

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.

Public Comment:

David Sweetman, 23 Newton Street joined the Board to request that the Board look into the feasibility of having the library access moved from where it is. Currently in order to access the library from Newton Street people must cross the street and he has concerns over public safety. Library parking on Newton Street is restricted by seven driveways and seven utility poles and the topography is such that the driveway is high above the street and it is not uncommon for vehicles to obstruct the right of way or pedestrian way. Because of the terrain, when the snow melts it flows across the walkway into the streets and any treatment gets washed away. It is also impossible to walk on the sidewalk in the winter time and the machine they use to clean the sidewalk is inadequate. Often if you are coming up from the library you are four to five feet into the travel lane because of the snow and the speed can be a concern coming up from Central Street. There have been no accidents that he is aware of. He recommends we install parallel parking with town services and requests the Board evaluate the feasibility of improving the parking and move it onto the side of the street with the library. It will eliminate people crossing the street with strollers and they do not go to the crosswalks. It was agreed to schedule this on a future agenda.

Craig Shibley, 2 Lost Oak Road joined the Board. This is a follow up to his meeting back on January 6, 2016 to discuss two separate concerns with the town and its police department. The first is CMLEC, the Central Mass Law Enforcement Council and the second is certain fraternal organization involved with the department. He was advised by the Board that if he has something he needed to follow up with then he should let them know. No further communication has taken place, it was suggested by Mr. Crowley at the time to have town counsel look into this matter and he assumes no further investigation took place. According to the Board's minutes from April of 2008, whenever there is a change in the Policy and Procedures of the Police Department the information is forwarded to the Board of Selectmen for review. He assumes that such a review would have taken place in open session and included in the public records that would have mentioned West Boylston's decision to join CMLEC in July of 2008 as it no doubts impacts both department policy and procedure specific to participation, call out, and cost. He carefully reviewed records from 2007-2008 Board meetings and found no such discussion to join CEMLEC and authorized the Police Chief and the Town Administrator to sign off. CEMLEC policy on admission specifically states that legal authorizing signatories are either a selectman or town manager, not a town administrator and that each town is duly authorized to execute this agreement. With no discussion on record or formal vote and Leon Gaumond's signature is on file with CEMLEC. He questions how then is the town's involvement legal. To his concerns about CEMLEC, it is specific to its FEIN number and federal grant monies, public records from the IRSA and this so-called nonprofit regional law enforcement entity reveal undeniable red flags that should not and cannot be ignored.

Mr. Shibley added that Mass Cop Local 172 and the West Boylston Benevolent Association, according to 2009 financial records, the Benevolent Association accepted more than \$10,000 from its unnamed predecessor organization by way of a transfer of funds. The 2009 tax return shows how the

organization asserts how the return constitutes an initial filing and therefore all activities included in this tax returning have not previously been reported to the IRS. According to the Secretary of State's Office the Benevolent Association was formed in 1974, dissolved a decade later for an unknown legal infraction, and then revised in July of 2009. A 1998 Annual Report filed by the associations indicates its FEIN as 04-2963849, which is troubling as it shouldn't have been operating as a business since it was legally dissolved and the IRS assigned this same number to Mass COP Local 172, the union's local nonprofit. He does believe an officer, then serving as the Association's vice president, remains on the force today. A 2007 Mass Cop Local 172 IRS filing shows it was doing business as West Boylston Police Association. This is important because that is what is stated in the organization's annual reports to the Commonwealth in 2003 and 2004. Once again, the Benevolent Association was acknowledged by the same officer as the West Boylston Police Benevolent Association FEIN 04-2963849. How could it be legal to have two nonprofits with the same FEIN with one entity supposedly dissolved, being off the state's radar and the IRS's radar. The FEIN conflict happened again in 2009 the year the Benevolent Association was revived and filed papers with the Attorney General's office claiming its new FEIN was 27-2559301 and it also submitted another annual report with the Secretary of State claiming an FEIN of Mass Cop Local. In addition, this reference officer when submitting the necessary application for revival to the Secretary of State's Office of the Benevolent Association again used Mass Cop Local 172's FEIN # 04-2963849 dated July 2009. The paper trail strongly suggests that the Police Department was using one FEIN for two nonprofit entities that was suddenly, inexplicably cleaned up in 2009 when a local tax accountant took over. I am not suggesting that something illegal took place, but a certain story in the news about the Burlington Police Department as well as a story from last year about a veterans Illinois policeman who staged his suicide to attempt to cover up embezzling and laundering departmental funds. The once unimaginable is now possible. There are undeniable red flags and until disproved should warrant the immediate attention of this elected board. He hopes to hear from the Board soon to learn what if any action will be taken.

