



Town of West Boylston
140 Worcester Street, West Boylston, Massachusetts 01583

Board of Selectmen/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting April 18, 2018; 7:00 p.m.; Selectmen's Meeting Room, 140 Worcester Street

Members Present John W. Hadley, Chairman Christopher A. Rucho, Vice Chair (7:08 arrived) Barur R. Rajeshkumar, Clerk Siobhan M. Bohnson, Selectman
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Members NOT Present Patrick J. Crowley, Selectman

Invited Guests:

CONVENE MEETING – 7:00PM:

- Roll call

Mr. Crowley is unavailable this evening and Mr. Rucho is in route.

PUBLIC COMMENT – 7:05PM:

John Schlichte, 58 Central Street, joined the Board. He states the reason he is here tonight is because he previously filed an Open Meeting complaint and he is here in the event that any of the Board members have any questions they would like to ask him. The complaint involved the fact that he was invited to come in for Public Comment by the Town Administrator because there were concerns he had that he thought the Board of Selectmen members should know. He prepared comments for the evening he had a couple of questions he intended to ask. In the section on Public Comment it says you can express your concerns and ask questions. He specifically was careful not to target anybody in regards to the concerns that he has and during the conversation, as is in the minutes, he was told this is Public Comment, there are no questions and that is the basis for his concerns. There are a number of issues that he feels with his background and he has maintained his interest in public access TV, many of those are documented. He is hoping the Board of Selectmen will verify that Public Comment does allow questions and if he was indeed told no questions at that time maybe there was misinterpretation or he was overstepping his bounds.

He is aware of the many things Board of Selectmen members were not made aware of about what was not being done or not working. He knows some transition is going on and progress is being made. He was concerned that when West Boylston Public Access TV was hiring new people that they were doing so without accurate job descriptions. There were obvious flaws. The PEG Coordinator

and the Access Coordinator duties were listed verbatim word for word. The Personnel Board looked over the job descriptions in July and it was not until August that the PEG Board met. He had concerns was this something the PEG Board was recommending. It has been over one year and it has not been done. He was in favor of the Town Administrator's proposal to reorganize WBPA-TV when the proposal was made in June of 2017. The positions were outlined and one of them was the PEG Coordinator. We were told a job description would be developed subject to Personnel Board approval. You have hired 9 people in the current fiscal year and as of yet there has not been an approved job description for the PEG Coordinator or PEG Equipment Coordinator. If you are going to recruit new people you will need an accurate job description. There has been no problem in getting people based on the people before that have been approved as opposed to saying no one will want it for this money. I am not saying there are too many people because the Production Assistants are working on an as needed basis. You need more people that you can draw on based on their available schedule. If you decide later that you want to ask me questions you had an opportunity to look over the video and the minutes.

APPROVAL OF MEETING MINUTES:

March 21, 2018, regular session

Motion to Accept: Mr. Rajeshkumar

Seconded: Ms. Bohnson

Result: All in favor

March 21, 2018, executive session

Motion to Accept: Ms. Bohnson

Seconded: Mr. Rajeshkumar

Result: All in favor

April 4, 2018, regular session

Motion to Accept: Mr. Rajeshkumar

Seconded: Ms. Bohnson

Result: All in favor.

April 4, 2018, executive session

Motion to Accept: Mr. Rajeshkumar

Seconded: Ms. Bohnson

Result: All in favor.

Review and vote to approve warrants for the period covering April 5, 2018 to April 18, 2018: payable warrants for the town FY2018-41 & 42, payroll warrant FY2018 #21, school warrant FY2018-S17 and municipal light plant warrant FY18 #23

Motion to Accept: Mr. Rajeshkumar

Seconded: Ms. Bohnson

Result: All in favor

Mr. Rucho arrived at 7: 08 p.m.

Revote on the following meeting minutes

March 21, 2018, regular session

Motion to Accept: Mr. Rucho

Seconded: Mr. Rajeshkumar

Result: Messrs. Hadley, Crowley and Rajeshkumar yes; Ms. Bohnson abstains as she was not in attendance

March 21, 2018, executive session

Motion to Accept: Mr. Rajeshkumar

Seconded: Mr. Rucho

Result: Messrs. Hadley, Crowley and Rajeshkumar yes; Ms. Bohnson abstains as she was not in attendance

Consider voting alternate members of the Board to sign off on payable and payroll warrants.

Motion Mr. Rajeshkumar to designate Mr. Rucho and Ms. Bohnson as alternates for all warrants, seconded by Mr. Hadley, all in favor.

NEW BUSINESS:

1. Town Meeting Warrant Article List

Ms. Scheipers reports that there are 37 articles at this time.

