



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

Board of Selectmen/Sewer Commission Meeting Minutes

Date / Time / Location of Meeting February 12, 2018; 6:20 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 Siobhan M. Bohnson, Selectman

Members NOT Present

Invited Guests:

Welcome – Call to Order

Time: 6:20 pm

Mr. Rucho will chair the meeting this evening.

Motion Mr. Rajeshkumar at 6:20 p.m. to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30a, Section 21(A), Part 2 to discuss contract negotiations with non-union personnel (Police Chief), and Part 6 to consider the purchase, exchange, lease or value of real estate (D&S Realty) and the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. The Chair so declared. Motion seconded by Mr. Crowley. Roll call vote: Ms. Rajeshkumar yes, Mr. Rucho yes, Mr. Hadley yes, Mr. Crowley yes. The Board will reconvene in open session. Ms. Bohnson will be arriving shortly. Lisa Vicklund Clark, Director of the Council on Aging will join the Board in executive session.

Motion Mr. Crowley at 7:11 p.m. to come out of executive session, seconded by Ms. Bohnson. Roll call vote: Mr. Rajeshkumar yes, Mr. Crowley yes, Mr. Hadley yes, Mr. Rucho yes, Ms. Bohnson yes.

RECONVENE OPEN SESSION – 7:15PM (tentative):

The Board reconvened in open session at 7:15 p.m.

PUBLIC COMMENT – 7:15PM:

No one who came forward under this agenda item.

APPROVAL OF MEETING MINUTES:

January 17, 2018 regular session

Motion to Accept: Mr. Rajeshkumar

Seconded: Mr. Crowley

Result: All in favor

Review and vote to approve warrants for the period covering January 18, 2018 to February 12, 2018: payable warrants for the town FY2018-30, 31, 32 & 33, payroll warrant FY2018 #15 & #16, Municipal Light Plant Warrant FY18 #17, sewer warrant FY2018-SE19 & 20, and school warrant FY2018-12

Motion to Accept: Mr. Crowley

Seconded: Mr. Rajeshkumar

Result: All in favor

NEW BUSINESS:

1. Sign Feb 27 election ballot

The Board signed the election ballot, a single question, which reads as follows: '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 cover the cost of the full engineering and design of a new Senior Center facility, through project bidding, as well as owners project management costs, including all costs incidental or related thereto? YES NO'.

2. Fire Chief Tom Welsh to discuss: Ambulance Rates; FY17 Write-off Report; Approve and sign Fire Station Asbestos Abatement Services Contract; Status of fire truck and ambulance procurement; AFG grant application

The Fire Chief asked to put this agenda item off until the next meet, however, there is one item we need to address this evening. The contract for the asbestos abatement services with Banner Environmental out of Franklin in the amount of \$12,450. The funding source was previously appropriated in the amount of \$40,000 and the work will be in the space vacated by the Police Department.

Motion Mr. Crowley to approve and sign the contract, seconded by Ms. Bohnson, all in favor.

3. Afra Terrace Cost Certification Report – Vote to accept and send letter

The state did a review of the Afra Terrace development profit statement and their independent review showed that the profit margin was 14.7%, the maximum allowed is 20%, so this is an acceptable number. The recommendation of the Affordable Housing Trust is to have the Board accept the report and send a letter to the state. Mr. Hadley noted that the West Boylston Housing Authority did a lot of work on the project and everything is correct.

Motion Mr. Crowley to approve the report, seconded by Mr. Rajeshkumar. Mr. Crowley reports that he read through the executive summary. The approach taken was anything that was a concern that the number be the number least favorable to the contractor and they still made the percentage by 7%. Vote on the motion – all in favor.

4. February 26, 2018 Special Town Meeting Warrant- Approve and sign

The warrant has two articles. The first authorizes the debt excluded borrowing for the senior center, which is outside of Proposition 2-1/2 and the article is contingent upon the passage of the special election question on February 27th. The articles does not include a sum of money as that will be in the motion. Whatever happens with town meeting, the election will take place. Article two changes the wage scale for position of Town Clerk to reflect a change in hours from 31 to 40 hours a week. This will be effective as soon as passed. The current Town Clerk is in support of the change and it is within the money budgeted.

Motion Mr. Rajeshkumar to approve and sign the warrant, seconded by Mr. Crowley, all in favor.

