

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

No one is present to speak under this agenda item.

APPROVAL OF MEETING MINUTES:

Motion Mr. Rajeshkumar to approve the regular session meeting minutes of April 26, 2017, seconded by Ms. Bohnson, all in favor.

Motion Mr. Hadley to approve the regular session meeting minutes of May 3, 2017, seconded by Mr. Crowley, all in favor.

Motion Mr. Crowley to approve the executive session meeting minutes of May 3, 2017, seconded by Mr. Hadley, all in favor.

Review and vote to approve warrants for the period covering May 4, 2017 through May 17, 2017: Payable Warrants for the Town FY2017 #43 and #44, Sewer Enterprise Warrant FY2017 SE-22 & SE-23 and Municipal Light Plant Warrant #22

Motion Mr. Crowley to approve the warrants as noted, seconded by Mr. Hadley, all in favor.

Presentation on Prioritization Plan - Complete Streets Program

DPW Director Vernon Jackson reports that the Transportation Committee met with CMRPC several times to develop the prioritization plan. The Transportation Committee decided that the following projects are the top ten they would like to go after. The first project includes the installation of a Hawk type crossing beacon at Franklin Street and Route 12. It is a push button flashing signal. The second project is sidewalk improvements with an ADA ramp at Franklin Street and Route 12. The third project is Route 12 from the lights to lower Goodale Street in front of the present police station. That will consist of sidewalks improvements with ADA accessibility. The fourth project is the construction of new sidewalks to fill in existing gaps starting at Goodale from Newton Street to Crescent Street. The fifth project is middle Newton Street, the construction of new sidewalks from Goodale to Prospect Street. Lower Newton is the sixth project, sidewalks across from the library from Prospect to Church Street. The seventh project is Route 12 from Beaman to Holt Street. There is no cost estimate at this time to fill in sidewalk gaps. Project eight is sidewalk improvements on Central Street between Prospect and Goodale Streets. Project nine is new sidewalks on Crescent Street from Pine Arden to the school. Project ten is new sidewalks to fill existing gaps from Franklin on Router 12 to Walmart. It will be 22 sections of sidewalks and we will see how far the money goes.

Ms. Scheipers noted that we did seek public comments during the Open Space Public Forum, we took those comments into account, and worked them into the project list. The Transportation Committee then worked with CMRPC to develop the list with the criteria of sidewalks within one mile around the town center and the school, around the causeway and to fill in areas with sidewalk gaps. There are no land takings needed. Mr. Rucho noted that project #3 notes other sources of money in the amount of \$253,000. Ms. Scheipers advised that if we don't get enough from the Complete Streets grant we would use Chapter 90. We are putting our best estimates out in terms of unit pricing,

however, she cautioned not to put too much stock in the prices because we will be concentrating on sidewalks where pavement is in good shape. Prices were based on granite curbing. These are the top ten we will apply for grant money for. We will be approved for the entire list and when we get approved we can move forward with whatever project we would like on the top ten list and in any order. Goodale Street will be paved from the tennis courts to Newton, middle Newton Street is up in the air and both sides of lower Newton will be done. Nothing will be done with upper Newton Street. We will also install crosswalks.

Mr. Crowley asked aside from the flashing crosswalk on Route 12, were there any discussions about enhancing vehicle notification at any other location. Mr. Jackson replied no. The Transportation Committee would like a vote of endorsement from the Board on the plan to be forwarded for approval by MassDOT. Ms. Scheipers anticipates we would hear back by midsummer and at that point we will have our update to our Pavement Management Plan completed and we could put the project out to bid.

Motion Mr. Crowley to move ahead with the grant application, seconded by Ms. Bohnson, all in favor.

Karyn Clark, Director, Worcester Division of Public Health - Update on Marijuana Laws

Ms. Clark joined the Board and asked if West Boylston had signed a host agreement. Ms. Scheipers advised that it has not. With regard to medical marijuana, Ms. Clark reports that there are a number of communities in the public health district that have signed host agreements for medical marijuana dispensaries. Worcester has four and Grafton and Leicester have signed agreements. About a year ago she started working with the cities' law department and the City Manager's office to craft local regulations. The state regulation is very prescriptive and local Boards of Health can create stricter regulations. Working with the Law Department they created a draft regulation, presented it to the Worcester Board of Health and on Monday they had a public hearing. It is requiring them to come before the Worcester Board of Health to get a license to be able to operate locally. They will have a Medical Marijuana Application Review Team to go through the application and security plans would be approved by the Worcester Police Department. She feels after the lengthy process of opening these facilities she wants to make sure they can go into the facility to build a relationship. Her understanding is once recreational marijuana is on line they will be able to co-locate. They would like to be able to have a relationship now to understand how these facilities work. If they get licenses from the Board of Health and have issues then they would be able to come back in front of the Board to resolve them. They will vote on that pretty soon. The first facility in Worcester will open in October and Worcester will share their information with other communities. Mr. Hadley noted that a lot of towns are doing moratorium. Ms. Clark reports that Shrewsbury is going to town meeting in the fall for a 12-month moratorium on recreational marijuana. She provided their proposed language to the Board. Mr. Hadley believes we have a bylaw which regulates where these can go.