Articles 1-3 are standard articles. Articles 4 and 5 are to amend the Personnel Bylaw Classification and Grade Schedule and provide for a 2% cost of living allowance. Articles 6-8 are standard. We have one bill from a previous year. That is followed by the Sewer Budget, Omnibus Budget, \$24,000 for FY19 wage adjustments, and an article for Capital. There is a new mower for Parks, a DPW garage lift, a DPW snow blower attachment and a sprinkler system for town hall. We may need to extend a sunset clause on another article. We have an article for additional wells and landfill for our DEP mandate, the Elderly Community Services program, funds for a Police Department promotion assessment testing and approval of three union contracts including police, fire and cemetery. The Parks Commission has an article for parks maintenance and we have the standard deposits into Stabilization, Capital Investment and Unemployment. There is a transfer of Cemetery funds and we need to establish a bylaw for revolving funds under the mandates. We also have our annual CPC allocations. In addition we will be adding funds to both the ZBA and Conservation Commission's revolving funds to build up those funds because our fees are lower and we need to replenish them. It will be \$6,500 for the ZBA and \$2,500 for the Conservation Commission.

Mr. Rucho questioned why we are adding money into their revolving funds as years ago we established the revolving fund for their use. Ms. Scheipers explained that the revenues are not keeping up with the expenditures for the clerk. They have changed their fee schedule and the expectation is that the fees will keep up with that. Last year we had to transfer funds to the Conservation Commission because they were running low. Mr. Rucho asked if they are having more meetings. David Femia, Chair of the ZBA explained that it is based on her doing the minutes and answering emails and telephone calls. It is all time consuming. The Board feels \$6,500 is a lot of money and suggested taking a look at what is going on. Mr. Rajeshkumar questions what will happen next year. Ms. Scheipers is hoping the fee modification will cover the expenses going forward. Ms. Bohnson asked about previous increases in funding. Mr. Femia advised that Fin Com approved a \$1,000 transfer because they previously were in a deficit so they increased their fees between \$50.00 and \$100.00 on each filing. Mr. Rajeshkumar questions why the ZBA is so much more than the Conservation Commission. Mr. Femia reports that the minutes can be up to 18 pages because when you have a public hearing everyone who speaks has to be in the minutes and if there is a court case town counsel

reads the minutes and calls those people to verify that is what they said. It is very time consuming. He added that when he first got on the board town counsel said because of the type of board they are they had to meet every month. They have now said that if we do not have a public hearing scheduled or a lot of information we need to share we can go a month without a meeting. Now they are doing that and skipping a month when they are able. They want to make sure they can build their fund up and this will be a one-time thing. The secretary comes in at night and on Saturdays and Sundays to do the work. Mr. Rucho asked Ms. Scheipers to look at this because we have always had to keep minutes. He questions if there are more public hearings. Ms. Scheipers feels the important thing is that they have already started cost cutting measures by not meeting if they do not have a public hearing. They are looking to establish templates and the question is, is it better to be pro-active and see how it goes or hold off and ask Finance Committee to consider another transfer. Mr. Rucho questioned how many hours a week the clerk works. Ms. Scheipers states as needed and Mr. Femia added six hours a week and 25 a month for the ZBA. Ms. Bohnson requested a two-year history of the number of public hearings held and minutes did they have. She would like to see the same history for the Conservation Commission as well. Meeting history review and expenditures. Mr. Femia pointed out that the big item was the 40B project and it brought in a lot of money. They have not had as many public hearings and they keep us above water. Mr. Rucho would like to know the balances in the accounts.

Mr. Rucho asked if the parks maintenance is new. Ms. Scheipers explained that last year it was \$8,000 and they also have \$24,000 in the DPW budget. The Parks Commission would like to do a better job on turf treatments and they feel this is what they need in funding to handle that.

We also have an article which will allow the Town Clerk to make non-substantive minor edits to an adopted bylaw we need town meeting approval in order to do that. The Board of Assessors is looking to change tax abatements for active duty military to allow up to 100% and increase income threshold for the state tax credit/reduce interest on deferred taxes to 5%. The last article is a request for a moratorium on recreational marijuana. The articles are not in any particular order.

2. Formal Vote on Active Employee Health Insurance Plan

Ken Lombardi of NFP joined the Board. We have been advised that all union groups have agreed to the IAC's recommendation. The last vote was from a teacher's organization, it was verbal, not written. Ms. Scheipers requested the Board consider the IAC's request on a verbal, not a written recommendation. Mr. Rajeshkumar asked if we could wait for that confirmation. The change is on the Fallon Select Plan to add a \$250 deductible for an individual plan and a \$500 deductible for a family plan and no deductible for the Fallon Direct Care plan. The IAC recommends the change and we will continue to look at this. There have been no changes since the presentation Mr. Lombardi provided to the Board a few weeks ago. Ms. Scheipers asked the Board to vote the change conditional on getting the written endorsement from the teacher's union as we need to begin our open enrollment period.