5. Review & approve mailer for Special Town Meeting

The Board suggested adding the snow date of March 28th to the letter. It was also suggested that language explaining why the taxes went up be added. Mr. Crowley noted that the overall evaluations were up. Ms. Scheipers explained that there are annual increases to the amount it takes to run government operations, however, given the budget established and the revised valuations, the tax rate went down by 2¢. Small ranch and cape cod styles had the largest impact. Mr. Crowley feels we should add something about how the tax rate is calculated. He doesn't think people understand you have to look at your value and your tax per thousand to see what your tax rate is. Mr. Rucho feels we also need to say that the increase has nothing to do with the new buildings. The debt we took on for the police station replaced debt from a school project. That should be clarified and it should note that we purposely choice to do this project at this time because debt was coming off. The back page will give information about the tax rate and a small diagram of the floor plan and the police station was not the reason the tax bill went up. The Board authorized Mr. Hadley to approve any language update The Board will review the updates to the letter at their meeting on Thursday.

6. Discuss tax bill increase what happened & what it is connected to (CR)

The Board has nothing more to add under this agenda item.

7. Preliminary FY19 Revenue Review

Ms. Scheipers reports that at this point the revenue estimates are based on a number of assumptions. According to the Assessors, we are looking at a New Growth figure of \$225,000 and we are assuming that the revenue will be coming in using the Governor's budget. Local receipts are \$2,510,000 1.13% higher than last year. New Growth has an increase of 1.35% and per our policy, we can apply 1.5% to the budget so we are looking at \$24,501.87 being available. She will have a draft budget in early March. Mr. Crowley asked about the projected tax rate increase of \$1.01. Ms. Scheipers states we do have a little bit of capacity left on the table because of the concern people have over the tax rate increase. Mr. Crowley believes it is \$250,000. Mr. Rucho feels we always go with the 2-1/2% increase because we can. Mr. Scheipers noted that we do, but we do not necessarily carry it all. We may not need all of the overlay, and it is a holding number at this point. We were at \$23,900.00 last year an increase of \$611,000. The CPA funds are \$22,000 and they are coming out. The Board would like to know the increase from last year.

8. Mass. Attorney General's Hold on October town meeting zoning articles

The Town Clerk received notice from the Attorney General's office that two of the zoning articles that were voted at the October town meeting are on hold because there were deficiencies in the public notice posted by the Planning Board. They missed the posting requirements by one day for the Off Street Parking and the Changes to the Electronic sign to allow pictures. The Town Clerk was required to do a posting and at the end of 21 days if there were any concerns or appeals she has to send them to the Attorney General's office and the office will decide whether or not to approve those articles.

9.CMRPC proposal for Green Communities Administration

Now that we have been designated Green Communities status we are eligible to apply for grant funds in the amount of \$145,000 for those energy projects we have identified at our various locations. CMRPC has submitted a proposal to assist the town with the grant application paperwork and submittal at a cost of \$12,000 to be funded through the grant. CMRPC will assist with the implementation of the projects until we hire our new Facilities Director who will take that task on. If we go with CMRPC we are not obligated to go out to bid and Ms. Scheipers strongly recommends we accept the proposal. Mr. Crowley asked if she knew how many other Green Communities did that for the administration. Mr. Scheipers does not know. The grant is due February 23. Ms. Scheipers was pleased with how CMRPC put together the Green Communities application. Although Mr. Rucho feels that \$12,000 is a lot of money he thinks at this point we have to go with CMRPC.

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

10.Recognize the acceptance of personal donations from individuals of the community in the amount of \$550.00 for the Council on Aging and to approve expenditure of these funds for general purposes

Motion Mr. Crowley to accept, seconded by Ms. Bohnson, all in favor.

11.In accordance with the Board's Beautification of Town Squares and Islands Policy, the following islands are up for adoption: Island at Route 140 & Route 12 in front of Honey Farms and the Island at Hosmer & Laurel Street

The Board announced the availability of the two islands.

12. Thank you to those who have adopted islands/square - The Bouchard, Dickinson and Forhan Families for adopting the Huntington Square at Beaman and North Main Streets; Mr. Hadley & Ms. Bohnson for adopting the island on Malden @ Goodale Streets; Joe's Towing Service for adopting the island on Goodale @ Prospect; Eagan Plumbing for adopting the island on Kings Mountain @ Yorktown Road; and Fynders and Keepers for adopting islands at Crescent Street at Thomas Street, Woodland Street at Route 12, Church Street @ Route 12 and Maple @ Shrewsbury Streets – cement island

The Board thanks everyone who adopted an island.

