



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

Board of Selectmen/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting January 17, 2018; 7:00 p.m.; Rm 210 Town Hall
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Members Present John W. Hadley, Chairman Christopher A. Rucho, Vice Chair Barur R. Rajeshkumar, Clerk Patrick J. Crowley, Selectman
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Members NOT Present Siobhan M. Bohnson, Selectman

Invited Guests:

Welcome – Call to Order

Time: 7:00 pm

Mr. Rucho will serve as Chairman this evening as Mr. Hadley has a sore throat and having difficulty speaking.

PUBLIC COMMENT

John Schlichte, 58 Central Street joined the Board. He states that he appreciates that the Board posted on the January 3 agenda one of the items mentioned in the Open Meeting Law complaint that he had made as having not been properly posted previously. He received a written invitation to speak briefly this evening and he intends to speak for less than ten minutes and then expects to submit the open meeting complaint to the State Attorney General, as the process requires, for the state to make a ruling on the complaint. He intends to provide some new information tonight about why he submitted the complaint and what he feels the Selectmen should know regarding considerations for WBPA-TV. He did not submit the complaint because he felt there were only a few minor issues of concern. He did submit the complaint because there seems to be long term concerns that have adversely affected WBPA-TV operations and ultimately the residents of West Boylston. While circumstances change over time and some more recent progress in terms of new programming has been seen, the Board should know more about the concerns, what may not be getting done and perhaps consider why. He thinks the Board should be aware of some historical information. After being the Chairman of the Cable TV Advisory Committee, which promoted a contract that provided the town with more than twice the amount of funds previously available, he noted several concerns and made suggestions for improvements.

When WBPA-TV was not broadcasting on Channels 191 and 194 for several weeks due to water damage concerns, he contacted the town administrator, and made suggestions for improving

the situation. At one point, in his opinion, some additional, WBPA-TV public access cameras at the high school could have been easily and, temporarily, brought the town hall, as needed, to record BOS meetings. He got a response, in writing, that concisely put, said no, the students need their cameras. He does not think that all members of the Board of Selectmen are aware that there has not always been an interest by WBPA-TV staff in sharing public information on the internet and using WBPA-TV resources to do so. When town administrator Leon Gaumond felt it was in the best interests of the town to record a report for an upcoming town meeting, based on what was being done in other towns, he put that report on YouTube, and there was a written communication that challenged his ability to do so referring to Leon Gaumond, town administrator, 'he created the YouTube page without WBPA Board permission using content that did not belong to him. If he were not leaving, we would be forced to address the issue and proceed to discuss presenting something as your own, when it does not belong to you.' It was not WBPA-TV that started the town's YouTube Channel we now use in its expanded form, it was Leon Gaumond. When a request was made to make a candidates' night recording available to more residents, instead of just those who may have seen it on Charter TV, and a DVD copy was made available at the library, he (John Schlichte) advocated for also having it placed on the Internet. After several concerns, he made more suggestions and submitted videos for the town to use such as the town fireworks sponsored by the It's A Celebration Committee. At this time he was not directly involved. Before he got involved in WBPA-TV, there were no publicly announced PEG Board meetings on the town calendar. He sought information and found that very little was available, neither the Town Clerk's office or the town's municipal assistant had records of any minutes of PEG Board meetings. He corrected these situations. Although it was not his intention to become the PEG Coordinator, he did submit an application, when there was a vacancy, in hopes that the need for changes would be recognized. His ideas were well received, and he was offered and agreed to temporarily accept the position during the 2015-2016 fiscal year during which substantial progress was made, as is documented in the 2015-2016 town WBPA-TV report. After his decision not to continue beyond that time for personal family reasons, there was a period of concern about operations with the new PEG Coordinator and what was not getting done. Public comment information indicates that questions may be asked.