Motion Mr. Rucho to approve the changes to the active employee health insurance plan as recommended by the IAC, seconded by Ms. Bohnson, all in favor.

3. Proposed Facility Manager Program Review and Discussion

Ms. Scheipers reports that this was a goal give to the Town Administrator and she has been working with the School Superintendent, School Business Manager and Library Director on the

proposal to share a Facilities Manager who will be responsible for all of the buildings. The program goals and expectations include preserving the town's investment in its buildings, stabilize the facility management resources across the town, improve facility maintenance and planning, cost savings long-term, but not anticipated in early years, lower life-cycle costs, potential for savings through centralized purchasing and procurement, pro-active energy management and relieve department managers of the responsibility for facilities management. It would not totally eliminate the department manager's responsibility, it would still be a shared responsibility. They will work with the manager to make decisions. Mr. Rucho asked in regards to current contracts for maintenance does each department have its own contract. Ms. Scheipers replied yes. Ms. Bohnsen asked what are we thinking of as far as long-term for cost savings. If we build something else would this person be the project manager? Ms. Scheipers explained that with small projects they could be the Clerk of the Works and on large projects they could develop the specs and oversee the project. The savings would be improvement of the life of various units, HVAC and boilers and we will see upfront savings with combined procurement. Mr. Rajeshkumar asked do you think now we are not maintaining our buildings. Ms. Scheipers feels we are doing that, however, this person might make recommendations on things that need to be done. We have department heads who do the best they can but do not have the skill set. Mr. Rucho asked do you know how many towns our sizes with the number of buildings we have that have a full-time Facilities Manager. Ms. Scheipers included that information in the back of her packet.

She noted that key responsibilities include provide a maintenance plan with season and monthly items that need to be done. Develop a capital plan, analyze each building and put together a capital plan for those buildings, oversight of facilities related repairs and construction projects, oversee the Green communities grants and energy efficiency program and manage energy contracts and monitor consumption. The organization structure will be one full-time Facilities Manager and a part-time clerk. The town's side is five hours a week. This budget year it will be kept within the budget lines it currently is. The Manager will undertake an assessment and make recommendations for future years. They will have an office at the DPW.

Ms. Bohnsen asked if this person is overseeing everything why wouldn't they do their own clerical work. Ms. Scheipers explained that of the various duties the Facilities Manager will be responsible for they will be taking work order requests from the various buildings and when it comes to procurement there is a lot of paperwork that the clerk will assist with. Green Communities has a lot of report work and administration of the grant every years. Her expectation is that it is more than the Facility Manager would be able to do and it would require some degree of clerical assistance. Ms. Bohnsen would like to see this person start without that position and see what happens.

Ms. Scheipers explained the program costs which will be shared with the school is \$48,400 for the town's side and \$45,400 for the school. They will be using a DPW pick up truck. It is very important that this person be MCPPO trained and there is \$1,000 included in the budget for that. Total is \$93,800. Mr. Rucho questioned why this is not split 60/40 with the schools. Ms. Scheipers explained that the school agreed to move ahead with this as a 50/50 split they have fewer buildings, although they are larger. Mr. Rucho noted that benefits are another \$10,000 which are covered by the town. Mr. Rucho was in favor of this, but he thinks we should start off smaller and questions what this person is going to do 40 hours a week. Mr. Rajeshkumar noted that the town will have two new buildings and questions if we need a full-time person who is not going to physically do anything. He walks around and checks everything. He also feels we do not need an engineer. If we hire a handy

man he can physically do the work. Ms. Scheipers noted that the job description does say that the person is responsible for doing repairs, not so much for the school because they have a janitorial staff. Mr. Rajeshkumar thinks it is lot of money and too much. Ms. Scheipers read a letter from the school superintendent , Elizabeth Schaper, which is in the Board's packet. It reads, 'my purpose in writing to you is to offer my support for the creation of the position of shared Facilities Manager who would work with both the town and the schools to maintain and improve the conditions of our facilities. This position would benefit our schools by bringing specialized knowledge and skills to our efforts in maintenance planning, capital planning, future repairs and construction project management. We anticipate that the Facilities Manager would play a key role in our organizational structure, bringing in a high level of expertise and oversight to our facilities management approach. Our current school facilities are aging and require ongoing maintenance and improvement in order to remain viable as learning environments. A dedicated professional who can help us to make judicious use of our maintenance funds and approach would be a welcomed addition to our management team. For these reasons I wish to offer my endorsement of this position and request your support for its creation.'