TOWN ADMINISTRATOR'S REPORT

1.FY17 Audit Management Letter

Ms. Scheipers reports that the audit was a very smooth process and the management letter and audit have been placed on the town's website. This year there were no findings of any concern and the manager's letter does identify several areas of improvement including one GASB change on how

we record and report retiree benefits. We will be moving ahead to do this. They also mentioned implementing internal controls at the schools for all future federal grants

2.FY19 budget for Facilities Manager/salary comps

At the last meeting the Board request information on the comps used for the salary of the Facilities Manager. The average is \$85,727 and Ms. Scheipers feels it is in line with what we are seeing in other communities. Two communities have salaries of \$80,000 for the position and they cannot get anyone to take the position. Ms. Bohnson asked if the other communities include a vehicle. She thinks \$84,000 is a little high and we have never had the position before. Mr. Hadley asked if the door breaks will he fix it or call somebody to fix it. Ms. Scheipers explained that the position is oversight of all facilities maintenance, working with the school custodian to insure that the routine maintenance goes as it should be. He is responsible for the annual maintenance plan, monthly, seasonal and annual in addition to procurement for supplies. If it is he is able to do, he can do it, or he will call someone. She would like a hall doctor contractor and we will select one based on best price and should anything happen they can come out immediately. We do not have to procure the service for every job. It is a contract based on an hourly rate and it is a rate he is bound to. The person has to have a contractor's state licensed and be MCPPO certified. The salary is based on the requirements of the job description and it will be a full-time position. Mr. Rajeshkumar noted that our buildings are brand new. Ms. Scheipers feels this will take the load off department head shoulders. Mr. Crowley asked if there is a building and maintenance manual for the tennis and basketball courts. Ms. Scheipers is more concerned about the actual facilities, our buildings and related structures. Mr. Hadley asked about the outside of the buildings. Ms. Scheipers states that would be something the Facilities Manager would be responsible for getting done. Mr. Rucho is concerned with the salary. Ms. Scheipers advised that this is part of the comp study and we are looking to see what the actual grade should be for the position. She has a job description which has not been finalized by the Personnel Board. Mr. Rucho feels it should be less than \$85,000. Mr. Hadley would like someone who can do some of the work so we don't have to outsource everything. Mr. Rucho would like to see the job description. Ms. Scheipers will send it out to the Board.

3.Town-wide Planning Public Forum update

On January 22nd they held the first of several public forums to get feedback on the draft chapters of the Master Plan. A small number of residents attended and there was a good discussion. The committee is still seeking comments or questions from the public. The draft chapters are on the website for people to review.

4.Status on finding qualified consultant for peer review of ABM M&V reports

Ms. Scheipers reached out to John Snell of Peregrine Energy Group who does peer reviews of Measurement and Verification reports. He said while he could do the review of the M&V Report of the ABM Report, it would be a waste of money because the Department of Energy Resources would do that at no cost to the town. Eileen McHugh of the department did the review of the M&V and gave us the opinion that ABM did their math correctly and we did receive the savings. She had a problem with the format of the report. ABM failed to submit the report in an excel format. Ms. Scheipers was supposed to have a phone conversation with Bob Reddish today. The other statement she said the contract does require that the M&V continue through the term of the contract with ABM.

The only way we could stop is to terminate the contract with ABM and it would need to be a formal vote of the Board. She will come back to the Board with more information on that. DOER is encouraging us to maintain the M&V for the 15 years.

5. Other Updates

As of January 29th we have spent one half of our snow and ice budget, \$76,000. We have had some small storms since then.

FISP UPDATE:

1. General Update on Senior Center and Police Station

We are opening bids on Wednesday for the senior center project so we will have numbers early next week. We are fixing a couple of minor items at the police station.

2. Invoices

CBA Inv # 5686 - \$7,140.00 – Motion Mr. Rajeshkumar to approve, second by Ms. Bohnson, all in favor.

CBA Inv # 5695 - \$1,082.38 - Motion Mr. Crowley to approve, second by Ms. Bohnson, all in favor.

WB Mason Inv # I51066840 - \$2,190 Motion Mr. Crowley to approve, second by Ms. Bohnson, all in favor.

WB Mason Inv #151883796 - \$360.00 Motion Mr. Rajeshkumar to approve, second by Mr. Hadley, all in favor.

WB Mason Inv #151825631 - \$299.99 Motion Mr. Crowley to approve, second by Ms. Bohnson, all in favor.

T&G - \$336.00 - Motion Mr. Hadley to approve, second by Mr. Crowley, all in favor.