Mr. Schlichte asked Mr. Rajeshkumar, as you were a member of the PEG Board during the July 2016 to June 2017 fiscal year, that being the period prior to reorganization efforts, did you recall being told it was then, a non-voting board? Mr. Rucho informed Mr. Schlichte that this is public comment and no questions can be asked. Mr. Schlichte replies, it does say questions in your agenda, but if you want to deny me the opportunity to ask questions, I will simply say Mr. Schlichte replied as a comment we were told it was a non-voting board. Mr. Schlichte asked during that entire fiscal year, did the PEG Board vote on any new expenditures? He added from my own perspective no. Mr. Schlichte asked was there request a listing of equipment and material expenditures that was made in April? From my perspective yes. Did we get that listing? I do not know, if so, good.

When he has asked about job descriptions, he has been told that the PEG Board has been working on updating job descriptions. The evidence seems to indicate the contrary. In May the Personnel Board expressed concerns about the job description situation and in August, the agenda of the PEG Board indicated discussion of job descriptions. It was again on the January 16, 2017 PEG Board agenda. The duties for the access coordinator and production assistant have long been both inaccurate, with word for word similar duties, and that has not been corrected. Later tonight the Board

will be considering a raise in pay for a position of PEG Equipment Coordinator, now consideration in stipend form. Has the Personnel Board ever approved this position?

He has the answer, which is no. He has heard a lot of talk about people not responding to the PEG Coordinator or the Chairman of the PEG Board. His concern is that the reverse may also be a concern. There are provisions to contact the PEG Board via the town website, but submissions are not going directly to PEG Board Members. When this was brought to the attention of the PEG Board he made suggestions to get this corrected. He heard that it would be discussed at a subsequent PEG Board meeting. Was it corrected, he doesn't know and doubts it.

He provided supporting information within his complaint, that there seemed to be a discrepancy regarding the draft of the balance of funds in the draft of the November 14, 2017 PEG Board meeting. The final approved minutes showed the same information, Account Balances 43,326.52. The Open Meeting Law indicates that minutes should be understandable. He realizes it may be a challenge to keep track of funds and report them in an understandable format. He thinks there should be an improvement in reporting information in minutes, particularly where the PEG Board was seen voting last night for the expenditure of an additional \$26,000, account balance \$43,000 and additional expenditures of \$26,000. Fortunately, other information seems to indicate there is at least \$76,000 available for expenditure this fiscal year, including an additional \$30,000 approved in special article, and the amount in the minutes may just be referencing funds in the areas of personnel and initial budgeted expenses. Now, perhaps the Board knows a bit more than was known previously.

Mr. Schlichte states that he indicated previously he expects to proceed to submit the Open Meeting Law complaint that has been made to the State Attorney General, as the process requires, for the state's Attorney General's office to make a ruling on the complaint. What he has talked about this evening is some of the information that he feels the Board should be aware of. He likes to be positive. He added that his complaint may make little difference, but he hopes it will make some positive difference. That is why he submitted the complaint. He wished the Board the best in making decisions in the best interests of the town and thanked them for their time and the opportunity to speak.

APPROVAL OF MEETING MINUTES:

January 3, 2018, regular session

Motion to Accept: Mr. Crowley

Seconded: Mr. Rajeshkumar

Result: All in favor

January 3, 2018, executive session

Motion to Accept: Mr. Rajeshkumar

Seconded: Mr. Crowley

Result: All in favor

Review and vote to approve warrants for the period covering January 4, 2018 to January 17, 2018: payable warrants for the town FY2018-28 & 29, payroll warrant FY2018 #14, school warrant FY2018-11, and Municipal Light Plant Warrant FY18 #16

