

Members present: Christopher A. Rucho Patrick J. Crowley
Siobhan M. Bohnson John W. Hadley
Barur R. Rajeshkumar

Mr. Rucho convened the meeting at 7:00 p.m. He thanked all the residents who came out to vote, attending the informational meetings and town meeting. However they stood on the project he thanked them for being involved.

Public Comment:

Craig Shibley, 2 Lost Oak Road joined the Board. He stated that tonight is his third appearance before the Board to discuss CEMLEC and two fraternal organizations associated with the town's police department. His first visit was in January and his follow up was a month ago. The process has been slow and frustrating and in his opinion the Board from the outset has been dismissive and lackluster in their response to the concerns presented. The minutes from the January 6 meeting reflect that despite its sworn legal and fiduciary responsibility, the Board has demonstrated no resolve to answer the matters at hand. Comments such as it's not our place and what he is saying doesn't pass the smell test have been made. Since meeting with the Board on September 21st he has reviewed the Board's minutes of January 20th. The Board never reached out to him about any action taken and for nine months he waited until he attended the September meeting. At that meeting he was advised that his concerns were supposedly addressed at the January 20th meeting. Those minutes read Mr. Hadley reports that Chief Minnich met with Mr. Shibley and is getting Mr. Shibley the information he requested. Mr. Shibley states that the statement is not factually correct. They did meet for two hours after he requested the meeting on January 7 in an email and they did get together a few days later on January 11. The discussion touched on some serious matters including CEMLEC and the two fraternal organizations, Mass Cop Local 172 also known as the West Boylston Police Association a union nonprofit 501c5 and the West Boylston Benevolent Association Inc. a 501c4 tax exempt social welfare organization. Nothing discussed negated his concerns and the information presented. It was disconcerting to learn that the Chief wrote in an email to Administrative Assistant Nancy Lucier that he was providing him the information he asked for and he was all set. There was an email from Chairman Hadley on the 15th entitled did you meet with Craig Shibley and is he all set because Mr. Hadley wanted this on the January 20th Board agenda, the meeting he was never notified of.

Mr. Shibley learned that Mr. Crowley, a professional accountant, reached out to CEMLEC's account firm the day after his first meeting with the Board on January 7th presumably to get an understanding of this nonprofit law enforcement council and Mr. Shibley's concern that there were two FEIN numbers associated with this entity. Back on January 6th Mr. Crowley dismissed his concerns and stated that the FEIN is irrelevant despite the fact that it is a unique nine digit number assigned to a business by the IRS for identification purposes. Mr. Crowley in his professional opinion determined once again that there is nothing wrong claiming that the task force, a private nonprofit corporation was under the fiduciary purview of the Town of Charlton. The private corporation had their own fund set up in the town, administered as part of the town's budget as if it were a revolving fund. A municipality could not legally control a private corporation's money. If some arrangement was made then the taxpayer would have had to approve the set up back in 2003, however, no such paper trail exists. According to Mr. Crowley this was a paperwork issue and when CEMLEC split from Charlton they were issued a new FEIN. Mr. Shibley states that the truth is CEMLEC like other LECs in the state

operated in the dark for a decade or more. They had a 9-digit ID number assigned by the Secretary of State's Corporate Division's office, which looks identical to an FEIN. CEMLEC is a nonprofit corporation, never reported any annual statements to the Attorney General's Office Public Charities Division and the Division had no records of its existence until very recently. Financial control of the funds rests with the Corporation which in its bylaws state how the executive board controls the money. The Central Region Homeland Security Advisory Council was formed in 2004 and serves as fiduciary agent to oversee the proper use of any federal or state grants awarded to CEMLEC. Documents exist showing how the Executive Office of Public Safety and Security was awarding state funded Community Policing Grant money to the Central Mass LEC Charlton Police Department and depositing those funds, which total more than \$200,000 in the municipality's treasury as late as 2009. The so-called new FEIN took place in 2013 but not before another peculiar development. In an effort to become legal CEMLEC, with the help of Attorney Jack Collins, long time counsel for the Mass Chiefs of Police Association who also authorized the organization's Articles of Organization back in 2003 wrote a letter to the IRS in 2012 identifying their FIEN as 04-2921544. The IRS would respond saying the EIN number that you have applied on your application is not found on IRS records. Please provide the correct EIN that you obtained when your organization was formed in 2003. The IRS never probed further and assigned an EIN and its September of 2012 application was deemed to be reinstated despite the fact that CEMLEC and Attorney Collins could provide no proof of an EIN from 2003. The so-called nonprofit organization existed in the shadows for almost a decade.