Mr. Crowley does not remember the details, however, he investigated the matter and spoke with the Town Accountant and didn't find anything untoward. He reported back at the next public meeting and it will be reflected in those minutes. It was not ignored and reported back at a public meeting. Mr. Shibley disagrees with Mr. Crowley. There are two non profits with two FEINS, it is suspect and there is no record of joining CEMLEC. Mr. Rucho asked the Town Administrator if there was any information from town counsel and gave him the minutes. Mr. Shibley spent a lot of time going through the minutes and is unable to find where the Board of Selectmen's authorized the Chief of Police and the Town Administrator to sign off on the town's involvement with CMLEC. Mr. Rucho agreed to follow up on this.

Read and acceptance of Minutes from Previous Meeting:

Motion Mr. Hadley to approve the regular session meeting minutes of September 7, 2016, seconded by Mr. Crowley, all in favor.

Motion Mr. Hadley to approve the executive session meeting minutes of September 7, 2016, seconded by Mr. Crowley, all in favor.

Senator Chandler & Representative O'Day

Senator Chandler reports that the town's Library received \$40,000 for technology upgrades. The \$5 million in the Transportation Bond Bill for the Goodale Park Project seems to have attracted a

lot of attention, however, she is worried about it. They go into the Governor's office on a regular basis and request the funds be released. She also thinks 9C cuts are coming very shortly and the mood is nothing of expansion. Rep. O'Day agrees with the Senator's take and notes that he thought we were very fortunate to get this project in the bond bill. He also thinks the town needs to continue the letter writing campaign. Senator Chandler reports that efforts are starting to begin the development of the Governor's budget, House 1. If the town has any pressing needs we need to let them know. She explained that bonding is different than a budget as a budget has to come out and bonding doesn't. The Board asked about funding for a senior center or police station. We will be going to town meeting to request additional funds for the police station project. We also have a strong need for a senior center and asked if there are any grant programs that could provide some assistance. Rep. O'Day has reached out to public safety for the police station project. There are some grants for operation He also inquired with Rep. James McGovern and the response from the federal government is they have funds for equipment, vests, vehicles. He did file legislation with regard to trying to determine a funding method such as we use with the School Building Authority. Senator Chandler suggested that it is almost time for a public safety bond bill. She thinks that the Chair of the Senate and Harold Naughton are very sensitive to this issue. She suggested sending a letter to them on the importance and also sending it to Jim Timilty, Public Safety Chair. With regard to a senior center, the Senator states that only one was funded and it was a gift to Senator Brewer who was retiring. She suggested checking with the towns of Holden and Clinton about their projects noting that almost all are paid by the town or private funds. Senator Chandler feels we have to start pushing. Mr. Crowley asked with regard to the public safety center, could we do it as a reimbursement and he asked if they had ever seen it happen before. Both had not. Senator Chandler suggested talking with the Town of Holden about their public safety facility. She also suggested checking with any foundations.

The next item is the town is running out of land for our cemetery and we need expansion space. The town previously spoke with DCR about a land swap and we will be issuing a Request for Proposals to see if any resident has land they would like to sell to the town. Rep. O'Day advised that the message has been given to DCR that the town needs space for a cemetery and they are aware of a few parcels the Cemetery Trustees have suggested. There would be some cost involved and the need to identify a piece of property we could swap with them. Rep. O'Day recommends we all come to the table. (Ms. Bohnson arrived at 7:45 p.m.) Senator Chandler pointed out that DCR owns so much of the land in the town there isn't too much to trade. She feels it would be easier after the town sends out the RFP and should there be no response, we can put all the facts on the table. If nothing is found, she will request a meeting. Ms. Scheipers noted that by issuing an RFP we have the ability to establish viable criteria. In terms of establishing the value the appraisal would have to determine what fair market value would be and we would have to include that in the RFP.

Mr. Rucho noted that we had a positive experience with Mass Highway on the sidewalk project and the proposed work on Route 140 at the Boylston/West Boylston line. Rep. O'Day has spoken with the District 3 Director to take a look at the causeway and he is going to send somebody out to look at the road. Senator Chandler reports that they just met with the Municipal Light Plant and they are very impressed with some of the things they are doing in terms of the landfill.