Library Director Anna Shaw and Trustee Janet Bricault offered the support to the proposal. Ms. Shaw states the library is an aging building. There are a lot of maintenance projects that need to be kept up with to maintain the building. A Facilities Manager could help to prioritize and schedule these projects as currently I am forced to reply on the vendor's recommendation which may not always be the right course of action. Examples are efis repair, eifs caulking, window washing, carpeted cleaning, window caulking and fan coil repairs. She has spent a lot of her time learning about boilers and fan coil units. It would be very helpful to have a Facilities Manager who understands the building and all its moving parts who could help made recommendations based on actual needs. Just this week she had pressure on her circulating pumps. She had to make a service call to find out she had a faulty dial. A Facilities Manager would have helped her determine if this warranted an emergency call. She understands the town is now a green community and we will have access to grants and energy efficiency programs. There are many projects that could be done at the library to increase their energy efficiency and this person would be a great person to oversee those projects. Shed would also like to see town-wide contracts for HVAC and elevators that would result in cost savings instead of each department creating their own contract. It is her hope that a Facilities Manager would be able to assist in preserving the town's investment in its building.

The following letter from Kate Halpin, Chair of the Trustees and MaryEllen Cocks, Vice Chair was read. Since we are unable to attend your meeting, we have asked Anna Shaw to present this letter to you. As Library Trustees we are very interested in the position of Facilities Manager. Having served as trustees for several years, we are very aware of the library building concerns and the amount of time our director spends in this area. Often we need the expertise of someone with more knowledge and whose focus would be on the best practices in solving the problems. Our town needs to care for our town hall, police station, senior center and our excellent library so that they will last for generations to come. At the library we have a very part-time custodian who maintains the building and goes far beyond his duties. Our need is someone who could step in for the major issues. We respectfully request that you consider establishing a position that will provide oversight to major building issues. This position will cost more but we firmly believe that in the long run it will be economically sound. Thank you for all you do and listening to our concerns.

Janet Bricault, Library Trustee explained that she has been on the Board tor three years and it has been an eye opening experience seeing all that goes into keeping the building running. The

director would be freed up to do just library work. Shed deals with boiler issues, and woodpecker destroying the side of the building. You have to have levels of experience, it is a juggling act and we do not have a builders' eye to coordinate programs and projects. We do a lot with what we have and it is like trying to run a library and get things done.

Mr. Rucho appreciates the concerns. His concern is the cost. The next time we do a contract it is a 2 or 3% raise. Did we look into hiring a consultant to come in and tell us what we need. Ms. Shaw notes that it is very easy for a woodpecker to drill holes in the efis. If there are cracks the rain gets in and she spends whatever she can to fix the cracks in the building, and re-caulking the efis ever five years.

Mr. Hadley doesn't know about the hours. He asked if we could get a qualified part-time person. Ms. Scheipers discussed ways to reduce the job with the school superintendent and she felt strongly that they will use 50% of the time for this individual. It will be a seasonal and monthly fluctuation and they feel there would be enough work to keep them busy for 40 hours. If it were fewer hours they feel it would set the individual up for failure. Mr. Rajeshkumar asked at this time who does that role. Ms. Scheipers explained that currently the school's business manager does this and Superintendent Schaper feels it is very uncommon to have a business manager with this skill set. Mr. Rajeshkumar feels that when person who takes care of the schools now retires they could look for the same type of person. Ms. Scheipers reports that Beth feels it is very uncommon to have a Business Manager who has that skill set of buildings. She is concern it would be impossible to replace his skill set. Mr. Rajeshkumar agrees we have to maintain our buildings that he thinks the price tag is way too much. Ms. Bohnson asked if not asking for an engineer would the cost be less. Ms. Scheipers noted that Boylston's position is more a head custodian. The engineer degree brings it to a higher level and the draft job description recommended minimum qualifications requires the person to have a strong working knowledge in buildings and ground maintenance, construction of new facilities as well as current codes and statues regarding physical municipal facilities with knowledge of building systems and equipment including roofs, structural, electrical, plumbing, HVAC, and project estimating.

