when they will be interviewed. He found out about the interviews through a candidate.

Motion Mr. Rucho to appoint Dennis Minnich as the department head designee on the Town Administrator Search Committee, seconded by Mr. McCormick, all in favor.

Candidate David Femia joined the Board. Mr. McCormick asked why do you want to do this? Mr. Femia, replied it is very important. It is getting close to fiscal year budget time, we need to have somebody in place. He was here when we interviewed the last four candidates and serves on town committees. Mr. Hadley asked what is the most important job of the Town Administrator? Mr. Femia replied, keeping the Board of Selectmen in line, taking care of the budget, making sure everything runs smoothly, the Board knows what is going on, and working closely with the Board, Mrs. Lucier and other boards and committees. Ms. Bohnson what qualities do you bring to the table? Mr. Femia, when I was in the service, I did a lot of interviewing of people and vendors. I also deal with a lot of people and customer service.

Candidate Larry Chism joined the Board. New resident, in town one and a half months, originally from Framingham, lived in Westborough for twelve years. Mr. Hadley asked if he had any experience in searches. Mr. Chism's profession is in staff and recruitment. He had the opportunity to review some of the videos from the previous interviews. In general, that is what he does and is trying to understand what the job requires and the skill set. Mr. Bohnson asked what do you think a strength of the Town Administrator should be and why would you be interested in serving. Mr. Chism replied, on a personal level, as I get older in life there is value in participating in government. His dad is a retired police officer from the Town of Framingham. He has been influenced by his time in the mid-west. One of the things that drew him to the community he lives in is how personal it is. There is a certain personality of the community. This is a way of getting involved. His wife saw the opportunity and he thinks he can offer experience.

Candidate Susan Spellane joined the Board. Mr. Hadley asked her to tell a little about herself. Ms. Spellane has been in town for 25 years, disabled and has not worked in a while. Mr. Hadley asked about her experience in this field. Ms. Spellane states, fresh, different perspective. Ms. Bohnson asked what is it about this that drew your attention. Ms. Spellane thought it would be a good stepping stone to get back into the community. She used to be a substitute teacher in the schools.

Candidate Barur Rajeshkumar joined the Board. He is a scientist and manages a research lab. He is a member of a couple of town boards and knows what we are looking for in a Town Administrator. He was following the last Town Administrator search and what he thought was the need to know the background of the candidates and whether they have a lot of baggage. He can do those things. Ms. Bohnson is concerned about the amount of boards he is on and will he have enough time. She also is concerned if he has already made up his mind as to what he thinks we should have in a town administrator she has a concern. Mr. Rajeshkumar thinks he has learned enough in this job and he

has seen the Town Administrator. He listened to the interviews and did research on all four candidates. He is on only two active boards. Ms. Bohnson asked if he had experience in interviewing. Mr. Rajeshkumar replied that he has.

Candidate Beth Giobellina came forward. She has lived in West Boylston for 32 years. She saw the opportunity in The Banner and thought it would be something she would be interested in, works in customer service, although never did any interviews. Ms. Bohnson asked what is one of your strengths working with people in the customer service area. Ms. Giobellina replies, I can talk to anybody and get anything out of you, and get to what you really are like. Ms. Bohnson asks what is one thing you think the Town Administrator should be able to do. Ms. Giobellina replies, be the eyes and ears of the town and have their finger on what is happening in the town.

Motion Ms. Bohnson to appoint Larry Chism to the Town Administrator Search Committee, seconded by Mr. Rucho, all in favor.

Motion Ms. Bohnson to appoint Beth Giobellina to the Town Administrator Search Committee, seconded by Mr. Crowley. Vote on the motion – Mr. McCormick, Ms. Bohnson and Mr. Crowley yes; Messrs. Hadley and Rucho no. Ms. Bohnson thanked everyone for coming forward.

With no further business to come before the Board, motion Mr. McCormick at 9:15 p.m. to adjourn, seconded by Mr. Crowley, all in favor.

Respectfully submitted,

Approved: December 2, 2015

Nancy E. Lucier, Municipal Assistant

John W. Hadley, Chairman

Kevin M. McCormick, Vice Chairman

Siobhan M. Bohnson, Clerk

Christopher A. Rucho, Selectman

Patrick J. Crowley, Selectman