Planning Board Site Plan Review Fee - \$450 Motion Mr. Rajeshkumar to approve, second by Ms. Bohnson, all in favor.

RAC Invoice. The request we received was in the amount of \$247,449. FISP had a long discussion about whether we should approve the full amount or set aside funds for the ongoing HVAC issue. We received an email from Brent, our OPM and he recommends the town hold back \$18,000. It would cover \$10,000 for the HVAC, the electric bill and the 1.5% mark up. Mr. Hadley spoke with the Police Chief and he is taking responsibility of the electric bill so RAC is not responsible. Mr. Crowley asked if there is an issue and they have to put a hole in the ceiling, who will pay for sheet rock and painting. Ms. Scheipers noted that Brent feels it is a sufficient amount to hold. Mr. Rucho asked if they have been working on the issue. Ms. Scheipers reports that the designer has been there and they are pretty confident it is not a design problem. They think it is a section of duct work. Mr. Rucho is concerned about their incentive to get the issue fixed if we are only holding back \$18,000.

Motion Mr. Crowley to approve based on the OPM's recommendation of \$229,449, seconded by Mr. Hadley. Everyone else will get paid except the HVAC contractor. Vote on the motion – all in favor.

OLD BUSINESS

1. Town Clerk's Stipend

We will pass over this agenda item.

2. Review proposed amendments to the policy on approval of Business and Alcoholic beverage licenses – set date for hearing.

The amendments include adding the Light and Water Departments to the list of department which business owners need to be in compliance with in order to get their licenses renewed. Mr. Rajeshkumar reports that he spoke with the Chairman of the Planning Board and they did not yet review this draft and would like some time to do so. He added that the Chairman also serves on the ad hoc committee formed to look at long-standing zoning issues because the Planning Board had a concern that for two years and probably longer, the Board of Selectmen were approving licenses for businesses still not in compliance with the Planning Board. The policy changes will strengthen the position of the Planning Board. What it is saying is the Board of Selectmen will now make sure that the businesses not in compliance with the Planning Board will not get their licenses renewed. Mr. Rucho noted that currently the Planning Board is already included on the policy. In the past we asked for opinions and this change says any license applicant needs to be in compliance, strengthening their opinion. Mr. Rucho feels that the Board could move forward with the policy and any changes could be made at the public hearing.

Ms. Bohnson disagrees with adding in the Light and Water Departments as they are nothing to do with the town. With regard to the Planning Board what she remembers is there was a discussion about issues that were 10-15 years old. She would like to see those details. Mr. Rucho feels the Light and Water Departments are a part of the town and if they do not pay their bill, the bills for the residents in town go up because other people are not paying their bill. Mr. Rajeshkumar feels as a Board of Selectmen we should consider all the businesses equally. The zoning bylaws were approved by the town and now we are saying there is we are going to wipe out these zoning violations. It is the Town Administrator talking to an attorney who says if we have any zoning violations after three years they can be wiped out. He would like to see something in writing. He thinks it is time for the Board of Selectmen to consider all the businesses equally. Mr. Hadley noted that most properties do not have separate water. The landlord pays for the utilities. Mr. Crowley noted that if the owner of the property is responsible for the water and electric it is not the business man so the business man would be in compliance. Mr. Crowley would like to see something in writing with the laundry list of businesses who have outstanding issues.

Ms. Scheipers is not sure how long it is going to take the ad hoc committee to decide. She doubts that it would be in able to bring recommendations back to the Board for a couple of months. Mr. Rucho feels we keep putting this off. Ms. Scheipers reports that town counsel says anything over six years is beyond the statute of limitations and it is not able to be enforce it was a verbal explanation. She recommends the town set a limit of two or three years, the ad hoc group thought three years, sounded like a good idea. They asked the Building Inspector to put a list together. No decision has been made about anything. Mr. Rucho pointed out that the Board has discussed this during licenses renewal time and the last few years Mr. Crowley said that next year we need to get the Planning Board issues resolved. Mr. Hadley states all of these violations have nothing to do with public safety. Ms. Bohnson voiced her concern that we want to attract businesses to come into the town. Mr. Rucho states we are not picking on businesses, we are making it fair for every business. Licensees who met everything on the list got their license and those who didn't get their license, he thinks we are asking people to be fair. Mr. Crowley would like resolution on the 15 or 20 violations, some of them are 15 years old, and he is not going to vote for this policy until he sees these things that are ten years old are grandfathered in. Mr. Rajeshkumar asked if there can be any legal document

that can wipe out a zoning violation. We will put this back on the agenda for the 21st, set a hearing then, and get the Planning Board's thoughts on it.