Ms. Clark explained that medical marijuana is a pretty lengthy process and provided the Board with a list of all the registered marijuana dispensaries granted licenses by the state. For recreational marijuana all she has is the sample moratorium. We do not know what will happen on the state level. They are concerned about the edibles that look like gummy bears and no specific packaging requirements. There are some people who would say that marijuana doesn't lead to opioid addiction. She is worried about young people getting involved in it and will share information when she gets it. Mr. Hadley would like to a moratorium for a future date. Ms. Clark states it is difficult they get calls all the time where people sharing walls in apartment building, and ventilation systems are connected. Their child may have asthma. There is a movement to have housing authorities smoke free. West Boylston Housing Authority is smoke free. They see a number of landlord putting into their leases that

they do not want people smoking because it travels and when people move out they need to repaint and change blinds because of stains. Now you have people using marijuana and it is kind of the same thing. She offered to return should the Board find that helpful.

NEW BUSINESS:

1..Request from Leonard Dattis for Transient Vendor and Common Victualler Licenses, for two locations, 112 Church Street and 42 West Boylston Street

Mr. Dattis joined the Board. He is also working with the Parks Commission for a third location, which will be The Common during bandstand concerts. He will operate a hot dog cart seven days a week, 8-8 and will adjust his schedule accordingly. He has permission from The Manor to use their commercial kitchen to prepare his food. Ms. Bohnson asked if this is a startup and why he picked this location. Mr. Dattis explained that it is a startup and Savvos at The Manor offered his location. Initially he selected the Church Street location if the approval for selling at the concerts did not go through. His parking location at The Manor is on the left as you enter the parking lot. He also feels the Masonic Lodge site is noticeable as he has a cart with a bright colored umbrella. He is working with the Board of Health on getting the cart inspected.

Motion Mr. Hadley to grant the licenses, seconded by Mr. Crowley, all in favor.

2.Request from Anthony Surabian for a Common Victualler License for Froze Zone, 184 West Boylston Street Ste 17

Anthony Surabian, owner and operator of Froze Zone joined the Board. It is going to be a self-serve frozen yogurt store. You can buy a cup with a set price and they will have gelato, sorbet and Italian ice, smoothies, milk shakes, protein and energy shakes. Mr. Surabian has never worked in the industry before and it is presently not a franchise. Mr. Rajeshkumar asked if they were all set with the Planning Board. Anthony Surabian, Sr., owner of the plaza the store is located in, reports that the as-built for the entire plaza is being finalized. They have made changes since 2009 so they are including them on the final plan. The surveying has been completed and he believes he should have the final drawings in a couple of weeks. He explained that it is a matter of timing. Mr. Rajeshkumar would like a condition that they have to submit an as-built by a certain date. Mr. Hadley thinks the as-built is a separate issue. The building inspector will also have to sign off before they can open and the license is not released until the building inspector issues the certificate of occupancy. Mr. Rucho asked if they are concerned about the parking. Anthony Surabian notes that he has 12 parking spots at his store and the main lot, if needed. They will be open year round.

Motion Mr. Hadley to issue the license, seconded by Mr. Crowley, all in favor.

Vernon Jackson DPW Director

1. Chapter 90 funding status

Mr. Jackson reports that we have \$456,484.81 currently available, we will get \$290,085 in FY18 for a total of \$746,569.81. Last year we spent \$707,000. He is proposing to spend \$437,699.45 on the Newton Street drainage project and the library sidewalk project. We could also use Complete Street funding for this. Mr. Jackson would like to do road work on lower and upper Prospect Street, under the Woodland Street bridge and on Thomas Street. Mr. Rucho questioned the other funding source needed in the Complete Streets Prioritization Plan of \$253,000 and where would we get that

money. Ms. Scheipers noted that if we do the complete streets project, we previously said that CMRPC put the numbers together assuming we will be doing roadway paving as well, however, we likely will not need to do the paving in each of the areas or spend the additional funds. The state wants to know if we are go ahead and approve us for a Tier 3 grant that we would commit some money to the project, if needed. We will have to commit to that. CMRPC advised that we are not obligated to include paving with the grant money. We could only do sidewalks and it will make the grant money further.