There is also an issue of the Mutual Aid Agreement allegedly signed by 70 Worcester County communities and the Worcester County Sheriff's Department back in 2008. Mr. Shibley added this statement because this community did sign it, but not legally. As confirmed by the Town Administrator there is no record of a discussion or vote to join CEMLEC back in 2008. Chief Minnich and then Town Administrator Leon Gaumond signed the agreement. Legally the town has no standing to be involved with CEMLEC which raises other questions of involvement of personnel, Officer James Dugan is a SWAT Team leader and what about CEMLEC's presence in this community as of late without a legally binding agreement in place how was this SWAT unit allowed to perform any law enforcement activity here and is that action nullified. He thinks a good place to start for a legal opinion would be the Worcester District Attorney's office which gave CEMLEC the final approval of this Mutual Aid Agreement. There is also the matter of Chief Minnich falsely claiming that the Board did in fact formally approve the membership in a series of emails to him. On April 20th the Chief wrote the meeting you are referring to was approximately 8 years ago, I have no recollection of attending it as I rarely ever attend Board meetings. I can only advised you that the document was signed by the Board of Selectmen as well as the Town Administrator and myself. I don't receive meeting minutes, just the signed copy, that's all I needed and if there is any documentation on the meeting it would have to be produced by the town. I have a copy of who signed it, nothing more, I sent you a copy. If you have an issue with who signed it or how it was voted and what records were kept that's your concern, not mine. Mr. Shibley resonded that he doesn't have an issue, but has serious concerns as should the Chief being the community's Police Chief. According to CEMLEC records only a Board of Selectmen member or Town Manager could legally sign the agreement. Ms. Shibley feels that such obfuscation and deception cannot and should not be tolerated by any law enforcement personnel, let alone the chief. As for the two fraternal organizations associated with the department, Chief Minnich has refused to acknowledge the financial documents which show how both shared the same FEIN for years. Three members of the nonprofit in question still serve on the department. The West Boylston Benevolent

Association, like CEMLEC operated in the dark for years with no accountability, financially or legally. Such an organization would be ideal for money laundering. He requests the Board immediately withdraw from CEMLEC until this matter is properly vetted and he requests an independent audit of the fraternal organizations during the period in question. He commented that he can only wonder how yesterday's vote may have turned out if this Board had actively pursued his initial concerns ten months ago and all the facts had become public.

Read and acceptance of Minutes from Previous Meeting:

Motion Mr. Hadley to approve the regular session meeting minutes of September 21, 2016, seconded by Mr. Crowley, all in favor.

Motion Mr. Crowley to approve the executive session meeting minutes of September 21, 2016, seconded by Ms. Bohnson, all in favor.

Payroll & Payable Warrants for the Municipal Light Plant – Review and Vote to Approve for the Period Covering July 1 Through October 19, 2016

Motion Mr. Crowley to approve payment of the Municipal Light Plant payroll and payable warrants from July 1 through October 19, 2016, seconded by Mr. Rajeshkumar, all in favor.

Payroll & Payable Warrants for the Town, School, and Sewer Enterprise - Review and Vote to Approve for the Period Covering October 6 Through October 19, 2016

Motion Mr. Crowley to approve payment of the payroll and payable warrants for the school, town, and sewer enterprise for the period covering October 6 through October 19, 2016, seconded by Mr. Rajeshkumar, all in favor.

Beaman Memorial Library Trustees and Director Anna Shaw

Library Director Anna Shaw and Trustee Don DeMarsh joined the Board. They are requesting permission from the town to allow the library to accept food items for the food pantry in lieu of fines from Thanksgiving through December. The Trustees previously voted approval. They were inspired by author and Holocaust survivor Thea Aschkenase who shared her story of resilience and survival and the issue of hunger in the world. Every year they collect food for the food pantry from Thanksgiving to Christmas. This would be for West Boylston items only.