3. Discussion on consideration of bylaw to prohibit recreational marijuana establishments

Mr. Rajeshkumar attended an MMA conference on recreational marijuana. The town did vote to allow marijuana to be consumed in the town, but in the state election they voted no. There are a few things to be considered. How many stores do we need, we have the ability to restrict, where the stores can go, can we be near schools. There are a few zoning bylaws we should work on. Grafton and Shrewsbury put in language on what we can prohibit. Other things are how much tax revenue we can collect, and growing facilities. Ms. Scheipers put this on the agenda because on town meeting floor when we had to vote to prohibit the townspeople asked for public discussion before we moved forward. How will we get public feedback, are we going to prohibit, endorse, or modify zoning. The voters would like some public discussion. Mr. Rajeshkumar suggested holding a public hearing.

Ms. Scheipers asked does the town want recreational marijuana or do they want to prohibit it. Ms. Bohnson suggested a survey on the website as a starting point. The last town meeting article was to prohibit it and people felt there was not enough discussion and they were not ready to vote. Mr. Crowley would not have any problem setting up a bylaw where you could regulate it. Mr. Rajeshkumar feels we need a bylaw to regular three or four things and we need to spell out locations. Mr. Crowley pointed that that as it stands right now if someone gets a license from the state they will have to go to a business or industrial zoned area. Mr. Rajeshkumar advised that we have until December to do this. David Femia, in the audience in this evening, advised that tonight Grafton is having their town meeting and setting up a bylaw. Kay Doyle, previously with KP Law and now with the cannabis control commission recommends boards have discussions about bylaws. It will involved the Board of Health, ZBA, Planning Board and Board of Selectmen. If we do not have anything by December then they can be in a business or industrial zone. Mr. Hadley suggested sending a letter to the Planning Board and the ZBA to have them get some proposals and have two members of each board involved. Mr. Crowley wants to insure we are doing this to regulate, not prohibit. It was agreed that the Board will schedule a meeting in March to discuss this publicly with the Planning Board, ZBA and the Board of Health.

4. Police Social Media Policy

Ms. Scheipers reports that it was strongly suggested that police departments beef up their Social Media Policies. This policy includes a new archival procedure for their Facebook Page. This is being presented to the Board and will go into effect in 30 days. Should the Board have any issues with the policy they need to inform her.

APPOINTMENTS AND RESIGNATIONS:

1. Concurrence on the reappointment of Bentley Herget as Building Commissioner for a term to expire on April 30, 2019

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

2. Concurrence on the reappointment of Elizabeth Schaper as Records Access Officer for the school for a term to expire on December 31, 2018

Motion Ms. Bohnson to concur, seconded by Mr. Crowley, all in favor.

3. Concurrence of appointment of Clifford de Melo-Shay as the PEG Access Coordinator effective February 11, 2018 at Step 3 of Grade 3, \$17.50 per hour, less than 20 hrs a week

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

4. Approve the appointment of the following individuals as Election Workers for the February 27, 2018 Special Town Election at a rate of \$11.25 an hour: Mary Ellen Cocks, Warden, Barbara Deschenes, Clerk and Barbara Mard, Deputy Clerk

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

MEETINGS, INVITATIONS & ANNOUNCEMENTS:

1. Informational Meetings for Special Town Meeting – Sr. Ctr. Project: Feb 17th – Town Hall 10:00 a.m., Feb 20th – Sr. Ctr 3:00 p.m., Feb 21st – Town Hall 6:00 p.m., Feb 21st – Town Hall 6:00 p.m., Feb 22nd – Angell Brook 3:00 p.m., Feb 22nd – Library 6:00 p.m., Feb 23rd – Hillside Village 3:00 p.m. and Feb 24th – Police Station 10:00 a.m.

2. Town meeting is February 26th with a snow date of the 28th and the election is February 27th from noon until 8:00 p.m.

FUTURE AGENDA ITEMS/SELECTMENS REPORTS:

Mr. Hadley would like to discuss a class action law suit against the opioid drug manufacturers.

Mr. Rajeshkumar reports that the DPW legislation is on the governor's desk and he has until the 18th of February to sign it.

Motion to adjourn at 9:03 p.m.: Mr. Crowley

Seconded: Ms. Bohnson

Result: All in favor

Respectfully submitted,

Approved: February 21, 2018

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