



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

Board of Selectmen/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting October 18, 2017; 6:45 p.m.;Rm 210 Town Hall

Members Present John W. Hadley, Chairman Christopher A. Rucho, Vice Chair Barur R. Rajeshkumar, Clerk Patrick J. Crowley, Selectman Siobhan M. Bohnson, Selectman

Members NOT Present

Invited Guests: Adam Menard Colleen Abrams Andrew Feland
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Welcome – Call to Order

Time: 6:45 pm

Motion Mr. Rucho at 6:45 p.m. to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30a, Section 21(A), Part 6 to consider the purchase, exchange, lease or value of real estate, seconded by Mr. Rajeshkumar. The Chairman declared that an open meeting may have a detrimental effect on the negotiating position of the public body. Roll call vote: Mr. Rajeshkumar yes, Mr. Rucho yes, Mr. Hadley yes, Mr. Crowley yes, Ms. Bohnson yes. Mr. Hadley announced that the Board would reconvene in open session.

Motion Mr. Crowley at 7:05 p.m. to come out of executive session, seconded by Ms. Bohnson. Roll call vote: Mr. Rajeshkumar yes, Mr. Crowley yes, Ms. Bohnson yes, Mr. Rucho yes, Mr. Crowley.

The Board reconvened in open session at 7:07 p.m.

PUBLIC COMMENT

No one is present for this agenda item.

APPROVAL OF MEETING MINUTES:

October 4, 2017, regular session

Motion to Accept: Mr. Crowley

Seconded: Mr. Rajeshkumar

Result: All in favor

Review and vote to approve warrants for the period covering October 5, 2017 through October 16, 2017: payable warrants for the town FY2018-15 and 16, payroll warrant FY2018 #7 and 8, sewer enterprise warrant FY2018-SE-11, school warrant FY2018 S-6, and Municipal Light Plant Warrant FY18 #9

Motion to Accept: Mr. Crowley

Seconded: Ms. Bohnson

Result: All in favor

Adam Menard, CMRPC Presentation on Hazard Mitigation Plan

Mr. Menard join the Board. He explained that having a Hazard Mitigation Plan is a federal requirement. You are required to update the plan every five years in order to be eligible for certain FEMA grants. One of the things they look at is what natural hazards pose the greatest risk to the town and how do we prevent those things from happening. They will look at flooding, high winds, hurricanes, tornados, winter storms, snow and ice, earthquakes, landslides, extreme temperatures, brush fires and drought. The goal of hazardous mitigation is to break the cycle and prevent disasters from happening. We build up infrastructure using four tools and techniques for hazard mitigation. They are structure and infrastructure projects, preparedness, coordination and response actions, education and awareness programs and local plans and regulations. Structure and infrastructure projects are often the most expensive as it may involve elevation of roadways. Preparedness and response includes the National Flood Insurance Program and evacuation planning. Education and awareness includes FEMA and MEMA brochures. Local plans and regulations include planning and zoning and they can help reduce the impact of a disaster on a property. The planning process includes CMRPC who provide technical assistance to the town for the development of the plan. They will identify critical facilities, map locally identified hazards, and get input from the town. They include dams, police and fire station, and town hall. They will map the floodplain area and other hazards such as earthquakes as we are surrounded by fault lines that could have an impact. Locally identified hazards include flooding along West Boylston Street, flooding at Meadowbrook Drive, flooding along Gates Brook, flooding/drainage problem at Routes 12/110, flooding along Route 110 from Lancaster Meadows to Sterling, flooding along Route 12 by Waushacum Brook, microbursts in the Prospect area, brushfires in the French Hill area, and brush fires in DCR land around the Reservoir.

Mr. Menard advised that there was a public survey on the CMRPC website, 26 people responded, most were concerns about snow storms and 76% of the town felt the town was well prepared for a natural disaster. The draft plan includes a list of existing mitigation measures. There are only a handful of dams in the town. We need to continue catch basin cleaning and tree maintenance. Draft plan mitigation measures include updating the Open Space and Recreation Plan, which expired, to include hazard mitigation goals. The next step is to get feedback from the town. The plan is then sent to MEMA for conditional approval and then to FEMA for conditional approval. Once that happens Mr. Menard will be back to ask the Board to approve the plan, which is good for five years. Once it is approved we need to establish a local implementation group. Mr. Menard added that there is money available for these projects. The draft plan will be available on the CMRPC website and people are welcome to make comments.