Mr. Rajeshkumar states that back in 2007 you mentioned reducing the 40B requirement from 10% to 5%. Senator Chandler feels there are people who would love to deal with 40B and get rid of it. It is the only way to get housing units built for people who cannot necessarily afford them. One of West Boylston's problems is DCR owns half the town so maybe 7% is all you could adequately

handle. Mr. Rajeshkumar would like anything lower than 10%. The Senator does not see that happening and reports that it is a terribly inflammatory subject in the legislature.

NEW BUSINESS:**1. Payroll Warrants – accept report and vote to approve**

Mr. Crowley explained that this is something we will have on every meeting agenda moving forward.

Motion Mr. Crowley to approve the following warrants which have been processed and signed off on from July 1, 2016 to present: five town payroll warrants, four school warrants, seven sewer warrants and 12 town payable warrants, seconded by Mr. Hadley, all in favor.

2. October 17 Semi-Annual Meeting Warrant review

Article 1 - authorization to hear the reports of officers and committees of the town – standard article.

Article 2 - Police Station Project – this is for the additional funds for the project.

Article 3 – vote to appropriate funds for community preservation fund projects as recommended by the Community Preservation Committee – there are three projects including funding for a fencing project, Affordable Housing Trust and an open space purchase.

Article 4 – vote to appropriate funds for capital improvement purchases – the Capital Investment Board held off on the request for the DPW loader until the permanent Director was on board. The Director feels strongly we should move ahead with this purchase. Chris Berglund advised that this is still pending with the CIB.

Article 5 – appropriate funds for Fire Department – this will fund the purchase of hose and storage racks in the amount of \$11,000.

Article 6 – appropriate funds for Fire Department – this will fund two sets of turnout gear for \$8,000.

Article 7 – appropriate funds for Fire Department – this will fund an IV pump in the amount of \$6,000. It was agreed to combine the three articles into one.

Article 8 – appropriate funds for Fire Chief salary – this will require \$7,000 to completely fund the new contract.

Article 9 – appropriate funds for public safety employees dispatch software training – this expense is associated with our regional dispatch initiative and the funds are needed to train the staff on the new software.

Article 10 - authorization to modify Fiscal Year 2017 appropriations and other necessary adjustments to the Fiscal Year 2017 budget – we have various budget fixes we need to make, one of which is for the Town Clerk due to the special election.

Article 11 – authorization to pay bills from a previous fiscal year – this will be a placeholder. We are not aware of any at this time.

Article 12 – authorization to transfer funds for the Cemetery Sale of Lots Account – this transfer will allow the Cemetery to purchase a lawn mower.

Article 13 – authorization to transfer funds to the Stabilization Fund – we will include this article should we be able to identify funds.

Article 14 – authorization to transfer funds to the Capital Investment Fund– we will include this article should we be able to identify funds.

Article 15 – authorization to amend the Personnel Bylaw so as to create the positions of Access Coordinator and Production Assistant for the WBPA TV – this position is currently being paid as a contractor and we feel it should be a town employee. Ms. Scheipers will be working with the Personnel Board to have them establish the grade for the positions.

Article 16 – authorization to amend the FY17 Wage and Salary Schedule – this will correct a number of salaried positions. Ms. Scheipers met with the Town Account and we do have available tax levy to fund these items. We are looking at needing \$104,000.

Article 17 – authorization to petition the Legislature to amend the Special Act to establish an appointed Town Clerk – this will allow us to change the Town Clerk’s position from elected to appointed. Mr. Rucho asked if the Town Clerk will speak to this article. Ms. Scheipers reports that she has been asked but no final decision has been made. She would put forth a written recommendation as she is in support of the change.

Article 18 – authorization to petition the Legislature for Special Legislation to amend Article VI of the General Bylaws to add the position of Alternates to the makeup of the Finance Committee – this will allow the town to have alternate members on our Finance Committee.

Article 19 – authorization to petition the Legislature to amend the Special Act to modify the hiring qualifications for the DPW Director position – this will amend the Special Act to have the engineering requirement preferred and not required.

Article 20 – Amend Bylaw qualification requirements for DPW Director – this is the second step required in order to change the engineering requirement to preferred and not required.