Motion to Accept: Mr. Crowley

Seconded: Mr. Rajeshkumar

Result: All in favor

Commitment to Excellence Award Presentation by Town Administrator

Ms. Scheipers explained that every year the Town Administrator gives an award to a municipal employee or a volunteer board member who has excelled in his or her position. The criteria in the nomination form states the nominee would have increased productivity, performed appropriately beyond job responsibilities, provided cooperative and positive working relationships, demonstrated a pattern of high-quality work, has offered a creative or innovative idea to improve town operations, efficiency or saved costs to the town and provided courteous service to the public and other departments. Three individuals were nominated for the award and of those three, Ms. Scheipers made the decision to recognize Anna Shaw, the Director of the Beaman Public Library. She was nominated by Doug Horka who wrote in the nomination form I nominate Anna Shaw of the Beaman Memorial Public Library to be considered for the 2018 Commitment to Excellence Award. Ms. Shaw is a consummate professional and represents both the Library and the Town with cheer, enthusiasm and an obvious commitment to be of service. She has the respect of her peers, both at the Library and within town offices. She has pride in both the physical presentation of the library as well as for the many types of offerings for all ages and interests from her Library. Under her direction she actively collaborates with her teammates to prepare and publish the monthly newsletter as well as maintaining an up-to-date website that informs the community of the many events and activities available. In addition to shelves of reading and view material. She has made the Beaman Library become a community center for West Boylston and not just a building filled with books. It is my view that she meets and exceeds the criteria described at the beginning of this nomination form and I ask that you give strong consideration. I believe that she is not only worthy, but recognition such as this award be well-deserved.

Ms. Scheipers presented the award to Ms. Shaw and noted that traditionally individuals receiving the award are brought to the meeting under false pretense to get them to the meeting. Ms. Shaw states that she would not miss an opportunity for publicity of our library. She loves her work and continues to be impressed with their hard work of her staff. In recent years the library has been the recipient, two years ago they received a STEM grant and families came from all over the state to visit the library. They were named Best Library in Bay State Parent Magazine in 2016. They were awarded a tech grant of \$40,000 through Rep. O'Day and Senator Chandler. They were able to purchase a colored copier with some of those funds. Last year the College of the Holy Cross provided funding to expand their service hours and last fall they received a gently used phone system, which saved the town \$10,000. Last month they had a matching gift challenge and were able to raise over \$10,000 for the Library Endowment Fund. February has many programs for all age groups at the library. She thanked Ms. Scheipers for inviting her here tonight. Ms. Scheipers noted that the other two nominees were Chris Mazeika of the Police Department and Elaine Novia in the Town Clerk's office.

INTRODUCTION OF NEW POLICE OFFICER

Chief Minnich introduced Peter Gerardi to the Board. He will fill the vacancy from Jay Dugan's resignation. He has a Bachelors' Degree from Worcester State and attended the same police academy as Chief Minnich. Mr. Gerardi states that he is excited to be the next member of the West Boylston Police Department.

NEW BUSINESS:

1. Request from Planet Aid to locate a donation bin in the back left corner parking lot of 185 West Boylston Street, The Mill Restaurant

Due to the inclement weather today, Planet Aid has closed and no company vehicles are permitted to be out on the roads so no one is from the business is able to attend the meeting tonight. They have three other locations in town. It was noted that one of their boxes at one time did have an issue with people living items outside of the bin, however, it was quickly removed by Planet Aid.

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

2. Consider signing voluntary recognition letter recognizing the Teamsters Union Local 170 as the exclusive representative for employees in the Cemetery Department

Ms. Scheipers explained that we have two employees within the Cemetery Department under the Personnel Bylaw and they filed an application with the Department of Labor to allow them to be certified as a union, a separate union under the Teamsters. Mr. Rucho noted that the town met with town counsel in executive session to discuss the options available. We could have challenged this, however, by doing so it would have cost the town a lot of money for something that would eventually happen. It was recommended that we voluntarily recognize and as such post notice of a 20-day appeal process. Tonight the Board needs to revote the approval and send it into the state.

Motion Mr. Crowley to approve the voluntary recognition letter recognizing the Teamsters Union Local 170 as the exclusive representative for employees in the Cemetery Department, seconded by Mr. Rajeshkumar, all in favor.

3. Vote on Special Election Ballot Question

We will be holding a special election on February 26th with a snow date of February 28th and a special election on February 27th. This is for the additional funds to construction the senior center. It is a debt exclusion borrowing and the question has been reviewed by both bond counsel and town counsel. We do not put the dollar amount in the question.