Mr. Rajeshkumar asked if we had other streets that needed to be paved. Mr. Jackson noted that last year we did nine streets and spent \$700,000. He is not sure how far the \$290,000 will go. Mr. Rajeshkumar feels there are some bad spots on Prospect Street. Mr. Jackson agrees. Mr. Crowley asked if we approve the two projects and the bids come in high, can we still enter into the contract. Ms. Scheipers advised that we cannot sign unless we have money in hand and suggestion any motions on the two projects be presented be prioritized. Tonight we need to recognize that we do not know what our prioritized streets are. It will not be known until the pavement condition index is updated for all the streets. Tonight is to decide if we move ahead with the two Chapter 90 projects and if so, we will have \$308,000 remaining in Chapter 90. Mr. Rajeshkumar is concerned that there are many roads in town in bad condition and his preference is to fix those roads rather than spending the bulk of the money on the Newton Street project. Mr. Hadley thinks just the opposite as we have been promising this for a long time.

Motion Mr. Crowley to go ahead with the Newton Street project as the first project, seconded by Mr. Hadley. Mr. Rajeshkumar would rather fix other roads, however, if the Board wants to do this project he has no issue with it. Mr. Rucho voiced concern that the road will become a raceway. Vote on the motion - all in favor.

Motion Mr. Hadley to approve the funding for the library parking project, seconded by Mr. Crowley. This project will add parking spots on the library side of Newton Street and no parking sides will be installed on the other side of the street. Ms. Bohnson feels we are losing parking spots and shifting a problem from one side of the street to the other. Mr. Rucho states that we think there is a lot of parking on the other side the street, however, the parking cuts into resident driveways. The project also includes the installation of a sidewalk. Vote on the motion - all in favor.

4. Policy on Snow Removal on Sidewalks

Mr. Jackson spoke with the school and they cannot guaranty who will be walking one year to another, but they will be within one mile of the school. He amended the policy to include those sidewalks cleared within 24-hours, one of which is a bus stop at the Worcester line. The school will always be done right after a storm and each August the school will let him know where all the bus stops are. On page 3 of the policy, Section G list the sidewalks cleared as soon as possible and states that all other sidewalks will not be cleared by the town and any sidewalk under five feet in width cannot be cleared with town equipment. The school area is all included in the 24-hour sidewalks and the other sidewalks listed in the policy will be done as soon as we can on straight time.

Mr. Rucho asked if there was anything in the policy about businesses with sidewalks in front of them. Mr. Jackson did a survey and reports that most towns do not have a policy for businesses to clear the sidewalks in front of their business. He also found that some towns have policies but do not

enforce them. Typically cities have police for both residents and businesses. Mr. Hadley believes the businesses would want to clear their sidewalks to encourage patrons to stop into their business. It was agreed to schedule a public hearing on the changes.

In the hydrant section Mr. Jackson clarified who does what with respect to the fire and water departments. The DPW will clear out the hydrants in extreme cases, however, the town encourages residents to clear hydrants in their neighborhood. Ms. Bohnson suggested getting the fire hydrant message out for next winter.

Street light request 88 Pine Arden Drive

Ms. Scheipers reports that the initial request was made to the Municipal Light Plant and they suggested it be brought before the Board. The request was made by Michael Brunzell, 88 Pine Arden Drive. His concern was it is quite dark in the area and they have a lot of young children. He received initial feedback from the Light Plant that they could add a pole mounted light fixture if the Board of Selectmen approved it as the Board pays for street light operating costs. The Police Chief went out, spoke with Mr. Brunzell and walked the area. He found the area darker than the rest of the neighborhood and with the children and pedestrian traffic he would support the request. Ms. Scheipers does not believe one light would impact our light bill costs.

NEW BUSINESS:

1. Recognize the acceptance of the following donations for the Bandstand Committee and to approve expenditure of these funds for general purposes: \$250 from Beverly Goodale, \$250 from Committee to Elect Jim O'Day, \$250 from Oriol Health, \$250 from Premier Optical, \$250 from Webster First, \$250 from Reservoir Garage and \$250 from Clinton Savings Bank

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

2. Recognize the acceptance of \$950 in personal donations from various individuals or the community to the Council on Aging for the period covering January 2017 through March 2017 and approve expenditure of these funds from their gift account to aid in events and activities

Motion Mr. Crowley to accept and approve expenditure, seconded by Mr. Rajeshkumar, all in favor.