Mr. Hadley asked what this plan cost. Mr. Menard explained that this was done through a grant and is paid for with FEMA grant funds. It only costs the town some time as it is a matching

grant. Mr. Hadley pointed out that Routes 12 and 110 are state road. Mr. Menard noted that we would have to work with them. Ms. Scheipers explained that the town would be responsible for bringing these projects forward and there would be a small amount we would have to pay between the grant and the cost of the project. By putting this plan together we are meeting our mandate that we have the plan in place. FEMA and MEMA will work with cities to work on higher priority areas. Mr. Rucho clarified that the only thing the town has to do is approve the plan, anything recommended is up to the town and we would be able to get grants to pay for the engineering and design and for the project. FMEA is mandating that we have the plan. Our contribution is staff time and it is our only expense. The next step is we will encourage comments from the town and then it goes to MEMA and FEMA for review. Mr. Crowley asked Ms. Scheipers to post the plan on the town's website and send it out to the distribution list. We will ask people to review the plan and their comments will be send back to Mr. Menard.

Colleen Abrams, Wachusett Greenways

Ms. Abrams joined the Board. She states that she is here to say thank you for the birthday party and being the first locations for the Mass Central Rail Trail. She thanked both Mr. Hadley and Ms. Scheipers for attending the 20th birthday event. She noted that the maintenance of the trail is going very well, particularly in West Boylston. They have been working on cutting back dead trees. They had a wonderful partnership with the Fire Chief and the Sheriff crew who painted the box cars. They will continue with trying to fill in the missing spaces on the trail. They have close to ten more miles to do. They will continue to eventually make the connection across the Oakdale causeway and continue working with DCR and DOT to get that project done. She welcomed comments. Mr. Hadley was asked about the possibility of locating a food truck at the entrance of the trail to sell water and coffee. Ms. Abrams advised that it would be a DCR question. When they do events involving more than 25 people or more it requires DCR approval. She thinks their policy of not encouraging large events on the rail trail is in the best interest. When we signed the MOA with DCR one of the clauses was that only Wachusett Greenways was permitted to do fundraisers on the trail for the benefit of the trail. They would look at a food truck as a commercial enterprise. Mr. Hadley thought some of the proceeds could go towards the trail. Ms. Abrams suggested exploring it with all the parties as everything they do is a partnership. She added that the West Boylston section of the trail is still the most popular of the trails.

NEW BUSINESS:

1. Transient Vendor License for Lutheran Church to sell Christmas Trees Nov 18 until Christmas

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

Consider awarding surplus equipment

2. Consider approving the hiring of Brittany Blaney for the position of Access Coordinator effective October 19, 2017 at a rate of \$17.50 per hour

We will pass over this item tonight and it will be on the next agenda.

3. Consider approving plan to reduce energy use as prepared by CMRPC

Ms. Scheipers explained that this is the last piece of the 5 criteria we have to complete in order to be eligible to apply for Green Communities status. It is a list of different energy projects we would need to do in our various town buildings to achieve the 20% energy savings. The top one third of these are ESCO items already completed. The open items have smaller price tags and we will be able

to use the \$140,000 in grant funds for these projects. We plan to do the school related projects first and then we would look at town hall, the DPW, Library, and we will do the Shepard building improvements last as we might be looking to do other changes at that time. The most expensive project at the schools is \$113,000 for a led lighting upgrade and grant money can be used for that. All the projects will be funded by the Green Community grants and annually we will apply for grants to finish up the rest of the projects. The list was compiled by a recognized auditing firm and the plan components and project savings were developed by them. Mr. Rucho questioned some of the savings associated with the project. Ms. Scheipers noted that we are not bound to this we can rearrange the projects we are doing. We need to submit an energy reduction plan and this costs us nothing.