Ms. Scheipers is looking for somebody who has the knowledge and experience in working with buildings so they can do an analysis of each building, what are the issues and put together the appropriate plan and without somebody with that experience you would not find somebody who could do that level of work. Mr. Rucho asked all the other comparable towns besides Boylston would have many more buildings that we have. Mr. Scheipers noted that they have numerous schools but when you look at Concord or Swampscott they responded that they have a shared Facility Manager. The average price is \$85,000 and we are proposing \$84,000. If this person were supervising all the maintenance staff, Mr. Rucho would look at it differently. After he does all the surveys he is going to tell us in order to fix the DPW we need \$100,000. Our issue as a Board of Selectmen is we bring it to town meeting an amount to fix a building. Over the years we have brought things to town meeting and they were voted down. He thinks 40 hours a week is a lot of hours. Mr. Rajeshkumar does not think we need an engineer. Mr. Rucho asked if there had been any discussion at the school to maybe get rid of the head janitor for some savings and say the Facilities Manager will manage those guys. Ms. Scheipers advised that Business Manager Roger Pontbriand manages the custodians. This person would be responsible for working with Roger and providing oversight as needed based on his hours. They would not directly supervise the staff but work with school staff to supervise on an as needed basis. Ms. Bohnson understands the need for the town but feels we should tweak it and see what

other things we might be able to work out. Could this person take over supervision of those custodians and could we save money by combining any of those. Mr. Rajeshkumar suggested having the DPW Director take over this role. Ms. Scheipers is looking for a different skill set. Mr. Hadley is concerned we will hire him and find he doesn't have enough work to do. Ms. Scheipers added that the schools feel there are things that maybe we have not been fully compliant with procurement laws or decisions were made that resulted in project work. Mr. Rajeshkumar thinks we should start lower and then go higher as we have new buildings and see how much do they need. Ms. Scheipers thinks we would have to do a contract. Mr. Rucho suggested an at will employee. Ms. Bohnson asked if in other towns they are an employee or a contract. Ms. Scheipers advised it is a combination. Mr. Hadley asked about hiring a project manager to come in and tell us what we need to have done. Ms. Scheipers noted that they will need a Mass construction license to do small repairs on the town's side. Mr. Hadley asked if we were to hire a management company would we have to do an RFP. Ms. Scheipers advised that an RFP would take six to eight weeks. Mr. Rucho asked if there are any contracts the town has that we would not need if we hire this position. Ms. Scheipers advised that the elevator and HVAC are specialty contracts and it would not be the Facility Manager. Mr. Rucho suggested hiring a consultant to look at all the buildings and maybe we look at one contract for all the buildings.

Library Director Anna Shaw would love to have somebody maintain her building. She has a great custodian who does really good work and she doesn't see the Boylston job description any help for her. She prefers the job description the Town Administrator drafted. Mr. Rucho noted that with a Facilities Manger we will still need to fix the roof and deal with the boilers. Janet Bricault, Library Trustee likes the expertise of looking at the building. As a whole, she feels we are missing that level of expertise. Mr. Rucho would like to issue an RFP for someone to come in and consult and see what the price would come back at. Mr. Hadley feels we owe it to the town to look at that option but there might be a better way of doing it.

4. Crosswalk Stanchions on Goodale and Crescent Streets

DPW Director Butch Jackson has looked at the various styles and he has found one sturdy model at a good price. Ms. Scheipers asked the Board how many they would like. It is a vertical stand with a rubber base that stays in place on the road. Mr. Rucho advised that years ago the Parks Commission put them out and they were up for one month and then gone. The areas being considered are the Goodale Street cross walk, fields one and two over to the softball field and in front of the school. They sit on the yellow line. Mr. Rucho suggested asking the police chief for input. Ms. Bohnson suggested putting them out for games and then taking them in. We will include this on the May 2nd agenda. Mr. Rucho also feels if they are out every day it doesn't seem that important.

5. Opioid Litigation – Consider Vote to Join the Lawsuit

The Board's agenda packet includes information on the proposed litigation being brought against the manufacturers and distributors of prescription opioids. The lawsuit is based on public nuisance, false marketing and negligence. It is to recover the costs communities have spent addressing the crisis and to hold distributors responsible. According to Mark Reich of KP Law the litigation is being handled on a contingency basis. Legal fees would be deducted from any recovery. It would be 35% of the recovery and expenses would be capped at 10%. The town would be required to execute a legal services agreement in order to join. The Board would authorize the Chairman to sign and provide some degree of our effort. Ms. Scheipers checked with two chiefs to see how difficult it would be to document those costs. Chief Welsh has the cost of carrying Narcan in the ambulances

and the paramedic costs. Chief Minnich said he would not be as much involved on the police side, however, there is the potential for reviewing overtime costs related to certain call. It also sounds as though West Boylston would not have that large of a nuisance or expenses as other communities.