Motion Mr. Crowley to place the following debt exclusion question on the February 27, 2018 special election ballot,

Question 1 Shall the Town of West Boylston be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct a new senior center facility, and purchase any related equipment, as well as architect and owners project management costs, including all costs incidental or related thereto? YES NO,

Seconded by Mr. Rajeshkumar, all in favor.

Mr. Crowley noted to clear up any social media comments, the amount we can borrow is only the amount approved at town meeting. If you see the ballot question and it looks like a blank check, it is not.

Mr. Rucho noted that as we have done in the past, there will be a number of informational meetings at various locations around town as well as informational postings on the town's website. Mr. Rajeshkumar asked about Orchard Knoll as one of the locations. Ms. Scheipers advised that that may be swapped out for town hall.

4. Consider approving a Reserve Fund Transfer in the amount of \$800 for Town Clerk Purchased Services

Motion Mr. Rajeshkumar to approve the transfer, seconded by Mr. Crowley, all in favor. The funds will be used to cover advertising expenses for the unexpected vacancies in the Town Clerk's office.

5. Discuss Business and Alcoholic Beverage License renewal procedures

Mr. Rucho noted that this agenda item is something he requested. Planning Board site plan review issues they have with the building inspector. He would like to include information from the Water Department and the MLP. We asked the MLP, they gave us a list and thanked us for asking. We had minutes from the 2016 renewal process and members agreed that issues needed to be fixed before the 2017 renewal. It gave people one year to fix them. Mr. Crowley has no issue with asking the MLP or Water Department. He does have an issue with the Building Inspector saying we should not have issued the license he is not comfortable with drawings submitted from somebody then the board signed off on and nothing changed.

Mr. Hadley reports that he and Ms. Scheipers have been meeting with other boards and they think they have come up with a solution. Ms. Scheipers added that the various land use board chairs have been meeting. This issues are for businesses who the Planning Board says are still not in compliance due to site plan review issues. Town Counsel made the suggested if there is any issue six years or older the slate should be whipped clean. She further stated that anything over three years, unless life safety issues, other than that they should be looking at those two or three years old or younger. Building Inspector Bentley Herget is putting together a list of which business are in that category of three years or older. We will prioritize those sites and send out enforcement letters if no action taken the Planning Board can meet with them to find out what needs to be done to get the business into compliance. We have a process set that will help us resolve this issue the next license process. Mr. Crowley asked if we had fixed the problem where the site plan and occupancy have been issues. Ms. Scheipers added that the Planning Board and Building Inspector are trying to work on resolving that. They have come to a consensus on how those decision will be made and what process will take place.

Mr. Rajeshkumar explained that the business does not have to provide an as-built prior to the Building Inspector issuing an occupancy so there is no incentive for a business to do the as built. When they come in for the renewal of the business license we can say go back and clear it up with the Planning Board. Now we are not looking at the Planning Board issues there are some who have not been in compliance for ten years. The building inspector has to be more diligent. Mr. Rucho does not like that the business that does everything right and follows all the rules gets their license and those that do not follow the rules still get their licenses. We are telling people to put to put things off and then we won't do anything. Ms. Scheipers added that we could authorize spending legal funds to begin enforcement on those not in compliance. Mr. Rucho asked what if one of these that is six years is a huge problem. Mr. Rajeshkumar asked if this applies to zoning compliance. Mr. Scheipers clarified that this is for Site Plan Review only. Mr. Rajeshkumar noted that from next year onwards we will not be issuing business licenses. Ms. Scheipers states we are trying to get resolution on the current situation. Mr. Hadley reports that there was confusion about something called a Certificate of Compliance. You cannot get a Certificate of Compliance without a site plan and as-builts. Mr.