Motion Mr. Crowley to adopt the Energy Reduction Plan as drafted, seconded by Ms. Bohnson, all in favor.

Andrew Feland, ZBA Assoc Member Applicant

Mr. Feland joined the Board. He moved into town in 1999 and wants to get involved. He used to be on the Economic Development Task Force. He is also interested in the Cable TV Advisory Committee. Mr. Feland's application was sent to the Chairman of the ZBA.

Motion Mr. Rucho to appoint Mr. Feland to the ZBA as an associate member, seconded by Mr. Crowley. Ms. Bohnson asked why he selected this committee. Mr. Feland states that he has always been interested in the zoning rules and bylaws of the town. Ms. Bohnson asked why he is now getting involved. Mr. Feland explained that he has been volunteering at the library, has a flexible schedule and thought he would get involved. Vote on the motion – all in favor.

NEW BUSINESS (cont.)

4.Consider amending Celebrations Committee membership

Ms. Scheipers explained that she has received some interest in revamping the scarecrow celebration and the group interested was looking to see if they could partner with an existing committee as some of the requirements are that you partner with a non-profit. Rather than establishing a new committee it would tie in with the Celebrations Committee which focuses on Memorial Day. The charge does allow for other celebrations and they only focus on Memorial Day. If we could expand the group it would allow new members to take on other celebrations in town. She added that the Celebrations Committee works on the Memorial Day parade and they coordinate with the It's a Celebrations Committee for fireworks. Mr. Rajeshkumar noted that the It's a Celebration Committee uses town electric poles and make revenue on it. Ms. Scheipers states that they use the MLP poles with an agreement and they are owned by the MLP not the town. Mr. Crowley pointed out that the It's a Celebration Committee is a 501C3 not associated with the town and the Celebrations Committee is an existing town committee. Ms. Bohnson asked if Ms. Scheipers had spoken with the Celebrations Committee. Ms. Scheipers indicated that she has not as she wanted to know if the Board of Selectmen would be willing to look at this to see what else they might like to do. Ms. Bohnson added that the It's a Celebration group is a private group. Mr. Crowley believes the Celebrations Committee has a revolving fund.

Mr. Rajeshkumar states that the group wanted to do another scarecrow celebration and he questions whether the new Recreation Director would be willing to get involved. Mr. Rucho pointed out that the only thing the Recreation Director did was the Easter egg hunt. Mr. Rajeshkumar explained that reason for suggestion the Recreation Director is he is aware we need to bring in more

revenue to fund the position. In looking at the mission of the Celebration Committee Mr. Rucho doesn't believe the verbiage 'and other celebrations approved by the Board of Selectmen' needs to be in there. If it is a town group they would be covered under the town's insurance. Mr. Hadley thinks we should get other members of the Celebrations Committee in to meet with the Board. Mr. Crowley added that all the funds that come in for the Celebrations Committee go towards Memorial Day. It was agreed to check to see what the Celebrations Committee has for funds.

5. Vote to concur with the M. Cox dog hearing decision

Motion Mr. Crowley to approve the decision, seconded by Mr. Rucho. Discussion ensued with Ms. Scheipers explaining that we have a dog who lives on Helen Drive and it has been involved in two attacks. It has a history of other attacks over the past 5 years. On September 22, 2017 a resident in town, Sarah Nunnemacher, who is here tonight, was walking her dog and she and her dog were attacked by the dog and the resident was bitten. She had to undergo a series of rabies vaccines. As a result of her formal complaint on October 11 Ms. Scheipers held a dog hearing. Ms. Nunnemacher was present as well as the father of the dog owner, and the sister and brother in law of the dog owner attended because the dog owner can no longer physically care for the dog. The sister and brother in law of the dog owner have now taken over responsibility of the dog. At the end of each dog hearing Ms. Scheipers puts together a list of recommendations. It became obvious during the hearing that this is a dog that has dangerous behavior and as such the law dictates what we can do. We can make very clear orders over the confinement of the dog if it remains in the town. In an extreme case we can issue an order for euthanization of the dog.