3.Parks Commission vs Parks Facility Committee Charge – possible modifications

Ms. Scheipers reports that many of the Board members were at a meeting between the Parks Commission and the Parks Facilities Committee when they discussed the Goodale Park Master Plan. There were concerns about the role of each of the committees. In reviewing the charge of each committee it appears they both committees are tasked with developing and implementing capital improvements. There is no clear consensus from the Parks Commission about specific changes. At this time we will step back and leave it as is based on the feedback from the Parks Commission. When we start to go out to bid we will have to have frequent communication between the two committees. Mr. Crowley pointed out that there are two members of the Parks Commission on the Parks Facilities Committee so if there is any lack of communication then it is due to lack of reporting back to the Parks Commission. He asked if the Parks Commission ever took a vote. Ms. Scheipers advised that the Commission voted in the majority to approve Version 3 of the Master Plan. Jim Pedone also had the School Committee vote and they voted in favor of Version 3. Mr. Rucho added that if the Town Administrator feels it should be brought back to the Selectmen to look at. Ms. Scheipers explained that in meeting with them there is no clear consensus from the Parks Commission at this time. She views her role to make sure communication is happening.

4.Holy Cross Community Partnership Requests

The Board tasked Ms. Scheipers with reaching out to the various department to see what they

would like from Holy Cross for annual funding to the town in lieu of taxes. The library previously had a conversation with Jamie Hoag and they would like to funding for Sunday hours at a cost of \$60,000 over five years. The Fire Chief as looking for funds that could be provided annually to put towards the replacement of the ambulance. In speaking with Jamie Hoag he offered to establish other types of relationship with Holy Cross providing assistance to the town through unpaid internships to help different departments. It is up to the Board to make the decision on what we should formally put forward. We will put forward the request during the October visit.

Ms. Bohnson questions the intern proposal as it is on going and if we are looking at dollars it is not going to benefit us monetarily. Ms. Scheipers noted that from her conversation with Jamie Hogan they would like this to be the development of a good relationship and the internship would be a natural. Mr. Crowley asked we are calling these community partnership requests, is this our payment in lieu of taxes request? Ms. Scheipers replied yes. Mr. Crowley asked if the subject of a dollar threshold had been discussed with Holy Cross. Ms. Scheipers advised that it has not. They want to know what they would like us to assist them with and know that it meets their goals as a non-profit entity. The library request meets their goal. The Board expressed their amazement that these were the only requests the department heads came up with. Mr. Crowley thinks we should ask for help with our police station and senior center project and the development of the Goodale Park Master Plan. Mr. Rucho recommends reaching out to the department heads again and he would also like to add to the list the use of their building for our needs. Ms. Scheipers advised that the have already made that offer. Mr. Rajeshkumar asked about using the building for summer programs and meetings. He also asked if the school has any needs. Mr. Hadley thought we discussed scholarships. Mr. Rucho feels that would only help one person and give them a chance to attend Holy Cross. Ms. Scheipers will go back to the department heads. Ms. Bohnson asked if this is an annual item, or would we change as to our need. Ms. Scheipers reports that Mr. Hoag would be open to either. Ms. Bohnson would like to invite him in to one of our meetings. Mr. Rucho would prefer to put the list together first. Ms. Scheipers suggested establishing a sub group to work with her and Mr. Hoag. Mr. Rucho thinks that after the 20th we should have them in on going to our meetings so the residents can know. Mr. Crowley recommends Ms. Scheipers call them to see what magnitude we are looking at. Ms. Scheipers will have that conversation.

5.Sewer Mandatory Hook-Up Status

We will pass over this item to allow us to research it a little further.

6.Recognize the acceptance of \$125.63 in free will donations from the September 4th concert for the Bandstand Committee and to approve expenditure of these funds for general purposes

Motion Mr. Hadley to recognize the acceptance, seconded by Mr. Rajeshkumar, all in favor.

TOWN ADMINISTRATOR'S REPORT:

1.WBPEG-TV Contractor vs Employee status for technicians

Ms. Scheipers will be meeting with the Personnel Board on September 26th about this issue. It is included on the town meeting warrant.

2.Fire Station Overhead Door Contract

The Fire Department received funding for this project, we have signed the contract with Overhead Doors and the project will start this fall.

3.CMRPC Services Update

Ms. Scheipers met with CMRPC and they are trying to expand the services they provide to member communities. The Board's agenda includes a listing of the services which Ms. Scheipers will share with other departments and committees to see if there is anything they would like to take advantage of. The ZBA has been dealing with a lot of 40B issues. If we could find a qualified experienced consultant with CMRPC we could provide guidance rather than going to Kopelman and Paige.