3. Consider voting to sign A Community Contribution Agreement by and between the Trustees of the College of the Holy Cross and the Town of West Boylston for a voluntary contribution of \$60,000 over five years to the Library and approve expenditure of the funds

Mr. Scheipers reports that the language details what the intended use of the gift funds would be, to cover expenses associated with extended the library hours on Saturdays from Labor Day through Memorial Day and for Saturdays during the summer months of June, July and August, a mission that fits perfectly with Holy Cross. If the town is not able to use the funds for the stated purposes it would release Holy Cross from the agreement.

Motion Mr. Crowley for the Board to sign the Agreement, seconded by Mr. Hadley. Mr. Bohnson asked if these funds are the only gift the town will get for five years. Ms. Bohnson explained that this is the only project Holy Cross selected for the first five years. They did say if there were some small requests they would be willing to consider them. Vote on the motion - all in favor.

4. Acknowledge receipt of Policy and Procedures No. 4.24, Public Records Request which has been received and accepted as written by the Police Union and approved by Mass. Chiefs of Police Association Counsel

With the changes in the public records laws, the policy was updated and we are in compliance with the new law.

Motion Mr. Rajeshkumar to acknowledge receipt of the policy, seconded by Mr. Hadley, all in favor.

5. Update on Sewer Rate Study

We issued a Request for Proposals to do a sewer study and set minimum criteria for the firms to meet. We received three proposals, with Tighe & Bond submitting the low bid at \$14,500.

Reference checks were done with good reports and Ms. Scheipers asked the Board to vote to move ahead to develop an agreement with Tighe & Bond to conduct a sewer rate study for the town. The sewer budget will fund the study. The RFQ asks for the work to be done this summer, however, that also depends on how quickly we get a signed contract in place.

Motion Mr. Hadley to accept the bid and move ahead with Tighe & Bond, seconded by Mr. Crowley, all in favor.

OLD BUSINESS:

I. Read Craig Shibley response letter into the record

Ms. Scheipers reports that we have met with Craig Shibley several times to hear his concerns regarding the town's approval and involvement with CMLEC, which provides support to our police department. He also had various concerns regarding the police association reports to the state. We responded to him and he came back to the April 5 meeting. The Board met in executive session and determined that the allegations made were unsubstantiated and we put a letter together for Mr. Shibley to address the allegations. The letter dated May 15th reads as follows.

Dear Mr. Shibley, on April 5, 2017, you appeared before the West Boylston Board of Selectmen to address your on-going concerns with respect to the above-captioned matters that you first brought to the Board's attention on January 6, 2016. As you have previously been advised, both verbally and in writing, the Board took the remedial steps it deemed necessary and appropriate to address your concerns in the areas that fell under its charge after you first brought these issues before the Board. While we granted you an audience on April 5, 2017, the Board will no longer entertain discussion from you with respect to the above-captioned matters, as we believe we have done everything necessary to address your concerns. While you have requested to be placed on the Board's agenda for its May 17, meeting, to continue your discussion with respect to these issues, as the Board considers this matter closed and is moving on to other affairs which require Board action; your request to be heard is denied. We have reviewed your allegations that Chief Minnich misrepresented certain matters pertaining to the CMLEC agreement. After discussion and deliberation, we find your allegations to be unsubstantiated. We have full faith in Chief Minnich and support him and the members of the West Boylston Police Department with respect to your concerns. Your requests that the Town reach out to the Worcester County District Attorney to obtain their opinion as to the legality of arrests made during CMLEC operations and to conduct an audit of the police associations are denied. The Board is not desirous of interfering in active prosecutions that the DA has independently determined to be meritorious of their time and attention. As the Board does not exercise dominion or control over the police associations, as they are private entities, the Board is not in a position to order

an audit of how they maintain their financial statements. This letter serves as the Board's final response with respect to your concerns. Thank you for your attention and anticipated cooperation. Very truly yours, the West Boylston Board of Selectmen.

Ms. Scheipers noted that in the executive session the Board asked that the letter include a statement that Mr. Shibley is free to refer his concerns to an outside agency if he does not accept the Board's position with respect to these matters as set forth above. Mr. Shibley has submitted a public records request for minutes of that executive session, they will be sent to him, and he will see that clear statement. The other issue deals with the mailing permit, which Ms. Lucier will speak to.