The order Ms. Scheipers put together order was a draft, however, on the evening of October 16th the dog escaped from the house and attacked a neighbor from the same neighborhood. She consulted with town counsel and the regional animal control officer to see what was the appropriate order. Based on that feedback what the Board has before them tonight is a much stronger order. It requires muzzling of the dog and additional insurance being placed on the home so should this happen again the individuals impacted would be paid for any damage to them or their property. It includes that by October 20th the dog must be licensed and vaccinated. Ms. Scheipers was told by the older Mr. Cox that that the dog has been vaccinated. She does not have proof from the Town Clerk that the license has been issued. Beginning immediately, when walked outdoors the dog would need to be controlled by a basket muzzle and on a short 3-foot leash controlled by an adult. When outside and not controlled by leash and basket muzzle, the dog must be confined in securely enclosed and locked pen or dog run area. The pen shall be no smaller than 12 feet by 12 feet, and shall have a solid or fenced top attached securely to the sides to prevent the dog from jumping out. It has to have a solid floor or a fenced floor. The floor must be covered with mulch or other soft material to protect the dog's paws. Each exterior gate leading into the pen or run must have a containment area of at least 4 feet wide by 4 feet long, and 4 feet tall with a self-closing gate that opens in and closes out to prevent the dog from pushing the gate out to escape. All gates to the pen would need to be secured with padlocks. Said fenced pen or run shall be installed on or before November 18, 2017.

On or before October 25, 2017, all exterior doors of the home must be retrofitted to have self-closing hinges. One of the problems was the dog had learned how to unlock the door. Each door shall have a simply chain lock system installed to secure the door. On or before November 18, 2017, each exterior door shall be fitted with a fenced containment area. Immediately, and until such time that the exterior door(s) are retrofitted with self-closing hinges and containment areas, and the pen or run are completed, the dog shall be required to wear the basket muzzle at all times, even while inside the

home. The owner or keeper of the dog shall be required to show proof of current insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss or injury to persons, domestic animals or property; or shall provide proof that reasonable effort was made to obtain such insurance if a policy has not been issued. The dog shall be placed into an ongoing training program with a trainer that has experience in dealing with dogs with behavioral issues. Proof of enrollment in such training shall be submitted to the Town Administrator by November 1, 2017. No future incident of the dog escaping the house on its own, or of attacking or biting an individual or another animal may occur. Any violation of these conditions may be grounds for this decision being amended or repealed, and a new hearing to be held, which may include the recommendation will be that the dog shall be euthanized. It attacked the second person it did not bite the second person.

Ms. Scheipers met with the dog owner this morning and she went over these items with him. Mr. Crowley voiced concern about what will happen if the dog gets out tomorrow and we have another dog hearing. Ms. Scheipers explained that once this is approved tonight if the dog is found to be outside of the home the police can immediately step in, seize the dog, and confine him to a kennel. If the dog has attacked somebody and is back in the home, we can go to Worcester court and get permission to remove the dog from the home and put it into confinement. The Animal Control Officer will monitor this. He would need to go to the house to make sure that the necessary confinement restraints are met.

Mr. Rajeshkumar asked if the dog attacks another person is the town liable. Ms. Scheipers advised that the town would not be liable the dog owner is liable. We are doing our due diligence, following state law, and making appropriate recommendations. According to town counsel and the regional animal control officer the second incident could not be considered a violation of the order as the order had not yet been issued. This will go out tomorrow and will be hand delivered by a police officer. If they do not get the work done by October 25th they will be in violation and it will cause us to bring them back and have a hearing. The dog is already being muzzled. The owner has the ability to say this is something we cannot achieve and they could surrender the down to somebody else. Vote on the motion – all in favor.

6. Approve stipend for Assistant Town Clerk

Ms. Scheipers explained that she had been in discussion with the Chairman and they recommend additional compensation to the Town Clerk who has been working since July 18th on her own. There has been past precedent provided to provide additional compensation. Ms. Scheipers reviewed it in terms of what she would have been paid if she was Town Clerk and the difference of what she was paid and with the number of hours. She came up with \$1,750 for the period covering July 18 through October 30. Ms. Scheipers also noted that within the job description for the Assistant Town Clerk it requires her to act as the Town Clerk when the Town Clerk is not there. Mr. Crowley asked if we would have a budget issue. Ms. Scheipers replied no. She will know better where we are by November 15th, and she has spoken with the Assistant Town Clerk about this and she is fine with it. She also understands that Ms. Scheipers may request additional compensation. Vote on the motion – all in favor.