4.Health Insurance Updates

Our Health Insurance provider, Harvard Pilgrim, is offering wellness opportunities and provided the town with a \$3,500 wellness program allocation. The IAC is working with our health insurance consultants to see what types of programs our employees would find most helpful.

FISP UPDATE:

1.Informational Sessions: Oct 4- Sr. Ctr 3:00, Oct 6 – Hillside Village 2:30, Oct 8 – Christ Lutheran Church 10:00 am, Oct 11 – Beaman Library 6:30, Oct 13 – Angell Brook Village 2:00 and Oct 15 – Town Hall 10:00 am.

2.Misc Updates - this week FISP is meeting on October 28 and 29.

3.Invoices:

Reinhardt Associates #4 - \$1,320 – motion Mr. Hadley to approve the invoice, seconded by Mr. Crowley, all in favor.

Cardinal #5 - \$5,850 – motion Mr. Crowley to approve the invoice, seconded by Mr. Hadley, all in favor.

OTHER/OLD BUSINESS:**1.Report on September 21st vote by EACC on Curtis TIF**

Ms. Scheipers reports that this morning the Economic Assistance Council met and unanimously approved the TIF. There were a number of projects from the state being discussed. The next step is D&S Realty is trying to line up their engineer to do soil borings and they are working to try to maximize the buffer on the back side of the property. Property owner Steve Migridichian will reach out to us at some point to have a team meeting. Residents will have an opportunity to attend the Planning Board 2.DPW assistance to Cemetery Commission

At the last meeting the Board asked DPW Director Vernon Jackson to put some information together on the costs. Taking all costs into consideration including manpower and equipment the costs are almost identical to what the Cemetery Department is now paying. When Mr. Jackson looked at all the costs involved it would be over \$15,000. Mr. Rucho asked if we took that same scenario for everything else we do in town we would be hiring companies to do everything in town. If we back it out it would be \$12,000 in annual costs. Mr. Crowley noted that in calculating labor costs he used two men at eight hours a day. Ms. Scheipers added that it was based on a conversation with the Cemetery Superintendent and there could be opportunities for the hours being less, as they could leave the

cemetery and do other tasks. He is using worst case scenario. Mr. Crowley feels we would get enhanced services on the Saturdays and feels it is an accurate cost. He also thinks we need to look at the big picture and not just one item. We need to look at how both operate and do we have duplication of efforts. Ms. Scheipers reports that the Cemetery Commissioners are meeting with the Personnel Board on September 26th and are looking at whether there could be reconsideration of the wages for the Cemetery Superintendent position. The Personnel Board will discuss that on the 26th. Ms. Bohnson would like Mr. Jackson to reach out to the Cemetery Commission as we will need both sides to come to the table and work on this as a team. Mr. Rucho feels if we could have better service or save money it could be discussed at a future meeting.

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

1. Beaman Memorial Public Library will be closed the last two weeks of October for carpet replacement – see their website for details
2. We have been awarded a Recycling Dividends Program Grant in the amount of \$5,150

Motion Mr. Crowley at 8:47 p.m. to enter into executive session under the provisions of Massachusetts General Laws Chapter 30A, Section 21(A), Part 3 to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares, seconded by Mr. Hadley. The Chair so declared. Roll call vote: Mr. Rajeshkumar yes, Mr. Hadley yes, Mr. Rucho yes, Ms. Bohnson yes, Mr. Crowley yes. The session will be to discuss DPW negotiations and the Board will not be going back into open session.

Motion Mr. Crowley at 9:25 p.m. for the Board to come out of executive session, second by Ms. Bohnson. Roll call vote: Ms. Bohnson yes, Mr. Crowley yes, Mr. Rajeshkumar yes, Mr. Hadley yes, Mr. Rucho yes.

With no further business to come before the Board, motion Mr. Crowley at 9:25 p.m. to adjourn, seconded by Mr. Hadley, all in favor.

Respectfully submitted,

Approved: October 5, 2016

Nancy E. Lucier, Municipal Assistant

Christopher A. Rucho, Chairman

Siobhan M. Bohnson, Vice Chairman

Barur R. Rajeshkumar, Clerk

John W. Hadley, Selectman

Patrick J. Crowley, Selectman