Ms. Lucier reports that following the allegations made by Craig Shibley, and prior to mailing out the mailer for our May town meeting, I went to the post office and asked about our use of Permit #38. At that time I spoke with Amy who told me there was no issue with the town using Permit #38. I asked her if the postmaster was in so I could confirm that with him. He was not in and I was told that he would be in after 3:00. I called the postmaster the next morning and he told me there was no issue with the town of West Boylston using Permit #38 for our town meeting mailer. When I delivered the mailing to the post office, I spoke with Brian. He also confirmed that there was no issue with the town using Permit #38 for the town meeting mailing. We provide the postage required to cover the mailing. On May 9th the postmaster stopped by my office telling me that he was here to 'confiscate' the stamp for Permit #38. He had received a complaint from a resident that the town used the permit for the mailing. At that time I reminded him of our previous conversation, which he recalled, and the fact that I spoke with three individuals at the post office. To that statement he replied, 'you were provided misinformation by the post office, 'myself included'. After he made that statement I asked the Town Administrator if she could come into my office so postmaster Dominic Delle Chiaie could repeat his statement, which he did. He told me he spoke with Boston and I needed to speak with Carlyon Rainkins who could explain everything. At 11:51 a.m. I spoke with Carlyon Rainkins of the US Postal Service in Boston. She was aware of the fact that three individuals at the post office told me that it was okay to send the town meeting mailer out as I had previously done for many years using Permit #38, one of whom was the postmaster. She tells me that the town is able to use Permit #38, however, we need to change our stamp to read as follows: PRST Marketing Mail, U.S Postage Paid, West Boylston MA, Permit 38. She displayed what the non-profit stamp looked like for permit #38 and what the new stamp for Permit 38 looks like.

Ms. Scheipers noted that several years ago the police association used the stamp mistakenly and they will not be using again. The non-profit stamp under permit #38 is used by Elder Services.

FISP UPDATE:

Mr. Rucho thanked the residents for coming out to town meeting and noted that the ballot question will be on the June 6th election ballot.

I .Approve Invoices:

Caolo & Bieniek Associates, Invoice #11, \$4,667.00 - motion Mr. Hadley to approve, seconded by Mr. Rajeshkumar, all in favor.

Amendment #3 Caolo & Bieniek Associates in the amount of \$325,400. This is for the work on the Mass DOT issue. Motion Mr. Crowley to approve, seconded by Mr. Hadley, all in favor.

Cardinal Construction, Pmt #13, \$7,350.00 - motion Mr. Hadley to approve, seconded by Mr. Crowley, all in favor.

RAC Bldrs, Pmt #5, \$302,821 - motion Mr. Hadley to approve, seconded by Mr. Crowley, all in favor.

2.General Update - Mr. Hadley reports that they will be grading the parking lot, next week they will start the siding, and we are still on budget and on target.

APPOINTMENTS AND RESIGNATIONS:

We received notification that Robert Chisholm is resigning from the Council on Aging and the Facilities Implementation and Strategic Planning Committee as the designee of the Council on Aging. Mr. Rucho thanked Mr. Chisholm for all the work he did on the senior center project, and states that we will miss him on the building committee as he designed all the presentations.

Lisa Henderson will be resigning from the Board of Health

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

The town received an FY2017 Payment in Lieu of Taxes (PILOT) in the amount of \$683,581.59, a 1.9% increase over the FY2016 PILOT from the Department of Conservation and Recreation

May 26, 10:00 a.m. invite to the Board from the 5th grade students at Major Edwards who will be hosting a Memorial Day assembly for our local Veterans in the cafeteria rsvp to Crystal at 508.835.4461 x100.

June 6th noon until 8:00 town election at Our Lady of Good Counsel Church

FUTURE AGENDA ITEMS/SELECTMENS REPORTS:

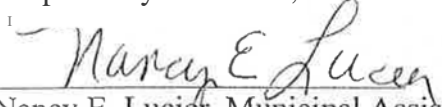
Ms. Bohnson thanked everyone for the efforts in taking care of the islands they need to take care of by the Memorial Day holiday.

Mr. Crowley reports that on Memorial Day we meet at the three cemeteries. The parade begins at Duncan Gillies parking lot and goes to Mount Vernon cemetery at 11:30. The event concludes at 12:30 and he encouraged everyone to attend. Decoration of the graves is done by the American Legion and anyone interested in assisting could get in touch with them.

Mr. Rajeshkumar thanked FISP member Phil Mallet for his presentation at town meeting. Mr. Mallet added that Tom Mullin and Jack Curran both did a super job at town meeting.

With no further business to come before the Board, motion Mr. Hadley at 8:40 p.m. to adjourn, seconded by Mr. Crowley, all in favor.

Respectfully submitted,


Nancy E. Lucier, Municipal Assistant

Approved:

Christopher A. Rucho, Chairman

Siobhan M. Bohnson, Vice Chairman

Barur R. Rajeshkumar, Clerk

Patrick J. Crowley, Selectman

John W. Hadley, Selectman