Mr. Rucho thinks we should join. He noted that if an ambulance goes out to a drug related call they probably will not get paid. There is also the cost of the Narcan. He feels we should also include the costs of police officers working on drug related cases. Ms. Scheipers does not know what would be allowed, and we will work with Attorney Reich on that. Mr. Rajeshkumar thinks it is a substantial amount of work for somebody to collect the data. Mr. Rucho feels the information should be in call reports and will not take a long time to pull together.

Motion Mr. Rucho to join the National Opioid Litigation and authorize the chairman to sign the agreement, seconded by Ms. Bohnson, all in favor.

6.Tivnan Drive Land Lease or Sale RFP

The RFP is identical to the previous one we issued. Ms. Scheipers asked for feedback on whether the Board is still in agreement with the same structure, minimum qualifications and evaluation criteria.

Motion Mr. Bohnson to accept the RFP and send it out, seconded by Mr. Rajeshkumar, all in favor.

7.Review of Charge of Capital Investment Board

We will table this item as this is an item Mr. Crowley requested

8.Consider signing letter to Senator Chandler who is stepping down as Senator President and request she push through a thank you donation for the town's new senior center project

Motion Ms. Bohnson to authorize the Chairman to sign the request for a senior center donation letter, seconded by Mr. Rucho, all in favor. Mr. Rucho suggested having Rep O'Day work on the House side.

9.Recognize the acceptance of the following donations for the Bandstand Committee and to approve expenditure of these funds for general purposes - \$265 from each of the following individuals/businesses: Gordon Cleary, Beverly Goodale, Susan Meola, North End Motors, Fay Brothers, O'Connor's Restaurant, A.A. Beardsley, Premier Optical, Neil Casey, Bill's Taxi, Webster First and \$293 from Leila Beardsley

Motion Mr. Rucho to recognize and accept, seconded by Ms. Bohnson, all in favor.

OLD BUSINESS:

1.Review and discuss Open Meeting Law complaint from John Schlichte

Ms. Scheipers explained that the complaint is Mr. Schlichte's concern when he came before the Board in January that during Public Comment he made statements about the concern he has with the PEG Board but he did include some questions within his statement and when he did start asking questions he felt he was told he cannot ask questions and he feels he was misheard and the Board was not following through with the policy. The Board was given the YouTube video to see what happened and tonight the expectation is the Board will discuss the complaint and determine if there was a misunderstanding on how this was handled. Mr. Rucho states he has no problem with people coming in under Public Comment and asking questions. He stopped the questions and answers because if

something brought up under public comment it is to be put on a future agenda. You can ask questions but it is not a question and answer session. Mr. Rajeshkumar pointed out that the description reads 'public to address their concerns and questions regarding town operations and programs'. Mr. Rajeshkumar asked if the Board needs to change that description. Mr. Rucho thinks it reads the way it needs to, it is an opportunity to ask questions.

Ms. Scheipers reports that when Mr. Schlichte started asking the questions Mr. Hadley and Mr. Rucho both said this is not a question and answer time, but you did allow him to put his questions into the record and the potential to bring it back at a future meeting. In her view of the meeting The Board did follow the dictates of the policy. You did allow him to continue and ask the questions. It was just not a question and answer session under Public Comment. Mr. Rajeshkumar suggested changing the wording. Ms. Scheipers is not sure that the language of the intent needs to be changed. In the future if someone starts to pose a question to the Board during Public Comment maybe the Chairman could make a statement that we are accepting your questions this evening and we will decide if and when we will bring them back at a future meeting.

Mr. Rucho feels the second sentence, 'except in urgent circumstances, any matter presented for consideration by the Board shall not be discussed in detail nor acted upon by the Board at this meeting,' explains it. Mr. Schlichte joined the Board and states he thinks the policy statement you have now for Public Comment is fine. His objection was that when he asked his first question, they were all yes or no questions, he was immediately told this is public comment there are no questions. He did proceed and presented the questions he was going to ask. He didn't focus on criticism of any individual. He felt from the very beginning the Board said there are no questions. He was not told we will discuss this later. He thinks the policy is fine and felt on this occasion the message sent to him very soon was we do not want to hear it and if you have questions we do not want to give an answer to you and that is why he filed an Open Meeting Law Complaint.

Mr. Hadley asked Mr. Schlichte with what the Board said tonight, does it clarify anything for you? Mr. Schlichte understands what the policy says. He doesn't see where he violated the policy. Mr. Rajeshkumar states you can ask the questions but the Board does not need to entertain an answer. Mr. Schlichte states there was no debate on any questions. Mr. Rucho pointed out the language under Public Comment states 'Except in urgent circumstances, any matter presented for consideration by the Board shall not be discussed in detail nor acted upon by the Board at this meeting.' So it is not a question and answer session. Mr. Rucho noted that he was the Chair when we added Public Comment. We are taking comments and if it something we need to do that day we will answer it.