Rajeshkumar explained that the applicant comes in with a Site Plan Review and the Planning Board approves it, and the developer then does the work. During the process he makes certain changes in the project and those changes have to be put on the plan and then certified by an engineer and that is called the as-built. As soon as they are done with the Building Inspector the Building Inspector gives them an occupancy and they never do the as-built with all the additional changes. The Building Inspector can issue a temporary, but once the building is occupied they never come back to the Planning Board. Ms. Scheipers noted that the Zoning Enforcement officer could take the business owner to court. Mr. Crowley added that the Board of Selectmen could say you did not comply with the Planning Board we are not going to give you your business or liquor license. Mr. Rucho feels we need to let them know now that we will be asking for compliance from the MLP, Water Department and the building inspector. Ms. Scheipers will put this in writing and bring it back to the Board.

FISP UPDATE:

1. Approval of the following invoices:

Caolo & Bieniek (Sr. Ctr) Invoice #5670 \$189,160 – Motion Mr. Crowley to approve, seconded by Mr. Rajeshkumar, all in favor.

Caolo & Bieniek (Sr. Ctr) Invoice #5679 \$136,147.38 – Motion Mr. Rajeshkumar to approve, seconded by Mr. Crowley, all in favor.

Caolo & Bieniek (Police) Invoice #5653 \$3,000 – Motion Mr. Crowley to approve, seconded by Mr. Rajeshkumar, all in favor.

Cardinal (Sr. Ctr) Invoice #6 \$18,766.00 – Motion Mr. Rajeshkumar to approve, seconded by Mr. Crowley, all in favor.

Carousel (Police) Invoice #1205171337C \$9,797.54 – Motion Mr. Rajeshkumar to approve, seconded by Mr. Crowley, all in favor.

Amazon (Police) Invoice BGupYhMrxZFy \$49.99 – Motion Mr. Rajeshkumar to approve, seconded by Mr. Crowley, all in favor.

WB Mason (Police) Invoice #150945924 \$249.99; Invoice #150882059 \$1,049.97; Invoice #150424224 \$1,609.98 – Motion Mr. Crowley to approve, seconded by Mr. Rajeshkumar, all in favor.

Mr. Crowley noted that all the invoices the Board just voted are first discussed and reviewed by FISP.

2. General Update on Senior Center

Mr. Rucho reports that we are moving forward with the town meeting a ballot question; special town meeting on February 26th at 7:00, a snow date of February 28th and a special election on February 27th from noon until 8:00.

TOWN ADMINISTRATOR'S REPORT:

1. Review status of 1,4 dioxane findings at landfill

Ms. Scheipers reports that we have a new development on the status of the 1,4 Dioxane finding at the landfill. We did get town meeting funding for the four new wells installed last fall and just completed the first round of testing. The levels show a higher than allowed concentration of the chemical in the new test wells. The town well is clean and Ms. Scheipers will be meeting with the Water Department next week. The flow indicates it is flowing towards the reservoir not in the direction of the town well, however we need to confirm that. We will be asking DEP to allow us time

to get a hydrogeologic study done and do additional tests. We will then go back to DEP and put together a plan. We have money in the existing appropriation to get the study done once we get DEP approval. More information will follow.

2. Budget start up process

Budgets have been received from all departments and Ms. Scheipers will begin meeting with each department to go through the review process. We anticipate local aid will be level funded and we have \$225,000 in New Growth. She will provide a full review at the next meeting.

3. Review Facilities Manager proposal

Ms. Scheipers reports that part of our budget is we will be hiring a Facilities Manager. She is working on the job description and working with the school business manager to hire a full time manager who will report to both of them and cover all town buildings. The expected salary will be \$84,000 in addition to a five-hour a week clerical position for the town-wide only. The school has exiting clerical staff to absorb those duties. The cost will be \$50,000 for the town and \$45,000 for the school. We will also needs funds for a vehicle lease if an existing vehicle is not available. Mr. Hadley asked about using some of the funds from Green Communities for a vehicle. Ms. Scheipers suggesting getting an electric car. Mr. Rucho asked if we are giving him a vehicle because it is the only way we can fill the position. Mr. Scheipers advised that it will be for him to drive around to the various town buildings and she feels we need to give the individual a vehicle as he will be carrying supplies and equipment to different buildings. Mr. Rucho thinks with a \$84,000 salary we could reimburse him for mileage. Ms. Scheipers is looking at all potential costs. Mr. Rucho is concerned that once we put it in, it is in forever. Mr. Rajeshkumar asked how the salary was determined. Ms. Scheipers advised that we did the midline of communities and the number does not include benefits.