7. Town Clerk hiring update

Ms. Scheipers provided an update on the hiring process. In accordance with the Personnel Bylaws, she advertised in house for the position of Town Clerk and has now issued an outside application process. We had one in-house candidate, the Assistant Town Clerk, and we determined that we should go out and seek outside applicants. The position will remain open until filled. She

hopes to have a recommendation for the November 15th meeting. Discussion ensued with Mr. Hadley stating that he thinks it is a mistake not hiring the Assistant Town Clerk, who he thinks deserves it. Ms. Scheipers hopes that when she returns from vacation she will have applications to review. She will consider a short list of applications along with the Assistant Town Clerk, who is aware that we are advertising for outside candidates. Larry Chism, Chairman of the Personnel Board, joined the discussion. He is working with the Town Administrator on the candidate selection and noted that typically in most organizations it is standard operating procedure to have a number of choices. You should make sure all necessary steps have been taken by the town to make sure that other people interested could apply. This is a way to cover that bias might be brought up and is not a reflection on the Assistant Town Clerk's qualifications. You want to make sure you get the best person for the job and you take all the steps to make sure that happens. Ms. Scheipers explained that she spoke with Mr. Chism and they decided to go outside to seek other applications. Ms. Bohnson commented on the dedication of the Assistant Town Clerk and her willingness to fill in many times during the absence of the Town Clerk and being a town resident should be weighted in and should make her a strong candidate. Mr. Rucho noted that we hired the Town Administrator to run the town. It is for her to do and the only option is to let her finish her process. Ms. Scheipers takes very seriously that when we changed the position from elected to appointed we believed we needed to have a fair process and find the best qualified person for the position.

FISP UPDATE:

1. Approval of Invoices:

Caolo & Bieniek, Invoice #5618 Police Station \$4,667.00 - motion Mr. Rucho seconded Mr. Crowley, all in favor.

Cardinal Construction, Invoice # 3 Senior Center \$4,351.00 – motion Mr. Crowley, seconded Mr. Rajeshkumar, all in favor. Invoice #18 Police Station \$7,479.81 - motion Mr. Crowley, seconded Mr. Rajeshkumar

RAC Builders Invoice, Invoice #10 \$189,562 - motion Mr. Rucho, seconded by Ms. Bohnson all in favor.

2. General Update on Senior Center and Police Station

Mr. Hadley reports that the open house will be on October 28th from 11-1 and the public is welcome. The senior center is narrowing down the final plans and within the next week they will be done.

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

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

2. October 28th 11:00 Open House for Police Station

3. November 8th, 6:30 Special Board Meeting to sign permanent borrowing for town hall and police station. The start time for this meeting was changed to 6:50 p.m.

FUTURE AGENDA ITEMS/SELECTMENS REPORTS

Ms. Bohnson would like an update from the DPW Director on the road projects. Ms. Scheipers reports that the paving projects are being delayed until next week because we needed police details.

Mr. Crowley reminded residents who have a fire hydrant near their homes to shovel it out.

Mr. Rajeshkumar reports that a couple of residents asked if the DPW Director could close Newton Street down to commuter traffic 24-hours a day during the construction project.

Mr. Rucho spoke with the Town Administrator and he would to restructure the Municipal Calendar to add more information.

Motion to Adjourn at 8:40 p.m.: Mr. Rajeshkumar

Seconded: Mr. Crowley

Result: All in favor

Respectfully submitted,

Approved: November 1, 2017

Nancy E. Lucier, Municipal Assistant

John W. Hadley, Chairman

Christopher A., Vice Chairman

Barur R. Rajeshkumar, Clerk

Siobhan M. Bohnson, Selectman

Patrick J. Crowley, Selectman