Mr. Schlichte states that is not the way he understood the policy he thought anybody could come in under Public Comment and ask can tell me about this or that and the Board would have the information. Mr. Rucho added there is no way for the Board to have answers to every question that comes up. Mr. Schlichte states that his questions were yes or no. He added that he previously submitted something for public comment at a recent meeting and it was not added to a meeting he was told it was brought up at another meeting and he didn't see it. We are talking about WBPATV, they have made progress in some areas and he knows that some people do not watch that channel. He feels he should at least get a response. Thank you for your letting us know there has not been any live broadcasts of public scheduling for the last three weeks or a month. He thinks that anybody coming to a Board of Selectmen's meeting has a right to ask questions and you can give an answer or say we have to look into that and he doesn't believe that occurred.

Ms. Scheipers noted that the specific action he would like the Board to respond to, as listed in the Complaint are Item #1 acknowledgement of a violation to town policy and/or the specifics or spirit of the Open Meeting Law, item #2 review and confirmation of the specifics allowed during the Public Comment portion of Board of Selectmen meetings and Item #3, an apology.

Mr. Rucho states that he was the Chairman that night and if it was a misunderstanding he is sorry if that was an issue. With regard to item #1, Mr. Rucho does not believe this was a violation of the Open Meeting Law. Mr. Rajeshkumar asked if there is a way we could change the language under Public Comment. Mr. Rucho pointed out that you have to read the entire paragraph under the explanation of Public Comment. We are allowing you to ask the question, which will not be discussed by the Board at that meeting and if needed it will go on a future meeting. Mr. Hadley watched the video and does not believe there was a violation. Ms. Scheipers agrees with Mr. Hadley you did allow him to ask his questions. On the second item in Ms. Scheipers opinion you did not violate public comment or the Open Meeting Law you gave him the opportunity to ask questions for the record. Mr. Rucho states he is sorry and he would love to sit down with John Schlichte and get input from him on his knowledge of cable access. He did say we are now making progress on the PEG Board. We now have policies and procedures and he has no problem sitting down with him. Mr. Schlichte states he has made a number of attempts to get information and he has not gotten a response. He sent information to the PEG Board and it didn't go to the PEG Board members and he also sent a copy of the information to Dave Femia. At their meeting Dave said did we get information. They explained who it goes to, said they would look into it and I never saw that brought back up. He attended the PEG Board yesterday, sat there at the beginning of the meeting and heard okay, no secretary report because the person is not here. We are going to vote on the election of a Clerk, something on there for months, we will pass by that. There was discussion about, as there have been at a number of PEG Board meetings, approving minutes. The minutes were approved the week before that. Afterwards that there was a debate about the actual amount approved and it is all being done unanimously. He is sorry if his asking questions causes problems. Mr. Hadley apologized if Mr. Schlichte was offended and states he is welcome to attend PEG Board meetings. Mr. Schlichte states all of this discussion was after a request to talk to the Board of Selectmen in executive session and that was declined. The Board noted that there are guidelines as to what is allowed for executive session discussions.

Vote on the various points.

Item #1 Acknowledgement of a violation to town policy and/or the specifics or spirit of the Open Meeting Law

Motion Ms. Bohnson that the Board did not violate the Open Meeting Law as stated, seconded by Mr. Rucho, all in favor.

Item #2 Review and confirmation of the specifics allowed during the Public Comment portion of Board of Selectmen meetings.

Motion Ms. Bohnson that we do not change the policy as stated, seconded by Mr. Rucho, all in favor.

Item #3, an apology. Mr. Rucho states if we need to put it in writing he will sign it.

Motion Ms. Bohnson to apologize, second by Mr. Rajeshkumar, all in favor.

2.BOS Spokesperson – Consideration of assignment of authority

We will table this item until we have a full Board.

3.Next Steps for Cemetery Land Acquisition (tentative)

We will table this item until we have a full Board.

4.Request of BOS of how they would like to be notified of events not announced at BOS meetings

Ms. Scheipers explained that we started to discuss this at our last meeting. For those events that come up and we were not able to announce them at Board meetings, how does the Board wish to be notified. Some members have signed up for website notifications. As a Board are you happy with

the process you have choose. Mr. Rucho feels if it is a town event, police, fire, Board of Health, an email from the Town Administrator, best case, he would like something on the agenda. What brought this up was the Board of Health had an event at the Country Club he suggested having them on the agenda. Mr. Rucho does get the emails generated by the website. Ms. Scheipers noted that for most of the announcements if you have subscribed to the list serve via the website, you will get those. Key is to get as many announcements on the agenda.