Motion Mr. Hadley to allow the Library to accept food donations in lieu of fines from Thanksgiving through December, seconded by Mr. Crowley, all in favor.

Ms. Shaw reports that the carpeting project is moving along and the Children's Room is finished. They will start on the first floor tomorrow and we are on schedule.

Christopher Olson, candidate for vacancy on Zoning Board of Appeals for a term to expire on April 30, 2019

Mr. Olson joined the Board. He is currently the Chairman of the Planning Board and he is interested in the full member position as the ZBA is a very important board in town and not one of the easiest ones to serve on. He feels his background with the Planning Board will be beneficial. Mr. Hadley added that Mr. Olson will be a great asset. Ms. Bohnson asked about his background. Mr. Olson explained that he is an attorney, registered member of the bar since 2008, working in patent law and currently a Director of Intellectual Property at a biotechnology company. He has lived in town

since February of 2011. Mr. Rucho asked if he felt comfortable being on both boards. Mr. Olson noted that as Chairman of the Planning Board there are some issues that come before both boards. He used 100 Century Drive as an example. He would recuse himself on the ZBA portion of that adding that more than half the time the issue is either ZBA or Planning Board. Going forward he might reevaluate the Planning Board role because of the separation of powers issue.

Motion Mr. Hadley to appoint Christopher Olson to the Zoning Board of Appeals as a full member, seconded by Mr. Crowley, all in favor.

NEW BUSINESS:

1.Request for Transient Vendor License from Christ Lutheran Church to sell Christmas Trees at 112 Crescent Street from November 18, 2016 – December 31, 2016

Motion Mr. Crowley to approve the license, seconded by Ms. Bohnson, all in favor.

2. Consider signing Chapter 90 Project Amendment Form in the amount of \$6,854.46 for the Lancaster Meadows Resurfacing Project

Ms. Scheipers reports that they found when they were doing the paving the street needed more leveling fill than initially thought. Ms. Hadley noted that the road was a mess and they did a great job.

Motion Mr. Hadley to authorize the expenditure of an additional \$6,854.46 in Chapter 90 funds for the Lancaster Meadows Resurfacing Project, seconded by Mr. Rajeshkumar, all in favor.

3.Recognize the acceptance of donations in the amount of \$1,524.34 from the public for lost or damaged books and other materials, donations for the use of printers and copiers, and donations given to support the general needs of the library and to approve the expenditure of these funds for general purposes

Motion Mr. Crowley to approve accept the donations and approve the expenditure of the funds, seconded by Mr. Hadley, all in favor.

FISP UPDATE:

1.Invoices:

Cardinal Invoice #6 - \$5,850.00

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

Reinhardt Invoice #6 - \$4,620.00

Motion Mr. Hadley to approve payment, seconded by Mr. Crowley, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

1.October 23, Fire Department Open House, 10-2

2. October 31, Halloween Trick or Treat Hours: 5-8 pm

3. Parking Ban begins November 15 through April 30th – no parking on the street from midnight to 5:00 a.m. – also no parking on the streets during daytime hours when it would hamper snow removal efforts

FUTURE AGENDA ITEMS/SELECTMENS REPORTS:

MEETING

BOARD OF SELECTMEN

OCTOBER 19, 2016

Mr. Hadley requested an update from the DPW Director on the road projects. Ms. Scheipers advised that he is scheduled to come in for the Board's next meeting

ADJOURNMENT OF MEETING:

With no further business to come before the Board, motion Mr. Rajeshkumar at 7:28 p.m. to adjourn, seconded by Mr. Crowley, all in favor.

Respectfully submitted,

Approved: November 2, 2016

Nancy E. Lucier, Municipal Assistant

Christopher A. Rucho, Chairman

Siobhan M. Bohnson, Vice Chairman

Barur R. Rajeshkumar, Clerk

Patrick J. Crowley, Selectman

John W. Hadley, Selectman