4. Police Department Policies: Cell Room Policy and Social Media Policy

There was discussion that the Police Department did not have an existing policy under which they would operate the new jail cell. Chief Minnich has provided a copy of the policy they will be forwarding to the state for approval. No action is needed on this item by the Board this evening.

5. Green Communities

We have been notified that we will be receiving \$145,435 in grant funds for proposed energy projects, and to get the funds we must submit a project application proposing how the funds will be spent. Ms. Scheipers has requested a proposal from CMRPC to assist in preparing the application and to assist the town in the oversight and reporting which will be done in conjunction with the Facilities Manager. Mr. Rucho requested the comparisons from the other towns who have Facility Managers. Ms. Scheipers noted that this position is part of the compensation study. It is assuming a starting salary of \$84,000. She is confident about the figure based on the numbers she has seen from the other towns.

APPOINTMENTS AND RESIGNATIONS:

1. Concurrence on the appointment of Gene Bixler to the PEG Board effective January 19, 2018 for a term to expire on June 30, 2018

Motion Mr. Crowley to concur with the appointment, seconded by Mr. Hadley, all in favor.

2. Concurrence on the reappointment of Celia Hartigan to the Board of Health effective January 18, 2018 for a term to expire on March 31, 2018

Motion Mr. Rajeshkumar to concur with the appointment, seconded by Mr. Crowley, all in favor. It was noted that Ms. Hartigan previously resigned from the Board of Health, however, she has agreed to return for this temporary period as they are having difficulty attaining a quorum.

3. Concurrence on the reappointment of Richard Simmarano as the PEG Equipment Coordinator effective January 21, 2018 for a term to expire on April 30, 2018 go give the PEG Board time to reorganize, at a rate of \$333.33 a month

Motion Mr. Crowley to concur with the appointment, seconded by Mr. Rajeshkumar. Ms. Scheipers explained that it is a prorated amount, the same as before with no increase in hours, and a stipend is provided. She reports that Brittany Blaney has no issue with the temporary reappointment and it will be on the next PEG Board agenda. It is not a position covered under the Personnel Bylaw. Mr. Rajeshkumar has no problem with the appointment provided we are paying the same as he previously received. Ms. Scheipers suggested including the statement in the motion that it will be at the same rate of pay as currently received. Both Mr. Crowley and Mr. Rajeshkumar agreed with that. Vote on the motion with that additional language – all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

1. January 24, 7:00 p.m. – FISP Meeting

2. January 22, 7:00 p.m. – Town-wide Planning Public Forum, at Town Hall

FUTURE AGENDA ITEMS/SELECTMENS REPORTS:

Mr. Rajeshkumar reports that we will be announcing the information sessions at the next Board meeting. We will be looking to hold a meeting at a different time at Orchard Knoll. Ms. Scheipers advised that she was trying to find two evening meeting locations. Angell Brook was not available and we are now getting feedback that a 6:00 p.m. meeting at Orchard Knoll would be too late so we will be changing that venue to Town Hall.

For the next meeting Mr. Rucho would like to discuss the tax bills in regards to what happened and why they went up and what it is connected to. Ms. Scheipers noted that there is some excellent information on the town's website.

Mr. Rucho reports that the PEG Board will be bringing forward a candidate for the Access Coordinator position. They did interviews and have agreed to a hiring.

Motion to Adjourn at 8:10 p.m.: Mr. Crowley

Seconded: Mr. Rajeshkumar

Result: All in favor

Respectfully submitted,

Approved: February 12, 2018

Nancy E. Lucier, Municipal Assistant

John W. Hadley, Chairman

Christopher A., Vice Chairman

Barur R. Rajeshkumar, Clerk

Siobhan M. Bohannon, Selectman

Patrick J. Crowley, Selectman