TOWN ADMINISTRATOR'S REPORT

1.Current Snow and Ice Deficit Status

As of April 6th we had a \$175,000 deficit and that number does not include wages for the snow storm we had the other day. Ms. Scheipers feels we should have sufficient funding to cover that deficit without using Free Cash and she will continue to monitor and update.

2.ABM – Measurement and Verification for 2018

The Board would like to table this until Mr. Crowley is available.

3.Status of COA/Senior Center move to First Congregational Church

This week the Senior Center moved to the First Congregational Church. Ms. Scheipers gave credit to the director and her staff who did a great job of planning and preparing for the move. This week they cancelled their activities and will start up on Monday at their new location. The phones at the new location are not working at this time If anyone needs to get in touch with the Council on Aging they may do so through our office. The phone company was contacted well in advance to do this work, which was scheduled for Monday of this week. Due to all the heavy rains, Verizon spent their day dealing with emergency calls. We hope this will be remedied tomorrow.

4.Culvert Replacement Grant

We will move ahead with a grant to replace a culvert through the Culvert Replacement Municipal Assistance Grant Program. It is located on Prescott Street at the Waushacum Brook crossing. This was identified as part of the hazard mitigation plan. We will hear by July.

5.Other Updates

The House budget came in \$11,000 over the Governor's version. We will use the Governor's estimates.

FISP UPDATE:

1. Senior Center Ground Breaking

Groundbreaking is May 5th at 11:00 a.m., rain or shine.

2. Other Updates

The temporary construction fence was put up this week at Mixer.

3. Invoices:

CBA Invoice #5717, Sr. Ctr \$17,850 & Invoice #5718, Sr. Ctr \$18,134.78

Motion Mr. Rucho to approve, second Ms. Bohnson, all in favor.

Telegram \$38.22 (Sr. Ctr)

Motion Mr. Rajeshkumar to approve, second Mr. Rucho, all in favor.

Cardinal Construction Inv #13506, \$862.40 (senior ctr) – we will table this.

Colliers Inv #13534, \$196.18 (senior ctr)

Motion Ms. Bohnson to approve, second Mr. Rucho, all in favor.

APPOINTMENTS AND RESIGNATIONS:

1. Concurrence on the following Town Administrator reappointments: James Swalec, Board of Assessors; David Mercurio, Conservation Commission; Jody Barnard, Cultural Council; Patrick Inderwish, Parks Facilities Committee; Kevin LaClaire, Transportation Cmte.; Michael Mard, Fence Viewer; Maryann Schelein and Barbara Wyatt Economic Development Task Force; and Richard Simmarano as PEG Equipment Coordinator with a term to expire on July 30, 2018 and a \$250/month stipend

Motion Mr. Rucho to concur with the reappointments, seconded by Mr. Rajeshkumar, all in favor.

2. Consider voting to reappoint David Mercurio to the Bylaw Committee

Motion Mr. Rucho, second by Mr. Rajeshkumar, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

1. Mr. Rucho announced that the West Boylston Little League parade is scheduled for this Sunday.

2. April 25, 7:00 p.m. Special Meeting of the Board to Review & Sign Warrant for May 21, 2018 town meeting

This meeting will need to be changed as we will not have a quorum.

May 5, 11:00 a.m. Senior Center Groundbreaking Ceremony, 120 Prescott Street (rain or shine)

3. Ms. Scheipers congratulated Mark Hopewell who has been named Region II EMT of the Year. He has been an EMT for 38 years. The Board asked that a congratulatory letter be prepared for their signature.

FUTURE AGENDA ITEMS/SELECTMENS REPORTS:

Mr. Rucho would like clarification in regards to requirements for subcommittees. We need to reach out to all boards who designate members to work on a subcommittee and to report back to the full board so they know that all subcommittee meetings need to be posted and minutes need to be taken. Ms. Scheipers advised that on April 26th we will have a thank you gathering for town appointees and they will be provided a hand out at that time. It may be addressed in a future Town Administrator's report. She plans to send the information out in writing and via email.

Motion to Adjourn at 9:10 p.m.: Mr. Rucho

Seconded: Mr. Rajeshkumar

Result: All in favor

Respectfully submitted,

Approved: May 2, 2018

Nancy E. Lucier, Municipal Assistant

John W. Hadley, Chairman

Christopher A. Rucho, Vice Chairman

Barur R. Rajeshkumar, Clerk

Siobhan M. Bohnson, Selectman